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PARLIAMENTARY DEBATES
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HOUSE OF LORDS
OFFICIAL REPORT

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

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

Thursday 8 July 2021

The House met in a hybrid proceeding.

Noon

Prayers—read by the Lord Bishop of Ely.

Arrangement of Business

Announcement

12.05 pm

The Lord Speaker (Lord McFall of Alcluith): My Lords, the Hybrid Sitting of the House will now begin. Some Members are here in the Chamber, while others are participating remotely, but all Members will be treated equally. I ask all Members to respect social distancing and wear face coverings while in the Chamber, except when speaking. If the capacity of the Chamber is exceeded, I will immediately adjourn the House.

Death of a Former Member

Announcement

12.06 pm

The Lord Speaker (Lord McFall of Alcluith): My Lords, I regret to inform the House of the death of the retired noble Lord, Lord Elystan-Morgan, on 7 July. On behalf of the House, I extend our condolences to the noble Lord's family and friends.

Oral Questions will now commence. Please can those asking supplementary questions confine them to two points and to no longer than 30 seconds? I ask that Ministers' answers are also brief.

Non-fatal Strangulation and Suffocation

Question

12.06 pm

Asked by Baroness Newlove

To ask Her Majesty's Government what assessment they have made, if any, of (1) the number of non-fatal strangulation and suffocation incidents each year in England and Wales, and (2) the division of such incidents between (a) cases of domestic abuse, (b) cases of sexual violence, and (c) other situations.

The Parliamentary Under-Secretary of State, Ministry of Justice (Lord Wolfson of Tredegar) (Con): My Lords, while the Ministry of Justice holds significant information on offences, data is not collated centrally beyond registering the offence under which a defendant is prosecuted, convicted or sentenced. Non-fatal strangulation is not yet a specific offence, so it is difficult to identify how many people have been convicted of the various offences that can involve strangulation. Nor are strangulation offences likely to fit neatly into the categories of domestic abuse or sexual violence.

Baroness Newlove (Con) [V]: [*Inaudible*]*—*and the new specific offence being introduced in the Domestic Abuse Act. Does my noble friend agree that assessing the scale of the problem is a priority so that the Government can be sure that there will be appropriate forensic, medical and other services for victims across England and Wales when the offence is introduced? Currently, forensic services tend to be available only when the attack is part of a sexual assault, and the majority of these attacks take place within domestic abuse, not involving sexual abuse. Does my noble friend therefore recognise that where there is forensic medical evidence, it should be documented and that already there are too few forensic medical services, so the new specific offence of strangulation and suffocation will require forensic services to be expanded?

Lord Wolfson of Tredegar (Con): I did not hear the first part of my noble friend's question but, on the point she mentions, we seek to capture data in an appropriate way. As I explained, we focus on the offence, so when the new offence of non-fatal strangulation comes into force, we will be capturing data for it and that will, of course, help the services that she mentioned to provide their work as well.

Lord Blunkett (Lab): I commend the noble Baroness, Lady Newlove, on her continuing tenacity. Will the Minister clarify whether there is a timescale for ensuring that real-time, important data will be collated, and will it be held centrally, once the police services have got their act together?

Lord Wolfson of Tredegar (Con): My Lords, we are looking to bring in the offence of non-fatal strangulation as soon as we can. We waited to bring it in after Royal Assent to make sure that all the various services, including the police, are ready to investigate and prosecute it. Once we have the data, it will be used in an appropriate manner.

Baroness Burt of Solihull (LD) [V]: Will the Minister consider launching an awareness campaign to run alongside the new offence so that the public are made more aware of the danger and criminal consequences of strangulation and suffocation? Does he agree that this is needed not just to help those being attacked as part of domestic abuse but to counter the normalisation of strangulation in pornography?

Lord Wolfson of Tredegar (Con): My Lords, I agree that an awareness campaign is important. Of course, having the offence itself will raise awareness. Perhaps I may make a topical point. We know that domestic abuse goes up when there are big football matches and, while we all want England to win, we must remember those for whom "It's coming home" is a threat often accompanied by alcohol and violence.

Baroness Bertin (Con) [V]: My Lords, I am always shocked that many police forces still do not have specialist domestic abuse units. Does my noble friend the Minister agree that now we have offences such as non-fatal strangulation, the provision of those units

[BARONESS BERTIN]

and specialist training for front-line officers are even more crucial? What steps are the Government taking to ascertain the proportion of domestic abuse cases that are dealt with by specialist teams, in order to improve the situation?

Lord Wolfson of Tredegar (Con): My noble friend is absolutely right. We need important work by the police in this area. The College of Policing has issued guidance to all its forces to ensure that domestic abuse receives proper priority, and 29 forces have received that training as of June 2021. A recent evaluation showed a 41% increase in arrests for controlling or coercive behaviour.

Baroness Hussein-Ece (LD): My Lords, this week, an interim report from Her Majesty's Inspectorate of Constabulary and Fire & Rescue Services had the headline:

"Epidemic of violence against women underway in England and Wales".

The report contained the shocking figures of 1.6 million women who had experienced domestic abuse up to last year, and more than 150,000 rape and sexual offences recorded by police, 84% of the victims being women. Is there any cross-governmental action on engagement with men and boys to educate about and campaign against the causes of male violence and misogyny, and deal with what is now described as a "rape culture"?

Lord Wolfson of Tredegar (Con): My Lords, I recently answered questions on the *End-to-End Rape Review Report*, which set out a robust programme of work right across the criminal justice system and beyond to make sure that we respond appropriately to rape and sexual violence offences. We want to increase the number of cases reaching court, reduce the number of victims who withdraw from the process and ultimately put more rapists behind bars.

Baroness Eaton (Con) [V]: My Lords, is the Minister aware of the Training Institute on Strangulation Prevention in California, which is helping tackle the crime of strangulation by sharing knowledge and training resources in the United States? Does he agree that, given the very welcome new offence in the Domestic Abuse Act, it would be sensible to investigate how a similar centre for expertise here could help drive the changes that the Government are making to tackle strangulation and suffocation? It could share training resources, encourage the sharing of knowledge and co-ordinate research so that more victims of this violence could be protected, and more offenders held to account for these crimes.

Lord Wolfson of Tredegar (Con): My Lords, I am confident that my officials will be aware of that programme, but I personally am not. Could my noble friend write to me—or I will write to her—so that we can exchange information about that? It sounds like a very useful programme and I would be very happy to learn more about it.

Lord Harries of Pentregarth (CB) [V]: The noble Baroness, Lady Newlove, is to be warmly congratulated on her successful campaign to include non-fatal

strangulation in the Act. Does the Minister agree that, for it to be effective, we must have the kind of information that the noble Baroness has asked for—both the number of cases and their relationship to sexual violence more widely? I understand that it is not possible to have that information available now, but will he perhaps commit to reporting to Parliament within a year, when the Act has been in operation for a year, in response to her question about those figures?

Lord Wolfson of Tredegar (Con): My Lords, we have to be a bit careful here. There will be a new offence of non-fatal strangulation, but non-fatal strangulation can also be an element in many other offences such as grievous bodily harm with intent. It can form part of a course of action that amounts to the offence of controlling and coercive behaviour. It can form part of just drunken thuggery outside a pub or a night club. We therefore have to be very careful. We collect statistics on offences; we do not really collect statistics on behaviour, and that lies at the heart of a number of the answers that I have given today.

Baroness Wilcox of Newport (Lab): My Lords, this amendment to the Domestic Abuse Bill was hard fought for by victims and by Members across all parties in both Houses. What steps are the Government taking to ensure that the relevant organisations are properly ready to implement the new offence of strangulation and suffocation? Have processes been put in place to ensure that training and guidance will be available before the offence comes into force, so that the police, the CPS, the courts, the health service and local authority domestic abuse partnerships are prepared and sufficiently resourced to tackle this crime effectively from its implementation?

Lord Wolfson of Tredegar (Con): My Lords, of course we need all agencies to be aware of their responsibilities. I have already spoken about the police. To pick another example, judicial training in domestic abuse is included in family law and criminal courses run by the Judicial College; it is prioritised for induction and continuation training. All judges get that training before they hear family cases and are therefore on top of domestic abuse issues.

Lord Thomas of Gresford (LD) [V]: My Lords, may I underline the point made by the noble Lord at the beginning of this session? My daughter-in-law did a thesis on the connection between violence, domestic abuse and sporting events. It is clearly a considerable problem. He is right to remind us of that.

The New Zealand Law Commission advised that the offence should require proof of strangulation but not proof of injury, on the basis that so many of these strangulation incidents do not cause visible physical injury. Is that the approach that the noble Lord is taking? Where does consent come into the new offence?

Lord Wolfson of Tredegar (Con): My Lords, I will take the point about visible signs of injury first. A visible sign of injury is not needed: the offence requires the Crown to show beyond reasonable doubt that the

person strangled or otherwise did something to affect another person's breathing. You do not necessarily need visible signs of injury. The consent point raised by the noble Lord is a huge legal point. I summarise it by saying that it effectively follows the decision of the House of Lords in *R v Brown* that you cannot consent to serious harm. To say any more would, I am afraid, exceed the time allowance.

The Lord Speaker (Lord McFall of Alcluith): My Lords, the time allowed for this Question has elapsed.

Independent Office for Police Conduct *Question*

12.18 pm

Asked by Lord Lexden

To ask Her Majesty's Government what recent assessment they have made of the work of the Independent Office for Police Conduct.

The Minister of State, Home Office (Baroness Williams of Trafford) (Con): My Lords, the IOPC's annual report, signed off by the Home Office, provides an assessment of its work, including details of performance against targets. The 2020-21 report will be published very shortly. On 15 June, the Home Secretary announced that she is bringing forward the next periodic review of the IOPC, which will consider the organisation's effectiveness and efficiency.

Lord Lexden (Con): My Lords, why has this organisation not published the results of its inquiry, which started two years ago, into the disgraced former chief constable, Mike Veale? He is the man who infamously said that Sir Edward Heath was 120% guilty while investigating allegations against him. Are the Government going to take heed of the demand from six former Home Secretaries—both Labour and Conservative—for an independent investigation of misconduct during Operation Midland, including that of the IOPC, which failed even to question the most senior police officer involved, Mr Rodhouse, and was unable to provide an adequate explanation to the Home Secretary when she asked for it?

Baroness Williams of Trafford (Con): My Lords, there were quite a few questions there but, as I said in my first Answer, the Home Secretary has announced that she is bringing forward the periodic review of the IOPC. The Home Affairs Select Committee has taken evidence for its inquiry into police complaints and discipline and into the IOPC's role and remit in general. As part of this, the committee questioned relevant parties, including the IOPC, regarding Operation Midland and its subsequent investigation. We understand, as my noble friend knows, that Lady Brittan has submitted evidence to this, but the overall point is that the IOPC is an independent body from the Government.

Lord Hunt of Wirral (Con): Is my noble friend the Minister aware that my experience with Operation Conifer, as the then chair of the Sir Edward Heath

Charitable Foundation, persuaded me that the IOPC is not fit for purpose? Far from it—in effect, it allows the police to carry on marking their own homework, reinforcing a flawed process grievously lacking in genuine accountability. Is it not now time for radical reform?

Baroness Williams of Trafford (Con): I know that my noble friend has ongoing concerns about the handling of Operation Conifer by Wiltshire Police and the mechanisms for scrutiny of it, including by the IOPC or the IPCC, as it was at the time. The governance structures of the organisation were reformed back in 2018 to streamline decision-making and increase accountability, and we think that it has made good progress since then. The Government introduced further reforms to the IOPC in February last year, including giving it new powers to investigate matters on its own initiative.

Baroness Wheatcroft (CB): My Lords, Graham Snell was brutally murdered by a lodger he had not invited into his home. He had complained to the police, but they failed to follow up those complaints. The IOPC investigated and it took eight months to highlight the multiple failings in this investigation, but nobody faces any penalties as a result. Does the Minister agree with the noble Lord, Lord Hunt, that radical reform is needed, because there needs to be an investigative body that can issue penalties?

Baroness Williams of Trafford (Con): My Lords, the IOPC is now completing investigations in just over eight months on average. This is considerably better than the IPCC, which averaged over 11 months in its last year of operation, 2016-17. As I said earlier, the Home Secretary has brought forward a review of the IOPC.

Lord Bach (Lab) [V]: My Lords, returning to the vexed subject of Mr Veale, who has already been described as “disgraced”, is the Minister aware that he was recently appointed by my successor as police and crime commissioner for Leicestershire to a senior adviser's role in his office, as reported by the *Times* on 8 June? Regardless of the police and crime commissioner will not reveal the salary and responsibilities of Mr Veale, do the Government approve in principle of someone who was twice a senior chief constable and is subject to a serious review by the Independent Office for Police Conduct being appointed to a senior post in the office of a police and crime commissioner?

Baroness Williams of Trafford (Con): My Lords, without talking about any individuals, some time ago we made clear through legislation that going to a different force or retiring cannot exempt someone from being prosecuted or followed up for an offence for which they are a suspect. That is all I will say on that matter. It is up to the PCC whom they appoint.

Lord Paddick (LD) [V]: My Lords, paragraph 264 of chapter 9 of the independent panel report into the murder of Daniel Morgan quotes the then deputy head of the predecessor to the IOPC as saying that while “the IPCC ... does investigate a small number of corruption cases you are aware that we are not currently resourced to carry out many or large corruption enquiries”.

[LORD PADDICK]

Unlike its predecessor, does the IOPC have enough resources to investigate police corruption and, if not, who investigates if there are many or large corruption inquiries? Could it be the force itself that is accused of covering up misconduct?

Baroness Williams of Trafford (Con): In terms of capacity, the IOPC budget for 2021-22 is £69.6 million and it employs approximately 1,000 staff. To that extent, I think it is well-resourced.

Lord Rosser (Lab) [V]: What is the Home Secretary expecting to get from bringing forward her review of the Independent Office for Police Conduct? Does she expect advice on whether its powers and resources should be strengthened and increased, since only 80% of conduct investigation cases are resolved within 12 months? Or does the Home Secretary have doubts about whether the IOPC—a body that this Government created—should now continue in existence at all, as she regards it as neither effective nor efficient? After all, a Home Secretary does not bring forward a periodic review of a body without having some view about the future of that body.

Baroness Williams of Trafford (Con): As she announced last month, the Home Secretary is bringing forward the review of the IOPC in part due to some concerns about Midland. The review will consider the IOPC's governance, accountability, efficiency and efficacy, and should ultimately lead to better outcomes not only for the organisation itself but for the public and the police. It is quite routine for arm's-length bodies to be reviewed, and doing it now is timely.

Lord Howell of Guildford (Con): My Lords, I welcome the Home Secretary's recent words that

“profound concerns exist about the handling of the IOPC's investigation into Operation Midland”,—[*Official Report*, Commons, 15/6/21; col. 128.]

to which I am sure she would wish to add Operation Conifer, as my noble friend Lord Hunt rightly emphasised. Now that the next review of the IOPC is to be brought forward, can we be told when it is going to happen? Does my noble friend share the hopes of many of us, in this House and elsewhere, that it will shed further light on the appalling blunders of the past in this area and who was and still is responsible for them?

Baroness Williams of Trafford (Con): I reassure my noble friend that the review will be expedited, as soon as possible. There will of course be an independent reviewer, and I will keep noble Lords and the House updated as to the timelines of the review.

Baroness Kennedy of Cradley (Non-Aff) [V]: My Lords, in March this year the noble Baroness advised the House that, from this autumn, the Government would ask police forces to identify and record where any crimes of violence against a person are perceived by the victim to have been motivated by hostility based on their sex or gender. Has the consultation with the National Police Chiefs' Council taken place? Has the Home Office produced guidance on this issue, and what is the timetable for its implementation?

I realise that she may not have this specific information to hand but, if she has not, would she agree to write to me and place the letter in the Library of the House?

Baroness Williams of Trafford (Con): My Lords, the consultation with the National Police Chiefs' Council on the request to identify and record any crimes of violence against the person that the victim perceives to have been motivated by hostility based on their sex is in progress. Home Office officials have met with stakeholders to discuss the new requirement and the ability of police forces to record this data on their systems. Further discussions are scheduled with force representatives, with a view to start collecting from the autumn. When further updates are available, I will write to the noble Baroness and others on this issue.

The Lord Speaker (Lord McFall of Alcluth): My Lords, the time allowed for this Question has elapsed. We now come to the third Oral Question.

International Freedom of Religion or Belief Question

12.29 pm

Asked by **Lord Singh of Wimbledon**

To ask Her Majesty's Government what assessment they have made of the report by the All-Party Parliamentary Group for International Freedom of Religion or Belief *Commentary on the Current State of International Freedom of Religion or Belief (2020)*, published on 1 March.

The Minister of State, Foreign, Commonwealth and Development Office (Lord Ahmad of Wimbledon) (Con) [V]: My Lords, we have taken note of the APPG's report. The United Kingdom is committed to defending FoRB for all and we have made this a core element of the integrated review. We readily report on FoRB violations, and I worked closely both on the production of the *Human Rights & Democracy* report, in which FoRB features, and alongside the special envoy for FoRB, Fiona Bruce MP, on the implementation of the recommendations from the Bishop of Truro's report on FCDO support for persecuted Christians.

Lord Singh of Wimbledon (CB): I thank the Minister for his very helpful reply but, as we say in deepest Punjab, fine words butter no parsnips. The report shows that ignorance and exploitation of supposed religious difference is one of the greatest causes of conflict in the world today. The reality is that different faiths share many common ethical teachings. Does the Minister agree that the teaching of RE should focus on commonalities, rather than superficial difference? Does he also agree that the Government are sending out a wrong and shameful message in Dominic Raab's statement that human rights should be ignored in the pursuit of trade deals?

Lord Ahmad of Wimbledon (Con) [V]: My Lords, I first dispute that my right honourable friend has articulated such a statement. What he has made clear is that we

will call out human rights abuses irrespective of the trading relationships we have with different countries. Being half-Punjabi myself, I am very conscious of the need for action. Being also a product of a Church of England school, and sending my own children to Catholic school, I am fully aware of the commonality of faith but recognise that each faith brings its own attributes to the diversity and strength of a country such as the United Kingdom. In our actions and our representations, we share those values with other countries in raising issues of FoRB around the world.

The Lord Bishop of Leeds [V]: I thank the Minister for the priority he gives to freedom of religion or belief, but Her Majesty's Government are reducing aid to many countries and regions prone to serious freedom of religion or belief violations, including an apparent 58% cut in ODA to Nigeria while the country faces immense challenges due to a surge in religious-based violence. Will the Minister describe the anticipated impacts of these aid cuts on violence and stability in Nigeria and indicate how any such impacts might be mitigated?

Lord Ahmad of Wimbledon (Con) [V]: My Lords, we work closely with different agencies on the ground, including in Nigeria. I assure the right reverend Prelate that, notwithstanding the challenges and the reductions to the ODA programme, we are working with key partners to ensure that freedom of religion or belief and the persecution of religious minorities remain very much at the forefront of our work, both in development engagement and diplomacy.

Baroness Bottomley of Nettlestone (Con) [V]: The House will know that the training of Orthodox clergy at the Halki theological seminary near Istanbul is essential for the survival of the Church in Turkey and the ancient Greek Orthodox community. The seminary has now been closed for 50 years. Can the Minister press on the Turkish Government the importance of respect for beliefs, cultural legacy and rights of minorities, and that their continued refusal to allow the reopening of the seminary is at odds with the tolerance shown in the past and constitutes a serious infringement of religious freedom?

Lord Ahmad of Wimbledon (Con) [V]: My Lords, I assure my noble friend that we continue to raise freedom of religion or belief issues directly with Turkey. I will certainly follow up directly the matter she raised, both in our representations through the embassy and in any direct contact I have with representatives and Ministers from Turkey.

Baroness Cox (CB) [V]: My Lords, I follow up the important point raised by the right reverend Prelate the Bishop of Leeds, focusing on Nigeria. The Government's decision to cut spending on foreign aid to Nigeria by an apparent 58% is at a time when tens of thousands of civilians experience escalating, grave violations of freedom of religion or belief. Will the Minister describe the anticipated impacts of these aid cuts related to ideological motives? As the right reverend Prelate asked, how do the Government intend to mitigate any such impacts?

Lord Ahmad of Wimbledon (Con) [V]: My Lords, as I said, we are working on all levels, including through development and our diplomatic engagements. For example, my colleague the Minister for Africa visited Nigeria in April and discussed the ongoing conflict but also the impact it has on issues in Nigeria, particularly on minority faith groups. I once again assure the noble Baroness that this remains very much at the forefront of not just my engagement, in my broader responsibilities as Human Rights Minister, but the direct engagement of my colleagues across FCDO, including my right honourable friend the Foreign Secretary.

Lord Griffiths of Burry Port (Lab) [V]: My Lords, it would be churlish not to recognise the provisions made on the matter before us and the reports that have received such positive responses from the Government. They have said that they will encourage, support and monitor the implementation of the recommendations. The pandemic has created an even greater threat to religious freedoms than hitherto. I ask the Minister to give us an assurance that monitoring of religious freedoms is being undertaken, and perhaps even intensified, while the pandemic still rages. Can he assure us that parsnips are indeed being buttered?

Lord Ahmad of Wimbledon (Con) [V]: I assure the noble Lord that I have my buttering knife out. We continue to monitor and report. Undoubtedly, the Covid-19 pandemic has been used as an opportunity to further suppress the rights of minority faiths across the globe, but we stand very firm in ensuring that we raise this issue consistently and monitor it quite closely.

Lord Jones of Cheltenham (LD) [V]: The all-party report shows that the world is a long way from perfect, but did not last night's display at Wembley show that people of all religions and none, working together, can achieve a lot? Will the Government use that example to challenge intolerance everywhere?

Lord Ahmad of Wimbledon (Con) [V]: My Lords, I totally agree with the noble Lord. I assure noble Lords that, as my daughter said, I was "not very Lord-like" in vocalising my support when the second goal went in at Wembley. Nevertheless, it showed the real diversity and strength of our country: we come together for a common purpose. Sport is a living, working example of exactly that.

Baroness Sugg (Con): My Lords, I welcome the report's focus on gender. It specifically highlights the plight of girls in Pakistan at risk of forced marriage, violence and slavery. According to the FCDO's own Development Tracker website, bilateral support to Pakistan is being cut by £175 million compared with what it was in 2019. Can my noble friend the Minister confirm that Development Tracker is accurate and that this is the correct figure?

Lord Ahmad of Wimbledon (Con) [V]: There has been a reduction in development support to Pakistan, but my noble friend will acknowledge the important work we are continuing—for example, the AAWAZ programme until 2024, with a specific focus on women and girls. That was part and parcel of my recent diplomatic engagement in Pakistan. When I visited on

[LORD AHMAD OF WIMBLEDON]

22 June to 23 June, there was a reassurance. We are also seeing what practical further steps we can take to ensure that any reductions in support are met through direct diplomatic engagement.

Lord Collins of Highbury (Lab): My Lords, the APPG report raises important issues facing religion and belief communities around the globe. The Bishop of Truro's independent review for the Foreign Secretary on support for persecuted Christians contains many inclusive recommendations. However, they are built on evidence relating to, and focus on, Christian persecution. Will the Minister consider conducting further reviews into religion and belief persecution, including the plight of the non-religious around the globe? Many people have referred to Nigeria, and the Minister knows I have raised the case of the atheist Mubarak Bala in Nigeria. I hope he will consider that action.

Lord Ahmad of Wimbledon (Con) [V]: I can give the noble Lord that direct reassurance. We will do exactly that.

Lord Alton of Liverpool (CB): My Lords, I take the Minister back to what he said about the Truro review and specifically to recommendation 7, which asks the Government to put in place effective mechanisms to deal with the crime of genocide against religious and ethnic minorities. In that context, the report published this morning by the Foreign Affairs Select Committee of the House of Commons recognises that a genocide is under way against Uighurs in Xinjiang and calls on the Government for a much stronger response. Can the Minister tell us what that response will be?

Lord Ahmad of Wimbledon (Con) [V]: My Lords, I have yet to read the report in full, although I am aware of its publication. I have not yet reviewed it. Bearing in mind its publication, I am sure that in due course the FCDO will respond accordingly. I can share with the noble Lord—I am sure he is aware of this—that the United Kingdom has consistently, regularly and directly raised the persecution of the Uighur Muslims in Xinjiang in China. We continue to do so. We recently worked through a resolution at the Human Rights Council led by Canada. In the past few weeks, I have met Uighur representatives visiting the UK to hear about their plight. I assure the noble Lord that this remains among our key priorities and will continue to be so.

The Lord Speaker (Lord McFall of Alcluith): My Lords, the time allowed for this Question has elapsed. We now come to the fourth Oral Question.

Covid-19: Co-ordination with Devolved Administrations

Question

12.41 pm

Asked by Lord Roberts of Llandudno

To ask Her Majesty's Government what discussions they have had with the devolved Administrations to co-ordinate relaxing Covid-19 restrictions across the United Kingdom; and what assessment they have made of the need to agree such co-ordination.

The Minister of State, Cabinet Office (Lord True) (Con): My Lords, the United Kingdom Government have worked closely with the devolved Administrations throughout the Covid-19 response. Although public health is a devolved matter in Scotland, Wales and Northern Ireland, our joint statement last September demonstrates our continuing commitment to seek a co-ordinated approach where the evidence and the science show it would save lives or make a response more effective to work together to protect lives across the UK.

Lord Roberts of Llandudno (LD): My Lords, each step to restore some form of normality should be taken after full discussion between the four UK nations. England might call 19 July "freedom day" and end some restrictions, but Wales, Scotland and Northern Ireland are not going to follow suit. We will have confusion and worse. We need full consultation. Who in the various Parliaments takes these decisions? Should we not consider legislation to make proper discussions legally required in any future crisis?

Lord True (Con): My Lords, there are many discussions, and thoughtful decisions are made by the people responsible in all the devolved Administrations and the UK Government, I have no doubt. However, public health is a devolved matter in Scotland, Wales and Northern Ireland and those Administrations have the authority to make their own decisions.

Lord McNicol of West Kilbride (Lab): My Lords, for families spread out across the UK who want to plan their summer holidays—I declare an interest as I am heading up to Scotland over the summer—surely the rules across the four nations should be the same wherever possible. All four nations have previously said they would follow the data, not the dates, but suddenly our Prime Minister seems to be driven more by dates than statistics. With this in mind, can the Minister expand a bit more on the discussions he talked about between the four nations? Are we looking at a further joint communiqué? September last year feels a long time ago.

Lord True (Con): My Lords, I understand the concern of the noble Lord and many citizens of the United Kingdom about the future and how we move forward. The Prime Minister made a considered statement last week and will make another statement on Monday about the next steps forward as he sees them. Throughout the crisis we have been more aligned than we are apart. There have been scores of calls between the Chancellor of the Duchy of Lancaster and the First Ministers in the three Administrations.

Lord Bruce of Bennachie (LD) [V]: Ideally, devolution allows for divergence across the nations and co-operation to deal with common interests and issues. That has been demonstrated throughout the pandemic, but Great Britain is an island with open borders and right now Scotland has the highest infection rate in Europe. The two main hospitals in the Grampian health board area—the Aberdeen Royal Infirmary and Dr Gray's Hospital in Elgin—along with Raigmore Hospital in Inverness are on black alert dealing with only urgent

and emergency cases as a result of catch-up for non-Covid, increasing Covid admissions and staff shortages because of Covid and isolation rules. Will Ministers across Governments work to ensure that as we move to lift restrictions we do so in a co-ordinated way that avoids the chaos and confusion that might otherwise occur?

Lord True (Con): My Lords, there has been extraordinary support from the United Kingdom Government to the devolved Administrations, Scotland not least, both financial and practical. Indeed, I believe the UK Government have provided around 55% of tests in Scotland. However, I return to the fundamental point. I shall not comment on the performance of the devolved Administrations as I do not think that is appropriate, but they have devolved authority to act on public health within their borders.

Baroness Finlay of Llandaff (CB): What assessment have the Government made of the impact of the relaxation of Covid restrictions in England on the other parts of the UK when the inevitable behavioural changes impact on the devolved nations? Did that include cost estimates? Has consideration been given to transport systems moving people from one part of the UK to another? Will the transport police be supported in ensuring that passengers respect the infection control measures that are greatest along the route of the journey, whether the origin or the destination country?

Lord True (Con): My Lords, my advice is that everybody should respect the rules in place. Rules are normally clear in whichever part of the United Kingdom. Further announcements are being made as we go along. My right honourable friend the Transport Secretary made an announcement on travel this morning, for example, and there will be further announcements next Monday. Of course all public health factors are taken into consideration.

Baroness Hayter of Kentish Town (Lab) [V]: Today's letter in the *Lancet* from 100 eminent doctors and scientists, including a former Chief Scientific Adviser and the current head of the BMA, whose members will have to pick up the pieces, warns that the 19 July relaxation of restrictions shows the Government "embarking on a dangerous and unethical experiment" and calls for a pause in the plans. The letter talks of "grave risks", with "any strategy that tolerates high levels of infection" being "a dangerous and unethical experiment".

In the light of this, will the Government engage urgently with these experts and the devolved Governments to ensure the safety of all our people across the four nations?

Lord True (Con): My Lords, the Government naturally respect informed voices. I do not think that the publication place necessarily establishes authority; we have seen recent examples. There are diverging opinions, which Ministers and those in the devolved Administrations have to take into account. There are also divergent issues. The noble Baroness did not mention the impact

on the economy, mental health, people's expectation or children. All these matters have to be taken into account as we reflect on decisions.

Lord Willis of Knaresborough (LD) [V]: Does the Minister accept that for residents in Northern Ireland, including those travelling to England and Scotland but particularly those requiring regular travel in and out of the Republic, the situation at the moment is incredibly confusing and bureaucratic? What discussions have the Government had with Dublin, in addition to those with Scotland, to find common ground by either applying the CTA to Northern Ireland or allowing Northern Ireland residents to apply for an EU digital Covid certificate as part of the Northern Ireland agreement on cross-border trade?

Lord True (Con): My Lords, I confess that I cannot comment in detail on discussions with the Republic of Ireland but I will ensure that I inform the noble Lord appropriately.

Lord Rogan (UUP): My Lords, my Ulster Unionist colleague, the Northern Ireland Health Minister, Robin Swann, has been one of the heroes of the pandemic. I know that he has appreciated the co-operation, co-ordination and support offered to him and to the Province by the United Kingdom Government. However, given the success of the four-nation approach to tackling Covid-19, should we not now be working equally as closely towards the goal of bringing down NHS waiting lists, which in Northern Ireland were already much longer than anywhere else in the United Kingdom before the first lockdown and have worsened considerably ever since?

Lord True (Con): My Lords, the Prime Minister met the First Minister on 3 June to discuss Covid recovery. I say to the noble Lord that clinical co-operation is ingrained in the NHS, and there are mutual and specialised commissioning arrangements already in place between the nations that allow patients to access services across the UK. We hope that these arrangements, as well as data sharing and best practice, will help to ensure a strong recovery and deliver tangible outcomes in the interests of people throughout the United Kingdom.

Lord Taylor of Goss Moor (LD) [V]: My Lords, further to that last answer and the point made by my colleague, my noble friend Lord Bruce, about the situation in Scottish hospitals at the moment, I am sure the Minister is aware that one of the biggest impacts of the coronavirus on health now is not those directly infected but those who have other health problems but cannot get treatment or whose treatment has been hugely delayed. What is the Government's assessment of the impact of the changes that they are now making regarding coronavirus on dealing with the enormous backlogs in the NHS? What co-ordinated action across the nations is taking place to deal with the problem of the many patients who are not suffering from coronavirus?

Lord True (Con): My Lords, I think I partially answered that in my previous reply. I can certainly assure the noble Lord and the House that the Government

[LORD TRUE]

at the highest level are giving the highest priority to the recovery of the NHS and the treatment of cases other than Covid.

The Lord Speaker (Lord McFall of Alcluith): My Lords, the time allowed for this Question has elapsed.

Business of the House

Timing of Debates

12.51 pm

Moved by Lord Ashton of Hyde

That the debate on the Motion in the name of Lord Howell of Guildford set down for today shall be limited to 2½ hours and that in the name of Baroness Jenkin of Kennington to 2 hours.

Motion agreed.

Business of the House

Motion to Agree

12.52 pm

Moved by Lord Ashton of Hyde

That Standing Order 73 (Affirmative Instruments) be dispensed with to enable a Motion to approve the draft Licensing Act 2003 (2020 UEFA European Championship Licensing Hours) Order 2021 to be moved today, notwithstanding that no report from the Joint Committee on Statutory Instruments on the instrument has been laid before the House.

Motion agreed.

European Union and European Atomic Energy Community (Immunities and Privileges) Order 2021

Motion to Approve

12.52 pm

Moved by Lord Ahmad of Wimbledon

That the draft Order laid before the House on 17 May be approved.

Relevant document: 7th Report from the Joint Committee on Statutory Instruments (special attention drawn to the instrument). Considered in Grand Committee on 5 July.

The Minister of State, Foreign, Commonwealth and Development Office (Lord Ahmad of Wimbledon) (Con) [V]: I beg to move.

Motion agreed.

12.53 pm

Sitting suspended.

Covid-19 Update

Statement

The following Statement was made in the House of Commons on Tuesday 6 July.

“With permission, I would like to make a Statement on the pandemic and the road map to freedom.

Freedom is in our sights once again, thanks to the protective wall of this country’s vaccination programme and the huge advances we have made in getting this virus under control. Yesterday, I stood at this Dispatch Box and set out the details of what step 4 in our road map will mean for this nation. After the arduous 18 months that we have all endured, it was so wonderful to describe a world where we no longer have to count the number of people that we are meeting; where theatres and stadiums are bustling with people once again; and where care home residents are able to see their loved ones without restrictions.

Of course I understand that some people are cautious about the idea of easing restrictions, but we must balance the risks—the risks of a virus that has diminished, but is not defeated, against the risks of keeping these restrictions, and the health, social and economic hardship that we know they bring. This pandemic is far from over, and we will continue to proceed with caution. But we are increasingly confident that our plan is working, and that we can soon begin a new chapter, based on the foundations of personal responsibility and common sense rather than the blunt instrument of rules and regulations.

Today, I should like to provide an update on another area where we will be able to ease restrictions: the rules on self-isolation. Self-isolation has played a critical role in helping us to get this virus under control, by denying the virus the human contact that it needs to spread. And I am so grateful to the many, many people right across the UK who have selflessly done their duty, making sacrifices so they can help keep the virus at bay. Even though we have done everything in our power to support the people who have had to self-isolate—and yesterday we announced that we will be extending financial support until September—I am fully aware of how difficult it has been. But we can take hope from the fact that science has shown us a solution, just as it has done so many times in our fight against this virus. That solution is our vaccine, which we know offers huge protection.

The latest data from Public Health England shows that our vaccination programme has saved over 27,000 lives and has prevented over 7 million people from getting Covid-19, and it shows that both doses of Covid-19 vaccine can reduce symptomatic infection by almost 80%. That protective wall—because that is what it is—means that the odds have shifted in our favour, and we can look afresh at many of the measures that we have had to put in place. That is especially important when almost two-thirds of adults—64%—have had both doses of a vaccine, and so have the maximum protection that the vaccine can offer. As a result, we will soon be able to take a risk-based approach that recognises the huge benefits that vaccines provide both to the people who get the jab and to their loved ones.

From 16 August, when even more people will have the protection of both doses and when modelling suggests the risk from the virus will be even lower, anyone who is a close contact of a positive case will no longer have to self-isolate if they have been fully vaccinated. If someone gets their second dose just before or just after 16 August, they will need to wait two weeks, after which their second jab will have taken

effect, to get these new freedoms. Those two weeks will allow the vaccine time to build up the maximum possible protection.

As we make this change, we will draw on the huge capacity we have built for testing and sequencing and will advise close contacts who are fully vaccinated to take a PCR test as soon as possible, so that they can have certainty about their condition. Of course, anyone who tests positive will have to self-isolate, whether they have had the jab or not. This new approach means we can manage the virus in a way that is proportionate to the pandemic, while maintaining the freedoms that are so important to us all.

As honourable Members will be aware, we are not currently offering vaccines to most people under the age of 18. We have thought carefully about how we can ensure that young people get the life experiences that are so important to their development, while at the same time keeping them safe from this deadly virus. In line with the approach for adults, anyone under the age of 18 who is a close contact of a positive case will no longer need to self-isolate. Instead, they will be given advice about whether to get tested, dependent on their age, and will need to self-isolate only if they test positive. These measures will also come into force on 16 August, ahead of the autumn school term.

I know that honourable Members will have questions about the changes and about step 4 of our road map and the impact on schools and colleges; my right honourable friend the Education Secretary will update the House immediately after my Statement. We are looking at the self-isolation rules for international travel, to remove the need for fully vaccinated arrivals to isolate when they return from an amber-list country. The Transport Secretary will provide an update to the House later this week.

Step by step, jab by jab, we are replacing the temporary protection of the restrictions with the long-term protection of a vaccine, so that we can restore the freedoms that we cherish and the experiences that mean so much to us all. Let us all play our part to protect ourselves and to protect others as we enter these crucial few weeks, so that in this battle between the vaccine and the virus, the vaccine will prevail. I commend this Statement to the House.”

I pm

Baroness Thornton (Lab): I thank the Minister for the Statement today, which takes us further into the discussion that we were having on Tuesday and allows him to address some of the questions that perhaps he was not able to on Tuesday.

We all want our economy to open and get back to normal. The question is whether we do it in a controlled way or a chaotic way. The Health Secretary told the Commons on Tuesday that, under the Government’s plan, infections could go to as high as 100,000 a day. There are some huge issues that the Minister and the Government have failed to address with information and clarity about the massive change in policy contained in the announcements on Monday and Tuesday. The first of these is surely the potential 100,000 infections a day in a few weeks’ time. When I asked on Tuesday about the scientific advice, the Minister gave me what can be described only as a pick-and-mix answer, one in

which he said SAGE’s advice was “interesting”. I am sure that SAGE’s advice is always interesting, but is it being taken into account in decision-making as it used to be? I specifically refer him to the most recent SAGE papers, which made it clear that with high infection rates there would be a greater chance of new variants emerging and greater pressure on the NHS. More people will get long Covid and test and trace will be less effective. As NHS Providers said today,

“current pressures on the NHS mean that the predicted rising infection rates for COVID-19 will inevitably affect the speed at which trusts can recover care backlogs.”

I quote Chris Hopson:

“Trust leaders can see the strong logic of ‘if not now, when?’ and they recognise that, as a nation, we must learn to live with COVID-19. But they want the Government to be clear about the risks of relaxing restrictions. This includes the inevitability of higher hospitalisations and mortality, albeit at lower levels than previous waves and the risk of new and more dangerous variants emerging. They are also worried about the impact of long COVID. It’s important these trade offs are clearly set out, including the impact on the NHS’s ability to bear down on the backlog.”

Indeed, a letter from 100 experts in the *BMJ* today raises the same issues. That is why the impact assessment is so crucial. The Prime Minister seemed to find this impossible to address yesterday, so I would like to see if the Minister with his much greater and closer knowledge of these issues could be more enlightening to the House today. Have the Government undertaken an impact assessment of the projected rate of infection? Yes or no would probably suffice. If it is yes, when will it be shared with Parliament and the public? If it is no, the Minister must explain why this has not happened and tell the House when it might. We need to know what is the number of hospitalisations and deaths; what is the number of people with long Covid, which will be the outcome of 100,000 infections a day; and what is the impact on the NHS, will it slow down the catch-up for diagnostics and treatment and by how much? I am very happy if the Minister wants to email the details of the answers to me, if he does not have them to hand—although he ought and they need to be in the public domain.

We know that the link between infection rates and deaths has been weakened, but it has not been broken. All the experts seem to agree on that. Let us be clear why infection rates are so high: it is because the Prime Minister let in the delta variant. I agree with my right honourable friend Keir Starmer that we might now change its name to the “Johnson variant”. Let us be clear why the number of cases will surge so quickly: it is because the Government are taking all protections off in one go. As my right honourable friends Sir Keir Starmer and Jonathan Ashworth have said, this is reckless.

The next obvious question is the one about the dreaded ping and the huge number of people who will be asked to isolate. If there are 100,000 infections a day, that means hundreds of thousands—perhaps millions—of people are going to be pinged to isolate. The *Financial Times* estimates that it could be 2 million people and the *Daily Mail* says it could be 3.5 million people. Either way, it is a massive number. How many people do the Government expect will be asked to isolate if infection rates continue to rise at this rate? Again, this question was asked of the Prime Minister yesterday

[BARONESS THORNTON]

and he clearly did not know the answer or refused to say, so I will repeat it again: how many people are going to be asked to self-isolate if there are 100,000 or more infections a day?

Does the Minister appreciate that those who are immunocompromised or for whom the vaccine is less effective will have their freedoms curtailed by ditching masks on public transport? Blood Cancer UK warned yesterday that people with blood cancer will feel that their freedoms have been taken away from them. It is quite possible that the 19th will not be freedom day. It might be the day when a record number of people will switch off their NHS app, because they will see coming down the track isolating and cancelling holidays. It is already beginning to happen. Has the Minister seen those stories? We on these Benches do not support that course of action, but does he realise that this could seriously undermine the expensive track and trace system, on which so much depends?

I have to repeat again that the biggest barrier to an effective isolation policy has been not the inconvenience but the lack of financial incentive to stay at home. If we are to live with this virus, the days of people soldiering on when unwell are over. Sick pay is vital to infection control. Will the Government please now fix it?

Business leaders are expressing very serious concerns about the loss of staff and customers. There are now 700,000 children off school per week. At my granddaughter's school this morning, two classes were sent home due to two teachers being pinged. After-school sports were cancelled and she is very disappointed. It is happening everywhere, as our amazing head teachers and school staff limp towards the end of term doing everything they can to deliver teaching, joy and normality to our children under the most difficult and often underappreciated circumstances.

The question I want to ask for clarity from the Minister is about the ubiquitous ping. Is the ping advisory for self-isolation or mandatory? If you get an email or phone call, does that trigger mandatory self-isolation? Finally, I ask about data in the last 24 hours or so from Israel's Ministry of Health, which points to the Pfizer vaccine being just 64% effective at stopping symptomatic and asymptomatic transmission of the delta variant. Can the Minister tell the House about this?

Baroness Brinton (LD) [V]: My Lords, one year ago when lockdown was lifted, we had around 1,000 new cases a day. Yesterday it was 32,000 new cases. Equally concerning, cases are doubling every nine days; hospitalisations are going up; ventilation bed occupation is going up; NHS Providers, as the noble Baroness, Lady Thornton, has said, is talking about hospitals moving back into created-Covid wards and managing safe areas. GPs and hospitals are all reporting a worrying large increase in young people with long Covid, putting further pressure on their services, let alone the worries of an epidemic of long-term illness in the working population. Anecdotal evidence suggests that some hospitals are now considering cancelling some staff summer leave. Wonderful as yesterday's England victory was, the sight of 60,000 fans walking down Wembley

Way in very close proximity with hardly a mask in sight was concerning. As with the England-Scotland match, we must expect a surge in cases. Yesterday, the BBC asked Dr Mike Ryan of the World Health Organization about the UK proposals to lift all restrictions on 19 July. He replied:

"The logic of more people being infected is better is, I think, logic that has proven its moral emptiness and epidemiological stupidity".

The letter in today's *Lancet* from 100 senior medics and scientists echoes the WHO view. What are the Government doing to explain to the experts why their strategy is safe?

I will return to the substance of the Statement later, but I start by thanking the Minister for the meeting yesterday with other Peers, Blood Cancer UK and the Anthony Nolan trust to discuss the immunocompromised and the clinically extremely vulnerable. There are over 2 million CEV who had to shield—that is 3% of the population. So, arising from questions I have asked the Minister many times before in your Lordships' House, I will ask the following. The CEV, of whom I am one, are worried at the total silence to them over recent weeks since shielding ended formally but, with stay-at-home advice still in place, with cases rocketing daily and all restrictions easing, can the Minister explain how advice to them is being co-ordinated publicly by government? One blood cancer patient said today to an APPG of parliamentarians that the dissonance of their safety versus everyone else's freedom was hard to bear, especially with no advice. In particular, who has clinical responsibility for drawing together the different issues of therapies, responses to vaccines and continuing care for underlying diseases, and which Minister has overall responsibility?

Overnight, there have been some suggestions from journalists that shielding might even return. If so, that needs to be communicated very urgently to those at high risk, who have not been told about their low vaccine antibody rate. They may be planning to mix with people, or perhaps even go on holiday. Will benefit support for the CEV who have to stay at home but cannot work from home be reintroduced? If the Government are serious about the irreversibility of the lifting of all restrictions, some of the CEV will not be able to return to work for weeks, or even months.

I turn to testing. There are reports today that the Government plan to charge for the lateral flow tests from the end of this month. As LFTs are supposed to be the great self-regulators that the Government are relying on, how much are people going to be charged? You do not pay the Government for a blood test to see whether you have picked up any other infection. The level of charging for PCR tests for people returning from abroad also remains a big issue. Last week in your Lordships' House the noble Baroness, Lady Vere, told my noble friend Lady Ludford that PCR tests could be obtained at a price of £85 for two. My noble friend's local pharmacy is charging £398 for a test on the same day, or £240 for the next day for two tests. I know other members of the public have reported similar problems. Can the Minister say how the pricing of PCR tests is being managed and, perhaps more importantly, where one can find the "£85 for two" tests?

On Tuesday, I set out what we from these Benches seek in a return to normal life. We want people to return to work as soon as possible, to be able to mix with family and friends and for our children to be able to have consistent access to education without interruption. We also agree that now is the time to start to do some of that but—and it is a big “but”—we cannot get rid of all the safeguards that protect people mixing together while the virus is still live. An effective test, trace and isolate system is essential. This Statement makes it clear that that is being dismantled. Can the Minister explain why that makes any sense?

Last night, Sebastian Payne of the *Financial Times* reported the re-election of Sir Graham Brady MP as chairman of the 1922 committee, and tweeted:

“Brady’s re-election is ... a reminder of why Johnson is dropping masks and nearly all other ... restrictions on July 19: ministers privately say the government no longer had the ... votes to keep the measures in place. Relying on Labour would have been ... difficult for the PM.”

Are the Prime Minister and the so-called Covid Recovery Group now putting health and lives at risk for their own principles?

Finally, with the threat of 100,000 cases by the end of the month, with hospitals saying they are already worried about the increase in patients and with the threat of the new lambda variant and new north-east variant under investigation, please will the Minister confirm that these changes are not irreversible and that the protection of the NHS, and the safety of all the people in this country, remain the Government’s priority?

The Parliamentary Under-Secretary of State, Department of Health and Social Care (Lord Bethell) (Con): My Lords, I am enormously thankful to the noble Baronesses, Lady Thornton and Lady Brinton, for such thoughtful questions. I will certainly try to address as many of them as I can.

In reply to the noble Baroness, Lady Thornton, on the advice we get, I am afraid, as I said last time, that we of course draw on lots of advice from lots of people. I completely acknowledge, as she rightly pointed out, that no decision in this pandemic is risk-free. She set out the list of possible risks very well. There is always the possibility that there will be new variants. We are extremely concerned about the existing 1 million people who have self-diagnosed with long-Covid symptoms; the possibility that that number may rise is very much on our minds, and we are putting in place NHS provision to assist in diagnosis and treatment of that.

We are extremely concerned that test and trace resources will be stretched. We are therefore looking extremely closely at the policy around testing and isolation, while providing test and trace with the resources it needs to get through any increase in the infection rate. I also completely acknowledge the concerns of the NHS Confederation on hospital beds and hospitalisations—although the statistics on those today are extremely encouraging.

Those are all acknowledged concerns that we keep close track of, while putting in place measures to mitigate and minimise their impact. However, the noble Baroness, Lady Thornton, half-answered her own question, because she is entirely right: we need to focus on getting the

NHS back to speed in order to address the very long waiting lists and to get elective surgery back on track. It is very difficult to find an answer to the question, “If not now, when?” That has been tackled by the CMO and a great number of people. It must surely be right that we take the inevitable risks of restarting the economy and getting people back to their normal lives at the moment of minimum risk from the virus, which has to be in the middle of summer. Assessing those risks precisely is incredibly complex. Impact assessments of the kind that we would normally associate with legislation are the product of months of analysis. They often identify one relatively straightforward and simple policy measure. We are talking here about a machine of a great many moving parts.

I cannot guarantee that any model anywhere could give us accurate projections of the exact impact of what is going to happen this summer. We are, to a certain extent, walking into the unknown: the Prime Minister made that extremely clear in his Statement. As such, we are ready to change and tweak our policy wherever necessary in reaction to events. However, what we know very well now on the basis of our assessment of the data, and because of the pause we put in place to give ourselves breathing time to assess and additional time to roll out the vaccinations, is that that direct correlation between the infection rate and severe disease, hospitalisation and death has massively diminished. There is a relationship, but it is a fraction of what it used to be.

We can therefore look at a period where those who are at extremely low risk of any severe disease may see an increase in the infection rate, because we know that those in the highest-risk groups have been protected by two doses of the vaccine, and two weeks, and because we are working incredibly hard to get as many in the high-risk groups vaccinated as possible—half a million a day—and to roll out the vaccine to younger cohorts. That is the balance. I cannot deal in certainty here, because certainty does not exist. Balance is key, and I believe the balance we have here is the right one.

The noble Baroness asked specifically about the NHS Covid app. It is in some ways emblematic of the kind of decisions we are making at the moment. She is entirely right: the anecdotes are loud and clear. The app is pinging loudly around the country as the infection rate moves up. To clarify the legal point, as noble Lords probably know, the app protects privacy. We do not know the identity of the person who has the app. In fact, we have no information about people who have the app at all because it has such rigorous privacy protection. As such, the ping from the app is advisory but a telephone call from test and trace is mandatory. That has a legal status and a breach of that advice could lead to an FPN or a knock on the door. It has a different status in that respect.

Given the large number of infections and the large number of pings, we clearly need to review the way in which the app works. The Prime Minister talked about this earlier today. He talked about moving from a quarantine-and-isolation approach to more of a test-and-release approach. We are not quite there yet but we are clearly well on the way. Therefore, I would be glad to clarify how we have made those decisions once they have been announced.

[LORD BETHELL]

The noble Baroness, Lady Brinton, talked about the plight of the immunosuppressed. I am grateful to her and to Anthony Nolan, Cancer UK and others who were on the call yesterday. I express complete sympathy with the point made by the noble Baroness. If you are at home and your immune system does not work as well as other people's, and you see the rest of the country opening up, you will feel extremely uncomfortable, as though the world has moved on and that you have perhaps been left behind. Those were the feelings described to me by the experts I met yesterday. On an emotional level, I completely sympathise with that. There are some people in this country whose immune systems do not protect them from flu and contagious diseases that would have no impact on those with a fully functioning immune system. We have complete sympathy for those people.

I acknowledge the noble Baroness's point that there is a need for clear advice because the immunosuppressed are a highly diverse group. There may be people recovering in hospital with a completely flatlined antibody system, compared to someone who has rheumatoid arthritis but is otherwise living at home and is mobile. It must be right that that communication is done on a tailored basis through the healthcare system. We will look at ways in which we can ensure that GPs are informed and have the right information in order to give that bespoke advice.

The dissonance is hard to bear. I recognise the noble Baroness's point but I do not necessarily have a suite of answers for absolutely everyone in this condition. We have large investments in antivirals and in therapeutic drugs, including some of the monoclonal antibodies that may offer some protection to some people in this situation, but it is not going to be a blanket measure. As a result, we are putting a huge amount of investment in the OCTAVE study, which looks specifically at ways in which vaccines, boosters or therapeutics can be used to protect those whose immune systems are not right. Ultimately, it is going to be down to the vaccine. The vaccination of a large proportion of the population, including the carers who look after the immunosuppressed, is how we will offer protection to these people.

On the noble Baroness' question about the LFT system being dismantled, I do not recognise those press reports. On the provision of PCRs by the private sector, she asked how prices are determined. The answer to that is through the market. The marketplace introduces competition and innovation. I am pleased to say that the price for tests is coming down and will come down further. The one provided by Chronomics for TUI is now £30; that is a very encouraging sign that there is more to go.

The Deputy Speaker (Baroness Fookes) (Con): 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. I call the noble Baroness, Lady Nicholson of Winterbourne.

1.24 pm

Baroness Nicholson of Winterbourne (Con): On behalf of the whole House and the whole population, I congratulate the Minister on his magnificent work

during the entirety of the pandemic and, of course, all his colleagues and everyone in the National Health Service. It has truly been a real world-beater and we are all so grateful. I have a matching point on Covid-19. I had understood, maybe wrongly, that males are affected slightly differently to females. Given that hospitals now accept self-identification of males and females, does this impact on the statistics or indeed on the treatment that everyone receives?

Lord Bethell (Con): My Lords, I understand the question put by my noble friend but I am afraid that I do not recognise the anecdote to which she refers in terms of hospitals' treatment of individuals. Nor do I particularly recognise the generalisation that males and females are affected by the disease differently, but I would be very happy to look into this matter and write to her if I can find more details.

Baroness Finlay of Llandaff (CB): I thank the Minister for his responses and for the meetings he has set up. Using his words, given the challenges of "getting the NHS back to speed", as well as the predicted rise in seriously ill patients with infections—both from influenza and Covid variants such as beta, lambda and others that may emerge—what contingency plans are being developed and activated now? What is being done to increase bed capacity for the autumn and winter and to recruit, train and upskill staff who have currently stepped back from or retired from clinical care, to increase overall capacity?

Lord Bethell (Con): My Lords, the noble Baroness is entirely right to make the connection between Covid and flu. We regard the winter as presenting two pandemics, and we will treat them with equal energy. Flu and Covid have the same net effect on the healthcare system, which is to be a huge drain on resources. So we are putting a huge amount of effort into the vaccine and boosters for Covid and the vaccination against flu. They can be taken together, and the advertising and promotion distribution to identify priority groups will be extremely energetic. That is the most important thing we can do to protect the NHS. Our second priority, though, is getting the beds to which the noble Baroness referred used for elective surgery. We do not want to see the NHS heaving under the pressure of Covid and flu. We want to see it addressing the backlog.

Lord Winston (Lab) [V]: My Lords, to return to my noble friend Lady Thornton's first question, given the continued rise of the variant mutations and increasing infections, can the Minister report on a simple biological issue? What rapid mathematical calculations are in the Government's possession to assess and predict the increasing risk of further new variants evolving that may escape the current vaccines or are more virulent? If he is unable to answer this question now, perhaps he will be kind enough to write to me.

Lord Bethell (Con): My Lords, I cannot promise to have a simple algorithm to make the calculation that the noble Lord refers to. I will ask the system if such a thing exists, but I have never come across such a thing. The challenge he alludes to is entirely right: the vaccine

pressure on the virus will create the circumstances in which variants are possible. That is why we are investing heavily in sequencing, not only here in the UK where everyone positive is now sequenced thoroughly and studied, but also offering that around the world through NVAP—the new variant assessment platform—to try to understand what is going on in markets around the world. To date, we think that we have tracked down all the current routes that the virus is taking, and we are satisfied that they are met by the vaccine, but we keep our eyes peeled.

Lord Scriven (LD): My Lords, evidence shows that those in close contact with a positive case need to be traced with 48 hours to break the chain of transmission. Regardless, if close contacts have to self-isolate or self-test, how does stopping a mandatory requirement to register, either digitally or manually, on entering a venue such as a pub or restaurant help with the effective tracing of close contacts if no record exists of people in venues where positive cases are identified?

Lord Bethell (Con): My Lords, the registration of people going into events is an onerous responsibility for the hospitality industry and we have to make a proportionate assessment of what kinds of burden we are putting on the economy and society. With more than 60% of the population now having been double vaccinated for over two weeks and with the vaccination programme going along at 500,000 a day, it is the moment to start backing off on some of these obligations. That means dismantling some of the infrastructure of test and trace, which we seek to do in a proportionate and logical fashion.

Baroness Browning (Con) [V]: Given the prediction of increased infectivity, what internal guidance is being given post 19 July within the NHS? Will GP surgeries, A&E and outpatient departments revert to their former practices, or is the guidance that they should retain face masks, distancing and hand gel use?

Lord Bethell (Con): My Lords, on the three specific locations the noble Baroness asked about, I understand that those practices will remain in place, but I am happy to check that and write to her. As for going back to where we were before, I think some things will change for ever.

Baroness Bull (CB): My Lords, 120 scientists have written to the *Lancet* and today come together in an emergency summit to ask the Government to rethink their plans. The editor in chief warned against

“a plan driven more by libertarian ideology than prudent interpretation of the data”

and called for continued mask-wearing, distancing and increased vaccine coverage. A YouGov survey found that two-thirds of people want to continue with masks and an ALVA survey found that three-quarters of people did. So why have the Government decided to end this simple yet effective measure? It costs the economy nothing, but it would be life-changing for the clinically extremely vulnerable, who will be forced back into lockdown by this shift from a public health approach to so-called personal responsibility.

Lord Bethell (Con): I am always grateful for the challenge of medics in the *Lancet* and elsewhere. I would like to reassure them that this is not a question of libertarian ideology but a question of assessing the risks faced by the country. We have discussed masks several times in the Chamber. I would like to reassure the noble Baroness that masks simply are not a panacea; were the whole country to wear masks for the rest of their lives, we would still have pandemics because they offer only marginal protection.

A noble Lord: Nonsense!

Lord Bethell (Con): I am afraid we cannot have in place laws on the intimate practicalities of people's lives for the long term. We do not have a law on sneezing. I would not think of sneezing in the presence of noble Lords, but I do not accept that I should be given a fine for doing so.

Lord Campbell-Savours (Lab) [V]: My Lords, following calls from the BMA, the RCM and Cambridge University Hospitals, can we have an assurance that in every setting where health workers are caring for patients with suspected or confirmed coronavirus, the health worker will be wearing at least a close-fitting FFP3 mask, thereby maximising personal protection? Can we be assured that the wearing of regular masks in such conditions will not be permitted? Mask specification is critical in healthcare settings.

Lord Bethell (Con): My Lords, the noble Lord's expertise on mask specification is well known in the Chamber and I bow to his greater knowledge on this. Of course, healthcare workers, social care workers and anyone exposed to those known to be carrying coronavirus should have entirely appropriate and significant protection. I do not know the precise mask numbers, but I would be glad to write to the noble Lord to confirm the current guidelines.

Lord Oates (LD): Is the Minister aware that the comments he just made about the effectiveness of masks are not just nonsense but dangerous nonsense? Will he withdraw them?

Lord Bethell (Con): I do not accept that at all. The noble Lord does this debate no favours by using that kind of language. The argument I make is extremely reasonable. It is supported by the Chief Medical Officer and the other scientific advisers we have in government. I would like to ask the noble Lord to reflect on the manner of that question.

Lord Bilimoria (CB) [V]: My Lords, I was contacted by NHS Test and Trace and asked to self-isolate earlier this week. I am double jabbed, I have no symptoms, I have had Covid, I have been testing myself every day with lateral flow devices and I am negative every day. The CBI, of which I am president, is finding that many companies and businesses are complaining of losing employees. The NHS itself is complaining of losing staff because of self-isolation. Surely, we have to move as quickly as possible to a test and release system so that people can get on with work. Will the Minister confirm that lateral flow devices

[LORD BILIMORIA]

will continue to be made available free to businesses and citizens? If not, it will be penny wise and pound foolish.

Lord Bethell (Con): My Lords, I am sympathetic to the noble Lord's frustrations, but he is illustrating the delicacy of the inflection point we are currently at. Only 60% of people are in his fortunate position of having had two jabs for over two weeks. That is a huge reservoir of tens of millions of people who are unvaccinated. There is also a very large number of people—3.5 million in total—on the shielding list who have some kind of vulnerability. The noble Lord could be carrying the disease even though he has been double vaccinated. Of course I aspire to the destination the noble Lord described, but we cannot rush it. We are taking it in a proportionate and logical fashion, and we are absolutely keeping our eye on the kinds of down side risks the noble Baroness, Lady Thornton, described.

Lord Balfe (Con): My Lords, I welcome the fact we are losing our obsession with Covid and learning to live with it. Earlier this week the Minister mentioned the NHS winter plan and said that it would be published. When will it be published and will there be an arrangement for it to be debated and regularly reviewed so that we can see how we catch up with the huge backlog of health conditions that need dealing with?

Lord Bethell (Con): I am grateful for my noble friend's kind comments. On the NHS winter plan, he is right that I implied that it would be published. I have looked into this and my understanding now is that it is not a document due to be published imminently, as a winter plan was published in the autumn of last year. There are plans in place and I am working hard to try to provide my noble friend with whatever information I can.

Baroness Donaghy (Lab): I asked the noble Lord on Tuesday what assessment the Government have made of Covid deaths and long Covid rates after the proposed 19 July changes. He did not answer. Will he do so now?

What incentive is there to uphold the test and trace system when a common interest between employer and employee is keeping their workplace open, particularly if sick pay is poor and self-isolation an unaffordable choice? If, as the noble Lord says, we do not know how many people use the app, how will we know if its use is dropping like a stone? What evidence will we have that it is becoming less effective?

Lord Bethell (Con): My Lords, I did not quite say that I did not know how many people use the app; I said that we do not know who is using it. We keep an eye on it and, to date, its use has not dropped, but we are naturally concerned that trust in the app will deteriorate and that is why we are looking carefully at the advice that comes out of being pinged. Some 19 million people have the app. It is an enormously valuable resource, and one that we believe has made a big impact.

Predicting long Covid and infections is extremely difficult because we do not know what the infection rate is going to be. We are in a race against the virus.

I hope that very soon the impact of the vaccine will bring R below one and the disease will start going down instead of up. But I cannot tell the noble Baroness, exactly when that date will be.

Lord Robathan (Con): My Lords, last month the Minister made some highly critical comments about my having had the temerity to question the wisdom of government restrictions. Yet we now know that the last Secretary of State did not believe in their value either. Given the small risk to children and teachers from the virus, can my noble friend explain what the value has been—backed by evidence—of severely disrupting the education of hundreds of thousands of children by enforced isolation? Or should we be similarly sceptical about that policy?

Lord Bethell (Con): My Lords, I know that my noble friend is sceptical of almost everything to do with the Government, and I am not quite sure how to address that question—but I will take it seriously. The bottom line is that children are a vector of infection, and, during the tough days before the vaccine, they were the ones who spread the disease around, accounting for a very large proportion of the numbers. As a father of four, I can tell you that it was extremely frustrating to have our children sent home, but, none the less, it was an important and impactful aspect of our fight against Covid.

The Earl of Clancarty (CB): My Lords, at the press conference on Monday, the Prime Minister drew a distinction between crowded Tube trains and relatively empty carriages on trains, where he might choose not to wear a mask. The Health Secretary made exactly the same point on Tuesday's "Today" programme. However, the Minister will be aware of the research showing that aerosols can hang in the air for many hours in enclosed spaces—which train carriages are. Despite what the Minister has just said about face masks, will that important factor be taken into account when a final decision is made about mask wearing on trains and other public transport?

Lord Bethell (Con): The noble Lord will remember that, when we spoke about masks the day before yesterday, I re-emphasised my personal commitment to wearing masks. In no way do I want to leave noble Lords with the impression that I do not think that masks can play a role—I just do not think that we should be guilty of displacement and assume that masks will somehow solve all of our problems. The thing that will solve all our problems is the vaccine, and, when a larger proportion of the country is vaccinated, that will make an impact. But the noble Lord is entirely right: aerosols do hang in the air for a long time. You can breathe and cough into the air now, and someone can walk into that cloud minutes or even an hour later and catch the disease, as happened in the famous incident in Australia. We are very conscious of the point that the noble Lord makes, but a proportionate strategy on masks is reasonable.

Lord Hain (Lab) [V]: My Lords, I accept of course that the choices for Ministers such as the noble Lord are very difficult, but, with just half the population

fully vaccinated, experts say that the 100,000 daily Covid cases predicted by the Secretary of State after he lifts restrictions could mean around 200 deaths daily. Is that an acceptable price to pay for living with the virus, when Professor Anthony Costello predicts a rampant third wave?

Lord Bethell (Con): My Lords, the Secretary of State did not predict 100,000; he accepted that it was a possibility. I do not accept that we should welcome any deaths in any way. Our hope is that, in the race against the disease, the vaccine will win, R will be brought to below one, the spread of the disease in the UK will be brought under control and any third wave—there will be one of some kind—will be focused on the unvaccinated young, whom the disease largely passes straight through. That is what we are planning on, but we accept that there are risks; that is why we look at the situation daily, and we will change our policies if necessary.

Baroness Uddin (Non-Afl): My Lords, I thank the noble Lord for the Statement. Given the warnings of millions of infections and millions suffering from the serious impact of long Covid, are we not opening up too soon without planning, as was well stated by my noble friend Lady Donaghy? Worryingly, we apparently do not have data on the numbers of infections and those with long Covid among those who have been fully vaccinated, as I have—why? Like others, my grandchildren are among the millions of children affected by many school absences, with many finding the regular testing extremely difficult. Is the Minister aware of Abu Dhabi's Biogenix Labs' non-invasive saliva testing, which is being used widely and effectively? Are the Government considering a rollout among our own school population? Finally, I add my voice to calls for the Government to publish an equality impact assessment, specifically with the differential effect on diverse and vulnerable communities.

Lord Bethell (Con): I completely accept the question on whether we are moving too soon; it is a perfectly reasonable question. The counter suggestion is this. Say we waited until 85% of the population is double vaccinated, which would be in, say, October—would that necessarily be a better time to do this, when the NHS is at its most stretched and the winter conditions and cold encourage the spread of the virus? We have looked at it really carefully and, on the balance of risk, today is the right day to make these decisions.

On saliva testing, I pay tribute to those who are working here in the UK on the LAMP system, which we have prioritised with a huge amount of investment, particularly for those from special needs schools who find swab testing uncomfortable or really do not like to do it. We hope to report back but I am afraid to say that saliva testing has so far proved to be quite a difficult challenge, and it has not met all the tests that we would have liked it to have done.

Lord Cormack (Con): My Lords, declaring an interest, I ask my noble friend to guarantee that all octogenarians will have a booster jab in the autumn? I apologise for returning to this, but can he guarantee, on the Floor of this House today, that all care workers in care homes will be obliged to be vaccinated no later than September?

Lord Bethell (Con): My Lords, we have a prioritisation list for the booster and the third jab. It is my understanding that octogenarians are in category 1, but I am happy to write to my noble friend to confirm that point, in case I have got that wrong. I share my noble friend's aspiration on care home workers. We are in a consultation; I cannot make the guarantee that he asks for because it is an honest consultation. We have to take people with us: this is not something that we can impose on people against their will. When the consultation has passed, I am hopeful that we will be able to take the steps that he describes.

Lord Rooker (Lab) [V]: I congratulate the Minister on his track record of appearances in the House. I will raise two brief subjects with him, both of which have been raised today, neither of which he has addressed. First, are there plans to charge for the lateral flow test? It is now being delivered to people less than 24 hours after they request it, and requests will certainly go down if there is a charge. A clear answer on that would be useful. The second issue is shielding. When the Prime Minister makes a Statement on Monday, in advance of 19 July, it is crucial that something is said about people who were shielding before; they must not be left in limbo and ignored. They could at least be given a warning that they will be given, say, a week or 10 or 14 days before they need to shield, which would remove part of the worry from the large changes due to take place on 19 July. I ask the Minister to respond on lateral flow test charging and shielding, please.

Lord Bethell (Con): My Lords, on lateral flow tests, I said that I did not recognise the press reports that the noble Baroness mentioned, and I still do not. On shielding, I completely agree with noble Lord. Some 1.5 million patients are identified as CEV-equivalent through the new QCovid model, and they have been added to the shielding patient list, with 820,000 who had not previously been invited as part of the JCVI cohorts 1 to 4 given priority access to vaccines. Overall, 3.8 million—I think I said 3.5 million earlier—individuals are on the shielded patient list, and we continue to maintain that through the NHS. We will look at the QCovid model and see if we can apply mix-and-match vaccines, booster shots and third shots to that model, and if we can bring together a new risk assessment for those who are vulnerable. That list could therefore be applied to any future shielding or protection that may be needed.

Lord Mackenzie of Framwellgate (Non-Afl) [V]: My Lords, I ask the noble Lord the Minister, in his usual courteous and helpful manner at the Dispatch Box, to provide answers to points raised yesterday with the Prime Minister in another place. In his usual way, the Prime Minister answered by asking yet another question, which of course earned another rebuke from the Speaker. If infections are allowed to rise, perhaps to 100,000 per day, how much are hospital admissions likely to increase and how many deaths may result? Why are the changes regarding isolation not taking effect until 16 August, with all the disruption to businesses in the interim?

Lord Bethell (Con): The bottom line is that we believe that any rise in the infection rate will not have an impact on hospitalisation in a way that will disrupt

[LORD BETHELL]

the NHS. This is something that we have worked on with NHS colleagues, the clinical directors, the CMO's office and the JBC, and we have taken into account a large variety of advice, including from SAGE. At the end of the day, it is our belief that, despite the rise of a third wave, hospitalisation rates will be manageable.

Baroness Bennett of Manor Castle (GP) [V]: My Lords, following on from the question from the noble Lord, Lord Rooker, about the 3.8 million patients on the shielding list, will there be special provision for them to have antibody testing? Many of them may have had the vaccine but will not be sure whether it has been effective. Will there also be practical support for them? For example, if they do not feel that it is safe to go out, will there be help with shopping, special arrangements for medical appointments and other practical help?

Lord Bethell (Con): We have committed to issuing guidelines for the vulnerable and immunosuppressed before 19 July. I cannot share with the noble Baroness at this stage exactly what those guidelines will say, but her points are very well made. We have not made a decision on antibody testing yet, but she raises an important point. We have a number of therapeutics and antivirals that may provide either prophylactic protection or support in the case of infection. Knowing whether somebody has antibodies before they go into the winter is one of the things that should really help to provide reassurance as well as important clinical data on how treatment might pan out. We are looking at the use of antibody tests for that reason.

Baroness Ritchie of Downpatrick (Non-Aff) [V]: My Lords, the Statement says that there are currently no plans to vaccinate the under-18s. Can the Minister indicate what the possible timeframe could be for reversing that decision and vaccinating that cohort, taking on board that around 0.5% of pregnancies are to girls aged under 18? Will he further elaborate on the fact that the Prime Minister indicated that there will be deaths—quite a large number—when we open up? What level of deaths do the Government consider acceptable?

Lord Bethell (Con): My Lords, the vaccination of children is something that we are looking at; it is with the JCVI at the moment, I understand. I do not have the precise timetable at my fingers. What I will say is that we of course need to vaccinate as many adults as we can and will therefore move to children after that, because they are the ones who least need that protection. My nephew has been vaccinated in another country; I have spoken to him about it and it is very touching to hear him describe how he now feels that he can visit relatives who might be vulnerable or have co-morbidities. He sees it as a contribution to the national well-being. That is exactly the spirit in which we go into this but, as I say, it is up to the clinicians to make their pronouncement. We wait to hear from them before we can make a decision.

The Deputy Speaker (Lord Faulkner of Worcester) (Lab): My Lords, all supplementary questions have been asked.

UK-Commonwealth Trading Relationship *Motion to Take Note*

1.54 pm

Moved by **Lord Howell of Guildford**

That this House takes note of the progress made in renewing the United Kingdom's trading relationship with Commonwealth countries.

Lord Howell of Guildford (Con): My Lords, I declare my interests, past and present, on Commonwealth matters as in the register: I am a former Minister for the Commonwealth and former president of the Royal Commonwealth Society.

I am very grateful for the opportunity to discuss Commonwealth developments with your Lordships. Now that we are told that the Commonwealth has moved to the centre of UK trade plans, it is clearly obvious that we should focus hard on these issues. I also welcome the noble Baroness, Lady Chapman, to the Opposition Front Bench, as I understand it is her first appearance in this role. It will not be a joy-ride of course, but she will certainly find it different from her very high-profile roles in the other place and her prominent position in her party. We wish her well.

It is impossible to comprehend the Commonwealth today, or its future direction and prospects, without understanding how it has evolved and is still evolving as a result of the worldwide communications revolution and its fundamental impact on all global networks, of which the Commonwealth happens to be the largest. Whether we are looking at public or private network systems or those that operate between the two spheres, the incredible potency of instant and continuous communication and exchange has changed the way that nations relate on all issues, the way that groups and interests relate and, indeed, the way that people relate.

The plain and obvious fact of existence now is that technology has enormously empowered network structures of all kinds as against traditional hierarchies of governance, with their inevitable centralising traits. The tendency of Commonwealth critics today—of whom there are a few, including not a few academics who dismiss the Commonwealth—springs from what these learned folk think they see through the lens of officialdom and government, as well as the lens of the past. To take a recent example, the modern Commonwealth was recently called

“an irrelevant institution afflicted by imperialist amnesia”,

by someone who, frankly, should have known much better.

However, in the age of networking and digital connectivity, the binding ties of a voluntary, non-treaty, global organisation such as the Commonwealth are sealed as much by enterprise and trade, civil society concerns and common everyday life and work interests as through government channels—indeed, even more so. This is of course what gives the Commonwealth today its vibrancy and brings it alive as never before. The Library briefing for this debate is a bit wrong in this respect when it says that three intergovernmental

organisations are at the core of the Commonwealth association. It is not so; in fact, it is the nexus of non-governmental organisations, professions, business interests, education at all levels, science, law and hundreds of informal links, not to mention sports connections and the enormous and expanding range of arts and cultural links of every kind, that are increasingly at the core of the Commonwealth. They are all areas where, nowadays, soft power is at its most telling and effective.

Networks never sleep. The future pattern of international relations will be—and is already—far more through interest groups, professions, twinning of cities and dialogue between them, business conferences and initiatives, universities, research and discovery, shared technology and innovation, and a thousand other connections than through any formal governmental or official channels or agreements. It is precisely this quality which makes the Commonwealth, in Her Majesty the Queen's own words,

“in many ways the face of the future”,

and why some more far-seeing commentators cite it as a model for international co-operation on issues large and small in the world we are moving into. This is a pattern of fluidity and resilience that no old-style hierarchies or alliances, burdened with their heavy furniture of top tables, pecking orders and costly central secretariats, can ever match.

The detailed, unfolding Commonwealth trade and investment prospect will, I am sure, be explained later in this debate by my noble friend Lord Marland, who chairs so ably the Commonwealth Enterprise and Investment Council and deals with some of the world's largest and fastest-growing consumer markets, especially in Asia, which the Commonwealth now embraces.

I should say a word to your Lordships about the Brexit effect on Commonwealth economies, about which there were initially some fears. Most, if not all of these, were addressed fairly thoroughly in the EU–UK Trade and Cooperation Agreement and most countries that have partnership agreements with the EU have been covered by free trade agreements with the United Kingdom—or at least bridged by the generalised scheme of preferences.

Meanwhile, the immensely effective work of the noble Lord, Lord Grimstone—we call him our own—and the International Trade Secretary, Liz Truss, is opening up deals and opportunities with Australia, Canada, Singapore, Malaysia, South Africa, Ghana and a dozen other countries, and we hope, in due course, with the giant of all, India, although frankly that will not be easy. There is also the African Continental Free Trade Area, which will create the largest single free trade area in the world and is heavily Commonwealth-weighted. Then there is our application to join the rather clumsily named Comprehensive and Progressive Agreement for Trans-Pacific Partnership. Half its membership just happens to be from Commonwealth countries and it opens access to massive new markets for us, including the world's biggest markets—as long as we meet the common rules and standard required, of course. We also have to remember that there is a leading Commonwealth figure—the wonderful Ngozi Okonjo-Iweala—at the helm of the World Trade Organization, so we are very well placed in this system.

The Zoom experience, which has mushroomed in the past year of the pandemic tragedy, has greatly increased the value of the key characteristics of the Commonwealth system and opened doors to multiple new initiatives. The new technology now swiftly gathers into one “room” hundreds of participants from across the planet where a mere handful could be assembled before. Of course, the cost of travel and accommodation in coming together are no longer the constraint that they were. This means that bodies such as the Commonwealth of Learning, based in Vancouver—already one of the largest distance-learning organisations in the world—can have continuous meetings and contacts with new levels of frequency. It means that, through bodies such as the Association of Commonwealth Universities, scholarly exchange, tutorship, and discussion on trade can be lifted from the cold text to friendly conversation in an instant. It means that business conferences and seminars can be organised on a global scale with new speed and ease. It means that intimate co-operation on areas far outside trade and culture—such as energy, properly tailored climate assistance, security, defence and intelligence—can be, and is being, built up like never before.

With the English language as the protocol of the planet, and with the soft power of influence and persuasion being the prime currency of international exchange, these new worldwide conditions fit the open hand of the Commonwealth system like the proverbial glove, frankly. I think it is the professors and the regular Commonwealth decriers, as well as some of our dismissive foreign policy and trade gurus, who are the real amnesia sufferers. They stare into the past and forget to study how the world has radically changed, how the Commonwealth has grown and changed totally since its 1949 inception, and how new forces of cohesion and co-operation are now at work within the world wide web that embraces us all.

I should add that, while we are rightly talking about trade, business growth, prosperity and poverty escape, we must remember that trade depends absolutely on peace and security. Here, too, the Commonwealth's significance is growing, both in conventional forms through joint naval co-operation and in the new defence and security areas of cyber defence, intelligence, unmanned weaponry, aerial and marine, artificial intelligence and, of course, co-operation on terrorism prevention in all forms.

An effective and common front in containing China in Asia is going to depend on Commonwealth-dominated organisations such as Five Eyes, which need to be kept in tip-top condition, and on close defence co-operation at all levels with Commonwealth members. The new move to counter China's belt and road initiative as it advances across the world is by the so-called Blue Dot Network initiative, combining public and private investment projects. That also depends heavily on commitment from Commonwealth countries and on Japan, a nation that has always taken a shrewd and close interest in the networking potential of Commonwealth—rather more than interest than has sometimes been shown right here in the UK.

World markets are changing fast, both geographically and in their nature, as services and technology transform trade flows. Distance matters less and less. All the

[LORD HOWELL OF GUILDFORD]

modelling now suggests substantial scope for increased intra-Commonwealth trade. For one thing, we can obviously offer in this country a trade regime that is less heavy than the European Union pattern, although we need to keep close, good and sensible relations with the EU. Straightaway, we can be less protectionist where some industries and interests, which the EU strongly protects, are ones that we simply do not have and do not need to protect. Someone pointed out the other day that we do not need to check every lemon that comes into the United Kingdom because we do not grow lemons, as far as I know. That is just one small example of a different approach we can take.

My overall conclusion is the same as the one that the noble Lord, Lord Purvis, reached three years ago in the excellent inquiry by the All-Party Group on Trade Out of Poverty, which he chaired; I think we shall hear from him towards the end of this debate. We need a new mandate from Commonwealth leaders for trade and investment developments of all kinds, and that mandate is needed not to pave the way but to catch up with the amazing developments occurring at great speed. They open our own access to the expansion of vast new consumer markets where all the growth is going to be in the next 20 years, and address the needs of small and vulnerable states as well.

How good it would be to see this as a major legacy from the United Kingdom. We are just completing three years in office at the Commonwealth. It is all coming to an end. If we could bequeath this legacy and define it, how much this would also help to define our own national role and purpose at a time when old avenues have closed and a new era has begun. I beg to move.

2.07 pm

Baroness Chapman of Darlington (Lab): My Lords, it is a pleasure to take part in this debate. I am grateful to the noble Lord for his welcoming me to the Front Bench; it is most gracious of him and is appreciated. His passion for the Commonwealth can be felt on this side of the Chamber and is to be respected and applauded.

This debate is an excellent opportunity to consider the complex challenges and multiple opportunities that we now face as a country in forming our own independent trading policy in the post-Brexit era. We have the chance to apply our own priorities and strike our own trade deals with our Commonwealth cousins. We therefore have a responsibility to make sure that those priorities reflect our values. Closer trade allows us to strengthen our modern relationships with those nations to which we are tied by history, common traditions and the shared sacrifice of two world wars.

Of course, when we contemplate preferential trade deals with our Commonwealth cousins, the exact same questions arise that we must answer for every other potential trade partner around the world. Labour will never agree a trade deal that is not in the interests of British industries' workers or our NHS, but we have to ask ourselves some important questions. For instance, are we willing to give trade deals to countries that attack the human rights of their people, allow the exploitation of their workers and deny their citizens essential democratic and personal freedoms? Are we

willing to give trade deals to countries whose export trade actively relies on deforestation and other practices that make it harder for us to achieve our own global climate goals? Are we willing to give trade deals to countries that allow farming practices that are illegal in the UK and whose agricultural corporations will therefore be able to undercut our domestic producers? The Government have yet to make clear where they stand in response to all these important questions.

I would like to use this opportunity to address the most urgent issue facing our Commonwealth of nations, one in which the rules and systems of trade play a vital part: the global production and distribution of Covid vaccine. As of 30 June, eight of the 54 Commonwealth countries had vaccinated more than half of their population with at least one dose, but at the other end of that list, 26 Commonwealth countries have vaccination rates below 7%. Of those 26 countries, 15 have full trade agreements in place with the UK, so it is not tariff barriers that are stopping those countries vaccinating their people—it is a lack of healthcare systems, money and, most fundamental of all, vaccines.

As noble Lords will know, the Labour Party has set out a comprehensive plan to address the global shortage in vaccine supplies, which must start with an agreement on the sharing of vaccine patents. But we also need a global plan to build, equip and supply production facilities in key locations all over the world, and a bespoke international trade treaty to manage the supply of raw materials and medical equipment to ensure the safe, efficient and equitable distribution of vaccine and to prevent the practice of hoarding and vaccine nationalism. We need that as a matter of urgency, before more mass outbreaks occur in the poorest countries and before new variants emerge to threaten the effectiveness of the vaccine we have.

Baroness Scott of Bybrook (Con): I remind the noble Baroness that the speaking limit is three minutes.

Baroness Chapman of Darlington (Lab): I will soon conclude.

We all share the objectives of deeper trade with the Commonwealth, but none of those objectives can be achieved while the majority of our fellow Commonwealth countries remain in the grip of this pandemic and while half of them have barely begun their vaccine programme.

The Deputy Speaker (Lord Faulkner of Worcester) (Lab): The noble Lord, Lord Wallace of Saltaire, has withdrawn from the debate, so I call the noble Viscount, Lord Waverley.

2.12 pm

Viscount Waverley (CB): My Lords, “Networks never sleep”—those are pragmatic words from the noble Lord, Lord Howell, and they are particularly applicable to the Commonwealth. However, for self-serving reasons, the UK nevertheless turned its back on the Commonwealth in favour of the EU experiment. The consequences of that were drilled into me this week by a Commonwealth trading partner, who said this: “The Commonwealth is not now the defining organisation for many countries, as many have opted in the meanwhile to strengthen linkages with geopolitical

proximity". However, intra-Commonwealth trade is a key aspiration, particularly east-west. Nevertheless, this is a cautionary tale, which, when combined with the pending quandary by way of a referendum in Barbados, indicates that we must not take the Commonwealth for granted and must never forget the tribute, gratitude and legacy of Her Majesty.

Trade agreements with Commonwealth members, including Singapore, India, Australia, New Zealand and Commonwealth CPTPP members, provide opportunities for us to strengthen Commonwealth trade and assist in meeting targets to double intra-Commonwealth trade to \$2 trillion by 2030. However, some suggest that the Government's current approach is fragmented across departments and unclear about how Commonwealth trade priorities fit into DIT's priorities. There is no mention, for example, of the \$2 trillion goal in DIT messaging, or that Commonwealth FTAs should be underpinning that target and so enabling us to achieve that goal.

Four fundamental goals are being presented to Ministers at CHOGM, via the B2B cluster of the business policy forum for the Commonwealth Connectivity Agenda, that could assist in this regard. Three are centred around digitalisation, given that the costs of trade transactions can be halved by reducing the reliance on paper-based systems and the need to redouble our efforts to digitise cross-border customs arrangements on trading goods. A focus on Covid eradication Commonwealth-wide is the fourth. Tackling Covid is the foundation stone to recovery for all; of course, the noble Baroness, Lady Chapman, was spot on in that regard.

With all this in mind, as co-chair of the APPG for Trade and Export Promotion, and recognising the importance that parliamentarians in Westminster and around the Commonwealth be kept abreast, I have requested International Economics Ltd of Mauritius, an advisory operation to Governments on trade agreements, to create a trade insight dashboard on the UK's trading arrangements since Brexit. UK trade agreements with the Commonwealth—as with all FTAs globally, wherever they be—will be analysed pre and post Brexit, with insights on the trade flows and sector and product-level market access conditions for Commonwealth firms on the UK market and UK firms in Commonwealth markets. Additionally, there will be analysis on the number of agreements, trade flows and tariff preferences under each and every agreement that will offer interactive summary analytics, serving as a comparator with pre and post-Brexit trade with the European Union.

2.15 pm

Lord Risby (Con): My Lords, I warmly applaud my noble friend Lord Howell for initiating this debate and for so constantly bringing our attention to the Commonwealth over many years. I think it would not be unreasonable to say that much of the energy and focus of our Foreign and Commonwealth Office in the past perhaps arose out of our membership of the European Union. While we of course want to have excellent relationships with our European neighbours, the long-standing and prescient call by my noble friend to embrace the Commonwealth clearly needs to be answered now, without hesitation. I also applaud the work of my noble friend Lord Marland, who chairs

the Commonwealth Enterprise and Investment Council, the mandate of which is to promote trade and investment across the Commonwealth.

We should capitalise on the Commonwealth advantage. It is a gateway to trading with nations with whom we share legislative practices based on the rule of law, with whom we overwhelmingly share common ideals and values through the commercial charter, and which is strengthened by commercial links and the Commonwealth legal framework.

Each morning, I look at newspapers from across the channel. There is considerable debate, not always harmonious, about links between Francophone countries. Quite simply, our Commonwealth structure has no remote equal and is widely admired.

In the extensive list of countries with whom we have signed trade deals, digital connectivity and stimulating digital trade is at the heart of a number of these agreements. Thus, the Commonwealth is an area for this country to develop and share targeted digital commercial activity.

Young people abroad remain very attracted by our technological and cultural offer and our forms of soft power, often through the English language. I greatly welcome the changed visa regime, with students from the Commonwealth now able to study and work here much more freely.

There is one structural component of the Commonwealth architecture which begs for modernisation. I happen to be the Prime Minister's trade envoy to Algeria—the biggest country in Africa and, for over 50 years, a reliable supplier to us of liquified natural gas. As I have heard from their president's lips, they would like to have associate or formal observer status with the Commonwealth. But there is no such status: it is either full membership or nothing. Does my noble friend agree with more flexible linkages to the organisation, which would undoubtedly enhance the Commonwealth's reach and credibility? If he does, will he strongly take the message to our Government to work assiduously to achieve this? After all, our Prime Minister is currently chair-in-office. Surely the time to put real focus and energy into the Commonwealth has now arisen.

2.18 pm

The Lord Bishop of St Albans [V]: My Lords, I welcome Her Majesty's Government's intent to strengthen ties with the Commonwealth as we transition to our new reality outside the European Union. When we entered the European Common Market, we severed many tight economic ties with some of our Commonwealth partners. It is because of that that I am particularly pleased at the announcement of the economic partnership agreement with CARIFORUM, which covers many countries with whom we continue to share a head of state.

My diocese is linked with the Windward Islands, and we are glad to have a large community of Vincentians living in Luton. They have told me of the extraordinary economic disruption that occurred to them when we joined the EEC. Although many of these Commonwealth realm territories contained within the CARIFORUM agreement are small in GDP terms, there is a symbolic importance to this agreement, and I hope it will be a platform to further invest and engage culturally with these territories to strengthen our existing ties.

[THE LORD BISHOP OF ST ALBANS]

While any future agreements with Commonwealth countries have the potential to create prosperity, it is vital that this prosperity is truly mutual, delivers material improvements to the ordinary citizens of those countries and does not constitute the sort of extractive relations of the past. However, as we know, the Commonwealth is primarily an organisation that affirms our commitment to shared values—democracy, human rights and freedom of religion, to name a few—and it is important that future economic agreements promote these values. We cannot presume that free trade and market liberalisation alone will naturally deliver liberal and tolerant societies, and I hope that our continued engagement with the Commonwealth does not devolve into a quid pro quo economic relationship stemming from our need to sign trade agreements. We should not shy away from the fact that some Commonwealth members do not have the sort of record on our shared values that one might expect or hope. As part of the Government's vision of global Britain, I hope that we will explore seriously the ways we can embed positive social consequences into trade deals and truly be that force for good in the world that the Foreign Secretary has spoken of so powerfully in the past.

2.21 pm

Lord Triesman (Lab) [V]: My Lords, I too declare my interest as a former Commonwealth Minister, and I thank the noble Lord, Lord Howell, for initiating this debate. It is also a pleasure to follow the right reverend Prelate the Bishop of St Albans.

I start by wishing all of us well, here and in the Commonwealth, in our trade relationships. I do not think you could create the Commonwealth today; it is a unique organisation, and it has deepened its relationships with all its members in so many ways. I also want to say that the noble Lord, Lord Grimstone, is a very fine ambassador for trade.

But our optimism about it needs to be tempered by some realism, particularly as we want to see global developments in trade. The noble Viscount, Lord Waverley, used the term “geopolitical proximity”, and that is always a genuine issue. I just want to make the point that distances cannot be dismissed lightly. According to the Library briefing, the average distance by air from London of our top 10 trading nations in the Commonwealth is 9,601 kilometres. The average for the top 10 of our former EU partners is 1,020 kilometres—and that is by road, which means that the delivery of goods is significant. We are looking at 9.4 times the distances we have traditionally looked at. That is significant because our trade is largely in goods, not so much in services. We use shipping. We have seen that even one ship in the Suez Canal can create considerable difficulties. Most shipping is using bunker fuel and emitting huge amounts of sulphur into the atmosphere. These are all important factors we need to overcome.

The interconnectivity the noble Lord, Lord Howell, refers to is of course absolutely real, but it is universal. The interconnectivity is not just with the Commonwealth but with all other countries, none of which sleep in the world of this interconnectivity. But even interconnectivity is not unproblematic. It is a huge source of business, of course, but we know now that it is an even greater source of fraud—not insurmountable, but a real factor.

I just want to finish on the Covid point, which has been made so well by my noble friend Lady Chapman. It is a really serious matter. Forty-four million people in the Commonwealth have been infected—130,000 more each day. There have been 700,000 deaths, growing by 1% per day. Vaccines so far have got to about 1% of the population of Africa, and that really does mean that the people are suffering in all the ways we know about medically but also in their ability to construct and reconstruct and build their economies. If we have a serious approach to this, we will deal with it.

Finally, but not as an afterthought, I applaud what the noble Lord, Lord Risby, just said. When I was Minister for the Commonwealth, I also thought associate membership would be very important and that Algeria would be a prime candidate.

2.24 pm

Lord Hussain (LD): My Lords, I am one of those most enthusiastic supporters of improving our trade links with countries of the British Commonwealth, particularly in the post-Brexit era. However, the compass of our trade initiatives should be set to advance the public's benefit and to ensure that our trading partners respect the rights of all people and honour all commitments made with Britain and the international community. The Declaration of Commonwealth Principles agreed in Singapore in 1971 supports

“the liberty of the individual ... equal rights for all citizens ... and ... their inalienable right to participate by means of free and democratic political processes.”

The declaration endorses fostering “human dignity and equality” and “the principles of self-determination.” India being the largest country in the Commonwealth, it makes sense to make our trade relations stronger with it. But when I match these values and principles with the conditions and treatment of Christians, Dalits, Muslims and Sikhs in India, I feel as though Britain is simply turning a blind eye to some of these terrible records of human rights abuses. The situation in Indian-administered Jammu and Kashmir is even more appalling, where, according to many international human rights organisations, including the UN Commission on Human Rights, the Indian army is involved in illegal detentions, torture, rape, fake encounters and extrajudicial killing. The UN has repeatedly asked for free access to investigate these reports of human rights abuses, but India continues to ignore them.

The Indian actions in Kashmir are clearly against the Commonwealth values and principles, the UN charter and the Geneva convention. In light of this, on behalf of over 1 million British Kashmiris, I ask the Minister: will our trade with India be linked with human rights? If India continues to violate the Commonwealth values and principles, what action will the British Government be prepared to take? Furthermore, what actions are the British Government taking to get India to give the United Nations the access it requires and to co-operate with the investigation of human rights abuses in Kashmir?

2.27 pm

Baroness Hooper (Con): My Lords, I join all those who have thanked and congratulated my noble friend Lord Howell for giving us the opportunity to debate this important topic. Since the first hint of Brexit, my

noble friend has been consistent in advocating the opportunities and advantages we have in building on our special relationship with our Commonwealth cousins. I agree with everything he said, especially on the importance of educational links. It is certainly hardly surprising that the first non-rollover FTA we have entered into has been completed with Australia.

As many of your Lordships will know, I have a long-standing interest and involvement in Latin America as a region, and now my voluntary duties as a trade envoy also lie there. But Guyana in South America and Belize in central America are both Commonwealth members, and I hope and trust they will not be overlooked in any new trade deal. I should perhaps say, in this context, that my honourable friend Darren Henry, who is the trade envoy to the English-speaking Caribbean, also includes Guyana in his sphere of influence and is certainly working on this. We have already heard from my noble friend Lord Risby, and his observations from his long experience as a trade envoy were very interesting.

In my few minutes, I will raise a few issues and to ask the Minister for some points of clarification. The role of the British group of the CPA, the Commonwealth Parliamentary Association, cannot be overestimated, especially in terms of the important work it does. As a former member of the executive council, I am well aware of the work it does in relation to the values and principles set out in the Commonwealth charter. As the excellent Library briefing puts it:

“These range from respect for democracy, human rights and the rule of law, through to promoting good governance, pursuing sustainable development and acknowledging the role civil society can play in communities”—

all very important values to be acknowledged in future trade deals.

On a second point, if we intend to move the centre of our trade efforts to the Commonwealth, what will be the role of the Commonwealth Secretariat based here in London? Will it be part of any consultation process? Will it or could it have a monitoring or regulatory role? Can my noble friend the Minister enlighten us on that?

Finally, perhaps I may be reassured that the overseas territories will not be forgotten and will be included as much as possible in any trade deals and dialogue on trade opportunities. I look forward to the rest of the debate.

2.30 pm

Baroness Prashar (CB) [V]: My Lords, I thank the noble Lord, Lord Howell, for introducing this debate. I agree with him about the relevance of the modern Commonwealth, its potential and the importance of its non-governmental networks.

The benefits of trading with and within the Commonwealth are well documented, but this so-called Commonwealth advantage can be further harnessed by new technologies, especially digitisation. In recent years we have seen an increase in deliverable digital exports in services in upper and middle-income Commonwealth countries, but they have decreased in small and low-income Commonwealth states. The digital divide, digital penetration and skills in information management are real issues that need to be addressed in the Commonwealth if we are to realise the ambition of reaching the \$2 trillion target by 2030, as agreed at

CHOGM in 2018. Can the Minister tell the House what action the UK is taking to address this digital divide? Furthermore, what specific steps have been taken by the UK to improve the regulatory environment and supply chains?

In October 2019, the International Trade Secretary, Liz Truss, when addressing the meeting of Commonwealth Trade Ministers said that the Commonwealth was one of the UK’s largest trading partners, worth over £100 billion in March 2019. Although the value of UK exports to the Commonwealth increased by 4% between 2018 and 2019, and the value of imports grew by 15%, the UK’s trade is with a very small number of Commonwealth countries, including Australia, Canada and New Zealand. The integrated review talked about seeking bespoke trade agreements with those countries, as well as India, and the UK has signed continuity agreements with South Africa, Mozambique and others mentioned by the noble Lord, Lord Howell. That progress is commendable, but does the Minister agree that the UK has a responsibility to the whole of the Commonwealth, particularly low-income states, and needs to ensure that disparities in areas such as digital penetration within the Commonwealth are mitigated? Again, in 2019, the International Trade Secretary stated that,

“the 53 member states of the Commonwealth have the unique ability to be able to lead the defence of free trade...showing the world a route to prosperity”.

Should we, therefore, not be working with the Commonwealth as a whole?

2.33 pm

Baroness Liddell of Coatdyke (Lab) [V]: I too congratulate the noble Lord, Lord Howell, on securing this debate. We do not talk about the Commonwealth enough. It is often an afterthought and now that we are looking for trading partners, it is up there in our priorities.

The noble Lord mentioned leading Commonwealth figures, but did not mention one of our own number, the Secretary-General of the Commonwealth, my noble and learned friend Lady Scotland of Asthal. I refer to the point made by the noble Baroness, Lady Hooper, who said that there is a real opportunity there for us as a Parliament as well as a Government to enter into much more of a dialogue on what is happening to the entire Commonwealth. We need much more to take into account the entire Commonwealth, where we often have a trade surplus.

In 2019, 69% of our trade with the Commonwealth was with India, Canada, Australia, Singapore and South Africa. The remaining 44 countries accounted for the remaining 31%. My noble friend Lady Chapman, in her excellent introduction to the debate from the Opposition Benches, talked about ways we could help some countries in the Commonwealth reform. That is something that various trade deals could bring about. Will the Minister tell the House where the Government stand on strengthening the unilateral preferences that they grant to developing Commonwealth countries for their mutual benefit? How do the cuts in overseas aid fit in with that?

The Government have said that they provide for duty-free, quota-free access for the least-developed countries and have put in place a preferential scheme

[BARONESS LIDDELL OF COATDYKE]
for them. The Prime Minister himself has been clear about the relationship between development and trade. Is that not an area in which we can use the opportunities of trade to bring greater benefit and reform in some Commonwealth countries?

We have, too, to be genuine in looking at the opportunities in the developed countries. There is a great deal of talk in Australia about how well that country has done out of the negotiations with the United Kingdom, but we must take into account the problems that some of our farmers face. Therefore, we cannot be romantic about the nature of deals with the Commonwealth, which we have to look at in some detail. There is a concentration among the highly developed countries of the Commonwealth such as Canada, Australia and New Zealand that could seriously disadvantage the less-developed countries. If we want the Commonwealth to thrive, we have to think of the less-developed countries as well.

The Deputy Speaker (Lord Faulkner of Worcester) (Lab): The noble Earl, Lord Shrewsbury, and the noble Lords, Lord St John of Bletso and Lord Hain, have all withdrawn, so I call the noble Lord, Lord Lansley.

2.37 pm

Lord Lansley (Con): My Lords, I join in thanking my noble friend Lord Howell for enabling this debate. It is most welcome. I am also pleased to follow the noble Baroness, Lady Liddell of Coatdyke. She and I serve together on the International Agreements Committee. In that context, we have had the privilege of examining the continuity trade agreements—the rollover agreements—that have enabled us to transition agreements that we had previously with the European Union.

In my tally of the 53 other Commonwealth states, two are member states of the European Union, and with 28 of them we have now in place transition rollover agreements—or, as my noble friend said, sufficient bridging agreements. Many of them are literally rollover agreements with no continuity-plus provisions. I should say first that it is important that we make rapid progress with, for example, Canada, Ghana, Kenya and others in turning those continuity agreements into continuity-plus agreements. In addition, 17 countries are within the generalised scheme of preferences in its various frameworks, which leaves, for those who are calculating, six other countries, with three of which we have negotiations in train—New Zealand, Australia and Singapore. We will have trade relationships with two of those countries—Brunei and Malaysia—by virtue of our accession to CPTPP. The other country is, I think, the Maldives. Therefore, by my calculation, we will have trade relationships with Commonwealth countries, but the point is that we need to make those relationships stronger and fuller.

I wish to make three quick points. First, let us try to make sure that we include the environment in this. New Zealand has taken an initiative on climate change, trade and sustainability to have tariff-free environmental goods, to remove subsidies on fossil fuels and to promote eco-labelling. We could use the Commonwealth, which would be a great place to bring that initiative forward on a more global basis.

Secondly, many of our agreements focus on goods, but we have the capacity, as my noble friend Lord Risby said, to be strong in digital trade and, indeed, to be a services-sector superpower. We should extend many of those agreements into services on a major push to develop those relationships.

Thirdly and finally, I look forward to hearing from my noble friend Lord Marland. The Commonwealth should and can be a powerful instrument through which we promote enterprise and entrepreneurships and scale up businesses, particularly in developing countries. As a consequence, we will expand our trade to those countries dramatically, as well as their exports to us.

2.40 pm

Lord Bilimoria (CB) [V]: My Lords, the Commonwealth of 54 countries is a voluntary organisation of 2.4 billion people and GDP estimated at \$3 trillion. The Commonwealth Heads of Government Meeting has said that it wants to increase trade between the Commonwealth countries to \$2 trillion by 2030. This was at the CHOGM held in London in 2018. We, as the UK Government, are pursuing free trade agreements with Commonwealth partners. I thank the noble Lord, Lord Howell, who is a true and constant champion of the Commonwealth. It makes up a third of the world's population, 60% of Commonwealth citizens are under the age of 30 and it has recently celebrated its 70th anniversary.

As president of the CBI, I had the privilege of chairing the B7, which fed into the G7. One of our speakers was the impressive Dr Ngozi Okonjo-Iweala, who was referred to by the noble Lord, Lord Howell, is the new head of the WTO and was head of Gavi, the Vaccine Alliance, before that—what serendipity. She highlighted that 17% of the world's population is in Africa yet Africa has only 0.15% of the world's vaccine-manufacturing capability. India, a country with a population equivalent to the whole African continent—1.4 billion people—has the largest vaccine manufacturer in the world, the Serum Institute of India, owned by my friend Cyrus Poonawalla. Two-thirds of children vaccinated have been vaccinated by the Serum Institute of India, and it has just announced it is increasing its AstraZeneca/Oxford vaccine production from 100 million to 200 million doses a month.

Digital connectivity and enabling member nations to benefit from it was spoken about at CHOGM. At the B7, we thanked God for digitisation in this pandemic, yet the more digitisation we have the more vulnerable we are, so cybersecurity is something the Commonwealth has to work on.

A stark fact is this: trade with all 54 Commonwealth countries amounts to less than 10% of the UK's trade. Five countries—Australia, Canada, India, Singapore and South Africa—accounted for almost three-quarters of this, yet the EU is 45% of our trade and the United States is 15%. We have heard about Liz Truss and her Department for International Trade and the fantastic job they have done rolling over 67 trade agreements with the EU. We are now making them bespoke. Canada is an example of one we have started to enhance.

George Brandis, the Australian high commissioner, recently spoke of the brand new Australian deal, which took just 365 days. That will be a stepping-stone for us, as Australia will be an ambassador for us

entering the CPTPP, worth £110 billion to us. On top of that, we have New Zealand coming on and have announced an enhanced trade partnership with India, working towards a free trade agreement and an ambition to double our trade of £24 billion by 2030. The potential is enormous and we must make much more of the potential of the Commonwealth.

The Deputy Speaker (Lord Faulkner of Worcester) (Lab): The noble Lord, Lord Sheikh, has withdrawn, so I call the noble Lord, Lord Anderson of Swansea.

2.43 pm

Lord Anderson of Swansea (Lab) [V]: My Lords, I welcome my noble friend to the Front Bench and join others in congratulating the noble Lord, Lord Howell, on initiating this debate. He has a distinguished role in being an enthusiast for the Commonwealth over many years. I, as a former chairman of the Commonwealth Parliamentary Association, share his enthusiasm but am more sceptical about the prospects for a substantial increase in our trade with the Commonwealth.

I note that the Motion refers to “renewing”; surely we should guard against nostalgia with reality. Over the past 50 years, for example, our own UK trade patterns have altered substantially; similarly, the Commonwealth has changed and moved away from the UK. There are costs in any such agreement—such as those to Welsh lamb producers, and no doubt India will demand an increase in visas. The world has changed around us too, with the rise of China and concessionary finance to west African Commonwealth countries and others, which we probably cannot match. I note that New Zealand has blocked broadening Five Eyes to a more political role because of its reliance on China’s markets for its exports.

With all the problems and a relatively small scale, of course we should make progress with our Commonwealth partners where we can. I recognise the wonderful breadth of the Commonwealth connection mentioned by the noble Lord, Lord Howell. I look forward to learning from the noble Lord, Lord Marland, and the Minister about whether we will move from rhetoric to devoting more resources and personnel to promote our trade with the Commonwealth family. We will be ready to give technical assistance on trade matters to less-developed Commonwealth countries.

2.45 pm

Viscount Trenchard (Con): My Lords, it is a great pleasure to speak in this timely debate. I congratulate my noble friend Lord Howell, both on securing the debate today and on his inspirational and interesting speech. He has long been the strongest advocate of the Commonwealth and the huge potential benefits it can offer all its members. Our 47-year dalliance with the EU has meant we have not pursued the valuable opportunities open to this unique association of 54 member states to make a great contribution to free trade, security and stability across the world.

It is good news that we have reached agreement in principle on a free trade deal with Australia. The lord mayor’s virtual visit to New Zealand in May showed great enthusiasm in that country for the progress being made towards a free trade agreement, with ambitious digital provisions.

India is another major Commonwealth country with which we are now moving to make up for lost time. The lord mayor’s virtual visit there in November 2020 provided a further boost to London’s fintech industry, which is now worth £6.6 billion to the UK economy and accounts for 76,000 jobs. UK-India collaboration is an important factor at the heart of the growth and continued success of the sector. Stephen Booth, head of the Britain in the World project at Policy Exchange, has also written about the positive results from the Prime Minister’s recent summit with Narendra Modi. Mr Modi coined the term “living bridge” to describe the deep connections between the two countries, in part deriving from the 1.6 million UK nationals of Indian descent.

The most exciting development in our new independent trade strategy is our application for accession to the CPTPP. It is notable that among the 11 member countries of partnership are six Commonwealth countries. Our application to the CPTPP provides hard evidence that we are serious about our tilt to the Indo-Pacific, as an important part of global Britain. I hope that other Commonwealth countries which share our commitment to free trade and the prosperity it generates may follow our example in joining the organisation. They may also consider that, against the background of the rise of China, membership offers geostrategic and security advantages.

The noble Lord, Lord Triesman, suggested that geographic distance acts as a barrier to trade in goods. I remind him that Ottawa is 16,000 kilometres from Canberra; both are members of the CPTPP. As my noble friend Lord Lansley said, our new trade agreements have strong digital provisions and global Britain is as much about services as goods, leveraging London’s position as clear global leader, in spite of a failed attempt to sabotage international equities markets. Does the Minister agree that the sooner the UK completes—

Baroness Scott of Bybrook (Con): Can I remind my noble friend of his 3 minutes?

Viscount Trenchard (Con): Yes, I will just finish.

—completes our accession negotiations, the better, both because Japan is providing strong support during its presidency, which lasts until the end of the year, and because the UK’s role in developing the modus operandi of the organisation will be maximised by our early involvement?

Ironically, particularly prior to the possible future return to the organisation of the US—

Baroness Scott of Bybrook (Con): I am sorry, but I ask the noble Viscount to finish now, please.

Viscount Trenchard (Con): Can the Minister tell the House when he expects the accession negotiations to be completed?

2.50 pm

Lord Wigley (PC) [V]: My Lords, I thank the noble Lord, Lord Howell, for facilitating this debate and declare my interest as a member of the Farmers Union

[LORD WIGLEY]

of Wales. It is from the viewpoint of Welsh farmers, and in particular hill farmers, that I address the House on the Australian trade deal and its implications for the future of Commonwealth deals.

From our Brexit debates, noble Lords will be aware of the deep anxiety in our sheep sector, as 90% of our sheepmeat exports go to the EU. A no-deal Brexit would have imposed punitive tariffs on sheepmeat sold to Europe. Mercifully, the Brexit deal avoids that possibility for as long as it holds firm.

The vulnerability of our sheep sector comes to the fore in the context of the Australian trade deal. There is trepidation in the sector that the Australian beef and lamb entering the British market will make our products uncompetitive. Australian sheepmeat prices are 30% lower than UK prices. Australia's largest beef exporter says that zero tariffs would increase Australian exports to Britain tenfold. In 2017 Australia exported to Britain some 20,000 tonnes of lamb, which under this deal will increase to 75,000 tonnes over 10 years, with similar increases in beef quotas.

The fear is that Australia will undercut Welsh farmers, for three reasons. The first is its huge economy of scale: its farms are 80 times larger than the family farms of Wales. The second is cut-price animal welfare, with live animals transported without food or water for 48 hours and sheep rear ends having flesh and skin cut off without anaesthetic. Thirdly, growth hormone treatment is permitted in Australian beef.

The Tory manifesto stated that the UK

“will not compromise on our high environmental protection, animal welfare and food standards”,

but that is happening with the Australian trade deal. It is at odds with the Government's professed green policies to ship animal carcasses half way around the world, with huge carbon footprints, when that meat can be grown here to higher standards.

On the basis of this deal, British exports to Australia will increase by 7% and Australian exports to Britain by 80%. That is a sell-out. Following Australia, New Zealand's Meat Industry Association is now seeking an even better export deal to the UK. My fear is that this will set a pattern for other Commonwealth agreements.

Welsh farmers who voted Conservative 18 months ago are learning a bitter lesson. I am a great fan of the Commonwealth and hope only that the Australian trade deal experience is not seen as a negative reflection on future Commonwealth trade opportunities.

2.53 pm

Lord Balfé (Con): My Lords, I thank my noble friend Lord Howell for initiating this debate and welcome the noble Baroness, Lady Chapman, to her new role. She will probably find this place a bit more peaceful than where she came from, but I hope she enjoys it.

My connection with the Commonwealth goes back to the beginning of my working life, across the road with the Crown Agents for Oversea Governments and Administrations, a body sponsored by the British Government. During the time I was working for it, its main aim was to enable the colonies to emerge into the Commonwealth. It did a pretty good job. We are dealing with probably the largest international voluntary

organisation in the world. As with many voluntary organisations, it is a very disparate group of nations—some would say too disparate.

We just heard from the noble Lord, Lord Wigley, who made many points about why the Australian deal is not a good one. I tend to think it probably is quite a good one, because at heart I am a free trader. If you reduce tariffs, you generally improve people's welfare. The argument about free trade has been a feature of British politics for at least 100 years.

I counsel us against romanticising about the Commonwealth. There is a tendency—particularly among those who were not, let us say, 100% in favour of the EU—to try to look back to a time that was quite different, when there was a Commonwealth but Australia and New Zealand basically fed Britain. That time has long gone and will not come back. The sheep miles referred to by the noble Lord, Lord Wigley, are exactly what will stop it, because the market for Australian and New Zealand produce is now in the Far East and the Middle East. It is not in the United Kingdom and it is not going to be.

I see the future of the Commonwealth as a centre of soft power, an organisation that can give good advice, set standards, encourage good behaviour and, on occasions, assist other countries with limited amounts of money. It is not going to be a substitute for our aid budget or the international financial institutions we all subscribe to. Where it does have a future is as a centre of soft power, working with the British Council, the BBC and those other institutions that do so much to promote a good image of Britain and the Commonwealth in the world.

2.56 pm

Baroness Donaghy (Lab): I congratulate the noble Lord, Lord Howell, on initiating this debate. I know his commitment to the Commonwealth is genuine and of long standing. He would not use this debate as a shop window to boost Brexit's so-called successes. I am not so sure about the current Government's sincerity.

In the 1990s I attended a couple of CHOGMs in Zimbabwe and South Africa as a member of the Commonwealth TUC. Lord Hurd, who was the Foreign Office Minister, was fully in charge of his excellent briefings when he met the Commonwealth TUC, knowing which trade union leader in Africa was likely to be the next leader of his country. The noble Lord, Lord Howell, is similarly well briefed. It would be good if he were to brief the current generation of Ministers on, for instance, the difference between Zimbabwe and Zambia. A junior Minister with the unfortunate name of Duddridge attended former President Kaunda's funeral and appeared to be confused as to which country he was in, all in front of President Kenyatta of Kenya, President Ramaphosa of South Africa and President Lungu of Zambia.

Of course, these countries and the rest of the Commonwealth will have a healthy scepticism of the UK because of the way some of them were treated when we entered the then Common Market and the way we agreed a Brexit treaty and Northern Ireland protocol that contained inherent contradictions, then made the announcement in Parliament that the Government intended to break that treaty.

To rebuild that damaged reputation, we need future trade agreements to be comprehensive, transparent and to have the maximum involvement of Parliament. The deals should be linked to climate change and human rights and ensure that standards are maintained, particularly for agriculture, to protect our farming industries. How will we ensure standards when we do not have enough vets or inspectors? How will we uphold standards if our own farmers are undercut by cheap imports? How will the general public know the content of the food they are eating, so that they have a real choice?

3 pm

Baroness Bennett of Manor Castle (GP) [V]: My Lords, it is a great pleasure to follow the noble Baroness, Lady Donaghy, to welcome the noble Baroness, Lady Chapman, and to associate myself with the comments of the noble Lord, Lord Wigley, particularly on the question of animal welfare. The operation to which he referred is called mulesing and it is barbaric. I thank the noble Lord, Lord Howell, for securing this debate and commend the call by the noble Lord, Lord Lansley, for the UK to get behind the New Zealand Agreement on Climate Change, Trade and Sustainability.

In my three minutes, I have three points to make. First, in 2018 CHOGM, in the *Declaration on the Commonwealth Connectivity Agenda for Trade and Investment*, agreed to make trade more

“inclusive by encouraging the participation of women and youth in business activities, by taking a gender responsive approach to the development of trade policy, increasing opportunities for women to trade internationally, and breaking down gender barriers”.

What measures are the Government taking to promote that agenda? In the same year, the Commonwealth announced a memorandum of understanding with the United Nations Office for South-South Cooperation. What is the UK doing to promote that?

My second issue is also about approaching trade through a fair-trade lens rather than a free-trade one, building on the concerns expressed by the right reverend Prelate the Bishop of Saint Albans. Given the global problem of the low levels of corporation tax being paid, we have heard in the last couple of days the US Treasury Secretary Janet Yellen saying that the US will be pushing to raise the 15% floor agreed as a minimum corporation tax rate by 130 countries last week. One member of the Commonwealth that stands out here particularly is Mauritius, a middle-income country and in many ways a success story but also a tax haven that has allowed global companies to siphon millions of tax dollars away from low-income African nations, including other Commonwealth members. Are the Government going to seek to encourage the Commonwealth to be a positive actor for tax justice, stopping the parasitism of multinational companies that afflicts the whole world but particularly the world's poorest nations?

Thirdly, on plastics, I draw the minister's attention to an excellent international trade working paper entitled *Plastic Production and Trade in Small States and SIDS: The Shift Towards a Circular Economy*. It is a Commonwealth international trade working paper that talks about how plastics, mostly produced and consumed in the global north, are having huge negative impacts

on ocean-based sectors and on small nations, including many Commonwealth members, in areas such as tourism and fisheries. The report says that there need to be coherent trade policies to ensure that those countries can protect themselves and be part of the solution rather than simply suffering from the problem. What are the Government doing to promote that agenda?

3.02 pm

Lord Rooker (Lab) [V]: My Lords, I am very happy to make a small contribution to this debate. There has not been enough concentration on the fact that we have to follow the WTO rules. I do not know the details of the vast experience of the noble Lord, Lord Balfe, which is different from mine, but I have to say that when I came up against the Crown Agents in the 1970s, I got the impression that they were basically there to facilitate British sales to Commonwealth countries; it was a form of exploitation, in a way.

My main point is that we do not have the resources to police a substantial increase in trade with the 54 countries of the Commonwealth. Let us take just three examples, all of which are very highly regulated: imports to the UK of children's toys, electrical goods and food, particularly of animal origin. When we were a member of the EU, it employed hundreds of experts to visit overseas factories and processing plants as well as farms. That was in order to check on safety standards, the products, the chemicals used and the methods of manufacture. We have never had to do this for ourselves since 1973 and—the Lords European Union Committee raised this issue some years ago—we simply do not have the expertise, staff or resources to do this work, and neither do the individual British companies doing the importing. The regulations that we have made post Brexit make it clear that doing this checking is an onerous activity for the importers. We simply do not have the facilities or the staff to do it, and the result is that we are going to be vulnerable to unsafe children's toys, unsafe electrical goods and unsafe food entering the UK. Criminals will exploit that because they will see a gap in the market.

The EU is not stupid. It will want to ensure that nothing that is unchecked or potentially unsafe, because we have not been doing the checks, will be allowed to be exported by the UK into the EU later on, so there are some serious problems there. This is not to attack or denigrate any Commonwealth countries, but the fact is that the UK does not have the facilities or the resources to cope with such a large, unplanned expansion of trade with the 54 countries.

3.05 pm

Lord Sarfraz (Con): My Lords, I too thank my noble friend Lord Howell for securing this debate. If we are to realise our ambition of achieving \$2 trillion-worth of trade within the Commonwealth by 2030, we must build and strengthen the institutions that will facilitate that trade. Today, the Commonwealth does not have a trade finance bank, a development finance institution or an investment guarantee agency. It should probably have all those things and much more, but what we have is the immediate opportunity to ensure that digital co-operation is a fundamental part of our

[LORD SARFRAZ]

trade deals with Commonwealth countries. We wrote an excellent digital trade chapter into the Japan deal that is a model to draw inspiration from.

Most of the Commonwealth is still offline. Only 27.8% of the population of Commonwealth countries have internet access. The opportunity to grow connectivity in digital trade is massive, but the disparity is significant: six Commonwealth countries make up 98.8% of the Commonwealth's exports in high-technology goods. Tech workers across member states are keen to do business. On the freelance job website Upwork, there is an oversupply of tech workers from the Commonwealth, and on average only 6% find work.

It is not just about bilateral trade. The big prize is for member states to sell more digital products and services to each other. There are existing initiatives within the Commonwealth that we can build on. One of these is an organisation called COMSATS, a 26-country network, accredited by the Commonwealth and headquartered in Islamabad, which operates universities, engages in science diplomacy and runs innovation labs. It has built a powerful brand and demonstrates the impact that technology co-operation has in building good will.

Some 60% of the population of the Commonwealth are under the age of 29. We aim to be a world superpower in science and technology. The opportunity here is absolutely clear.

3.07 pm

Lord Haskel (Lab) [V]: Like other noble Lords, I welcome the principles of human rights, equality and tolerance expressed in the Commonwealth charter. Renewing trade with the Commonwealth has an important contribution to make in maintaining those values, thanks to the average 19% reduced costs for bilateral trade.

The Commonwealth is diverse. It incorporates some of the world's richest nations and some of its poorest. A working paper from the Commonwealth Secretariat shows that this will inevitably mean that, as our trade increases with the better-off members such as Australia, the poorer Commonwealth countries will lose trade and suffer a decline in GDP. The Government have promised a scheme to help the less-developed members to overcome that with duty-free or quota-free arrangements. Is that in place?

The pandemic and resulting economic slowdown will put a strain on Commonwealth trade. That will require special efforts in healthcare and biotechnology, as my noble friend Lady Chapman explained. As more business goes online, so digital technology and connectivity will be important, as the noble Lord, Lord Howell, and others have told us. As the Prime Minister is the current chair-in-office of the Commonwealth, are we focusing on the connectivity section of the Commonwealth leaders' agreement of 2018?

Some of the smaller, less-developed Commonwealth countries have enjoyed selling products such as textiles and clothing to the EU and Britain at zero tariffs under the most favoured nation arrangement. Presumably, that will continue. Surely the Commonwealth Secretariat should undertake an analysis of that trade to see if it can be developed.

At a time when, as others have put it, we are waking up to the legacy of our colonial history, we must ensure that it is not used to damage Commonwealth trade by undermining the shared values mentioned by my noble friend Lady Chapman, the right reverend Prelate the Bishop of St Albans and others.

In spite of many speakers' enthusiasm, renewing trade with the Commonwealth will provide only a minor boost to our economy. Surely our priority must be to find ways to boost productivity and innovation here, to equip workers with the necessary skills and, as my noble friend Lord Triesman said, to build bridges with our nearest and largest market.

3.10 pm

Lord Hannan of Kingsclere (Con): My Lords, we should guard against sentimentality. It is a particular temptation when discussing this association of nations to which we are bound by language, law, culture, kinship, history and habit. It is almost impossible if you are in this country not to be slightly misty-eyed when we think of the two great global conflagrations of the 20th century and of the millions of young men who rushed from every corner of the Commonwealth and Empire to take up arms, in many cases for a country on which they had never set eyes, because they believed in our shared values.

Yet, as my noble friend Lord Howell says—correctly and wisely quoting Her Majesty the Queen—the Commonwealth is the face of the future. The case for it is not nostalgic or sentimental. At some point in this decade, the Commonwealth's GDP will overtake that of the European Union. We live in an age when geographical proximity has never mattered less. In the 1950s, it may have made sense to form regional trade blocs, but many of those arguments were broken down by advances in containerisation, travel and the internet, and have been accelerated by our experience in the past 15 months in lockdown. We are now all much more accustomed to having sensitive commercial conversations over Zoom and Teams, so the case for cultural proximity rather than accident of geography has never been more eloquent.

There is one other form of nostalgia that I have heard in this debate. Perhaps I am wrong, but I cannot help feeling that, as with all our global trade deals, some noble Lords are still a little bit resentful about our withdrawal from the European Union and are looking for pegs on which to hang their opposition. We heard a little bit of it from the Front Bench—perhaps we will hear some more from the Front Bench spokesmen who will close this debate—when noble Lords talked about the importance of not trading with countries that do not meet our food production standards. There has been one major divergence post Brexit between British and EU food production standards: the decision recently announced by the EU to allow some animals to be fed on bits of other animals. We can argue about whether that was a good thing but clearly those noble Lords who have been arguing—and perhaps are planning to argue again today—that we should not trade with countries that have lower food production standards than ours must therefore be prepared to argue that we should not have a trade deal with the European Union. I hope that they will not erect barriers vis-à-vis the rest of the world that they would not erect against Brussels.

Let me close by saying that the Commonwealth is not just a voluntary association. By virtue of being voluntary, it brings out the best in all its members. It encourages us all to live our best lives and any strengthening of the Commonwealth must therefore be reckoned a net augmentation of human happiness.

3.14 pm

Baroness Quin (Lab) [V]: My Lords, I, too, begin by congratulating the noble Lord, Lord Howell. I know from both Houses of Parliament that he has a long-standing interest in the Commonwealth and international trade. Indeed, I remember serving under his chairmanship on what was then the UK-Japan 2000 initiative and the work he did in strengthening our partnership with that country.

I share the ambition of strengthening our trading relationship with the Commonwealth but, like others—including my noble friend Lady Chapman, whom I warmly welcome to her new role—I stress that the Commonwealth is also about much more: shared values, an evolving friendship of equal partners and a willingness to co-operate on many levels.

At this stage in the debate, with so many points made, all I can do is take up some of them that I am particularly keen to see the Minister address in his reply. I hope that the Government will reflect on the powerful points made by my noble friend Lord Grantchester about human rights in our recent debate on the Cameroon trade agreement. Cameroon is out of step with the Commonwealth on so many issues and has been for a long time, not just in the recent and alarming attacks in anglophone areas.

In that debate, the noble Lord, Lord Kerr, pointed out some of the problems that the Government's trade and co-operation agreement with the EU poses for trade with third countries, including Commonwealth ones, arising from the rules agreed on diagonal cumulation and rules of origin. In that debate, the Minister said that he would write to the noble Lord on that point. In view of the importance of the issue, I wonder whether the Minister's letter could be circulated to all Members.

In the Library briefing for this debate, reference was made to the Commonwealth Secretariat producing a paper showing that some of the benefits of our agreements with Australia, Canada and so forth might impact negatively on some of the poorest countries of the Commonwealth. My noble friend Lord Haskel mentioned this; I wonder whether the Minister can respond to that point.

The Library paper also made this point:

"The Commonwealth accounted for 9.1% of the UK's total trade in 2019, around the same as the UK's total trade with Germany." To me, this means that we must be realistic about the short term. Aspirations for global trade and looking for opportunities cannot mean neglecting the biggest market on our doorstep or failing to tackle the problems that have reduced our European trade since Brexit and which are causing so many difficulties, particularly for small businesses and the food and drink sector.

Finally, what part does the environment play in the Government's thinking on these issues? Geographical proximity matters in terms of reducing unnecessary air miles and sea-polluting journeys. Will the Minister comment on that in his reply?

3.17 pm

Lord Marland (Con) [V]: My Lords, I am grateful for this opportunity to speak. I am particularly grateful to my noble friend Lord Howell, who has been nothing but a champion of the Commonwealth for so long and a huge support for me and my organisation. I am also flattered by the words of my noble friends Lord Risby and Lord Lansley.

I chair the Commonwealth Enterprise and Investment Council. I also declare my interest as a trustee of the Commonwealth War Graves Commission. The Commonwealth Enterprise and Investment Council was set up by the Heads of Government of the Commonwealth. It is a not-for-profit membership organisation. It is commercial and promotes trade and business within the Commonwealth. Since I have been chairman for the past seven years, it has opened hubs or offices in 10 or more countries, including Sri Lanka, Malaysia, Malta, the Caribbean, Nigeria, Ghana and Gibraltar, as well as in Bangalore three weeks ago. Our prize office is in the City of London, which has been tireless in its support for the council.

I assure the noble Baroness, Lady Bennett, that the council has an excellent female chief executive and a diverse board, and promotes diversity within business in the Commonwealth. Last week, we hosted a webinar, led by Lewis Pugh, who is swimming the oceans as UN ambassador for the oceans, to draw to attention plastics in the ocean. We have kept the flame alive in the past 12 months in these difficult times. In fact, our membership has grown through the webinars and Zooms that we have carried out; the last one had 850 people attending.

I regret that the UK Government have not taken up with gusto the opportunity of the Commonwealth advantage during their chair in office, being paralysed in a Brexit or post-Brexit Britain and worried, I suspect, by the dreadful word "imperialism". That could not be further from the truth. Imperialism does not really exist in the minds of most Commonwealth people any more. Of course, modern imperialism is preaching to democratic countries and their elected leaders about what we think are the right or wrong ways to run their country; the words "glass houses" and "stones" spring to mind. It is through this imperialism that many of the Commonwealth countries have walked into the open arms of China so, if that is what we are trying to do, we should be looking at it in a different manner. It is quite clear that the promotion of free trade, for which Britain is a fantastic advocate, is the route out of poverty and may well be the route to helping these emerging markets to understand some of the concerns raised by noble Lords in relation to human rights and other practices, as well as to climate change issues, which we take very seriously.

Half the top 20 emerging countries in the world are Commonwealth countries. Do the Government not owe it to Her Majesty the Queen and her son, the Prince of Wales, who will take over from her, who have led the Commonwealth with exemplary leadership, holding this diverse group together, to support it in a far greater way than they have done? After all, the Commonwealth has the English language, a similar rule of law and shared interests, as has been mentioned by noble Lords—

Baroness Scott of Bybrook (Con): I remind the noble Lord of the three-minute limit.

Lord Marland (Con) [V]: It also has education, sport, friendship and the 16% Commonwealth advantage. Believe me, the Commonwealth brand is still strong.

3.21 pm

Lord Purvis of Tweed (LD): My Lords, it is a pleasure to follow the noble Lord and to commend his work and that of the council. As he rightly said, the strength of the Commonwealth offering is one which, if we see the current trajectory both continue and accelerate, will be to the United Kingdom's trading and international benefit. I also commend the noble Lord, Lord Howell, for bringing this debate to us; it is a very timely debate. He speaks with great wisdom on this issue, as has been recognised across all Benches, and his wisdom is based on experience, but it is relentlessly forward-looking and challenging. That has set the framework for this debate, which other noble Lords have followed.

The noble Lord, Lord Hannan, I think, wanted to write some of my speech for me. I do not know, but I might be disappointing him by saying that I agree with him entirely about not being nostalgic for something that we left last year or something that some noble Lords have said we turned our back on 50 years ago. International trade does not like nostalgia anyway because—as he said, and I agree, and as the noble Lord, Lord Howell, indicated—trade today in the 21st century is markedly different and, indeed, more complex. It touches on much wider areas, including standards, supply chains, human development and other areas. Of course, with e-commerce we are trading in manners and ways that our predecessors in trade would never have imagined possible. The Commonwealth is a network that is forward-looking.

Some have described the Commonwealth as a hub-and-spoke model, but in many respects it is a blockchain; it is a model of networks. When I co-chaired, with the Nigerian Trade Minister, an inquiry for the All-Party Group on Trade out of Poverty, one of our witnesses said something that has really stuck with me since then. She said that there were two major benefits to the Commonwealth: one was that America was not a member and the second was that neither was China. A network of commonality and consensus, which has values at its heart—even though we recognise that sometimes these have been challenging and challenged—nevertheless provides a very good basis for growth.

One of the reasons why we should not be nostalgic is that the trading world that the UK operated in before we joined the European Union was already changing. As the noble Lord, Lord Lansley, indicated in respect of our free trade agreements, it is, perhaps, an odd quirk, but probably deliberate, that we are now a party to more free trade agreements with wider and deeper benefits with more Commonwealth countries because we were a member of the European Union, which had entered into agreements with those countries. Now we are seeing the successor of them, and our challenge is how to develop and grow them—but not necessarily simply to view the world within a simple tariff-preference scheme that existed within the Commonwealth Preference Area.

It is perhaps little recognised or remembered that the Commonwealth Preference Area was not necessarily reciprocal. For example, the Commonwealth Preference Area for Ghana and Kenya was unilateral for the United Kingdom, but not reciprocal for them. For the first time, therefore, we entered into free trade agreements with Ghana and Kenya through the European Union and now we have the continuity. Our debates will be on how we can develop that further. As noble Lords have indicated, with Australia and Canada now being negotiated, how can we look at our future trade agreements post European Union with our Commonwealth partners to take advantage of the Commonwealth advantage? The Commonwealth advantage includes the direct inflows of investment as well as goods and services.

It is interesting to me to note that the Commonwealth represents 14% of global GDP but 28% of global FDI flows. Most of that grew rapidly through London and our being part of the single market, and one of the challenges that we will be entering into now is what our trading partners in the Commonwealth will see as the UK's position through the City of London and how the FDI flows will continue to develop.

As has been indicated in the debate, intra-Commonwealth trade has doubled in little over five years. Growth potential post pandemic is even higher, as we have now surpassed more than \$1 trillion and have an ambition to meet \$2 trillion. The group that I had the pleasure of co-chairing had started to look systematically at what the barriers were that could potentially mean that that growth would not happen. We also argued for a step change in activity, and I will touch on some of the key areas.

We also wanted to link in human development. It is a reality with the global goals—and all of the Commonwealth countries signed up to the global goals—that we share an ambition, especially in goals 4 and 8, to seek poverty eradication in human development. It is a fact that, within the Commonwealth, 440 million women, men and children live below the poverty line of \$1.90 a day. If you are born in the Commonwealth, you are twice as likely to live a life of extreme poverty as if you were not born in the Commonwealth. Trade and development are therefore critical. As the noble Baroness, Lady Chapman, highlighted—and I too welcome her to her position—the disparity in vaccine availability is an illustration of this, and I agree with her. Uganda paid three times as much for AstraZeneca vaccines as the United Kingdom. Both are supposedly at cost, but the reality is that for many countries the costs are significantly higher. Two-thirds of the world's small states, with populations of less than 1.5 million, are members of the Commonwealth, with very limited capacity to see trade facilitation and expansion. Therefore, the larger and more developed Commonwealth countries also have a responsibility for very close partnership working.

The first area that we considered to overcome was reducing costs and risks in trade and investment. E-commerce, for example, is one of the key areas where there is opportunity, and I agree with the noble Lord, Lord Sarfraz, who outlined—so I do not need to—the disparity in connectivity within the Commonwealth. This also links, as he mentioned, with the youth profile. Of the 2.4 billion people in the Commonwealth, 1 billion

are under 25 and 60% are under 30. This presents huge challenges but also a massive opportunity, because 44% of the world's entrepreneurs are aged between 18 and 35. Many non-tariff barriers exist for them, such as limited access to finance and capital assets, limited business networks, limited market information, and limited trade support.

When we develop that, and look at young women, we know that in Kenya, for example, 24% of SMEs are owned by women, and in Rwanda it is 26%. Most Commonwealth countries still have legislative and structural barriers to women entering the economic marketplace—on public procurement, on legal reform, on supply chain assets and access to finance. The Commonwealth Parliamentary Association and others, as the noble Baroness, Lady Hooper, indicated, have provided model laws on e-commerce and reforms. These are all positive and we should be doing our own work to support those, SheTrades initiatives and others, so we can make sure that the majority of the population—that is, women—are economically active.

The other areas focused on strengthening partnerships—building them through the diaspora, in particular—and the absolute benefit we have with commonality in our legal frameworks, our regulatory frameworks and, broadly, our standards. Yes, there are differences which we will need to resolve, but all have a degree of commonality that provides an excellent platform.

Where could we go forward? As the noble Lord, Lord Marland, indicated, the UK has a real opportunity now with the extended chair in office. The group I co-chaired called for a new Commonwealth trade and investment mandate, and for the UK to bring its convening power to the Commonwealth convening power, so that it can set an agenda at the WTO and other rule-making bodies, which the Commonwealth is not and should not necessarily be. Nevertheless, a new mandate with co-ordinated and strategic Trade Ministers looking systematically at intra-Commonwealth trade barriers will be a benefit to the United Kingdom. Leading up to the next CHOGM, I hope the UK will seize this opportunity and play a significant role in allowing intra-Commonwealth trade to develop. This will benefit the UK and set us on a trajectory so that, at the end of the decade, we will have \$2 trillion and the UK can look forward and absolutely not be nostalgic.

3.31 pm

Lord Grantchester (Lab): My Lords, the Commonwealth is an important institution. While it might reflect on its upbringing from the past, it nevertheless has a continuing relevance and impact. It is a voluntary association of 54 countries, with almost a third of the world's population, and stretches all around the globe.

It has been a very interesting debate this afternoon and I am grateful that so many notable contributions have been made today. These include that of the noble Lord, Lord Marland, the present chairman of the Commonwealth Enterprise and Investment Council. I am grateful to him and many others with notable Commonwealth experience, and experience elsewhere as envoys or representatives of trade. For example, the noble Lord, Lord Bilimoria, president of the CBI, works with India; the noble Lord, Lord Risby, with Algeria; the noble Baroness, Lady Hooper, through

the CPA; my noble friend Lord Triesman was Minister for the Commonwealth; my noble friend Lady Liddell, was high commissioner to Australia; and my noble friend Lady Donaghy also has experience. For the first time, we are to be responded to by the noble Viscount, Lord Younger, while the International Trade Minister, the noble Lord, Lord Grimstone, is busy overseas on a trade mission. I am grateful to the noble Lord, Lord Howell, for introducing the debate and for initiating discussion on trade matters, particularly in relation to the Commonwealth. It is an opportune moment to recognise the Commonwealth's potential to bring opportunity and benefits, such as the vaccines, spoken about by my colleague and noble friend Lady Chapman.

Now that the UK has left the EU, it can strike wider agreements independently of the EU and must refamiliarise itself with this responsibility, undertaking meaningful dialogue with industry, communities and Parliament in the process. It is regrettable that the Government continue to approach trade agreements as an executive role of prerogative, relying on the outdated CRaG process that governed agreements while the UK was an EU member state. I am grateful to the noble Lord, Lord Lansley, for his remarks as a member of your Lordships' International Agreements Committee. He has often spoken about, and stressed the need for, a more meaningful process of scrutiny through the parliamentary approval process.

Let me be quite clear: on this side, we are in favour of good trade. We want good trade deals that grow the economy, bring greater wealth to nations, stimulate enterprise and sectors, protect livelihoods and standards, and reflect the modern approach to trade that goes wider than mere economic exchange: free trade, yes, but with a purpose. If that can be achieved through agreements with Commonwealth countries via proper parliamentary scrutiny, we welcome that. If they are bad agreements, we will say so. That does not mean we are against trade, just as it has nothing to do with Brexit or nostalgia. It means it is a bad deal—as simple as that. We want the UK to do better: to have better agreements, and ones that benefit all sectors of the economy.

The Commonwealth continued to trade, and will continue to trade, with the UK as we seek new wider agreements in this new environment. The UK and the Commonwealth have the distinct advantages of a long association, cultural ties and shared values. The Government must take account of that and build more progressive agreements. That does not mean signing up to any agreement. From the signs of this Government's record so far, Ministers appear not to have the same approach. There does not seem to be any strategic policy; it appears to be trade at any cost. Let us consider the recently announced agreement in principle with Australia, a Commonwealth country, and the first deal struck after securing the continuation of trade agreements from EU membership. Instead of using this opportunity to create jobs in every sector, drive up economic recovery and raise standards around the world, the Government have done the opposite. This agreement in principle gives Australia all and more than it wants—indeed, all it could ask for—with potentially devastating impacts on UK food producers and their industry. The noble Lord, Lord Wigley, is quite correct to draw attention to this in his remarks concerning Welsh lamb producers.

[LORD GRANTCHESTER]

It remains to be seen what the Trade and Agriculture Commission will make of it as, following concessions in the Agriculture Act and the Trade Act, its recommendations are awaited and it has not even been constituted as a statutory body yet. The Government have yet to respond to the report from the previous TAC. Has the deal undergone the proper, considered scrutiny before agreement?

This deal sets a worrying precedent for the UK but a potential bonanza for other Commonwealth countries, such as India, New Zealand and Canada. The noble Lord, Lord Haskel, is concerned about the effects on the remaining Commonwealth nations. I would be grateful to hear the Minister's remarks in that respect. Furthermore, what will be the cumulative effect in the UK, when countries such as America and Brazil, outside the Commonwealth, join in with similar deals?

Another important aspect of international trade is its effect on the progress of human rights. I am grateful to the right reverend Prelate the Bishop of St Albans, who spoke forcefully on this aspect, as did the noble Lord, Lord Hussain, and my noble friend Lady Quin. The Government have repeatedly said that they were involved with international forums, including the Commonwealth, to promote human rights, but in rollover deals and deals in progress, the UK's approach has been marred by inconsistencies. In your Lordships' House Ministers have repeatedly said:

"Trade does not have to come at the expense of human rights."

The Government argued forcefully against my noble friend Lord Collins's human rights amendment to the Trade Act. They argued against the genocide amendment from the noble Lord, Lord Alton. They argued again against the Motion to Regret on the Cameroon agreement. In Cameroon, another Commonwealth country, the Government there have committed widespread abuses of the English-speaking population since 2017. Yet the Government rolled over this EU agreement, without allowing a proper debate to take place in the Commons.

The Government have also announced the Australia deal as a necessary precursor to agreeing the exact deal known as a CPTPP, which includes five Commonwealth countries. There is not one clause that the Government will seek any exemption from or amendment to. Compare that passive approach to a fellow Commonwealth country's approach. New Zealand ratified this partnership agreement in 2018 but was prepared not to unless it was exempted from the provisions of the investor-state dispute settlement. Why, with concerns over ISDS, did the Government not also demand exemption? Why are the Government not using the accession process to press for improvements to the current provisions on financial services, small businesses and mutual recognition of qualifications? Why are the Government not arguing for new chapters to cover educational aspects, exports, chemicals, pharmaceuticals and co-operation on new technology? Many speakers this afternoon have highlighted the importance of the digital economy and the benefits of digital connectivity.

The Government need to stop this headlong rush into poor agreements. They need to consider carefully, when in negotiation with Commonwealth countries or other international partners, what the implications of

these deals are. The words of my noble friend Lord Rooker, with his experience in necessary inspections and checks, need to be heeded. The Government need to reflect on contradictions such as professing to uphold standards yet refusing to legislate for them.

We support the pursuit of good trade deals: ones that stand up for British interests, British jobs, British industries and enterprises, and British cultural values. Yes, trade can be a force for good, but it can also lead to disaster—to the export of good British industries, and to the diminution of Britain's ability to bring greater progress to the world and its own reputation within it. The Minister's actions so far are falling well short of this task.

3.41 pm

Viscount Younger of Leckie (Con): My Lords, I am very grateful to my noble friend Lord Howell of Guildford for initiating this debate and for his excellent opening speech. I know that this is a subject on which my noble friend is a considerable expert, as a former Minister in the Foreign and Commonwealth Office, a former chairman of the Foreign Affairs Committee and a former president of the Royal Commonwealth Society. I believe that he has served in three Governments, going back to the Heath Government, then the Thatcher and Cameron Governments. His really is quite a record, and therefore his contributions are greatly welcomed around the house. His views today on the Commonwealth and its future were a most valuable tour d'horizon.

I also know that the current chair of the Royal Commonwealth Society, Dr Linda Yueh, is one of the advisers to the Board of Trade. I trust that this will reassure my noble friend and others that this Government are taking concerns about the Commonwealth to heart. However, I agree with the noble Baroness, Lady Liddell, that we need to raise the profile of the Commonwealth more. I hope that this debate will be helpful to that end.

My noble friend Lord Grimstone is, unfortunately, unable to conclude this important debate because he is currently overseas, fulfilling his ministerial duties to further UK trade and investment. I am afraid that, in this place today, your Lordships have his trade department aide-de-camp.

Our enduring ties with the Commonwealth countries spring from friendship, history, culture and sport. In just a year's time, Birmingham will host the Commonwealth Games. No noble Lord has mentioned this, but I do so now: that unique global sporting event, often referred to as the friendly games, that brings the peoples of the Commonwealth together like no other. My noble friend Lord Sarfraz put it rather well when he said that trade deals are a vision of an interconnected future.

As head of the Commonwealth, Her Majesty the Queen is hugely respected and during her remarkable reign she has undertaken more than 200 visits across the Commonwealth, to nearly every member country, to cement those bonds of friendship. The noble Viscount, Lord Waverley, reminded us that we must never forget her legacy and he is absolutely right. Her Majesty was also raised by my noble friend Lord Hannan during his speech. My noble friend Lord Marland spoke of the role of the Royal Family—I think it has a very

important role—and quoted Her Majesty as saying that the Commonwealth is the face of the future, and of course I thoroughly agree.

From Mumbai to Melbourne, Calgary to Kuala Lumpur and Birmingham to Brunei, the 2.5 billion people living in the 54 Commonwealth states offer huge trade opportunities for British businesses from all sectors and of all sizes, across all regions of the United Kingdom. This provides a strong platform for prioritising trade-led growth with countries that account for well over a third of the world's population, and have the potential to produce more than a quarter of global GDP by the middle of this century.

My noble friend Lord Risby asked whether we should capitalise on the Commonwealth advantage. I note that my noble friend Lord Marland also raised this; while I am on my feet, I thank him for his role as chairman of the Commonwealth Enterprise and Investment Council, as others have done. The Commonwealth advantage is the observation that trading between Commonwealth countries is estimated to be 19% easier. Trade is dictated by not just geography but shared history, as I said earlier, and language matters enormously. This is why all Commonwealth members want to see intra-Commonwealth trade and investment raised to \$2 trillion.

In 2018, at the Commonwealth Heads of Government Meeting hosted by the UK in London, leaders adopted the Commonwealth Connectivity Agenda for Trade and Investment, with the ambition of enhancing co-operation. As your Lordships will be aware, and as raised this afternoon, we had hoped to have a Commonwealth Heads of Government Meeting in Rwanda last month. This, sadly, had to be postponed for a second time due to the continuing global impact of Covid-19, but we look forward to the Rwandan Government and the Commonwealth Secretariat being able to reschedule it. I am afraid that I am unable to give any dates to that effect this afternoon.

CHOGM is an opportunity for Commonwealth Governments to reaffirm their ambitions and shared vision of trade. In 2018, Commonwealth leaders used the CHOGM to underline the importance of resisting protectionism and reaffirmed their commitment to free trade. From such a large and varied group of countries, this is an important message for the world to hear. Free trade helped to build Britain. It created jobs, businesses and entire industries, bringing wealth and prosperity to the UK and transforming the country into an economic powerhouse. It is free and fair trade that has helped reduce poverty on a scale unprecedented in human history, and that will help our country bounce back from the coronavirus pandemic and realise the ambitions of global Britain.

I take this opportunity to turn to the subject of vaccines and to welcome the noble Baroness, Lady Chapman of Darlington, to her seat. She is most welcome to this House and to her Front-Bench role. The matter of vaccines was also raised by the noble Viscount, Lord Waverley, and the noble Lords, Lord Triesman, Lord Bilimoria and Lord Purvis. It is an important matter, and the UK is committed to rapid and equitable access to safe and effective vaccines. As part of the G7, we have undertaken to share 100 million

doses, and 80% of our doses go to COVAX. As noble Lords will know, COVAX is the multilateral mechanism and it has so far helped to deliver 95 million doses to 134 countries, including 31 Commonwealth countries. Decisions on sharing vaccines will be based on the continued reliability of supply chains, which was mentioned in this debate, and advice from the JCVI.

However, today free and fair trade and the global trading system which supports it are under attack from the increased use of non-market policies and practices. This distorts competition and reduces fairness and trust in the system, as emphasised in the most recent G7 communiqué. Yet there can be few things more important than championing free and fair trade, as rooted in our values of sovereignty, democracy, the rule of law and a fierce commitment to high standards.

The title of this debate refers to renewing trading relationships, but I might argue that it is more of a reboot of those relationships. Today, as we chart a new course for ourselves as an independent trading nation, our determination to deepen the economic bonds we share with the Commonwealth is stronger than ever before. While we were an EU member, we successfully pushed for EU trade agreements with Commonwealth countries. Consequently, out of the 53 other Commonwealth members, 29 have trade agreements that were part of our Government's efforts to secure trade continuity. I will need to check with *Hansard* to see whether these numbers correspond with those mentioned in the speech of my noble friend Lord Lansley.

For example, while we have already secured a trade continuity agreement with Canada, we have also set out a clear path to begin negotiating a new and more ambitious trade deal there. Furthermore, we have announced the launch of negotiations on a UK-Singapore digital economy agreement, which will build on the momentum of the UK-Singapore free trade agreement to address new and emerging issues in the fast-growing digital economy. I will touch upon this theme a little later.

We know that trade is a key driver of economic growth, which can help raise incomes, create jobs and lift people out of poverty. It is therefore excellent news that we have secured development-focused FTAs, known as economic partnership agreements, with 27 Commonwealth countries. These agreements provide immediate tariff-free access to the UK market and, in return, these countries gradually liberalise their markets, with protections for certain sensitive sectors. This encourages export-led growth, supporting and creating jobs in these countries. Of course, this also creates opportunities for the UK, and through these agreements our trade with Commonwealth countries can and will continue to flourish.

Our current focus is on implementing these trade agreements to their full extent, but this is not the limit of the Government's ambition. In the future, we will look at how we can improve upon these trade arrangements. I hope that helps answer a question from my noble friend Lord Lansley, who asked how we were going to deepen these. This would be to our mutual advantage, through close discussion with our partner countries in the Commonwealth.

[VISCOUNT YOUNGER OF LECKIE]

In addition to our development-focused agreements, a further 16 Commonwealth countries benefit from unilateral liberalisation by the UK because of their status as least-developed countries or lower or middle-income countries. This scheme reduces or removes tariffs to goods imported to the UK.

Although less so today, there have been some voices who call for a Commonwealth-wide trade agreement; in other words, to effect the Commonwealth into a trade bloc like the EU. While I can understand this temptation, we need to remember that such a proposal would not simply be about easing trade between Commonwealth members and the UK but between all Commonwealth members with each other. That would be an enormous undertaking, beset with numerous practical difficulties for members with a wide spectrum of views and interests. It would also be a new departure for the Commonwealth, which has typically been a forum for discussion, technical assistance and sharing best practice. But if the aim of those who call for a Commonwealth trade agreement is to improve UK trade relations with our fellow Commonwealth members, they should look at the Government's record on negotiating trade agreements. We are committed to working with our friends and allies in the Commonwealth to remove barriers to trade, and we are using our unilateral schemes and trade negotiations to do just that.

I want to touch on taking our trade agenda to the next level. Building on our success so far, we will put the UK at the centre of a network of modern deals, encompassing many Commonwealth nations. As the noble Lord, Lord Bilimoria, mentioned, on 14 June, we reached agreement in principle for a deal with Australia, and negotiations are currently ongoing with New Zealand. These deals will create significant benefits for the whole of the UK. I will touch upon the Australia deal later in my speech.

We will shortly begin negotiations to join the Comprehensive and Progressive Agreement for Trans-Pacific Partnership—so-called CPTPP, if I can pronounce that correctly—which includes six Commonwealth countries. We have also launched a consultation on a UK-India free trade agreement. This has been opened, as well as a call for input on a future agreement with Canada. I hope this answers the question from the noble Baroness, Lady Liddell, on how we are stepping up, as we should do.

In line with commitments made in the integrated review, the UK will be announcing the launch of a public consultation on its unilateral preferences scheme in the coming weeks. The Government will be keen to hear from stakeholders in the UK and overseas on how we can make our scheme even better.

I would now like to touch on a number of themes that were raised during this afternoon's debate. One thing that came across loud and clear was the question of human rights, which was raised initially, I believe, by the right reverend Prelate the Bishop of St Albans, and also touched upon by the noble Baroness, Lady Chapman, my noble friend Lady Hooper, the noble Lord, Lord Grantchester, and the noble Lord, Lord Hussain—particularly in respect to Kashmir. They were all important speeches.

I hope that the noble Lord, Lord Grantchester, will forgive me, because I will be repeating some of the lines that he was repeating from what we have said. It is true that we are clear that more trade does not come at the expense of labour, environmental rights, human rights, or sustainable development. We want to ensure that economic growth, development and environmental protection go hand in hand. As an independent nation in control of our trading future, we will work with partners to support freedom, human rights and the environment, while boosting enterprise by lowering barriers to trade.

To take this theme further and to get into some detail, let me address the points raised by the noble Baroness, Lady Quin, who spoke in particular about Cameroon. The Government remain deeply concerned about the north-west and south-west crisis. We will continue to monitor the situation and raise our concerns directly with the Cameroonian Government and within multi-national fora, calling for inclusive dialogue and an end to the violence. Beneficial growth and support for democratic principles are not mutually exclusive. By encouraging trade we are helping those most in need, providing valuable employment and, as I said earlier, helping to lift people out of poverty.

Another theme raised quite rightly by the noble Viscount, Lord Waverley, the noble Baroness, Lady Prashar, and my noble friend Lord Risby, concerned the importance of promoting digital trade and the question of digital interconnectivity within the Commonwealth. The Commonwealth has members at all stages of development, as the House will know. The digital divide is a key issue that the Commonwealth faces. As part of the Commonwealth connectivity agenda, several connectivity clusters were established, including a digital cluster, which the UK co-leads with South Africa. This provides an opportunity for members to explore these vital issues and learn from each other's experience.

I would now like to move on to the points raised by the noble Lord, Lord Wigley, backed up by the noble Lord, Lord Grantchester, on the Australia deal, with a focus on the concerns that Welsh farmers might feel. Some Peers have mentioned in support of the deal that the Australia deal is the first we have negotiated from scratch and it has a number of non-regression clauses in it. UK farmers are the best in the world—and that includes Welsh ones—and the Government are confident in their ability to adapt and prosper as global demand for high-quality sustainable food grows. We believe that a deal with Australia paves the way to membership of the CPTTP and the growing middle-class markets of the Pacific Rim. Those markets are already Australia's focus, and it is unrealistic to think that large volumes of beef and sheep will be diverted to the UK from those lucrative nearby markets. In 2020, more than 75% of Australian beef exports and more than 70% of sheepmeat were imported to Asia-Pacific markets, where the cost of beef production can be twice as high as the UK in some markets.

We know that British customers have a preference for buying British, with Aldi, Budgens, the Co-op, Lidl, M&S, Morrisons and Waitrose all using 100% British beef. We expect any Australian imports to first displace EU production, the origin of 230,000 tonnes of our

beef imports. The quotas and safeguards the Australians have set out provide protection and the ability to apply tariffs for the next 15 years, should volumes exceed specified triggers. I hope this gives some reassurance to concerns raised by noble Lords.

My noble friend Lady Hooper asked what the role of the Commonwealth Secretariat is. The secretariat supports members and this organisation is voluntary and member driven. On trade, the secretariat monitors how intra-Commonwealth trade is developing. This was expected at CHOGM this year, but we now expect the secretariat to publish its trade monitoring report this summer.

My noble friend Lord Lansley asked how we can deepen our goods continuity agreements with services chapters. This is a fair question, because services make up a growing share of global output and employment and now account for around half of global trade on a value-added basis. As the UK is a leading services economy, this has an important role to play in promoting services liberalisation worldwide, while helping to tackle the specific constraints holding back developing countries' growth in this particular area.

I am nearly at my conclusion, but I would like to just refer to my noble friend Lord Howell. He spoke on a theme that was supported by the noble Lord, Lord Rooker, relating to the networks of the Commonwealth and what matters. It links also to the importance of the WTO. I would like to say something about the WTO and its new director-general, because we agree that Commonwealth networks are vitally important and reflect the shared history and values that underpin both the Commonwealth itself and the real business links that trade is built on. As the noble Lord, Lord Bilimoria, also noted, the new director-general of the WTO is a Nigerian, and therefore a Commonwealth national. Dr Ngozi Okonjo-Iweala has brought new energy to the WTO and we want to work closely with her. We are confident that the WTO will move forward under her direction and be helpful to us.

In conclusion, we share a rich and vibrant history with the Commonwealth, which is epitomised through a shared commitment to democracy, peace and prosperity, and a good degree of always good-natured, I am sure, sporting rivalry, to come back to Birmingham. As we begin to embrace the unprecedented opportunities that lie ahead as an independent trading nation, we must re-boost our bonds of prosperity with partners in dynamic markets. The Commonwealth was formed in 1949 with just eight countries. It now has 54 members and the combined GDP of Commonwealth countries reached \$13 trillion in 2020. This is why our Commonwealth partners are central to our plans for the future. This Government intend to utilise this opportunity to work with our friends and allies in the Commonwealth, to deliver not just in the UK but around the world.

4.01 pm

Lord Howell of Guildford (Con): My Lords, I thank everyone in the Chamber and our electronically connected friends for all their excellent speeches. Indeed, I thank the Minister for his excellent survey of the Government's position and his round up of the debate. All of the speeches have been reminders that there is much more

to trade and commerce than just trade itself. Without the wider conditions, there is no trade, nothing occurs, and prosperity disappears.

There is the health and vaccine issue. The noble Baroness, Lady Chapman, was right to draw our attention to that, as did my noble friend Lady Hooper. The secretariat played a strong role in that, led by the secretary-general, Patricia Scotland, which I think has borne fruit, even with India's colossal difficulties. There is also respect for human rights, which the right reverend Prelate the Bishop of St Albans reminded us about. There is the temptation or desire for others to join the Commonwealth, as my noble friend Lord Risby and the noble Lord, Lord Triesman, said. That point seemed to be more eloquent than any speech: if people want to join something, it must be good.

There is the climate threat, which my noble friend Lord Lansley referred to, and the need to help the smaller island nations, particularly by adaptation. I think we all understand totally the point made by the noble Lord, Lord Wigley, about fine Welsh lamb—how could we not? The basic point is that tastes, products and markets are changing. As my noble friend Lord Marland reminded us, there are completely new markets and new tastes, and new trade flows growing everywhere. My noble friend Lord Balfe reminded us that a lot of New Zealand and Australian products are going to the Middle East.

The message of all this is that we cannot stop where we are. We cannot go back; we have to go forward, and so does the Commonwealth, and so it is now going.

Motion agreed.

4.03 pm

Sitting suspended.

Women's Health Outcomes

Motion to Take Note

4.20 pm

Moved by Baroness Jenkin of Kennington

That this House takes note of the steps taken to improve women's health outcomes.

Baroness Jenkin of Kennington (Con): My Lords, it is an honour to be introducing this debate on a topic so close to the hearts and other more intimate body parts of 51% of the population—and some men too, of course.

In my International Women's Day speech this year, I departed from my usual topics of either women in Parliament or the reality of women's and girls' lives in the developing world to talk about women's health. This change was a result of the Government's very welcome launch of the first ever consultation and call for evidence to improve the health and well-being of women in England, designed to use women's voices and experiences to write a new women's health strategy. For the first time in years, I pondered a woman's life cycle in terms of health, and I am grateful for the chance to expand on those thoughts today. What I

[BARONESS JENKIN OF KENNINGTON]

found then, and again now, brought home to me all too graphically the experience of millions of women at different stages of their lives.

Let us start with puberty. It is a confusing time for any child but it is especially so for girls, who are entering puberty about a year earlier than they did back in the 1970s according to global data of 30 studies on breast development. Studies also show that early menstrual bleeding, the last clinical sign of puberty for girls, is associated with a higher risk of obesity, type 2 diabetes, heart disease and allergies. During this period—excuse the pun—I thank journalist Emma Barnett for her book, *Period: It's About Bloody Time*, which asks why we are so uncomfortable talking about, and clam up about, menstruation—girls have their first introduction to expensive sanitary products, starting for many period poverty, which affects their school attendance. Estimates vary, but around one in five women of childbearing age suffers from painful, irregular or heavy periods, many to a truly debilitating extent.

Endometriosis manifests itself around this time as well. It is a long-term condition where tissue similar to the lining of the womb grows in other places, such as the ovaries and fallopian tubes. The main symptoms are back and stomach pain, increased period pain, pain during or after sex, pain when peeing or during a bowel movement, feeling sick, constipation, diarrhoea, blood in pee and difficulty getting pregnant. There is a seven-year wait to get diagnosed, with 40% of women needing 10 or more GP appointments before being referred to a specialist.

At this age, social media pressure and social contagion start to have an impact on teenagers' body image, including anorexia and self-harming. Since 2016, there has been a 45% increase in labiaplasty operations, a female genital cosmetic procedure flippantly referred to as “designer vaginas”. This coincides with a time when vulnerable girls are groomed on the internet and the effects of porn not only are felt on their mental health but lead to this irreversible surgical procedure.

I turn to STIs and birth control. Syphilis and gonorrhoea have almost doubled in the past five years in school-age girls. While chlamydia is decreasing thanks to the screening programme, it remains a problem because of the irreparable damage to girls' fertility and chronic pelvic inflammatory disease. Avoiding pregnancy is still largely seen as a girl's responsibility. Boys should be taught that using a sheath not only prevents unwanted pregnancies but also reduces STDs for girls.

I now move to the stage of planned pregnancies and hoped-for motherhood. One in four pregnancies ends in miscarriage, and these women feel let down. There is insensitivity and a lack of empathy in healthcare and arrogance among healthcare professionals, mainly male doctors, who will not and do not listen to patients. My friend had six miscarriages and finally visited a male Harley Street IVF doctor, who put her on a standard protocol for getting pregnant despite her arguing vociferously that getting pregnant clearly was not her problem. She got pregnant again and endured another avoidable miscarriage because she was not listened to. She then went to a female consultant and had a live birth on the first round of tailored treatment.

Antenatal care is inconsistent. Every woman should have the option of the same midwife throughout, up to their delivery. I wish my noble friend on the Front Bench today—she is probably very uncomfortable in her last two weeks—luck and an easy, quick birth, although I am afraid that there is no such thing as a pain-free birth. I also wish her access to the pain control that she wants and, ideally, no episiotomy. I am afraid that nothing can prepare her or other new mothers for the post-birth challenges of getting her body back to a reasonable condition, breastfeeding, disrupted sleep and so called “baby blues”, possibly followed by postnatal depression, which affects between 10% and 20% of women.

I come to motherhood next. In the vast majority of cases, women are the lead parent, combining most childcare with work, usually at a greater career cost than the father. This in turn leads to tension at home and often a relationship breakdown, leaving the mother as the major childcare provider, which in turn leads to increased mental health issues—I think other colleagues will talk about this—or the use of drugs or alcohol as crutches, which I think the noble Lord, Lord Brooke, may raise.

I turn to the eventual emptying of the nest, which is another time of stress in a relationship and often comes at the same time as caring for elderly parents. This is close to my heart because last year we lost my mother, whom we lived with, aged 96.

I now move on to the menopause, which is a “big one”. Some 34 years ago, I ran the Amarant Trust, a menopause charity funding ground-breaking research into HRT with the team at King's College Hospital, which also ran our self-referring clinic. Women attended in droves, largely because of hostile, and in some cases misogynistic, GPs. I was pregnant at that time so my own hormones were in turmoil, although not lacking in oestrogen and the myriad of miserable symptoms that so many women experience at that time. I can still remember the distress that so many patients suffered in silence and how debilitated they were by the onslaught of flushes, sweats, sleeplessness, vaginal dryness, discomfort during sex and problems with memory and concentration.

A couple of years ago, I attended a round table with the then Women's Health Minister and campaigners. I was astonished to find that the situation for menopausal women is no better than it was all those years ago when I was actively involved. Indeed, 23% of women who visit their GPs with symptoms are prescribed antidepressants instead of HRT. I was one of the lucky ones—I sailed through—but those suffering symptoms should of course be given the informed option of taking HRT, a transformational drug that makes life worth living again for so many women. I give a big shout-out to James Timpson, who wrote in last weekend's *Times* of the need to

“stop the menopause hijacking careers”.

One newish MP told me that, before she was prescribed HRT, she thought that she would have to give up her job as an MP because it was impossible for her to do it properly. I am delighted to be a founder member of the new APPG for the menopause and look forward to its forthcoming inquiry.

In between all this, we have a miserable list of prolapses, cystitis and thrush. Although I have been comparatively lucky in my own health journey, the

latter two caused hours of itching and discomfort, including of course painful sex. This is not always easy to discuss with a partner.

Then we have the female cancers. Cancer Research's most recent figures, from 2015 to 2017, report about 75,000 new cases of breast, cervical, uterine and ovarian cancers. The Government's sustained good work with the introduction of HPV vaccination is very welcome. Since then, infections of HPV in 16 to 18 year-old women have reduced by 86% in England. Considering that around 80% of all cervical cancers are caused by HPV, we hope for big reductions in that cancer in the years to come, but let us keep the pressure on for improving the treatment and life expectancy of women suffering these diseases.

I turn to the final countdown, once we have passed the period of caring for aging parents and the move towards osteoporosis, leading to life-changing fractures caused by brittle bones, and then finally dementia.

Even with the generous 12 minutes that I have today, I can only touch the surface of women's health issues. I pay credit to Health Ministers for taking our problems seriously and, in particular, to Nadine Dorries for driving this agenda, and whose own personal challenge with having an IUD fitted 36 years ago—which in the end she failed because of the intensity of the pain—was laid bare in the *Daily Mail* earlier this week. Many women are unable even to have a cervical smear because of the agony, but they now feel emboldened to speak out because of other women talking publicly, including the campaigner Caroline Criado Perez.

I am not alone among women in wondering whether, if these debilitating conditions afflicted men, better treatments would have been found by now. Less than 2.5% of publicly funded research is dedicated solely to reproductive health, despite the fact that one in three women in the UK will suffer from a reproductive or gynaecological health problem. There is five times more research into erectile dysfunction, affecting 19% of men, than into premenstrual syndrome, which apparently affects 90% of women.

Women are underrepresented in clinical trials even though biological differences between males and females can affect how medication works. The general assumption is that women do not differ from men except where their reproductive organs are concerned, and data obtained from clinical research involving men is simply extrapolated to women. This has important implications for health and healthcare. I understand that over 100,000 women have responded to the Government's consultation and that they are currently unpacking the data. On behalf of women everywhere, I thank the Government for the initiative and for the forthcoming sexual and reproductive health strategy.

Noble Lords may not be aware that instances of domestic abuse increase by 26% when England play football and by 38% if they lose. So those who may not be looking forward to Sunday's game will be especially welcoming the actions that the Government are taking on violence against women and girls.

I look forward to hearing from my noble friend the Minister about how these initiatives will improve life for millions of women who are suffering in at least some of the ways that I have described today.

4.32 pm

Baroness Massey of Darwen (Lab) [V]: My Lords, I thank the noble Baroness, Lady Jenkin, for introducing this important debate. I know that many important issues relating to inequalities in health will be addressed. I am delighted that the noble Baroness spoke eloquently about young women's health; I shall raise concerns about young women's mental health in particular.

The Association for Young People's Health, of which I am a patron, has welcomed the proposal to develop a women's health strategy for England, stating that this must take account of the diversity of young women's health issues, and that young women and girls must participate in the development and implementation of the strategy. Young women's experiences of healthcare are affected by general factors, such as deprivation, ethnicity and geography, and by specific issues, such as sexual and certain kinds of reproductive health issues, mental health, and gender-based violence. In general, young women's health outcomes are less favourable than those of young men.

As the Mental Health Foundation states,

"There is no health without mental health".

Mental health affects physical health and the data on mental health and well-being, self-harm, suicide and eating disorders show that the link between body image and life satisfaction is twice as strong for girls as for boys. Young women's mental health gives specific rise to concerns: 43% of young women aged between 16 and 29 experience some depressive symptoms, compared with only 26% of men of the same age. Girls between the ages of 11 and 17 have had more emotional difficulties than boys during periods of school closures. As we know, Covid has had an unequal impact on different groups and individuals. Young people generally have been less likely to become infected with the virus, but have faced enormous upheavals in education, employment and social interaction during what is often a difficult period in their lives.

Given the different mental health needs of boys and girls, the Royal College of Psychiatrists has suggested that, to deal with these needs, different interventions and methods for supporting different young people are required. It recommends that an extra £500 million of investment is needed to address the mental health needs of children and young people. These needs, including treatment, have intensified to an alarming degree during Covid-19.

Can the Minister say whether the strategy for women's health will take account of the importance of maintaining and improving research and data collection on young women's health? Will the views of women and girls be taken into account as the strategy develops? Both these issues are important in ensuring access to services and appropriate, high-quality preventive measures and treatment. I look forward to the Minister's reply.

4.35 pm

Baroness Walmsley (LD) [V]: My Lords, I am delighted to take part in this debate on women's health issues, so ably introduced by the noble Baroness, Lady Jenkin.

A common issue coming out of all the briefings, and particularly from the report by the noble Baroness, Lady Cumberlege, *First Do No Harm*, published last

[BARONESS WALMSLEY]

year, is the need to listen to women when they talk about their health. We all heard the noble Baroness talking movingly in this House, when we first debated her report, about how upsetting it was when she really listened to the women who had been damaged, or whose babies had been damaged, by valproate, Primodos or vaginal mesh and how relieved the women were to be listened to at last. Can the Minister say when the Government will implement all her recommendations?

Information is vital because, without it, women cannot exercise proper choice. In the case of the anti-epilepsy drug valproate, we heard from women with epilepsy when we debated the report last year that women were still not being fully informed of the risks in case they become pregnant. Let us remember: about half the pregnancies occurring in the UK are unplanned.

So information is key, but so is listening. I am horrified when I hear that women who eventually get a diagnosis of endometriosis have usually been to their GP 10 times before they finally get a proper investigation, diagnosis and treatment—just one example of where women's pain is not taken seriously. I recognise that the non-specific symptoms are of course difficult to diagnose, but I would like to know what training trainee doctors get in actively listening to women.

As we just heard, women are also underrepresented in clinical trials, even for drugs specifically aimed at women. This is completely unscientific when you understand the differences between women's and men's biology. Can the Minister say why the regulator allows this?

I am, like the noble Baroness, Lady Massey, very concerned about women's mental health services, particularly since the pandemic has isolated so many women in their homes with sole responsibility for caring for their children and sometimes elderly relatives. A listening ear has been more important than ever during the pandemic and many kind members of the community have stepped up, but they are no substitute for clinical services. Asking questions and listening to the answers is particularly important in antenatal clinics, where mental health issues and domestic violence can often be detected early. I ask the Minister: will women's mental health be specifically included in the new Secretary of State's plan for mental health?

Another factor of women's health which has worsened over the past year is nutrition and obesity. We have seen an increase in poverty, which is linked to obesity, and an increase in eating disorders. When will we get Henry Dimbleby's long-awaited national food strategy? This is really important for women themselves and for those they feed and care for.

4.38 pm

Lord Rooker (Lab) [V]: My Lords, as the first male Member of your Lordships' House to speak in the debate, I welcome very much what the noble Baroness, Lady Jenkin, had to say. Her opening speech was, frankly, awesome—that is how I would describe it.

I do not apologise for returning to the Marmot review, which the Minister has heard me speak about before. Inequalities in life expectancy have increased

since 2010, especially for women. Female life expectancy declined in the most deprived 10% of neighbourhoods between 2010-12 and 2016-18. Female life expectancy decreased in every region save for London, the West Midlands and the north-west. Life expectancy in England has stalled since 2010, which has not happened since 1900. When health has stopped improving, it is a sign that society has stopped improving. That is all from the *Marmot Review 10 Years On*, published in February 2020.

Of course, health is linked to all the other conditions in which people are born, grow, live and work, together with inequalities in power, money and resources. Frankly, the Government have not prioritised health inequalities, despite the concerning trends, and there has been no national health inequality strategy since 2010. This is a national UK issue and cannot be shoved off as a devolved matter.

I have not mentioned Northern Ireland. It has suffered the same as the other three nations but one figure, set out on page 12 of *Build Back Fairer: The COVID-19 Marmot Review*, is unique in respect of female health. The table is titled: "Relative cumulative age-standardised all cause mortality rates by sex, selected European countries, week ending 3 January to week ending 12 June 2020". Of the eight countries where the situation got worse—as opposed to the 11 where it got better—the UK's four nations were in the eight, and in only one of all the countries where it got worse, it got worse for females compared to males. That was Northern Ireland. There is quite clearly something badly wrong in health inequalities between men and women in Northern Ireland for it to stick out like that among all those countries. The recommendations for change are all well known. They are listed in both the Marmot reports I have used.

I note the BMA has highlighted more targeted issues, such as those relating to domestic abuse, pregnancy and maternity services, which male Secretaries of State keep ignoring. However, the first move has to be an acceptance that things have gone really badly since 2010, when the coalition Government imposed swingeing cuts to public expenditure without any analysis of the consequences. One consequence is the stalling of life expectancy, where women have been affected worse than men.

4.41 pm

Baroness Greengross (CB) [V]: My Lords, I welcome today's debate on women's health outcomes and thank the noble Baroness, Lady Jenkin of Kennington, for bringing this Motion to the House today in an extraordinarily moving way.

We know that there are many conditions where women are overrepresented—for example in mental health, where 26% of young women have experienced anxiety, depression or eating disorders. We know that with gynaecological conditions it often takes seven to eight years to receive a diagnosis of endometriosis, with 40% of women needing 10 or more GP appointments before being referred to a specialist.

In one area of women's health, I became aware late last year that there was a national shortage of widely used contraceptive preparations and hormone replacement

therapy products. In response to my Written Question, the Minister, the noble Lord, Lord Bethell, responded that this shortage was due to

“Issues such as regulatory or manufacturing problems, problems accessing supplies of pharmaceutical raw ingredients and commercial decisions to divest certain products”,

which

“can affect the supply of medicines.”

Throughout 2020, thousands of women were not able to access their normal oral contraceptive or hormone replacement therapy products. This is one recent example of women not having access to the pharmaceutical products they regularly used, though this also happens, as we know, with various medicines that both men and women take.

I declare my interest in the register as co-chair of the All-Party Parliamentary Group on Bladder and Bowel Continence Care. Women are five times more likely to develop urinary incontinence than men. This is something many women feel uncomfortable talking about or raising with their GP. For many women, bladder continence issues can result in a loss of independence, as they feel unable to leave their homes unless they know there are accessible public toilets near to where they are going. Much like gynaecological conditions, issues with continence care can take time to diagnose and cannot always be treated. Much greater awareness is needed of these conditions and, in particular, how they impact on women's lives.

My final point is to draw attention to some depressing findings from the 2020 Marmot report, about which the noble Lord, Lord Rooker, spoke so movingly just now. According to Sir Michael's 2020 report on health disparities, women living in the most deprived 10%—

Baroness Penn (Con): My Lords, I am afraid I am going to have to remind the noble Baroness of the time limit for Back-Bench contributions, given the number of speakers we have in this very important debate.

Baroness Greengross (CB) [V]: Can I finish or not?

Baroness Penn (Con): My Lords, I suggest to the noble Baroness that perhaps she is already over the time limit and that we move on to the next speaker.

Baroness Greengross (CB) [V]: Okay.

4.46 pm

Baroness Chakrabarti (Lab) [V]: My Lords, I thank the noble Baroness, Lady Jenkin, for leading this debate, an initiative wholly consistent, if I may say so, with her long record of campaigning on behalf of women.

Even in these days of deliberately stoked and exaggerated culture wars, there can be few who do not agree that millennia of structural inequalities have undermined women's health worldwide. Further, it is obvious that the current devastating pandemic has magnified every such inequality on the planet. This includes the shocking, yet predictable, rise in domestic violence during necessary lockdowns, reduced access to sexual and reproductive healthcare and other vital women's health and social services internationally.

Women are more likely to be involved in childcare, social care and cleansing, whether in the home or outside it, placing millions of them on the front line of

infection. While older men seem more likely to die of Covid-19, it seems that women who survive it may be more likely to suffer from the chronic symptoms associated with long Covid. That means that every current decision in the debate about how best to either combat or live with the virus is likely to have a gendered impact.

The extent to which casting off the mask has become associated with one's love of freedom is unfortunate indeed. I worry about the way in which some in government have become so wedded to irreversible “business as usual” from a particular date that they are risking more than necessary and perhaps forgetting that, for many, business as usual, even before the pandemic, was far from free, fair, safe or healthy.

If the Government want to honour their promise to vaccinate the planet and an earlier pledge for a new era of global Britain, they must stop siding with Germany in blocking the TRIPS waiver at the WTO and join the United States, India, South Africa and most of the Commonwealth—celebrated here earlier this afternoon—in demanding that industry shares know-how around vaccines, tests and treatment manufacture so these can be decentralised and scaled up to meet global demand.

19 July is not “freedom day”, but it could yet be solidarity day in a global race against vaccine-resistant variants and even more deaths.

4.48 pm

Baroness Bull (CB): My Lords, I congratulate the noble Baroness, Lady Jenkin of Kennington, on securing this debate, which feels particularly timely as we mark the 73rd birthday of the NHS this week. Women were undoubtedly among its most immediate beneficiaries, as the expansion of maternity care put an end to many of the horror stories of obstetric disasters, post-delivery haemorrhage and infections needlessly killing mothers after childbirth, for want of sterile surroundings. We have come a long way since then, but there is still some way to go.

The Library's helpful briefing makes clear a range of healthcare areas in which women experience worse outcomes than men, including mental health. The Mental Health Foundation reports a strong relationship between women's physical and mental health, with 85% of its surveyed members reporting that menstruation, menopause, pregnancy, fertility pressures and contraception impacted negatively on their mental health.

I will focus on eating disorders—serious mental health disorders that can affect anyone, but which are much more prevalent in women than men. A recent Finnish study found that one in six female adolescents and young adults met the criteria for an eating disorder, compared with one in 40 males. The pandemic has seen eating disorders spike, with demand for services up 200% in some areas and waiting lists at record highs. Those with high-BMI eating disorders cannot access treatment, since clinical pathways for binge eating are currently closed, as the NHS struggles to cope with the increase in low-weight disorders.

This is nothing short of a public health crisis, yet it receives neither the attention nor the funding it warrants. The best-known eating disorder, anorexia nervosa, has the highest mortality rate of any psychiatric disorder in the UK, yet the last available dataset comparing all

[BARONESS BULL]

mental health related research grants from major UK funders revealed that eating disorders received just 1% of the near £500 million available over the four-year period surveyed.

It is hard not to conclude that eating disorders suffer a triple whammy of perception and misperception: first, they are seen as a niche problem largely affecting a middle-class elite, which is not true; secondly, they are mental health conditions and, despite claims to the contrary, we have yet to live up to our promise to give mental and physical health parity of esteem; and finally, above all, they are seen as women's issues.

Earlier this year, in the other place, the Minister Nadine Dorries said,

"for generations women have lived with a healthcare system that is designed by men, for men."—[*Official Report*, Commons, 8/3/21; col. 535.]

Women continue to suffer as a result. I look forward to the forthcoming women's health strategy and hope that it has some effect in redressing this age-old imbalance.

4.51 pm

Lord Hunt of Kings Heath (Lab) [V]: My Lords, I very much welcome this debate and commend the noble Baroness, Lady Jenkin, on her opening speech. One of my main concerns is that, historically, women have been underrepresented in clinical research, as both researchers and the subject of research. The noble Baroness, Lady Jenkin, also referred to that. As a result, many diagnostic tests and treatments have been based on data gathered from men. Women are still not taking part in clinical trials to the same level as men. We need to understand the barriers that prevent women taking part in these trials, and encourage and enable them to take part.

This impacts across medical provision, but I will focus on heart attacks. Research into different treatments for men and women has shown that women are more likely to be treated less aggressively in their initial encounters with the healthcare system, until they have to prove that they are as sick as male patients. Once they are perceived to be as ill as similarly situated males, they are likely—but not always—to be treated similarly. This can be seen with heart attacks, where women having a heart attack delay seeking medical help longer than men because they do not recognise the symptoms and believe it is men who get heart attacks, not women. Some 50% are more likely than a man to receive the wrong initial diagnosis for a heart attack. Many are less likely than men to receive a number of potentially life-saving treatments in a timely way and, following a heart attack, are less likely to be prescribed medications to help prevent a second heart attack.

If there was any complacency about women's health issues, the recent report from the Health Select Committee on the shocking state of many maternity services should be a great warning to us. This has been known for some time now. There has been an endless number of inquiries, yet we have been waiting for action for far too long.

It is not just about research and treatment of disease, as experienced by women. Ensuring women's safety, privacy and dignity while they are in hospital is vital.

Women often favour single-sex wards for very good reason: rates of sexual assault are far higher in mixed-sex wards. The *Health Service Journal* reported last year that at least 1,000 sexual assaults were reported by female and male patients on mixed-sex mental health wards between April 2017 and October 2019, yet there are indications that the NHS is moving away from giving enough provision to single-sex wards. Could the Minister look into this and see what can be done to ensure the NHS does what Ministers asked of it over the last years?

4.55 pm

Baroness Bottomley of Nettlestone (Con) [V]: My Lords, this is an important and timely debate and I give full congratulations to my noble friend Lady Jenkin on introducing it. I start by echoing the noble Baroness, Lady Walmsley, on the requirement for urgent action following my noble friend Lady Cumberlege's report. It is harder being a Health Minister in the Lords because there are so many experts. I chose my noble friend Lady Cumberlege and we worked together harmoniously. It is time we had a patient safety commissioner. That is part of the recommendations, only one of which has been properly implemented. We need a register of doctors' interests.

My real purpose in speaking is to relate my experience at the University of Hull. Only one in four medical deans is female. At Hull, Professor Una Macleod is a general practitioner who still works in east Hull. She shapes and fashions the medical school so that it is relevant to the disadvantaged and underprivileged. Many in the House will know that my first job was working for the noble Lord, Lord Field. He went to the University of Hull and, for 16 years, I have been proud to be its chancellor. It is trying to reach out to the disadvantaged and neglected, who I call the inarticulate needy, not the articulate greedy, to whom I was so used in my former constituency.

I applaud much of the research, often by nurses and the professor of nursing, because nurses listen and are where the patients are. We have talked about underrepresentation in surveys, and Professor Lesley Smith has done some magnificent work on why younger women in lower socioeconomic groups are less likely to take part in population surveys. She has fashioned a tool to reach out to underprivileged, disadvantaged, less-connected and younger women so that we can understand what they need and want.

Dr Roger Sturmey talks of one in four women suffering from a miscarriage, but of only 2% of research going into miscarriage. A nursing professor of perinatal mental health said that women's health outcomes and that of their babies are not good enough. He has designed a new measure, a revised birth satisfaction scale.

Over the years, there has been a dramatic improvement in women's health. When William Wilberforce lived in Hull, women lived to 44. Now, the overall life expectancy is 82.7 years for women and 78.7 years for men but, as noble Lords have said, this conceals areas of neglect and suffering. It is not the extra years only, but the quality of them. I believe that, by looking more deeply and working with professions other than the traditional medical professions and by focusing our research, we

can do more to meet the unmet need that so many in this House are so knowledgeable about and have contributed so strongly on.

4.58 pm

Baroness Bennett of Manor Castle (GP) [V]: I thank the noble Baroness, Lady Jenkin of Kennington, for securing this debate—a timely update a year on from the brilliant report of the noble Baroness, Lady Cumberlege, as the noble Baroness, Lady Bottomley of Nettlestone, just said.

Today's debate led me to look back over our debates on the Medicines and Medical Devices Bill, during which the Government conceded, after Scotland led the way, on a patient safety commissioner for England. We were promised then that serious consideration was being given to the report's other recommendations to support victims of disastrous medical procedures and to prevent future avoidable damage. I follow the noble Baroness, Lady Walmsley, in pointing out that the victims of sodium valproate, pelvic mesh implants and Primodos are still waiting. The *First Do No Harm* report concluded that thousands of lives were ruined because officials failed to listen to female patients. I hope we might hear some good news on that issue from the Minister.

In three minutes, there are many issues I could cover, but I want to extend the conclusions of the noble Baroness, Lady Cumberlege, to broader issues. I note that women wait longer to be diagnosed for many conditions, including cancer, and that heart disease in women is more likely to be misdiagnosed. Mental health is likely to be the diagnosis for a wide range of conditions that have a clear physical cause, often discovered only after many years of suffering.

I note too that intersectionality is at sometimes deadly and always damaging play here, and that women from BAME backgrounds and the LGBTIQ+ community are more likely to report poor treatment from their GP and receive inadequate support from services.

In the brief time left to me, I thought I would focus on an area still getting far too little attention and, like so many others, that is being exacerbated by the Covid-19 pandemic. That is musculoskeletal disorders. I point the House to the excellent briefing for this debate from the Chartered Society of Physiotherapy, which covers that as well as many other important issues. I should perhaps declare a personal interest here, having relied over many decades on physiotherapists to keep me going and repair damage wrought on the sporting field and in the workplace.

As I read that briefing's recommendations on preventing musculoskeletal problems through access to occupational health physiotherapy, I thought of some women I met in Sheffield working at picking up baskets for a major supermarket's home delivery service from midnight to dawn. I heard from them how physically challenging it was and how tough it was in the chiller and freezer sections.

We have to think about the many women who are doing what is often a double shift in the home with child and elder care. They also suffer musculoskeletal damage from that, and would greatly benefit from musculoskeletal first contact physiotherapists in primary care being available to all.

5.01 pm

Lord Boateng (Lab) [V]: My Lords, thanks are due to the noble Baroness, Lady Jenkin, for all she has done for women's health. She mentioned pregnancy. Black women in the UK have higher rates of morbidity and mortality related to pregnancy and childbirth than any other section of the community. They have worse outcomes too for breast and cervical cancer. Black women of Afro-Caribbean origin are less likely to consult health professionals regarding symptoms of perinatal depression. The *British Journal of General Practice* gives as the perceived reasons for this a lack of compassion in healthcare workers and a lack of culturally sensitive staff. I hope the Minister will address how training is going to address these issues.

Reference has been made to Covid. In a study of maternal death in the course of the Covid pandemic, it was revealed that 88% of the deaths investigated in the report *Saving Lives, Improving Mothers' Care* were from black and ethnically diverse groups. I hope the Government will ensure that, in learning the lessons of Covid, the impact of ethnicity and racism is taken into account. The Royal College of Obstetricians and Gynaecologists has called on the Government to take action on racial disparities and on the Government's own racial disparity audit and the extent of the real problem it reveals. What action is in fact being taken in that area?

Black and south Asian ethnic-minority women suffer a double whammy of gender and ethnicity. They suffer a real disadvantage in their access to healthcare and of positive outcomes. There is an issue—we cannot ignore it—of unconscious bias. This leads to adverse behaviours. It leads also, I am afraid, to adverse outcomes. We need to address this in training and continuous professional development.

The absence of black and ethnic-minority women in all too many clinical trials reveals an equally important issue, as well as a stereotyping of south Asian women as somehow more likely to suffer pain and of black women as non-compliant. If you are a black or Asian woman, you are more likely to find yourself locked up in a secure ward. You are less likely to have treatment by way of talking therapies. We know that we need partnerships with women's organisations; we need to listen better to women, especially black women, and we need resources. All these things are necessary if we are to translate good intentions into action that makes a real difference for women in general and black and ethnic-minority women in particular.

5.04 pm

Baroness Nicholson of Winterbourne (Con): I welcome this important debate on women's health. I congratulate the noble Baroness, Lady Jenkin of Kennington, and thank her profoundly for her deep and permanent commitment to the health and welfare of girls and women.

Like her, I have worked overseas and on the ground as a volunteer on violence against girls and women and, specifically for this debate, on raped and tortured female victims. Indeed the noble Baroness, Lady Bull, and I were working on that together only 10 days ago for Yazidi victims. I seek our Government's ongoing commitment to the plight of these most special girls and women, both here and in the war-torn nations where I work, above all others. These heavily damaged

[BARONESS NICHOLSON OF WINTERBOURNE]
survivors of continuous rape by different but always violent males deserve the very best of surgical and general healthcare.

My praise for our NHS staff and volunteer rape crisis centre teams in Britain, all of whom treat raped girls and women with outstanding care and sensitivity, is unbounded. However, the natural growth of social concern for difference and our proper national commitment to greater inclusion has led to the appointment of natal males to tend to acutely female needs, such as intimate care for mentally challenged in-patient girls, and to lead staff posts in rape victim settings. I believe the noble Baroness will join me in examining these breaches of customary dignities afforded to women whose capacity is either limited since birth, accident or illness or has been compromised by rape or other indignities. Should they not be care for, nurtured and helped to live by fellow females? Common sense and parental requests suggest they surely should, yet that is not the case today. I urge the Minister, for whom I have the highest respect, to pay heed to research and take steps to correct this situation.

5.06 pm

Lord Brooke of Alverthorpe (Lab): My Lords, I join others in expressing my gratitude to the noble Baroness. She is a great campaigner and is prepared to reach out across all Benches. That is much required with the problems we face.

I think I am probably the first to mention football, but I mention Denmark and congratulate it on the work it does with women. Denmark ranks the highest in the whole world in presenting a community in which women have equality; it respects and does not abuse women. Women are treated as well as men at work and in health terms. It is a great country and should be proud of what it has done.

We could learn a lot from Scandinavia about how we treat each other, and in particular how we treat women. Look at what Denmark does with justice—restorative rather than punitive justice, which we engage in so much in this country. Do noble Lords know that Denmark does not fill its prisons? In fact, it invites neighbouring countries with a surplus of prisoners to send them to Denmark. That is because of the way it approaches its problems.

Similarly, we find that Denmark deals with issues we have here, where women are abused because of alcohol—that and a whole range of other topics were mentioned earlier—in a quite different way. We really ought to learn that we should visit others and invite them here to try to help us with some of our problems. Basically, I think it does so well because, as in other Scandinavian countries, the inequality in wealth is so minimal by comparison with what we experience. We cannot run away from that.

My noble friend Lord Rooker and the noble Baroness, Lady Greengross, raised Sir Michael Marmot's continuing work on inequality and the need to get incomes and salaries closer together, in the way that we had 30 or 40 years ago. This is fundamental to health and so many aspects of what happens in society. I look to the Minister to see whether the Government are doing work on it.

This morning I listened to Nadine Dorries talk on a Zoom exercise about the coming review. There have been 112,000 responses to the strategy. Like others, I look forward to seeing whether something positive comes out of it and that we have attached to it a firm action programme.

Like others, I spoke on the great report from the noble Baroness, Lady Cumberlege, but when is the action coming? What are the Government going to do with that? When will we see the action programme presented to the House?

5.09 pm

Lord McColl of Dulwich (Con) [V]: My Lords, I join others in thanking the noble Baroness, Lady Jenkin, for initiating this debate. In my practice of medicine and research, mental health has always been one of my concerns, and it is obviously a very important feature in the health of women. One survey, which I think has already been mentioned, showed that 90% of people believe that mental health affects physical health and 90% believe that physical health affects mental health.

In trying to achieve better outcomes, I think it is sensible to look for cost-effective ways. For instance, the mental harm done by loneliness can be mitigated by frequent visits from friends and relatives, and this may also delay the onset of Alzheimer's disease and help them when the condition progresses. Importantly, there are many ways to reduce stress—for instance, bringing in a four-day week. When a three-day week was introduced in 1974, there was no drop in productivity, which was interesting and surprising.

Better outcomes could be achieved by reducing violence, rape and abuse of all kinds, and alerting the public to the increased domestic violence following football matches, as the noble Baroness, Lady Jenkin, mentioned. Violence against women is also bound up with pornography and prostitution. A Swedish law making it illegal to pay for a prostitute reduces the opportunities for violence against women and could be passed here in this country. Those opposing such a law might be asked whether they have an interest to declare.

It is estimated that there are several million disabled people being cared for by women at home. For them, respite care is absolutely essential.

Lastly, a great deal of mental and physical ill health is due to the obesity epidemic, which has caused an enormous amount of ill health and is also responsible, in this country and many others, for the high mortality from Covid. There is only one way of dealing with obesity: put fewer calories into the mouth. The noble Baroness, Lady Jenkin, has done a great deal, in practical ways, to achieve this by advocating ways of finding and cooking healthy and affordable food and inviting people to these healthy and cheap lunches.

We must make a real effort to achieve better health outcomes for women in this country.

5.13 pm

Baroness Bryan of Partick (Lab) [V]: My Lords, I too thank the noble Baroness, Lady Jenkin, for enabling this important debate. Unlike other health comparisons,

the gap between men's and women's health is wider in some developed countries than in some less-developed ones. The UK ranks 87th in the world for men's health, while it ranks 125th for women's health—38 places lower. This gap puts it 12th in the international list of women's health inequality. How can this be?

One of the reasons appears to be the misdiagnosis of women's symptoms, which I will come to later. A second reason is that women are more likely to live in poverty than men. Whether as single parents, unemployed, on low pay, disabled or as pensioners, women are likely to be poorer than their male counterparts.

Not all inequalities in health relate to gender. Better-off women can expect 20 additional years of healthy life than those who are worse off. Even before the pandemic, progress on healthy life expectancy had stalled and begun to go backwards. The latest figures show that less than a third of women are still in work by the time they reach retirement age. For many, this is not through choice but because they cannot find work or are actually too ill to work. We are condemning many of these women to spend the remainder of their lives in poverty.

As we have heard from several speakers, women have to shout louder to get their concerns listened to. Some of the women who have had to shout the loudest are those affected by mesh implants. The independent review chaired by the noble Baroness, Lady Cumberlege, produced its report *First Do No Harm* one year ago today. It found that women describing their excruciating chronic pain were dismissed as imagining it or told it was their "time of life". The report argued that anything and everything that women suffer is perceived as a natural precursor to, part of or a post-symptomatic phase of the menopause. What do the Government intend to do to prevent so many women spending their later years in ill health and poverty? When can we expect the establishment of a redress agency, as proposed in *First Do No Harm*?

5.16 pm

Baroness Uddin (Non-Afl) [V]: My Lords, it is nearly 40 years since a group of us women set up our country's first women's health advocacy group, with the aim of improving both equality of access for women's health and prenatal mortality rates for women and babies, in addition to unlocking women's voices and choices of maternity care. According to the same project, to this day women's experiences remain poor and unequal.

While we continue to frame minority women, particularly Muslim women, within the parameters of numerous health and social problems, including domestic violence and cultural disadvantages, Muslim women's presence in the public square remains negligible and they are mostly absent from NHS management and decision-making boards. Some minority women, when they are in such positions, feel so constrained in their advocacy on racism, prejudice and Islamophobia that in order to avoid political rejection they feel unable to effect any meaningful changes for women, who continue to have no voice and to experience generations of poor health and inequalities, as my noble friend Lord Boateng so ably pointed out.

The experience of Islamophobia is deep-rooted, affecting every sinew of politics, policies and, therefore, services. In maternity and care services, Islamophobia

has continued to impact the quality of care, attitudes and behaviours for the last five decades. It is so regrettable that women continue to experience these painful inequalities. I do hope the new strategies that the noble Baroness, Lady Jenkin, so powerfully highlighted will speak to all women in all communities.

5.18 pm

Baroness Eaton (Con) [V]: My Lords, I add my congratulations to my noble friend Lady Jenkin on her excellent introduction to this very important debate.

As we have heard, one of the biggest health issues for women is mental health, which has been exacerbated by the Covid pandemic. Evidence suggests, and the front-line experience of GPs I have spoken to shows, that women are more prone than men to experiencing anxiety, depression and somatic complaints. Depression is the most common mental health problem for women and suicide is a leading cause of death in women under 60. Linked to this, there has been an increase in physical and psychological problems and sexual abuse, with increasing domestic violence towards women.

During the pandemic, the resulting reduction in sexual health and pregnancy services has caused serious problems. Women's health is incredibly important because women are frequently the cornerstone of a family's overall health and well-being. They are carers of children, providers of home schooling and often carers of elderly, sick and/or disabled family members. There is clearly a major impact on the family when there is a deterioration in women's health.

It is estimated that 28% of women over 65 have diagnosable depression but only 15% will receive treatment from the NHS. Ensuring that women have access to quality and appropriate care directly leads to improved health for children and families. Future service provision should mean co-producing collaborative care models that encourage service users and clinicians to engage in a shared understanding of care needs, treatment and support preferences. This agenda should prompt greater public mental health and preventive self-management. I am impressed by the work being done by Dynamic Health Systems, a company about to launch an evidence-based, artificial intelligence-enabled platform for the self-management of mental health conditions by individuals and populations. An appropriate and effective mental health service needs a gender-informed approach, with services diagnosed to take account of the differential needs of women and men. There must be recognition of the need to collect gender-informed health and social care data. If women's mental health services are to improve, successful implementation requires a workforce trained in gender differences in mental health.

Can my noble friend the Minister clarify in his response the approach that the Government will take to wider mental health support, particularly in suicide prevention work? What support are the Government giving to the self-management of mental health through digital services such as those to which I have referred?

5.21 pm

Lord Sikka (Lab) [V]: My Lords, I thank the noble Baroness, Lady Jenkin, for this debate.

[LORD SIKKA]

The key to reversing poor health for women is ensuring that the Government provide a range of public services related to women's health, child and family care, domestic violence and reproductive and sexual health, as well as a just redistribution of wealth and income. Fiscal and welfare policies have major consequences for women but government announcements are rarely accompanied by any gender impact assessment.

Wage freezes for public sector workers have hit women the hardest, as many occupy low-paid jobs, but there has been no gender impact assessment even though poverty levels are higher for female-headed households. By freezing personal allowances, the 2021 Budget will force poorly paid women to pay more in tax. The 107 pages of the Budget document uses the word "women" just three times. Childcare was not even mentioned. Some 46% of mothers being made redundant say that lack of childcare is a major factor in their redundancy.

The Government are cutting universal credit by £1,040 a year. That is not accompanied by any assessment of the impact on women. Janet Mackay from Oxfordshire wrote to me. She stated:

"My disabled daughter can't just get a job and this cut will lower her quality of life. It's monstrous to do this to the disabled."

Despite gender inequalities, the Government raised the state pension age to 66 and deprived millions of 1950s-born women of their state pension for six years. The impact assessment said little about the quality of life for women. It does not get any easier after retirement either. As a fraction of average earnings, the UK state pension is one of the lowest in the industrialised world. The charity Independent Age has reported that 2.1 million pensioners are living in poverty and 1.1 million in severe hardship. People aged over 85 are most affected, and women are worse affected than men.

I therefore ask the Minister to give a public undertaking that all fiscal and welfare policies will be accompanied by an impact assessment from women's perspective.

5.25 pm

Baroness Fraser of Craigmaddie (Con): My Lords, I, too, thank my noble friend Lady Jenkin of Kennington for this important debate and for her awesome—as the noble Lord, Lord Rooker, described it—opening speech. Given the time constraints, I simply want to make two points.

First, women's health is not only important for all the reasons noble Lords have already outlined. Women's health issues have far-reaching implications beyond just the health of women. When looking at positive outcomes for families and children, particularly disabled children, the burden of care still, in 2021, falls disproportionately on mothers. Therefore, ensuring continued good health for women has consequential effects on the well-being and good health of the rest of the population, as well as on women themselves.

Secondly, I want to address the importance of data, including what data we are collecting, how we are collecting it and what we might do with it to improve women's health outcomes. Good data can ensure that women's issues are addressed in research and lead to practical improvements in service delivery. NHS Greater Glasgow is currently undertaking a project funded by

the Scottish Government to develop an epilepsy register for Scotland so that appropriate continuous care can be successfully delivered. I declare an interest as, in my capacity as chair of the National Advisory Committee for Neurological Conditions in Scotland, I have been able to monitor the progress of this work. The project team has started by focusing on women with epilepsy because, as was previously noted by the noble Baroness, Lady Walmsley, there are risks associated with pregnancy. In particular, taking epilepsy medicines containing sodium valproate can cause serious harm to an unborn baby. The project has identified who holds what data: GP, consultant, midwife or pharmacist. These data sources may not even talk to each other but, once the data has been gathered, consultants can cross-reference to see who is taking what medication, whether medication is being missed and whether appointments are being missed so that the highest-risk women can be identified and their care actively managed. Early results are showing that the development of a register is leading to significant improvements in outcomes for women with epilepsy and their babies.

This is just one project in one area covering one condition. I hope that this work will find a way to be scaled up to cover more conditions in more areas. Think what could be achieved if we were able to ensure that the information gathered and stored regarding women's health could be co-ordinated in such a positive way, for it remains the case that if you are not counted, you do not count. I believe that the Covid pandemic has illustrated the importance of robust health data and has given us the impetus to ensure that such data is co-ordinated across services. I ask that the Government's first women's health strategy for England ensures that women's health data is identified, collected and used to inform service improvements so that we can see actions and results to improve women's health outcomes.

5.28 pm

Lord Young of Norwood Green (Lab) [V]: My Lords, I, too, thank the noble Baroness, Lady Jenkin, for this debate and for her thoughtful and informative intro. She pulled no punches—rightly so—in her description of the often painful lifelong journey of women and girls. I welcome the statement by Nadine Dorries, the Minister for Patient Safety, on the government-led women's health strategy—the first one.

In May 2020, in response to a Written Question on whether hospitals were required to provide single-sex services, including spaces for patients, the noble Lord, Lord Bethell, said that the revised guidance on delivering same-sex accommodation published by NHS England and NHS Improvement stated that

"providers of National Health Service-funded care are expected to have a zero-tolerance approach to mixed-sex accommodation, except where it is in the overall best interest of all patients".

Many NHS trusts interpret that in a number of ways that are not always conducive to the health and treatment of women and girls as patients. As many noble Lords have said, we should be listening to patients and seeking examples of best practice. Women often favour single-sex wards for good reason. Rates of sexual assault are far higher in mixed-sex wards. In 2009, Channel 4 discovered that almost two-thirds of sexual assaults by patients occurred in mixed-sex wards.

The Minister stated that there were “no plans to withdraw the guidance.”

Can I suggest to the Minister that he reconsider this whole issue? He also stated:

“NHS trusts have not been asked to provide the information required to make an assessment of the impact of allowing patients to self-identify their gender and there are no plans to ask them to do so.”

There are many examples of assaults on women in mental hospitals and other areas. Surely we recognise that, when women enter hospital, they do so to experience a calm, safe and non-threatening environment. I ask the Minister to meet Peers concerned about this issue.

5.30 pm

Baroness Ritchie of Downpatrick (Non-Aff) [V]: My Lords, I commend the noble Baroness, Lady Jenkin, for securing this important debate and for depicting the lifecycle of women, with its many challenges. There are life challenges, societal challenges and, above all, gynaecological challenges, which we have all faced in our lives.

It is quite clear that research has found a gender health gap in the UK, where many women receive poorer healthcare than men. This poses the question: why has this been the case and what measures will be taken to rectify the situation at governmental level, working with communities and the voluntary sector?

Many of the challenges facing women's healthcare have already been raised in the Paterson Inquiry, and the *First Do No Harm* report, which found that the healthcare system was

“disjointed, siloed, unresponsive and defensive.”

The *Saving Lives, Improving Mothers' Care* report said that, between 2016 and 2018, 217 women, or 9.7 women per 100,000, died during pregnancy or up to six weeks after childbirth

“from causes associated with their pregnancy”.

In academic research, Caroline Criado Perez, to whom the noble Baroness, Lady Jenkin, has already referred, has argued that women have been considered less important in healthcare as far back as ancient Greece. Arguing that the problem still exists due to a patriarchal worldview being prevalent in our healthcare system, she said that women are routinely under-represented in clinical trials and that medical research proposed by women is not allotted the same funding as medical research proposed by men for men. I am not sure about that, as somebody who is on a clinical trial—a double-blind trial for breast cancer.

Research and observations would show that, in many societies, women have provided the caring at the expense of being cared for, thus placing their health needs as secondary to those of men. I look at research from Northern Ireland and a matter that has already been referred to by the noble Lord, Lord Rooker. It shows that women have a 70% chance of providing care, compared with 60% of men. By the time they are 46, half of all women have been a carer—11 years before men. I look forward to the Minister's response.

5.34 pm

Baroness Altmann (Con) [V]: My Lords, recent ONS figures show that there is a gap of more than 20 years in the healthy life expectancy of women between the least and most wealthy parts of the country. For men, the gap is around 15 years. In the most deprived parts

of the country, women will only stay healthy to just over age 50, while for the best-off areas it is around age 70 or a little above. Women are also more prone to poverty, financial insecurity, interrupted and low-paid employment, and mental health problems, all of which obviously impact their health outcomes.

Covid-19 risks accelerating women's health inequalities, for example due to delays in regular screening that are likely to increase the number of women with pelvic and breast cancers detected and diagnosed too late. Also, as the pandemic has placed so much more strain on women in their family roles as carers, whether combining home schooling with home working or caring for elderly loved ones, the added responsibility and loss of wider support that they had previously relied on will all take a toll on women's health, in both the short and longer term.

I therefore congratulate my noble friend Lady Jenkin on her excellent timing on this debate, and her most brilliant introduction—what a tour de force. In fact, I have been concerned for a time about older women's health deteriorating since 2010. Cuts to council budgets have led to reductions and delays in social care provision, as well as the removal of preventive measures in many areas such as meals on wheels, day centres and early-stage care support. This obviously poses a risk to the health of older women both directly, because there are more elderly women than men and they are not receiving the care they need, and indirectly because of the added burdens on family carers, who tend to be predominantly daughters and mothers. Social care reform is important for women's health outcomes and I hope there is an increased recognition of this.

Finally, problems faced by older women in the workplace are troubling. In certain sectors they face more age discrimination at work than men, particularly women who have challenging health issues when they go through menopause. Even though menopause systems tend to affect women's health only temporarily, the lack of understanding of the impacts too often lead women to either leave work or lose their jobs. There is insufficient appreciation that a change to performance and efficiency, whether due to a lack of sleep after night sweats or hot flushes and hormonal changes that undermine concentration, will not be permanent. Therefore, I hope my noble friend the Minister will address some of these issues of menopause at work that could allow women to return or stay in their jobs. Currently, they are too often leaving work.

5.37 pm

Baroness Brinton (LD) [V]: My Lords, I echo the thanks of the Chamber to the noble Baroness, Lady Jenkin, for securing this important debate. Along with the noble Baronesses, Lady Jenkin, Lady Massey of Darwen and Lady Walmsley, I was trustee of UNICEF. Its work to help educate and protect girls and young women in dangerous countries across the world—of which the noble Baroness, Lady Nicholson, spoke so movingly, when talking of the horror of rape for girls and women in war-torn communities—demonstrates that we absolutely need to support United Nations projects to protect girls and women throughout the world. The noble Baroness, Lady Nicholson, is right: we need worldwide action to eliminate this scourge.

[BARONESS BRINTON]

The noble Baroness, Lady Jenkin, was so right to set this debate in the lifecycle of a woman. She gave us a female equivalent of Shakespeare's seven ages of man and, while it may not have been in iambic pentameters, it was striking in its arguments.

The noble Baroness, Lady Penn, faces the glorious arrival of a baby. I want to offer, as other noble Lords have done, best wishes for a safe arrival and a hope that, if the baby is a girl, her daughter's experience of health will be very different from her mother's and her grandmother's. Predominantly male medics told us what they thought we had and wanted but, too often, I am afraid, had not listened to us before they spoke. Much has improved over the years, but there is still room for improvement, as this debate has shown.

The noble Baroness, Lady Bull, talked about the incidence of eating disorders, and how important it is that young women are listened to and supported—and, of equal importance, have access to specialist medical help early on.

The noble Baroness, Lady Massey of Darwen, focused on the problems that many women face with mental health today. The Royal College of Psychologists is right to set out the need for an extra £500 million of funding to ensure that they get the tailored support they need, when they need it. There are too many long delays in CAMHS.

My noble friend Lady Walmsley and the noble Baronesses, Lady Bottomley and Lady Bennett, were spot on to remember the failures that fell to the women with valproate and vaginal mesh problems, investigated by the noble Baroness, Lady Cumberlege, in her excellent report. When will the Government implement the key recommendations from that report, particularly the patient safety commissioner?

My noble friend Lady Walmsley also referred to domestic violence. There is no doubt that the healthcare providers can help to spot signs of concern early on. But the BMA has reminded us that healthcare professionals need training early on and support from other agencies to make that happen. That most women wait until in excess of 30 incidents before they go to the police is shocking, but GPs, nurses and midwives are often able to assist women in recognising that they are facing problems early on, and help them to deal with that.

It is extraordinary that women have a much higher level of autoimmune diseases than men. With some diseases, it is 80% higher. Researchers are still trying to understand why, but serious autoimmune diseases can still significantly reduce lifespan, or the patient has to face many years on immune suppressants to prevent the disease progressing. In this year of Covid, that has of course given them further problems. Endometriosis, which happens to be my second autoimmune disease, introduced me as a young woman to the indignity of the mostly male doctors managing my condition and its consequences for fertility, high miscarriage risk and a life of severe pain, which hardly any medics understand. That GPs think it is just like a bad period pain completely misses the point.

The noble Baroness, Lady Greengross, referred to contraceptive services and their supply during the pandemic. She was right to say that women need to be

able to access those services all year round, and throughout the United Kingdom, because failures can have serious consequences for young women.

The noble Lord, Lord McColl, ably set out a range of women's services where other countries are setting us good examples of how we can improve the lives of women, including respite care for the many unpaid carers, mainly women. His point was echoed by the noble Baronesses, Lady Eaton, Lady Fraser and Lady Ritchie. The noble Baroness, Lady Fraser, also gave us an excellent example of combining data to cross-reference women with epilepsy and their medicines. She said, "If you're not counted, you don't count". I am reminded here that the suffragists scrawled "Votes for women" across the 1911 census and are visible to history, whereas the suffragettes chose just to boycott the census, so their contribution is invisible to history.

The noble Baroness, Lady Bennett, and the noble Lord, Lord Hunt, talked about women's cancer diagnoses coming significantly later than men's. I know that other Members of your Lordships' House have faced this, but we have a close family member whose 34 year-old daughter missed her cervical smear test last year because of the pandemic and now is facing terminal cancer. That is really shocking. The noble Lord, Lord Hunt, rightly reminded us of shocking failures at some maternity hospitals. While it is good that reports are now highlighting these failures, is there also a systematic review of the funding and staffing of maternity services across the country, as most of the reports refer to staff shortages as well as problems with the culture?

The noble Lord, Lord Rooker, vitally reminded us of the Marmot report and how it set out the problems that women face in society today, especially in Northern Ireland. One of the topics in the Government's consultation paper was on using data to improve women's experiences. How is this sort of data shared and used to understand the disparity between the four nations?

The noble Lord, Lord Brooke, and the noble Baroness, Lady Bryan, talked about the male-female inequality league and how the UK should do better. How do the Government plan to address some of the clear health disparities?

The noble Baroness, Lady Greengross, also talked about continence services. Twenty years ago, discussion of periods in public was pretty taboo. Endometriosis and the menopause have recently become more acceptable issues to discuss but, frankly, continence services remain taboo for many. Women who often face long-term problems after difficult childbirth are unable to seek the help they need when their bladders start to fail in the later years. I hope that this debate will help to start that discussion and encourage women to seek help from their GPs at an early stage.

Recently, I had some discussion with young doctors working with the elderly—mainly women—who fell and broke limbs, imperilling their independence and ability to stay at home. These doctors are looking at best practice on early intervention with these patients, after minor falls, that supports and trains the patient. This has already significantly reduced the serious falls that too many women have later on. It is also saving the NHS a vast amount of money and keeping these women independent for much longer.

The noble Baroness, Lady Uddin, and the noble Lord, Lord Boateng, raised the problems of unconscious bias and the stereotyping of black and Asian women. I am sorry to say that this is also true of LGBT women. My noble friend Lady Barker has often spoken of the need for specialist geriatric services for them. Those who claim to object to the woke agenda need to understand that these biases—conscious or not—are the root of women's health inequality. The contribution of the noble Lord, Lord Sikka, pointed at how the voices of, and services for, women were invisible in the Budget. Today's debate has shown that this House is keen to see the eradication of all health inequalities affecting women, and I look forward to hearing the Minister's response.

5.46 pm

Baroness Thornton (Lab): My Lords, I declare my interest as the maternity champion for Whittington Health, of which I am a non-executive director. I congratulate the noble Baroness, Lady Jenkin, on bringing forward this debate, which has been of very high quality. Her introduction was both comprehensive and—although I am not sure that I would say Shakespearean—encompassed the whole of life.

I am particularly proud of my nine or 10 noble friends who took part in this debate. My noble friend Lady Massey talked about young women; my noble friend Lord Rooker talked about health inequalities and Marmot; my noble friend Lady Chakrabarti talked about our international responsibilities; my noble friend Lord Hunt talked about heart attacks and discrimination—I will come back to that later—my noble friend Lord Boateng talked about the higher rates of mortality for black people and racial disparities within healthcare; my noble friend Lord Brooke talked about learning the lessons of domestic violence; my noble friends Lord Sikka and Lady Bryan talked about the misdiagnosis of symptoms and inequalities in health; and my noble friend Lord Young talked about single-sex wards. But contributions have come from all sides of the House. I welcome the women's health strategy consultation: I very much look forward to seeing what comes out of that.

As did the noble Baroness, Lady Jenkin, I want to address the systematic discrimination against women and the gender data gap. She and several other noble Baronesses mentioned Caroline Criado Perez and her work in this area. She said that medical research has traditionally been based around the male body. Indeed, my noble friend Lord Hunt pointed out that women were 50% more likely to be misdiagnosed following a heart attack, but they make up only 25% of the participants across the landmark trials for congestive heart failure. Given that we have a Minister in this House who is very enthusiastic and keen about data and its use and all those things, this issue is very important.

Most medical trials are done on male cells; even female cells react differently. For millennia, medicine has functioned on the assumption that male bodies represent humanity as a whole. As a result, we have a huge historical data gap when it comes to female bodies. That means that women will be dying when they do not need to. The medical world is complicit in this and that needs to change. I am pleased that this

was referred to in the women's health strategy. I hope that it is going to be followed up when the strategy comes to fruition after the consultation process.

It is interesting; I learned, for example, that the first production of the Fitbits that we are all so keen on did not include menstrual cycles in their data, so over 50% of the world was not properly recognised. I am assured that that is absolutely no longer the case. The tech world, of course, is designing the future, so we have to acknowledge the need for diversity in that. If tech is designed by white, middle-class men from America, the future might look very nice to them but not for everybody else. Diversity in the teams and ideas is vital. Artificial intelligence that helps doctors with diagnoses and scans, and with conducting job interviews and so on, is vital, but it all depends on the datasets. If those datasets are designed by those white males in America, then we are all—or at least half of us are—in serious trouble. If you tell an algorithm what a heart attack is based on male symptoms, how are we going to make sure that it recognises female symptoms? These are the issues on which I am particularly interested to know the Minister's thinking.

I turn briefly to women and Covid. We know that Covid-19 did not strike the sexes equally. Globally, for every 10 Covid-19 intensive care unit admissions for women, there were 18 for men. While men over 50 tended to suffer the most acute symptoms of Covid, there is evidence that women seem to be disproportionately affected by long Covid; one study suggested that women outnumber men by as much as four to one. A study led by the University of Glasgow concluded that

“women under 50 are seven times more likely to be breathless and twice as likely to report fatigue than men, seven months after seeking medical assistance for Covid-19.”

Some academics have linked this to the fact that women have a higher lifetime risk of inflammatory immune conditions such as chronic pain, chronic fatigue and autoimmune diseases. Can the Minister assure us that these issues are a standard part of the ongoing research on the effects of Covid?

A key point that came out when the strategy was first announced by the Government was the need to listen to women's voices. That is absolutely vital. The House has been active in expressing the need for this, particularly in support of the report by the noble Baroness, Lady Cumberlege. We have made significant progress in implementing some of her report and I hope that we will see more of it included and embedded in the forthcoming legislative programme on health and social care.

To conclude, I thank all speakers who have taken part in this debate, and I look forward to the Minister's speech. We live in a patriarchal and deeply unequal society. Covid has highlighted those inequalities, particularly health inequalities, and it must be said that, since 2010, the noble Baroness's Government have been guilty of cuts and underfunding across the whole of our health system, which has disproportionately affected the poor—and that means it has disproportionately affected women. I hope that the noble Baroness, Lady Jenkin, and the Minister will agree that having the best possible women's health strategy in the world will, as it were, butter no parsnips if it is not properly resourced and funded.

5.53 pm

The Parliamentary Under-Secretary of State, Department of Health and Social Care (Lord Bethell) (Con): My Lords, I join all those who have commended my noble friend Lady Jenkin of Kennington for tabling a debate on this incredibly important matter. I congratulate her on smashing through dozens of anatomical taboos in such a splendid fashion in her extremely important opening remarks.

I believe that, as has been discussed today, the problem statement under debate is very clear—Nadine Dorries said it in another place earlier today, and it was echoed by the noble Baroness, Lady Bull: for generations, women have lived with a health and care system that is mostly designed by men for men. That is the problem. As a result, despite making up 51% of the population, women have been underrepresented in research, face damaging taboos about their health and, despite living longer than men, spend a greater proportion of their lives in ill health and with disabilities. For these reasons, there has never been a better time to put an emphasis on women's health.

So I am extremely pleased that, on International Women's Day, the Minister of State for Patient Safety, Suicide Prevention and Mental Health announced in another place the launch of the women's health strategy for England. As noble Lords have mentioned, it asked for responses across six themes, and I think it is worth mentioning them, because they are the architecture of how we will approach this strategy. The first is

“Placing women's voices at the centre of their health and care”;

the second is

“Improving the quality and accessibility of information and education on women's health”;

the third is

“Ensuring the ... system understands and is responsive to women's health and care needs across the life course”;

and this was so articulately explained by my noble friend; the fourth is

“Maximising women's health in the workplace”;

the fifth is

“Ensuring research, evidence and data support improvements in women's health”;

as was explained very well by the noble Baroness, Lady Brinton; and the sixth is

“Understanding and responding to the impacts of COVID-19”.

As has been mentioned, we had 112,000 submissions, which is an absolutely remarkable number and speaks well of the engagement that has gone on around this important issue. There have also been focus groups, and departmental Ministers have led a number of engagement exercises. I was delighted to chair two very important and revealing round tables and a series of one-to-ones with leading women in healthcare. This engagement is why we launched the call for evidence in the first place.

There are a number of challenges that cut across the area of women's health, and I will mention two or three of them. We have a world-class research and development system in the UK, but, as the noble Lord, Lord Hunt, quite rightly pointed out, we know that women have been underrepresented in research

and clinical trials, particularly women from ethnic minorities—as the noble Baroness, Lady Uddin, pointed out—older women, women of child-bearing age, women with disabilities and LGBT women.

Women are not a homogenous group, and research must continue to understand and tackle specific dimensions of inequality to ensure equitable health outcomes across the population. While researchers and regulators have historically believed this to be good for women and babies, largely due to legitimate concerns about potential risks to an unborn child, too often women have been excluded from these discussions and have not been given the choice to participate in trials and studies. I agree with the noble Baroness, Lady Ritchie: we absolutely must work hard to change this and give women the choice to partake in clinical trials.

I will say a word about women's conditions that are not being researched enough, which was highlighted by the noble Baroness, Lady Thornton. She is entirely right: there are still too many conditions about which we know too little. A key example of this is endometriosis, raised by the noble Baroness, Lady Brinton, in her personal testimony. A number of noble Lords have articulated the key fact that it takes seven to eight years for a diagnosis, with 40% of women needing 10 or more GP appointments before being referred to a specialist. If it was a man, I fear that it would be very different indeed. Menopause, mentioned by my noble friends Lady Jenkin and Lady Altmann, is another good example of this.

This lack of understanding of female conditions has implications for the health and care that women receive. Data is key and data saves lives—I am a big believer in that. To reassure my noble friend Lady Fraser of Craigmaddie, that is why

“Ensuring research, evidence and data support improvements in women's health”

was one of the key themes of the call for evidence, and it will be a key theme of the strategy going forward. I completely agree with my noble friend that we must work hard to ensure that women, and women's health issues, are included in research and data collection, finally ending the gender data gap that sadly exists.

Men are too often the default, and we do not know enough about the conditions that manifest differently in men and women. This can and does lead to poorer health outcomes, as vividly explained by my noble friend—I think it was Lady Bottomley; I cannot read my own writing. A University of Leeds study showed that women with a total blockage of a coronary artery were 59% more likely to be misdiagnosed than men and found that UK women had more than double the rate of death in the 30 days following a heart attack. I completely agree with the noble Lord, Lord Hunt: this just is not good enough. I would be glad to meet with the noble Lord, Lord Young of Norwood Green, to discuss the issue of mixed wards.

Too often, women are not listened to, and unfortunately we see this at all levels of the healthcare system, whether it be reports of women having their pain ignored during gynaecological procedures—such as IUD fittings or hysteroscopies—or the sobering findings from independent reports such as the Cumberlege

review or the Paterson inquiry. One of the driving forces behind the decision to launch a women's health strategy was the findings of the Cumberlege review; this is one of the manifestations of our response. I am enormously grateful to my noble friend for her work on this report and to many others in the House who have championed its work. The report powerfully highlights how the system did not listen to women. I am aware that today is the review's first anniversary, and a debate has just taken place in another place to mark the occasion.

The Written Ministerial Statement of 11 January provided an update to Parliament. This included that the department had accepted the report's flagship recommendation: the establishment of a patient safety commissioner. We also announced in this Statement that we had accepted recommendations concerning specialist mesh centres, MHRA reform and the establishment of a medical devices information system. I reassure the noble Lord, Lord Brooke, the noble Baronesses, Lady Bryan and Lady Brinton, and others who asked that we are carefully considering the remaining recommendations and 50 actions for improvement. It is imperative, for the sake of patients and especially those who have suffered greatly, that we give this independent report the full consideration it deserves. In the January Statement, we announced that we would establish a patient reference group to work alongside the department to develop a full response. I am happy to confirm that the group was established earlier this year and has been working closely with officials to consider the report's recommendations. I can assure Members that we will publish a comprehensive government response later this year.

On a positive note, can I say a few words about the good things that are happening in this area? The National Institute for Health Research is actively seeking to improve participation of underrepresented groups, and I would like to highlight the work of the NIHR INCLUDE programme. INCLUDE provides a design framework for clinical research proposals and gives examples of good practices and resources. The move towards virtual trials, due mainly to the pandemic, will accelerate that. The NIHR funds a wealth of research on women's health and their outcomes. A couple of examples are the recently funded £2 million trial on endometriosis and the Policy Research Unit in Maternal and Neonatal Health and Care.

On long Covid, I completely agree with the noble Baroness, Lady Thornton: this is a gender challenge. The statistics are quite clear about that. I reassure the noble Baroness that the Government are doing everything we can to listen to and learn from all those suffering from the long-term effects of Covid, including women. I have heard first-hand the insights and experiences of people living with this new and debilitating condition. The noble Baroness, Lady Chakrabarti, is right: long Covid is a new challenge for healthcare systems around the world. I am proud that the UK is leading the way on excellent research, treatment and care. We are investing heavily in research. REACT Long COVID—REACT-LC—aims to better understand the genetic, biological, social and environmental signatures and pathways for long Covid. Through its efforts, supported by £50 million of research funding, we are learning

more every day about long Covid. We have 89 new specialist assessment centres opening up around the country, and they are having a huge impact.

I will say a word about maternity services. The Government are committed to reducing inequalities in health outcomes and experiences of care. This was articulated very persuasively by the noble Lord, Lord Boateng, and the noble Baroness, Lady Uddin. In September 2020, the Minister for Patient Safety established the Maternity Inequalities Oversight Forum to bring together experts to address the inequalities for women and babies from different ethnic backgrounds and socioeconomic groups. We are working to ensure that, by 2024, 75% of black and Asian women, and a similar proportion of women who live in the most deprived areas, will receive continuity of care from their midwife throughout pregnancy, labour and the postnatal period.

Maternal healthcare is absolutely critical, as the noble Baroness, Lady Massey, rightly alluded to, and maternal mental health has been neglected. Five years ago, 40% of the country had no access to specialist perinatal mental health care. I am proud to say, in response to the questions on training from the noble Baroness, Lady Walmsley, that there are now specialist community perinatal mental health services in every CCG area in England, with more than 700 specialist front-line staff recruited in the last two years. We are committed to transforming specialist perinatal mental health services across England.

By way of winding up, and on a personal note, I will point to my own experiences in this area and tell the story of my mother, who was hard hit by postnatal depression. It is a condition that we now recognise to affect 15% of mothers, as the noble Baroness, Lady Thornton, said. In the days when I was born, this condition was neither diagnosed nor treated. My mother developed mental illnesses, drug addiction and alcoholism, and was therefore stigmatised by the healthcare system and separated from her children by the courts. Her treatments were barbaric, including electric shock treatment and drugs that made her bloated and sick. She had a relationship with her GP—something that would absolutely not be tolerated now and did nothing to help her then. No one listened to her, the diagnosis was flawed and the treatments were medieval. The system abused her, and she passed away in her bath. I think it is fair to say that she died of being a woman. It had a profound effect on me, and I would not want that to happen to any woman or child again.

Those times have largely passed. The world has got better, but it has not changed enough. That is why my noble friend Lady Jenkin's debate is so important: it demonstrates that the outline of the problem definition is very clear. It is why this consultation is so important: it ensures that we really have all the details from the people whose voices have not been heard. It is why this women's health strategy is so important: it will give us a common plan to do something about a problem that has dogged our healthcare system for too long.

6.07 pm

Baroness Jenkin of Kennington (Con): My Lords, I thank all noble Lords who have participated in this debate and used such a wide variety of their experience

[BARONESS JENKIN OF KENNINGTON]

to educate us and to plead their different causes—particularly the seven male noble Lords who have supported us. I rather like the idea of it being the seven ages of woman; I will stick with that one. I particularly thank my noble friend the Minister, not only for his comprehensive reply to us today but for his deeply moving description of his and his mother's experiences. I challenge anyone not to have a lump in their throat hearing this very moving story. He has always been a great supporter of women and of the causes I have supported, and I am extremely grateful to him for that.

I will touch on a couple of the topics we have discussed; they have all been run through by other noble Lords. Like the noble Baroness, Lady Ritchie, I have participated in a clinical trial; it happened to be about endometriosis. I have no idea whether the drug we were testing is currently on the market, but it was a very long time ago so the answer is probably not yet. One of the lessons Covid has perhaps taught us is that clinical trials can be sped through and happen more quickly than we originally thought. I am very glad that other noble Lords raised this as an issue.

A number of noble Lords talked about mental health. The fact that so many people talked about it made us aware of what a big issue it is. Although the noble Baroness, Lady Cumberlege, is not with us today, I suspect that a large number of people—probably more people than are listening to this debate—heard her on the radio this morning. I was very struck by the dignity of the victims: the mother of one victim spoke particularly eloquently and with such dignity about her experience.

A number of noble Lords talked about Sir Michael Marmot and his work on inequality. It is a massive wake-up call for all of us, and the theme of inequality is so clear in the work that he does. It is tempting to think that this debate has been a rather miserable litany of bad experiences, but I think it was my noble friend Lady Bottomley who said—as the Minister has just said—that there have been massive improvements in so many areas. We must not forget that.

I return to the point I mentioned at the beginning. I changed my usual topic of International Women's Day, but the noble Baroness, Lady Nicholson, raised the hideous plight of so many women across the world. We must remember to count our blessings that we live in such a wonderful country, where we have access to healthcare that is so much better than in so many places across the world.

I will end by again wishing my noble friend Lady Penn good luck. With her typical efficiency, she is actually due on the day we rise, two weeks today—and with her typical efficiency, she will probably have the baby on that day or the day after.

I know the Government are serious about this agenda, and they know that we will be watching them.

Motion agreed.

6.11 pm

Sitting suspended.

Licensing Act 2003 (2020 UEFA European Championship Licensing Hours) Order 2021

Motion to Approve

6.20 pm

Moved by Baroness Williams of Trafford

That the draft Order laid before the House on 7 July be approved.

Instrument not yet reported by the Joint Committee on Statutory Instruments

The Minister of State, Home Office (Baroness Williams of Trafford) (Con): My Lords, this order is to extend licensing powers on Sunday, the day of the Euro 2020 final, to 11.15 pm. I am aware that this House is all that stands between football coming home and the public's enjoyment of that in their local.

I begin by apologising for the haste in which this measure has been introduced, and the fact that in the time available it has not been possible to complete all the normal procedures and secure the prior scrutiny that the relevant committees would normally give to such an instrument. I regret that, and I assure noble Lords that we mean no discourtesy to the House or the normal procedures. That we have had to proceed in this way is a recognition of the speed with which tournament football moves. It is also a recognition of the fact that this tournament has captured the public imagination, and that it has been successfully hosted, with more games in the UK than anywhere else, despite the pandemic, is certainly a cause for celebration.

I hope I can also reassure noble Lords that this is a very modest instrument with a single, limited purpose. It extends licensing hours in England and Wales on 11 July 2021, the day of the final, to 11.15 pm. Section 172 of the Licensing Act 2003 allows the Secretary of State to make an order relaxing opening hours for licensed premises to mark occasions of "exceptional international, national, or local significance."

The Government consider that England hosting the final of Euro 2020 is an event of exceptional international significance, which many people will want to watch live and celebrate together.

There is a very important practical point. We want to make sure that people can enjoy the concluding game in its entirety. It is possible that the final, like several games in the tournament so far, will go to extra time and penalties, pushing the finishing time back. It would be incredibly unfortunate if people were unable to watch the game in full, and I would certainly not want to be the landlord required to empty his pub just as the penalty shoot-out was about to begin—I do not want to be the Minister who would do that either. The instrument presented today ensures there is no possibility of that being required.

We also want to help the licensing industry after what has been an incredibly difficult 18 months. The order only extends licensing hours and makes no changes to the existing Covid regulations. Just as has been the case throughout the pandemic, we will expect the licensed sector to be responsible in ensuring that these regulations are upheld.

The British Beer and Pub Association, alongside the British Institute of Innkeeping, UKHospitality, the National Police Chiefs' Council and the Local Government Association, has developed guidance for licensees screening the Euro 2020 tournament. It is intended to help licensed venues, licensing authorities and the police to work together to create a safe environment for customers and staff.

In the time available, we have conducted the consultation required by statute in a truncated but effective way. The overwhelming majority of those to whom we have spoken are supportive. I will not disguise that the police have concerns, but they recognise why the Government have chosen to proceed in this way.

I hope all sides of your Lordships' House will support this order to help the nation celebrate the final on Sunday as the hosting nation. It is a short and simple measure designed to ensure that on Sunday, the whole nation can enjoy a fitting end to a great celebration of sport. Its purpose is clear, and I commend it to the House.

6.25 pm

Lord Thomas of Gresford (LD) [V]: I thank the Minister for explaining the measure before the House and congratulate England on their win against Denmark yesterday. As a neutral observer from Wales, I concluded at the end of the game that England were the better team. However, it was so unfortunate that individual supporters let them down and that there is now a complaint to UEFA that a laser pen was used to try to blind the Danish goalkeeper when that rather dubious penalty was taken. This is most unfortunate and does not reflect well on English fans.

I hope that Cardiff and Edinburgh will pass similar legislation to expand licensing hours. After all, we have a large number of Italians in Glasgow and in the valleys, and they are entitled to their alternative celebration too.

On a serious note, I echo the warning given by the noble Lord, Lord Wolfson, at Question Time today about the possibility of domestic abuse following a game. It so happens that my daughter-in-law, Jodie Swallow, made a study of the interplay between domestic violence and sports events. It was her PhD thesis. She concluded that perpetrators use abuse, violence and coercive behaviour around their sporting interests as a means of asserting their power and subjugating their partners. She identified a significant danger. Wives and sweethearts should look out if England lose.

It is the most intense match for 55 years. You have to be as old as me to remember the last time England were in the final in 1966. I remember it well on black and white television. Of course, that was against Germany. For the last win against Italy in a competition on English soil you have to go back in history to when Boudicca sacked Colchester. It would be quite appropriate for a statue of Gareth Southgate to be placed next to hers on Westminster Bridge if England can repeat her victory.

6.28 pm

Lord Rosser (Lab) [V]: I declare my football interests as set out in the register and, not surprisingly, congratulate the England team on their truly magnificent achievements and the pleasure they have given to so many millions of our fellow citizens.

The Government justify this order on the grounds that Sunday's final is an occasion of exceptional national significance for the purposes of Section 172 of the Licensing Act 2003, given the achievements of the England football team and the United Kingdom's successful hosting of the tournament in exceptional circumstances. Licensed premises will be able to remain open until 11.15 pm on Sunday for the sale of alcohol and the provision of regulated entertainment. Does the extension until 11.15 pm mean that premises have to close by 11.15 pm, or that they can remain open later but are not able to sell alcohol or have regulated entertainment after 11.15pm?

Consultation took place on Tuesday this week with "selected partners". Who did that include beyond the police and local government representative bodies, including public health and the hospitality industry mentioned in the Explanatory Memorandum? Apart from the police, did any other consultees have any reservations or caveats, or perhaps have no firm view one way or the other?

The National Police Chiefs' Council's lead on football opposed the changes on the grounds of risk of increased public disorder and resulting demands on policing. However, on balance, notwithstanding that feedback, the Government considered the extension of hours appropriate, limited in duration to one day only and the importance of marking this event of exceptional national significance. The Government felt that this event could be marked by an extension of licensing hours but were other options for marking Sunday's event considered and, if so, what were they?

Earlier today, as the Minister will know, and as the noble Lord, Lord Thomas of Gresford, said, the noble Lord, Lord Wolfson of Tredegar, speaking for the Government, reminded the House that domestic abuse violence increases after big matches and that to many people the words "coming home" represent not a footballing hope but a threat—and a violent threat at that. Have the Government increased support for domestic violence services and the police while the tournament has been taking place?

It appears to have been left a little late in the day to proceed with this order, which was presumably not dependent on the welcome result of the match last night, given that the consultation, such as it was, took place on Tuesday. Were the Government always anticipating extending the licensing hours for the final, in which case could this order have not been tabled sooner to give those affected more notice and to avoid a parliamentary rush?

What assessment have the Government made of the impact of the terms of this order on the number of cases of the latest variant, which have been rising? Can we take it that the medical and scientific advice that the Government presumably sought and received is not expressing any real concern about the impact of extending licensing hours on Sunday?

We support the terms of the order, and hope that the Government have thought it through properly and have credible reasons, which have not been spelt out in the Explanatory Memorandum, for being satisfied that any adverse impacts will be minimal and far outweighed by the benefits. We wish England every

[LORD ROSSER]

success on Sunday night and look forward to a night for us all to remember, irrespective of whether we will be taking advantage of the extension of licensing hours.

6.32 pm

Baroness Williams of Trafford (Con): I thank both noble Lords for the points that they have made. I join both of them in expressing concern for the effect that events like this have on domestic violence, and it is certainly something that the police will be alert to. It is not just this football game; any football game seems to be a time of escalation of domestic violence. I totally understand the points that the noble Lords are making and, yes, the police and support services are fully aware of the issue.

The noble Lord, Lord Thomas of Gresford, mentioned the appalling incident with a laser pen. I have already asked about this and I understand that the police are investigating it. He mentioned that he hopes that Cardiff and Edinburgh will be passing similar regulations. The order applies of course to Wales but I am sure that Edinburgh will be considering it as well.

The noble Lord, Lord Rosser, asked about 11.15 pm and if it was kicking-out time or last-sale time. It is the last-sale time—alcohol of any description cannot be served after that time. In terms of other consultees, I know that the British Beer and Pub Association alongside the British Institute of Innkeeping, UKHospitality, the NPCC, which he mentioned, and the Local Government Association were consulted.

I apologise for the late laying of the instrument, as I said at the beginning. The remarkable progress England has made throughout the tournament has surprised and delighted even Government Ministers. It has served to bring the question of a licensing extension into focus. We could not really have foreseen—of course we had every confidence in them—how the England team would progress or just how successful this tournament has been, not least for the well-being of this country. I am sure noble Lords agree.

The order changes nothing about the current Covid rules; they are still in place. Clearly, 19 July will see a change, but for the moment everything that was in place before Sunday will still be in place on Sunday. I thank noble Lords for their questions. Football's coming home.

Motion agreed.

6.36 pm

Sitting suspended.

Covid-19: Education Settings

Statement

The following Statement was made in the House of Commons on Tuesday 6 July.

“With permission, Madam Deputy Speaker, I would like to make a Statement on restrictions that will be lifted for schools, early years, childcare, colleges and universities when we move to step 4, which is currently anticipated to be on 19 July. The Prime Minister has announced that at step 4 we will be able to remove

swathes of restrictions on daily life and that, after 16 months of sacrifice by people across society, we will return ever closer to normality.

We have faced down, together, an historic public health emergency, and we all owe a great debt of gratitude to pupils, parents and teachers, who gave up so much as we took action to save lives. However, I highlight to everyone that step 4 does not mean the end of the pandemic. Some restrictions will be kept in place as we move towards more of the population being fully vaccinated. Although the pandemic is not over, we are moving into a new phase of managing Covid, from strict rules towards ever greater personal responsibility.

When I came to this place last week, I again set out my priority to put the interests of children first. We know from our own experience and evidence that children are better off in classrooms with their friends and teachers. Since 8 March, millions of children and young people have been back in the classroom learning with their friends and teachers. That is hugely valuable for their wellbeing as well as for their education.

I also made it clear that I do not think it is acceptable that children should face greater restrictions, over and above those of wider society, especially since they have given up so much to keep older generations safe during the pandemic. Therefore, having balanced the risks, I am pleased to tell Members across the House that key restrictions on education and childcare will come to an end as we move to step 4.

Although keeping children in consistent groups was essential to control the spread of the virus when our population was less vaccinated, we recognise that the system of bubbles and isolation is causing disruption to many children's education. That is why we will be ending bubbles and transferring contact tracing to the NHS Test and Trace system for early years settings, schools and colleges. Where there are outbreaks, schools and colleges may be contacted by NHS Test and Trace and they will also work with local health teams as they do now. We are also setting out new rules that mean that, from 16 August, children will need to isolate only if they have tested positive for Covid-19. I am also pleased to be able to say that there will be no restrictions on in-person teaching and learning in universities, unless students are advised to isolate or impacted by local outbreaks.

From step 4, a more proportionate set of controls will apply in early years, schools, colleges and higher education institutions. These will maintain a baseline of protective measures in education settings while maximising attendance and minimising disruption to children and young people's education. In addition to ending bubbles, it will not be necessary to stagger start and finish times. Schools and colleges may, of course, continue with those measures until the end of the summer term if they so wish.

My right honourable friend the Health Secretary outlined earlier today that we can ease restrictions on the self-isolation rules for close contacts of someone who has tested positive for Covid-19. In education settings, all other existing measures, including guidance on isolation of contacts, will stay in place until the end of this term, in line with isolation rules for the rest of

the population as more adults are vaccinated. Settings will continue to have a role in working with health protection teams in the case of a local outbreak. Where necessary, some measures may need to be reintroduced.

From 16 August, those under the age of 18 will no longer be required to self-isolate if they are contacted by NHS Test and Trace as a close contact of a positive Covid-19 case. That will balance the need to keep children safe with allowing them to get the education that they deserve and need. Instead, children will be contacted by test and trace, informed they have been in close contact with a positive case and advised to take a PCR test. Eighteen year-olds will be treated in the same way as children until four months after their 18th birthday to allow them to have the opportunity to get fully vaccinated.

Having listened to teachers, and balancing the risks to health and education to maximise attendance and minimise disruption to children and young people's education, some protective measures, including enhanced hygiene and ventilation, will remain in place for the autumn term. From step 4, face coverings will no longer be advised for pupils, students, staff and visitors either in classrooms or in communal areas and social distancing will no longer be necessary.

As I mentioned earlier, testing programmes remain important as we move cautiously out of restrictions. With that in mind, secondary schools and colleges will be asked to provide two on-site tests to their students at the start of term, with regular home testing continuing until the end of September, when that will be reviewed. It is vital that secondary school and college students continue to test for the last few weeks of this term and throughout September. Education settings still operating over the summer will continue to test twice a week, with asymptomatic test kits still available to families over the summer break as well.

I want to encourage all teachers, educational staff and eligible students to get their vaccines. It is incredibly important for all staff to get the second dose of a vaccine as soon as they are eligible, so that they secure the strongest possible protection against Covid-19. In line with wider changes to isolation from 16 August, if in close contact with someone who has tested positive, fully vaccinated teachers will be able to remain in the classroom from the autumn term.

My department has just set out more detail and published new guidance for arrangements in education settings from step 4, covering both the summer period and the following term, when children will return to school. I want to take this opportunity to assure Members that headteachers in their constituencies can contact the Department for Education if they have any questions about the new guidance that we have published.

No Government would want to restrict people's freedom in the way we have had to do since the spread of Covid-19. We have prioritised education since the start of this pandemic. We made sure that schools and colleges were the last to close but the first to open. We kept school and college places open to vulnerable children and those of key workers throughout the pandemic, and procured millions of laptops and tablets for children to learn at home. None of this could have

been achieved without the incredible work of our inspirational teachers and wider educational staff, and I thank parents and students, who have shown patience and flexibility over the last 18 months.

I know that many colleagues will agree that today, as a nation, we prize the role of schools, colleges and universities more than ever before. With the ending of these restrictions, children and young people will be able to get on with their education and lives while we continue to manage this pandemic. I commend this Statement to the House."

6.50 pm

Lord Watson of Invergowrie (Lab) [V]: My Lords, once again I want to pay tribute to all education staff, pupils and parents, who have done so much over the past 16 months to ensure that children and young people were able to have as much learning as was possible in the most trying of circumstances.

Last week, in a repeat of an Urgent Question in your Lordships' House, I asked the Minister to confirm that parents, pupils and teachers would know what was to happen in September to school bubbles, before this term ends, allowing school leaders time to put plans in place and give their staff a desperately needed break over the summer. Naturally, it is satisfying that the Government responded to my personal plea with a Statement made by the Secretary of State two days ago, but only up to a point.

The main restrictions on education and childcare are ending with effect from 19 July. With more than 640,000 children in England absent from school last week due to Covid, whether that is the right thing to do, just days before the school year ends, is questionable. The summer holidays act as a natural circuit breaker, and surely it would have been preferable to use that as the end point for restrictions that were unhelpful for learning but were necessary to minimise the spread of Covid.

The Government have been desperate to do something—anything—to meet the clamour from many of their MPs and their supporters in the media, but the new Health Secretary was candid in his admission, a few days ago, that England was entering what he termed as "uncharted territory" in its wholesale scrapping of lockdown rules from 19 July. New infections could easily rise above 100,000 a day over the summer, he said—more than at any point in the pandemic. The concern felt by many parents and children, at the sweeping away of the current system for containing Covid outbreaks in schools, colleges and nurseries, is understandable.

The Statement says that by 19 July, grouping pupils into protective bubbles within schools, colleges and nurseries in England will no longer be required, along with several other preventive measures. The use of self-isolation for children with close contacts will end in mid-August. Last week, when I invited the Minister to explain why secondary pupils had no longer been required to wear masks in classrooms from mid-May, at a time when cases were rising and masks still had to be worn in shops and indoor spaces, she replied it was done on the advice of Public Health England. Is that also the basis of the Government's latest guidance removing requirements such as staggered school start and finish

[LORD WATSON OF INVERGOWRIE]
times, social distancing and the recommendations for the wearing of masks in communal areas, and—where bubbles have never been able to be enforced—on school transport? If so, will the Government publish the data that informed those decisions?

Doing away with bubbles from 19 July means more schools will have just a few days before the end of term. Many, I suspect, will feel it is not worth changing until the new term. Of course, by then some will already have begun their summer holidays. When the Secretary of State delivered the Statement in another place on Tuesday, he was asked several questions by my colleague Kate Green MP. Not many received a response, so I will repeat some and offer the Minister the opportunity of addressing these issues.

The DfE has run pilots using testing instead of the bubble system in schools, but that was not mentioned in the Statement. What were the results of the pilot, using daily testing in some schools? Did this mean more hours in the classroom? Did it result in more cases being detected? If the JCVI does propose vaccinating older children, is the Minister confident that the necessary infrastructure to begin that process will be in place before schools return in September?

Also, with regard to exams in 2022, the Secretary of State said on Tuesday that mitigations would be put in place to take account of the fact that many children, facing exams in the forthcoming academic year, particularly year 10, had missed a great deal of school over the past year. What sort of mitigation has been considered by the DfE to support children caught in that situation? Given the chaos and confusion that reigned both last year and this year, those young people deserve to know, when they arrive for the new term, what format of exam system they will face.

Our aim with these questions is not to catch the Government out. We genuinely want pupils to return to school after their summer break knowing what to expect, and for their parents to have confidence that sensible and effective measures to keep everyone as safe as possible from a further spread of Covid are in place. I look to the Minister for reassurance that that is not too much to ask.

Lord Storey (LD) [V]: My Lords, I add my thanks to all those teachers and support staff, children and young people. I am surprised that this is being done now and we have not waited until the beginning of the autumn term, which is literally only a few days away.

The Minister's Statement is made against a backdrop of rising cases. School outbreaks are up to the highest level all year and rising sharply. Children, of course, remain unvaccinated, at risk of transmitting the virus and suffering from long Covid themselves. The Government have consistently claimed to be following the scientific advice before making decisions. Will the Minister publish the results of their trials on daily contact testing as an alternative to self-isolation?

We now know so much more about Covid-19 than we did a year ago, yet the Government are not learning lessons from either the knowledge that we have gained about the virus or the effective measures taken in different countries. We know that airborne transmission is the main way that Covid-19 is spreading. Countries

such as Germany have invested in upgrading air-conditioning units and providing mobile purifiers. What are the Government here doing to improve ventilation in our schools?

In the Statement, the Minister says that education settings

“will continue to have a role in working with health protection teams in the case of a local outbreak. Where necessary, some measures may need to be reintroduced.”

What are the measures that will be reintroduced? The Minister says that, in classrooms or communal areas, face masks and social distancing will no longer be required. Does that include whole-school assemblies, or the daily act of worship in Church schools?

The requirement for a staggered start and finish time for schools and colleges can continue until the end of the summer term if schools wish. Is it sensible to have hundreds of children and students leaving schools and colleges at the same time, with, for younger children, hundreds of parents at the school gates to meet them? What is the scientific advice to stop staggering school start and finish times? If a school wishes to continue staggering the start and finish of its school day, can it do so?

Like the noble Lord, Lord Watson, I want to see as many children in school as possible and I want to see children and staff safe. The Statement is not a plan to deal with Covid-19 in our schools; it is lettered with instances of “maybe”, “we should” or “we advise schools to”. It ends with these words:

“children and young people will be able to get on with their education and lives”.

But if Covid is ripping through our schools, colleges and universities, there will be no “getting on with their lives”; in fact, we are putting their lives at risk. I fear that this is playing Covid roulette with our children and young people.

The Parliamentary Under-Secretary of State, Department for Education and Department for International Trade (Baroness Berridge) (Con): My Lords, I am grateful to the noble Lords, Lord Watson and Lord Storey, for their thanks to the hundreds of thousands of teachers and support staff, and for the work of parents who have been home-educating during this time, to see our children come to the end of term.

To deal first with the point made by the noble Lord, Lord Watson, about why we have not left all this until the end of term, the Government made it clear that schools should be in line with other public health restrictions, so that they were neither more nor less restricted, based on the scientific evidence. The release of restrictions in line with step 4 is the point at which to change the situation for schools. Also, as the noble Lord later outlined correctly, there is no one date on which schools break up, so that would have meant different dates in different parts of the country. I believe that schools start breaking up tomorrow and that the finish date is 28 July. The fact that this is in line with step 4 will mean that it is a consistent date with the other restrictions being released in our country.

Regarding the situation of school attendance as of 1 July, 83.4% of children were actually in school at that time. On the levels of disease that we are seeing in

the population, that is why the department Ministers, Nick Gibb and Gillian Keegan, wrote to schools and colleges last Monday to outline the situation on school activities over the summer—summer schools and other out-of-school settings that use their buildings. Testing for those purposes will continue over the summer, but most pupils, who will have been out of school, will not be subject to testing over the summer. That is one of the main reasons why we have made it clear to schools that they should set up the ATS at the beginning of the autumn term and that, up to three days before term begins, they can begin the two lateral flow tests for secondary age pupils, primary staff and secondary staff. They will not have been tested over the summer period, of course. This is the action that we are taking to take account of the level of disease in the population at the moment. There are obviously some controls, and we have given guidance to schools and colleges that they should leave in place the regular cleaning, handwashing and ensuring that inside spaces are well ventilated, leaving doors and windows open as appropriate.

The noble Lord, Lord Watson, raised school transport. Again, we are bringing that advice in line with the situation as it will be for the population in England on 19 July, which is that it will be a matter of choice whether to use face coverings on public transport. That will be the same for dedicated school transport.

On the specific questions that the noble Lords, Lord Watson and Lord Storey, raised about the daily contact testing pilot, over 200 secondary schools and colleges participated in the independently monitored, voluntary trial, which was given approval by Public Health England's independent research ethics and governance group. The trial concluded only on 25 June, so its findings are expected shortly. Those findings will need to be evaluated before any decisions can be made by government on how DCT can be used, if at all.

On the question from the noble Lord, Lord Watson, about vaccination infrastructure, no decisions have been made yet on whether young people from the ages of 12 to 17 should be routinely offered a Covid-19 vaccination or how this should be implemented. The MHRA has licensed two vaccines for that age group, but then it is a separate decision for the JCVI about whether there should be routine vaccination. We have asked the JCVI to advise whether it should be offered to young people aged 12 to 17; we will be guided by those experts' advice and provide an update in due course.

We have already confirmed that exams and vocational and technical qualification assessments will go ahead next year. We recognise that students taking those examinations have had significant disruption to their education and we are considering with Ofqual what we need to do to ensure that the grades students receive for exams next year are fair. We understand the need for the education sector to have certainty and we will announce further details shortly.

Regarding the questions from the noble Lord, Lord Storey, on the prevalence of the disease, the strategy is clear that those who have been most at risk from the disease will have been offered the vaccination and a large proportion of the population will be double-vaccinated. On his specific questions about ventilation,

we are doing a pilot study with Public Health England and SAGE to look at CO₂ levels in our classrooms. Obviously, when we have the results of that we will update your Lordships' House. It is still within the guidance to schools about how they should manage those spaces, but we envisage that music lessons in all forms, assemblies and collective religious worship will be back in schools without restrictions.

We also want to give schools and children back their freedoms, in line with those that will be given to the population in step 4. In terms of the risk to the population as a whole, those who are most at risk from the disease will have been offered the double vaccination. We have of course asked schools to have contingency plans and have updated the guidance on them, should there be an outbreak either in that school or in an area of the country where there is a particularly high prevalence of disease, outlining whether further restrictions should be in place. There will be individual circumstances around whether bubbles or masks are reintroduced, but all that is to be balanced with the particular circumstances of any outbreak, and bearing in mind that we now know the effects that having to be in bubbles or wear masks has on children's education.

One of the few silver linings of the cloud that has been over us in Covid—I must take issue with the concluding statement of the noble Lord, Lord Storey—and something for which we can be grateful is that the evidence has been consistently clear that overwhelmingly children do not get this disease seriously, unlike the older members of the population. That is why the vaccination programme has gone down the age ranges, including in the beginning NHS and social care staff. We must be really grateful for that, and we look forward to seeing our children back in school without these restrictions as of 19 July.

The Deputy Speaker (Baroness Henig) (Lab): We now come to the 30 minutes allocated for Back-Bench questions. I call the noble Earl, Lord Clancarty.

7.06 pm

The Earl of Clancarty (CB): My Lords, contrary to what the noble Lord, Lord Bethell, suggested earlier today, face masks work, and they work well. Studies show that they stop up to 80% of droplets escaping and 50% of those inhaled and, according to a new Addenbrooke's study, FFP3 masks can afford up to 100% protection. So are the Government really convinced they are doing the right thing this week in not advising their use in schools at all from September if cases are rising fast and the greatest transmission is among the unvaccinated young?

Baroness Berridge (Con): My Lords, we have outlined some of the details that the noble Earl outlined on personal protective equipment. In relation to the advice that it will not be necessary to use masks in schools as of 19 July, that is in accordance with step 4, which is based on the best scientific advice we have. There is no absolute certainty in any of these decisions, particularly in schools. Wearing masks has never been a requirement for primary-age children, because they affect children's experience of education and cause difficulties. We are

[BARONESS BERRIDGE]

as clear as we can be, being human beings making decisions, that, for balance, as the right honourable Secretary of State for Health and Social Care said, in terms of mental health and well-being, this is the stage at which to take this step. Schools will be in line with what we are expecting of other people. We will not restrict school pupils more or less than the general population.

Lord Lucas (Con) [V]: My Lords, will the Government use the summer holidays to see whether they can revive the relationship with the head teachers' unions, review the guidance with them and evolve a plan B for use in the event that it becomes necessary to bear down on transmission in schools, so that schools know what will be expected of them if that happens? Will the DfE also produce a template advice leaflet for schools, so that schools can give advice to parents when children return to school?

Baroness Berridge (Con): The noble Lord is correct. Engaging with unions and head teachers has been an important part of what the department has done over these times. The guidance we have issued has been in consultation, through regular meetings at official and ministerial level, to produce the best guidance we can. As I have outlined, we have issued guidance for an updated contingency plan for what might be expected of schools if they were in an area where a new variant of concern was prevalent or there was a local outbreak.

Baroness Blower (Lab) [V]: My Lords, it is alas clear that the impact of Covid-19 will continue to be felt in schools and colleges well into the next academic year. All possible steps must be taken to mitigate these effects, in an attempt to avoid children and young people missing education. There is also the worry that rising cases in schools increase the risk of mutations. As inhalation of coronavirus is a major transmission route, with aerosol containing infectious virus able to travel more than two metres and accumulate in poorly ventilated spaces, practical action is needed.

In another place, the Secretary of State referred to enhanced ventilation. Last autumn term that meant many children and teachers working in coats, hats and gloves as their classroom windows were kept wide open, while many others worked in classrooms with windows that did not open at all. However, the provision of CO₂ monitors, as the Minister referenced, and air filtration devices where necessary following a risk assessment could maintain adequate ventilation.

Lord Parkinson of Whitley Bay (Con): Does the noble Baroness have a question? I am sorry to intervene.

Baroness Blower (Lab) [V]: Yes—will the Government provide sufficient funds to ensure that all schools can avail themselves of CO₂ monitors and air purifiers?

Baroness Berridge (Con): To reassure the noble Baroness, I say that this is precisely why we have the pilot with Public Health England and SAGE; it is to look at CO₂ levels in classrooms. When we have the results of that, we will update any guidance accordingly.

Baroness Tyler of Enfield (LD) [V]: My Lords, how will the Government support further education colleges to continue to provide blended and online learning to students needing to stay at home due to illness, infection or self-isolation when a family member has tested positive? There will clearly still be individual student absences, even when entire bubbles no longer have to isolate. With the additional support needed for students resitting English and maths GCSEs due to the disruption caused by the pandemic, what plans do the Government have to introduce a 16 to 19 pupil premium for disadvantaged students in further education and other settings?

Baroness Berridge (Con): On disadvantaged students, this is precisely why we have made free school meals available in those settings. There is also a bursary fund that FE college staff distribute. Even in the first lockdown, FE colleges showed themselves to be some of the most adept at adjusting to remote learning. We have made it clear to colleges and schools that they need remote provision for the next academic year.

Baroness Stuart of Edgbaston (Non-Affl): My Lords, I refer to my entry in the register of interests. Do the Government recognise the challenge they are setting universities in particular when they recommend in their guidance that face coverings will no longer be required for students, staff and visitors in either teaching and learning environments or communal areas? Many young people starting university will have only just had their first job and be quite a number of weeks away from the second, not to mention the three-week incubation period before full immunity sets in.

Baroness Berridge (Con): My Lords, we are confident in the timing. On 18 June, we opened up vaccinations to anybody over the age of 18, with many walk-in clinics. We saw a helpful surge on the website, when those who wanted to book their jabs did so. We have offered vaccinations to adults so, as we brought forward the period before the second dose of the vaccine to eight weeks, if they took it in the middle of June then by the time universities go back in mid to late September, in the period the noble Baroness outlines, a very high proportion of those young adults will have the full protection of the vaccine if they have acted expeditiously. We are encouraging higher education institutions to look at having some pop-up vaccination centres. Any responsible young adult who goes to university and is any way concerned about not having had their second jab can take the appropriate personal responsibility for their own health.

Baroness Bennett of Manor Castle (GP) [V]: My Lords, the noble Lord, Lord Storey, reflected on the extensive efforts made in Germany to improve ventilation in schools, on the day that the noble Lord, Lord Bethell, said in your Lordships' House that "aerosols remain in the air for a long time". The noble Baroness, Lady Blower, also highlighted this issue. The Government have been very slow and, I suggest, still inadequate in informing the public of this risk and of the importance of ventilation. I note that, in her answers to the Front-Bench questions, particularly those of the noble

Baroness, Lady Blower, the Minister talked about providing information based on the pilots that are just getting going, late in the day. But will there be funding for action on ventilation, particularly where work might be done over the summer holidays, often in new buildings that are without windows that open?

Baroness Berridge (Con): My Lords, we have been clear about the risk of aerosol transmission. That is why there was specific guidance right from, I believe, the first lockdown in relation to children attending special schools and the rules on social distancing. As I have outlined to noble Lords, we are awaiting the results of the pilot and we made funding available, in two application tranches, to deal with certain increased costs for cleaning and other additional costs that schools and colleges had as a result of the pandemic.

Baroness Uddin (Non-Afl) [V]: My Lords, I am pleased to follow noble Lords who have spoken with so much wisdom, and I thank the Minister for the Statement. At the outset, I want to acknowledge formally and thank Ms Davies from Mulberry school, which is my local school. She has been helping thousands of children—400 children and their families—every single week for the past six months.

A number of parents have written to me saying that they have received letters threatening punitive fines and other actions for children missing school, either due to Covid or long Covid symptoms. Can the Minister assure me that parents will not be punitively fined and punished for any such reasons? My second point is that, as we approach the summer, can the Minister give details of the government plan to support children with the provision of breakfast and lunch, in addition to providing essential IT equipment and broadband access? Have the Government undertaken an assessment of the gaps, particularly among children who are already disfranchised—

Lord Parkinson of Whitley Bay (Con): My Lords, the noble Baroness is taking longer than other noble Lords, who have been very restrained in their questions.

Baroness Uddin (Non-Afl) [V]: I have nearly finished, thank you. These children are marginalised as a result of inequalities, poor health, poverty and poor-quality housing. Will the Government ensure adequate planning for their education needs, as well as their well-being?

Baroness Berridge (Con): I join the noble Baroness in thanking the staff at the school she mentioned. We know that many have gone above and beyond, particularly in supporting disadvantaged children in their community. Dropping food parcels and workbooks at the door has been pretty commonplace for many of our school staff, which is amazing.

Upon the return of schools, attendance has been compulsory but we have given specific guidance to schools if they have pupils absent due to parents or carers being concerned about Covid, or about their own health if they are clinically extremely vulnerable. In fact, there is a particular X to mark in the reasons for non-attendance. We hope that schools have encouraged parents to keep their children on the school roll in that situation, because we are concerned to see the rise in the numbers of children being electively home-educated in these circumstances—obviously, many parents do that job really well. On breakfast clubs, I think we have provided funding of £24 million through Magic Breakfast and other charities to deliver breakfasts. Over this summer holiday, in addition to the summer schools there will be, as there have been since Easter, holiday and activity clubs operating in every local authority area for disadvantaged families.

The Deputy Speaker (Baroness Henig) (Lab): My Lords, all questions have now been asked.

House adjourned at 7.19 pm.

Grand Committee

Thursday 8 July 2021

The Grand Committee met in a hybrid proceeding.

2.30 pm

Arrangement of Business

Announcement

The Deputy Chairman of Committees (Baroness Healy of Primrose Hill) (Lab): My Lords, the Hybrid Grand Committee will now begin. Some Members are here in person, others are participating remotely, but all Members will be treated equally. I ask Members in the Room to respect social distancing. If the capacity of the Committee Room is exceeded or other safety requirements are breached, I will immediately adjourn the Committee. If there is a Division in the House, the Committee will adjourn for five minutes. The time limit for the first item of business is one hour.

Market Surveillance (Northern Ireland) Regulations 2021

Considered in Grand Committee

2.31 pm

Moved by Lord Callanan

That the Grand Committee do consider the Market Surveillance (Northern Ireland) Regulations 2021.

Relevant document: 6th Report from the Secondary Legislation Scrutiny Committee

The Parliamentary Under-Secretary of State, Department for Business, Energy and Industrial Strategy (Lord Callanan) (Con): My Lords, I beg to move that these regulations, which were laid before the House on 10 June 2021, be approved.

The Regulation on Accreditation and Market Surveillance, 765/2008, known as RAMS, is the current market surveillance legislation for the UK and is included under the Northern Ireland protocol. It is worth noting that RAMS continues to apply in Great Britain, as it now forms part of our domestic law. The EU Market Surveillance and Compliance of Products Regulation, EU 2019/1020, which I will refer to as MSC, will replace RAMS and therefore, under the protocol obligation, MSC will apply in Northern Ireland. However, the enforcement system for both regulations will be similar, with both based on risk and proportionality.

The SI we are here to debate sets out to implement a uniform set of regulatory powers to avoid gaps and inconsistencies when the RAMS provisions are repealed in Northern Ireland on 16 July. These powers will be available to market surveillance authorities that operate within Northern Ireland. It results in some minor operational changes and a number of new traceability requirements for businesses placing products on the Northern Ireland market. The SI will ensure that consumers in Northern Ireland continue to be protected from potentially unsafe and non-compliant products, whether that is gas appliances, radio equipment, lifts or PPE, via the UK's robust product safety framework.

Within the UK, market surveillance authorities have the vital role of ensuring that products are safe and compliant. They can also take action as needed when unsafe and non-compliant products are discovered. This reduces the risk to consumers. Noble Lords will agree that the protection of UK consumers is a vital role for government. This SI applies to Northern Ireland. It will provide market surveillance authorities with the necessary regulatory powers to carry out this invaluable work. It will also provide effective, appropriate and proportionate sanctions for breaches of the regulations. Market surveillance authorities will continue to monitor and, where appropriate, enforce in Northern Ireland all the requirements of product safety law outlined in this SI. I will now consider areas covered by the SI in more detail.

A key objective of the SI is to provide a consistent set of regulatory powers to market surveillance authorities with respect to Northern Ireland. Although most of these powers already exist across the current suite of product legislation, they are not consistent. This is not in the interests of the consumer, so we need to take action. Therefore, we will introduce a uniform set of regulatory powers. These will consolidate the powers already available to market surveillance authorities. The SI will make these powers expressly available in respect of a range of products to the extent they are needed. We have set out powers in this SI which are drawn from existing goods legislation such as the Health and Safety at Work (Northern Ireland) Order, the Consumer Rights Act and the Consumer Protection Act. Market surveillance authorities will therefore have consistent access to the regulatory tools they are familiar with in other goods legislation. These tools include compliance, recall and withdrawal notices.

Turning now to offences, the inclusion of criminal offences within this legislation is again consistent with the existing UK-wide sanctions regime for products, and therefore illustrates that market surveillance sanctions are not new. I confirm that the penalties for such offences within this SI are at the lower end of the range of penalties within the existing regime, and that this SI ensures that offences remain available to market surveillance authorities. It contains offences in respect of withdrawal and recall notices, offences relating to obstructing an investigation and offences for breaches of MSC. The offences under this statutory instrument will give rise to a maximum fine of up to level 5, which is currently £5,000, or up to level 3, which is currently £1,000, on the standard scale, depending on the offence. These will not have provision for imprisonment and will be heard in a magistrates' court. The offences are expected to be prosecuted only in rare circumstances and when necessary, primarily to protect consumers from unsafe products and to address deliberate or persistent non-compliance.

There is a new requirement in MSC: Article 4, which requires a business supplying certain goods to have a responsible person based in the EU or Northern Ireland. This can be a manufacturer, importer, authorised representative or a fulfilment service, and they must undertake certain compliance responsibilities to be able to place certain goods on the EU or Northern Ireland market. The requirement in Article 4 is directly applicable, and this SI provides for enforcement

[LORD CALLANAN]

mechanisms for a breach of that requirement. Many businesses supplying customers in Northern Ireland or the EU already have the necessary arrangements in place.

On 11 June, my department published Article 4 guidance for businesses and market surveillance authorities, answering many of the questions that businesses may have. We have actively engaged with a wide range of organisations to ensure that businesses engage with the guidance. We have a comprehensive plan to work further with trade associations and businesses to ensure that they understand the requirements and support available. My officials will continue assisting business organisations to ensure that MSC does not place a disproportionate burden on trade into Northern Ireland for businesses that do not already have a person responsible for compliance, while ensuring that the product safety framework itself remains robust and effective. Additionally, my department is offering MSC-specific training to all market surveillance authorities to support consistent understanding of its application across the regulatory landscape.

This SI is required under the withdrawal agreement, which is given effect in domestic law by the European Union (Withdrawal) Act 2018 and the subsequent protocol. MSC itself is directly applicable, as an EU regulation, meaning that no action is needed on the part of EU member states, and as such, it applies in Northern Ireland under the protocol. It is important to emphasise that while MSC requires businesses in some product sectors to have a person responsible for compliance, established in the EU or Northern Ireland, it does not create new burdens on the movement of goods from Great Britain to Northern Ireland.

As set out following the last withdrawal agreement Joint Committee in June 2021, the UK has taken extensive steps already to operate the protocol, both by the UK Government and the Northern Ireland Executive, and by businesses across the United Kingdom. This reflects that we will continue to operate the protocol in a pragmatic and proportionate way, focused at all times on minimising its impact on day-to-day lives in Northern Ireland. I must emphasise that the MSC regulation and our implementation of it will not create checks on goods from Great Britain.

In summary, this SI ensures that Northern Ireland consumers remain protected from potentially unsafe and non-compliant products and will implement the legislative requirement of the protocol, which will bring a new aspect to market surveillance and ensure that there are no regulatory gaps within the area of product safety. This will result in the maintenance across the UK of a cohesive and effective regulatory regime for manufactured products which will protect all UK consumers, including those in Northern Ireland. The Government will of course ensure that they monitor the implementation of the new regulation and that they continue to work with businesses and market surveillance authorities to help them adapt, providing the necessary guidance and support where needed.

I therefore commend this statutory instrument to the House.

2.39 pm

Lord Stevenson of Balmacara (Lab) [V]: My Lords, I am grateful to the Minister for his usual comprehensive introduction. I know that when the Government speak to any business in your Lordships' House, they always speak with one voice, and I am sure that we heard only the voice we were meant to hear. However, it was striking that quite a lot of the paragraphs he read out perhaps did not come originally from his pen or that of his department. He does not need to comment on that if he does not want to, but I felt there were messages in what he said that were intended for a wider audience than the rather small one that, perhaps unfortunately, has gathered here today.

I have a couple of questions about the Explanatory Memorandum and a couple of points to make relating to what the Minister said. Paragraph 7.10 states:

“The Government is currently undertaking a wider review of the UK product safety system, including approaches to securing compliance and the role of criminal sanctions in product safety regulation, and the scope for greater use of civil sanctions.”

There is not much detail on that—perhaps the Minister could give a sense of the timescale for that work. Given that, in a sense, it will probably overtake this SI, will it have an immediate or a medium-term effect?

Despite having looked at many SIs in my time as a Front-Bencher, including ones which stem from the original legislation, I was caught out towards the end of paragraph 7.11 by the reference to the fact that

“the SI works on a *lex specialis* principle”,

in other words,

“where there is a more specific provision in the sectorial legislation, this will take priority.”

That rather shades some of what the Minister was saying about trying to achieve a commonality of approach between GB and Northern Ireland. Without more detail, it is difficult to judge exactly how that will operate. Perhaps when he responds he can give us some examples of how the *lex specialis* principle might affect the SI. I should also be grateful to know where I might find the original legislation on that. If he does not have the information to hand, I should of course be happy to have a letter from him.

I turn to some more general points that the Minister may like to pick up on, and which I am sure my noble friend Lord Bassam will also refer to. The Minister said that this is effectively a levelling-up SI, in the sense of trying to ensure continuity and minimal change, but there is obviously an issue here about the need to establish an economic operator in Northern Ireland for compliance activities or, as he said, in the EU, if companies want to sell goods into Northern Ireland. We should not gloss over the fact that companies will be affected by that. That is a change that I do not think was anticipated—I have never seen reference to it before—but we have it before us now. It is certainly something to reflect on.

I see no references in the SI or the Explanatory Memorandum to reviewing the impact of this measure. Indeed, because it is a process that flows from the EU withdrawal Act, no review is specifically required. The Minister said that this will not have an impact on British businesses and will not affect businesses that

bring products from GB to the EU through Northern Ireland, or just to Northern Ireland itself. Given the current heated situation and the concern about sausages, for example, it would be helpful to have a review. Will the Minister commit to indicating how this is playing out in practice further down the line, even if not to a formal review?

Secondly, what will the situation on the ground be like when the regulations are enforced? The Minister said that the approach is proportionate, risk-based and intelligence-led, which suggests that a fairly extensive set of procedures are in place. Assessing proportionality is not always easy; knowing what the risks are is not always possible; and “intelligence-led” suggests that this will be a joint activity involving the security services and others.

What does that mean in practice? I travel regularly between the UK and Ireland, and I have observed substantial changes in procedures and practices at the Irish ports I travel through. Of course, this is *ad hominem* and I am not trying to make a general point, but it is clear to me that the amount of paperwork and interrogation that takes place now compared to a few months’ ago is significant. Again, this is not going to be subject to any review, but perhaps the Minister will commit to giving us further information on how this is actually playing out in practice. I think that, following the recent Act, there will be more activity and disruption than he suggested.

On a related point, the language used in the SI and in the discussion led by the Minister has largely been about physical goods, but presumably, this also applies to electronic trade—trade through the internet—and other services delivered online. Has any particular aspect of that been brought into this? My recollection of the previous legislation is that, although it was very much about goods and not very much about services, it also impacted on electronic trade. This might be worthy of further consideration, and I would like to hear the Minister’s thoughts when he responds.

Finally, the application of the market surveillance regulation in Northern Ireland was, as the Minister said, a critical commitment and the Government support it. But of course, we are not unaware of the fact that the protocol itself is a matter of contention, and indeed, further discussions are continuing even as we speak. Is the Minister able to opine on whether he thinks this a relatively settled operation that does not require further debate or opening up in relation to the Northern Ireland protocol? If so, can he explain the thinking behind that? Clearly, it deals with the sort of goods and services that the Government said would not be interrupted because of the special status of Northern Ireland in both the UK and the EU customs area. It would be useful to know whether that is a serious issue of concern to the Government that is likely be raised again, or whether it is now settled.

2.47 pm

Lord Bassam of Brighton (Lab) [V]: My Lords, I too am grateful to the Minister for carefully explaining the regulations and offer particular thanks to my noble friend Lord Stevenson of Balmacara for his forensic examination of the detail.

There is an irony to this discussion, is there not? As my noble friend said, the Northern Ireland protocol is the subject of hot and contentious discussion, and yet, listening to the Minister one would sense that this is all agreed and straightforward and a regular instance of legislative implementation without any back story, but of course, that is far from the case. My friends in Northern Ireland tell me that they would quite like there to be a bit more market surveillance, in the sense that they would like to see some more goods on the shelves in the shops they use. But sadly, things that we take for granted they can no longer do.

However, as the memorandum says, these regulations do provide for an effective and proportionate penalty regime for breaches of the regulations, and the EU’s new market surveillance regulation, which comes into effect on 16 July, is designed to provide greater protection for consumers in the face of the challenges posed by e-commerce, to which my noble friend referred. As I understand it, the intention is that, through the extension of compliance checks for products sold online, consumers can be assured that products they order online meet EU harmonised standards for both health and safety. However, how and where will these checks be carried out, and by whom?

By virtue of the Northern Ireland protocol and the EU-UK trade and co-operation agreement, the market surveillance regulation is directly applicable to Northern Ireland, although further provisions of the regulations require implementation in our domestic legislation, which is what the regulations are designed to do. It is clear that the regulations are designed to protect consumers and are required to meet our legal commitments under the trade and co-operation agreement and the protocol, so for that reason, we obviously would not want to oppose them.

However, I do have a few more questions for the Minister. First, the implementation of the market surveillance regulation in Northern Ireland will of course have an impact on British businesses, particularly those that sell their products online from Great Britain directly to consumers in Northern Ireland—hence my earlier question. As the Minister said, GB businesses will need an economic operator to be established in Northern Ireland for compliance activities if they want to sell goods there. Given the additional obligations on British businesses that want to continue to sell their goods across the United Kingdom, will the Minister assure us that the Government will continue to provide the advice and guidance necessary to ensure that British businesses are prepared and geared up for this?

Secondly, the Government suggest in guidance that the enforcement of the market surveillance regulation in Northern Ireland will be proportionate, risk-based and intelligence led, minimising disruption to businesses. How will that be guaranteed? Have there not been lots of complaints that it is none of those things and that it is an overweening burden that speaks to the whole issue of division down the Irish Sea? The regulations before us suggest that regulatory checks on goods entering Northern Ireland will continue to take place by exception and only where there is a high level of risk. How is that judgment made and by whom? BEIS has said that goods going into Northern Ireland from

[LORD BASSAM OF BRIGHTON]

Great Britain have a low-risk profile and therefore will not be routinely subject to inspection. Given the current tensions over the Northern Ireland protocol and uncertainty about its implementation, will the Minister clarify the extent to which that approach has been agreed with the EU and at what level that agreement has been reached? Is there an agreement that goods arriving into Great Britain will not be routinely subject to regulatory checks?

The Explanatory Memorandum states:

“Authorities will now carry out market surveillance activity and enforce product safety and compliance through the powers conferred under this SI.”

What training will authorities receive to use these powers effectively, and how will we know or be assured that such training means that the powers are used in a proportionate way?

The Explanatory Memorandum further states:

“The Government is currently undertaking a wider review of the UK product safety system, including approaches to securing compliance and the role of criminal sanctions in product safety regulation, and the scope for greater use of civil sanctions.”

I echo the questions asked by my noble friend Lord Stevenson. What is the consultation process for that review? When will it be published? When will the outcome of the review be made known to us? Those issues are important and play into the wider debate about the protocol, the need for it, how it operates and works, and its impact on businesses both in Northern Ireland and more widely across the UK.

I am sorry to appear to be nitpicking, but these are important issues and they come at a difficult time in relations in Northern Ireland. We look forward to some clarity from the Minister, because both businesses and consumers certainly require it, and across the UK at large.

2.53 pm

Lord Callanan (Con): I thank both noble Lords for their valuable contributions to this short debate. For reasons that I will summarise, it is vital for the product safety regime that this SI comes into force in Northern Ireland on 16 July 2021.

First, the SI will provide continued robust protection for consumers. It will ensure that safe and compliant products can be placed on the market in Northern Ireland as part of a cohesive and modern product safety framework across the whole United Kingdom. The SI builds on the powers set out in the existing product safety regime in a way that regulators and businesses will be familiar with.

To achieve this, the SI provides a uniform set of powers for regulators, designed to fit with the existing products legislation across the United Kingdom. This includes powers in respect of criminal offences that can be used by market surveillance authorities on the occasions where they are required, which we expect to be rare. The Regulators’ Code will continue to apply across the United Kingdom. It provides powers that can be relied on if needed by all market surveillance authorities, irrespective of product. It also protects consumers from potentially unsafe products sold online by setting out a mechanism that market surveillance authorities can use to request co-operation from an online service provider. Without this SI, there would

be gaps in the enforcement of product safety within Northern Ireland when the existing market surveillance chapter of the prior regulation is repealed. The powers in RAMS would otherwise fall away, risking disruption and confusion for businesses and enforcement authorities.

The Government have been engaging closely with businesses and regulators on the introduction of these new market surveillance regulations; we have published guidance for both and will continue to provide support to them in the coming months.

In response to the questions raised by the noble Lord, Lord Stevenson, there are a range of administrative and civil sanctions—for example, compliance, recall and withdrawal notices—available in MSC which can be used by market surveillance authorities. These enforcement tools are backed by criminal offences, which are in line with other legislation in the goods sphere. While civil penalties such as fines are not included, the Government are reviewing the product safety framework for the whole United Kingdom to ensure that it is fit for purpose, protects consumers and supports businesses to innovate and grow.

The call for evidence has concluded, closing on 17 June, and a government response on its findings will be published in due course. In terms of any changes that might be seen in activities on the ground, neither MSC nor our implementation of it will increase checks on goods. In Northern Ireland, as in Great Britain, market surveillance checks will follow an intelligence-led and risk-based approach.

The noble Lord also asked why there is no enforcement provision or penalty for online services. While services are not included in the protocol, the primary aim of these provisions is not to create an enforcement power to regulate online service providers; instead, it creates a power for the MSA to request co-operation from an online service provider to assist it in mitigating the risks presented by unsafe products, in order to protect consumers in Northern Ireland.

The noble Lord, Lord Bassam, raised concerns about how the implementation of the regulation will impact on British businesses, particularly those that sell online. As I pointed out to the noble Lord, Lord Stevenson, GB businesses will need economic operators, for compliance, to sell within Northern Ireland and the EU single market. My department will continue with a targeted, sector-specific engagement approach up to and beyond the date the regulation comes into force, 16 July, so that they are aware that the legal obligations remain unchanged in terms of the controls and targeted, risk-based approach to goods entering the market.

Consumers in Northern Ireland who are concerned that a product is unsafe or believe it may not comply with UK regulations can contact their district council environmental health service trading standards, which is responsible for enforcement of product safety legislation in Northern Ireland, or they can contact Consumerline. The relevant enforcement body will then decide whether an investigation should take place and what action should be taken regarding instances of compliance. Unsafe products, by presenting a serious risk, are notified to the product safety database. Unsafe product reports are publicly available to consumers.

In response to the noble Lord's concerns about whether our approach is proportionate, risk-based and intelligence-led, enforcement of this regulation has been agreed with the EU. Market surveillance activity under the MSC regulation is risk-based and targeted. This is set out in legislation. We explained our approach to the EU last year; we have always been open with the EU that we have never envisaged many checks taking place at points of entry.

As I noted in my opening speech, my officials will of course continue to assist business organisations to ensure that MSC does not place a disproportionate burden on trade in Northern Ireland. We will continue to update the guidance. I hope I have dealt with the queries raised by both noble Lords. I therefore commend these draft regulations to the Committee.

Motion agreed.

The Deputy Chairman of Committees (Baroness Healy of Primrose Hill) (Lab): The Grand Committee stands adjourned until 3.05 pm. I remind Members to sanitise their desks and chairs before leaving the Room.

2.59 pm

Sitting suspended.

Arrangement of Business

Announcement

3.05 pm

The Deputy Chairman of Committees (Baroness Healy of Primrose Hill) (Lab): My Lords, the hybrid Grand Committee will now resume. Some Members are here in person and others are participating remotely, but all Members will be treated equally. I ask Members in the Room to respect social distancing. If the capacity of the Committee Room is exceeded or other safety requirements are breached, I will immediately adjourn the Committee. If there is a Division in the House, the Committee will adjourn for five minutes. The time limit is one hour.

Business and Planning Act 2020 (Pavement Licences) (Coronavirus) (Amendment) Regulations 2021

Considered in Grand Committee

3.06 pm

Moved by Lord Greenhalgh

That the Grand Committee do consider the Business and Planning Act 2020 (Pavement Licences) (Coronavirus) (Amendment) Regulations 2021.

Relevant document: 6th Report from the Secondary Legislation Scrutiny Committee

The Minister of State, Home Office and Ministry of Housing, Communities and Local Government (Lord Greenhalgh) (Con): My Lords, the regulations we are considering today were laid in draft before this House on 8 June. If approved and made, they will extend the

temporary pavement licence provisions for 12 months to 30 September 2022 and will come into effect the day after they are made.

The temporary pavement licence provisions create a faster, cheaper and more streamlined consenting regime for the placement of removeable furniture, including tables and chairs, on pavements outside premises such as cafes, bars, restaurants and pubs. These measures have been popular and very successful in supporting businesses, making it easier for pubs, restaurants and cafes to facilitate al fresco dining with outside seating. It is vital that we continue to support the hospitality sector by extending these provisions for 12 months, as it has been one of the hardest hit as a result of the coronavirus.

The sole purpose of the regulations is to change the four references to the expiry date in the legislation from 30 September 2021 to 30 September 2022. The regulations do not change any other part of the pavement licence provisions, so the process for applying for a licence during the extended period will not change. Subject to the regulations being approved and made, businesses will be able to apply for a licence under the process set out in the pavement licence provisions in the Business and Planning Act for the extended period until 30 September 2022.

The regulations do not automatically extend licences that have been granted under the current provisions, so businesses will need to apply for a new licence if they wish to have one in place during the extended period. Local authorities are encouraged by guidance to take a pragmatic approach in applying the extended provisions, so that it is as convenient as possible for businesses to apply for a licence during the extended period. As the process for applying for a licence under the extended period will remain unchanged, I will briefly remind noble Lords of that process.

All licences are subject to a 10-working-day determination period, including a five-working-day public consultation period, excluding public holidays, starting the day after the application is sent electronically to the authority. If the local authority does not determine the application before the end of the determination period, the licence will be deemed to have been granted for a year—or, if sooner, until 30 September 2022—and the business can place the proposed furniture, such as tables and chairs, within the area set out in the application for the purpose or purposes proposed.

Licence application fees will be set locally but are capped at a maximum of £100. Again, these fees are unchanged from what they are for licence applications under the current temporary provisions in the Business and Planning Act 2020. All licences will be subject to a national no-obstruction condition and smoke-free seating condition as well as any local conditions set by local authorities.

The grant of a pavement licence only covers the placing of furniture on the highway. A pavement licence does not negate the need to obtain approvals under other regulatory frameworks such as alcohol licensing. The Government have also laid a separate statutory instrument to extend the temporary alcohol licensing amendments.

Once a licence is granted, or deemed to be granted, the applicant will also benefit from deemed planning permission to use the highway land for anything done

[LORD GREENHALGH]

pursuant to the licence while the licence is valid—for example, using furniture to sell or serve food or drink supplied from, or in connection with relevant use of, premises.

The pavement licence regime in the Business and Planning Act did not replace the regime in Part VIIA of the Highways Act 1980; rather, it sat alongside it. This remains the case during the period of validity of the 2020 Act provisions as extended by this statutory instrument. Applicants may apply for a licence under Part VIIA as an alternative if they wish to do so for any reason.

These regulations will enable food and drink hospitality businesses to continue to obtain a licence to place furniture on the highway outside their premises quickly and cheaply. As I previously stated, this extension is considered necessary and vital, as it will provide businesses with much needed certainty to help them to recover economically and will support them in planning for the extended period. To explain just how hard the sector has been hit, evidence from trade organisations and other sources has indicated significant financial losses and wider economic pressures faced by the hospitality industry. The Office for National Statistics reported in July that more than half of businesses in the accommodation and food services industry had experienced a fall in turnover, compared with normal expectations for this time of year—more than any other industry.

I firmly believe these regulations will bring essential economic support out of the pandemic for many food and drink businesses, by enabling extended outdoor capacity for serving food and drink. To support local authorities and businesses with the implementation of the regulations, we will publish an updated version of the pavement licence guidance when the regulations are made. If these regulations are not introduced, there is a real risk that we will undermine the steps that food and drink hospitality businesses have taken to recover from the economic impacts they have suffered as a result of coronavirus.

All of us in government have enjoyed pubs, cafes and restaurants being open again, following coronavirus lockdown restrictions. The temporary pavement licence measures are just some of several measures that the Government have introduced to support hospitality businesses to reopen safely, enabling businesses across the country to serve their local communities. Since introducing a simplified route for pubs, restaurants and cafes to obtain a temporary pavement licence, we have heard of many examples of local businesses being able to increase their outdoor capacity quickly and at low costs. The draft regulations that we are debating today will allow al fresco dining and drinking to remain a reality for these businesses and provide much needed certainty for another year. I commend this instrument to the Committee, and I beg to move.

3.12 pm

Lord Faulkner of Worcester (Lab): My Lords, my intervention this afternoon will be brief. I was most grateful to the Minister for finding the time yesterday to have a conversation with me about these regulations, and I was able to tell him that I have tabled a regret

Motion relating to them, which will be debated in the Chamber presumably some time next week—I gather that it may be Wednesday. The rules relating to hybrid procedures in Grand Committee do not allow for regret Motions to be debated here.

I shall not take up the Committee's time today by going through the arguments for my regret Motion. The wording of it is self-explanatory; it regrets that “these regulations were not revised to take account of the evidence of the benefits of 100% smoke-free pavement licences, which have been implemented over the last year in a diverse range of local authorities and which have received strong public support”. Your Lordships may recall that the House debated these regulations during the passage of the Business and Planning Bill almost a year ago. A cross-party amendment tabled by the noble Baroness, Lady Northover, and signed by the noble Lord, Lord Young of Cookham, the noble Baroness, Lady Finlay of Llandaff, and me received strong support across the Chamber. Our amendment was supported by the Local Government Association and a number of major local authorities. The LGA said that it

“sets a level playing field for hospitality venues across the country and has a public health benefit of protecting people from unwanted second-hand smoke ... If smoking is not prohibited, pavement areas will not become family-friendly spaces”.

Despite the Government's stated intention to make smoking obsolete in England and for us to be smoke free by 2030, Ministers did not accept our amendment a year ago. Instead, they inserted a requirement in legislation that

“the licence-holder must make reasonable provision for seating where smoking is not permitted”.

A number of councils went further and issued pavement licences that require completely smoke-free areas. I shall say more about these local councils and the views of the public as measured in a huge opinion survey carried out by YouGov when we have the debate in the Chamber.

I shall also be able to share with your Lordships some information from Canada, where smoke-free patio areas have been required by a number of provinces. There is good evidence that they are popular and easy to enforce and that they improve the health of hospitality workers—and there are no signs of an adverse impact on business. I hope that the House will take the view that it is a matter of regret that we did not go down that same route when we passed the 2020 Act, and that these regulations were not revised in that light.

3.15 pm

Lord Bradshaw (LD) [V]: My Lords, I strongly support the remarks just now by the noble Lord, Lord Faulkner. We have, as he said, been here before when, last summer, the Government launched the “Eat out to help out” campaign. At that time, as the noble Lord, Lord Faulkner, said, my noble friend Lady Northover moved, with all-party support, to tie the extension of eating on the pavement to non-smoking areas. This was rejected by the Government because they did not wish to hinder the development of the initiative at short notice. This year, the same excuse will not be an acceptable reason for inaction, because a year has elapsed, but the Government prefer to listen not to local authorities or the Local Government

Association, which has to make the permits work, in very many areas, including my own, in Oxfordshire, but instead to the voices of big business, brewers and the tobacco industry. They do not listen, necessarily, to the small shopkeepers and restaurateurs owners but to the very big interests behind them.

Does the Minister recognise that, during the pandemic, many smokers have quit, but it is very easy for such people to resume smoking? Then there is the effect of passive smoking on those around, on the staff and on children. Can we afford to inflict a rise in the number of smokers on our population already cursed by Covid? The proposed regulations, with their ambivalent attitude to smoking, will make the difficulties that local authorities have with enforcement worse, and will be mightily unpopular with the majority of actual users.

3.17 pm

Lord Young of Cookham (Con): My Lords, it will come as no surprise to my noble friend the Minister, who may remember our debate on pavement licences a year ago, that I have every sympathy with the speech of the noble Lord, Lord Faulkner. As he said, I supported the amendment then moved by the noble Baroness, Lady Northover, saying that pavement licences should be given only if smoking were prohibited, and I will not repeat the arguments I made then. That amendment was withdrawn, but on Report the Government tabled their own concessionary amendment requiring proper provision for non-smokers and, although it was not what the movers wanted—nor, indeed, what the majority of the speakers in the debate had asked for—the concession was accepted. My noble friend then said that joint guidance would be issued by his department and DHSC.

That joint guidance was non-contentious. I want to focus this afternoon on paragraph 11.2 of the Explanatory Memorandum, which refers to updated guidance from the department to help local authorities implement the provisions of this order. I do this because, on 8 August last year, after the guidance I referred to was published, the Secretary of State emailed Manchester City Council, stating that its proposal to set a local smoke-free condition on the issue of pavement licences was “against the spirit of the emergency legislation passed by Parliament”. It was not: the legislation expressly said that local authorities could set a local condition such as Manchester proposed. Indeed, in Committee on the Bill my noble friend said:

“Therefore, local authorities can exercise their condition-making powers to impose no-smoking conditions”.—[*Official Report*, 13/7/20; col. 1482.]

Worse, the letter went on to assert that if smoking were banned outside pubs and cafes:

“It could lead to significant closures across the country.”

In spite of repeated challenges, not one shred of evidence was ever produced by the department to substantiate that assertion, frequently made by the smoking pressure group FOREST. Such evidence as we have from the introduction of the smoking ban in 2007 showed that more people said that they went to the pub more often than said that they went less often. The simple assurance which I seek from the Minister, whom I acquit from being in any way complicit in this misinformation, is that if further guidance is given to

accompany this order, it does not contain any more inaccurate or misleading statements such as those that I have referred to.

3.20 pm

The Earl of Clancarty (CB): My Lords, last year in the debate on this in this House, I said that I was very much in favour of this measure, and I am in favour again of a year’s extension, not only for the businesses themselves but because extending bars and restaurants on to the street, even if temporarily, generally represents an enhancement of our public space by increasing the sharing of public space. In a sense, it is good for the vitality of our high streets.

However, although the measure clearly is good for the businesses concerned, particularly during the pandemic, as is the intention of the regulations, the question must be: how have communities reacted as a whole, including non-smokers and the disabled? Have the Government made a formal overall assessment of the effect of this measure? Will they do so? The local authorities are making these decisions, but these are two separate things.

I am in favour of the shared space principle which hovers in the background of this. It is not directly a debate on shared space but I miss the wisdom of Hans Monderman, who died too young at the age of 62, 13 years ago. Others have carried his work forward, but it would be interesting to know how he would have dealt with today’s concerns of the blind and partially sighted in this and other instances. His guiding principle was negotiation between users in the space itself, which of course makes the solution to the organisation of space particularly challenging when some users cannot rely on visual clues. A shared space is not properly a shared space unless it can be shared by all. The space that a blind person has been used to will get altered at certain times if part of a pavement is used by, for example, a bar or restaurant. It will then be important for that space used to be geographically predictable on a day-to-day basis, the territory precisely marked out, to a few inches at the most. It is not just about there being enough space for all pedestrians, including the disabled, to negotiate or navigate without having to walk into the road.

I made a suggestion to the Minister last year, to which he was receptive, that areas could be marked in their corners by fairly sturdy objects such as square plant boxes, and I am glad to see that this has been included in the guidance. The predictability of these spaces on a day-to-day basis will be respectful to use of the whole space for all pedestrians. Councils have gone further, pedestrianising some streets, at least on a temporary basis, to allow greater pavement space for businesses, but here, too, there must be clearly understood and reproducible routes for pedestrians. This might mean a route between one obstacle of one business and an obstacle of another when there is no obvious edge of a footway. Do the Government intend to update the guidance? I am not sure that some of these points are emphasised enough in the current guidance.

3.23 pm

Baroness McIntosh of Pickering (Con): I welcome the regulations and this opportunity to debate them. I declare my interests as set out in the register, as chair

[BARONESS McINTOSH OF PICKERING]
of the Proof of Age Standards Scheme board, and having chaired the House's ad hoc committee reviewing the Licensing Act 2003. I echo some of the concerns expressed by the noble Earl, Lord Clancarty, and am very grateful to the Guide Dogs for the Blind Association briefing that he shared with me today. I absolutely share the concern expressed by my noble friend the Minister about the hit that the hospitality industry has taken, which is very well set out in paragraph 7.7 of the Explanatory Memorandum, with £8.2 billion of trade having been wiped out, the decrease in turnover which he referred to, and the reported 2,000 pubs estimated to have closed down forever.

However, I hope that my noble friend the Minister will give me—and, more importantly, the vulnerable users of pavements—an assurance this afternoon as we extend the licensing provisions in the regulations before us today. Specifically, if we are allowing only 10 days before a licence application, which I accept is a new application this time, will be agreed, what consultation will there be for particularly vulnerable pavement users in this regard? Will he put my mind at rest that it is not an issue of licence by default? There is a concern, which I hope he will address this afternoon, that there is no time for consultation in a 10-day period. Will he confirm that the original timeframe of 28 days will be reverted to when the regulations cease to have effect?

Can the Minister give me an assurance that local authorities will have regard to the Equality Act provisions and similar provisions in the issuing of licences under the regulations? I am concerned that there is no right of appeal, and I would like to understand whether, in the rush to grant the licence—and I do not know whether he has any evidence of this under the present licence system—if it was felt that street furniture was put in an inappropriate or hazardous place, that could be reviewed and the local authorities have the power to go and inspect that. I am asking for balance in the way in which the licences are issued between the rights of the pub or business to ply its trade, which we are all in support of, and the rights of more vulnerable users—visually impaired and others—to go about enjoying the pavements in the normal way.

3.27 pm

Baroness Wheatcroft (CB): My Lords, the café society that Covid has generated is to be welcomed. It brings colour and life to our streets, and will continue to do so, providing useful spaces for those who are not ready to ditch all Covid precautions come 19 July and would prefer to do their wining and dining outside and away from terribly crowded areas in future. Therefore, I welcome the idea of extending the speeded-up process for securing a licence that is incumbent in these regulations. However, I agree with the noble Lord, Lord Faulkner, on his regrets at the failure to insist that such eating and drinking areas be made smoke free. Why that should be the case is completely beyond me, since we all know that passive smoking causes great dangers. If we want these areas to be family friendly—or, indeed, friendly at all—having them filled with smoke is simply not sensible, and the Government have the power to stop it.

We know the difficulties that hospitality businesses have faced during the pandemic, and anything that can be done to enable them to do more business and build back their finances is to be welcomed, but that should not entail bringing in unnecessary smoking. However, there are specifics related to the licences which I wonder whether the Minister would look at. Several aspects of pavement licences concern me. First, while we are allowing smoking, there continues to be a ban on fire pits and gas heaters, which seems illogical to say the least. One can wander along the streets in skiing resorts, for instance, where fire pits are perfectly common, and they do not seem to cause any great trouble. I also wonder whether it is right that the Metropolitan Police should continue to insist that management teams in restaurants and pubs with outside seating undergo counterterrorism training. Is that really necessary? The risks seem very slender.

Finally, can the Minister reassure me that local authorities are not using pavement licences, which are reasonably priced at £100, as a means of generating other income by unreasonably charging for excess refuse, street cleaning and other things that they judge to be a nuisance? There have been suggestions of restaurants and pubs being charged excessively for that sort of thing.

3.29 pm

Baroness Gardner of Parkes (Con) [V]: My Lords, I want to flag three areas where the Government should look further at these regulations than merely extending them to 2022.

The first is the timeframe placed on local authorities to process, publicise and determine licences: a mere 10 working days. This has been incredibly onerous on council resources and should be extended to between 15 and 25 working days. With businesses shortly to reopen without restrictions, it is only fair to offer more time to councils and residents.

The second aspect is the cost of a licence, which has been set at a maximum of £100. I gather that most councils have charged this in full. For uncontested licences, it may cover their administrative costs, but it does not if an application is contested and senior officers and licensing teams need to be involved. Kensington and Chelsea Council told me that it would usually charge £512 for a table and chairs licence under the previous regime, which was calculated based on cost recovery. While the process has been streamlined under these regulations, it has not cut councils' costs by 80%. Effectively, councils are struggling with this loss of income. In some cases, there is a double loss of income where a licence is granted for tables and chairs in parking bays, as there is an additional loss of parking revenue. If this regime is to be extended until September 2022, councils would welcome the discretion to set higher application fees where appropriate. In addition, local authorities would often recover their monitoring costs to ensure compliance with licences, often around £300 a year per premises. The regulations make no provision for this, yet monitoring is still needed.

My third comment may be too radical for some, but it has been suggested to me that the Government might be bolder and look at a British Summer Time pavement licensing scheme to operate annually but

not in the winter, or trial these regulations on a more permanent basis in the central activities zone boroughs of, say, Westminster, Camden and Kensington and Chelsea.

The new regulations are much less cumbersome than the three regimes they replace, but the work being done by Westminster City Council to make pavement licensing cost-neutral needs to be taken on board, and a longer timeframe for processing, consulting and determining pavement licences is key to helping residents feel involved.

3.32 pm

Lord Bhatia (Non-Afl) [V]: My Lords, this is a good SI which will begin to improve the hospitality sector, which has suffered so much due to Covid. It is now announced that a large proportion of the UK population has received both vaccines. Therefore, local authorities must quickly respond to the applications they receive. These businesses have suffered greatly due to the lockdowns and many have been permanently closed. The Government's success in vaccinating over 60% of the population must be acknowledged. Therefore, pavement applications must be approved speedily to open up the hospitality industry and enable it to flourish.

Can the Minister give an estimate of how many bars and pubs have been closed down permanently, and how many jobs have been lost?

3.33 pm

Lord Shipley (LD) [V]: My Lords, I remind the Committee that I am a vice-president of the Local Government Association. I want to thank the Minister for his introduction to this statutory instrument. It is right to extend the pavement licensing system for a further year. We have learned a lot from it in the past year, which can help to inform future policy. The public have become used to the system and in the main appreciate it.

In our debate on this topic a year ago, of which mention has been made, I recall speaking about access issues and related matters, some of which seem to have been resolved and others not so effectively.

I recall also saying that sometimes I preferred conditions to be imposed by Governments rather than guidance when change is needed. One such matter may prove to be that raised by the noble Lord, Lord Faulkner of Worcester, and a number of other speakers, whose concerns I want to support. Smoke-free pavements are in the public interest, and I believe that the vast majority of the public do not want to sit on a seat in an extended restaurant or pub while suffering the disbenefits of second-hand smoke. I found the arguments of the noble Lord, Lord Faulkner, compelling and I hope we will hear more about them next week.

We have had a year's experience of the regulation. We know that businesses have been helped and that people have had the benefit of more outdoor seating. It has added to a sense of community and neighbourliness in our towns and cities. There has been one other benefit that I have become aware of: it has reduced pollution, because extending pavement seating has encouraged some councils to move traffic further away through traffic calming measures. I welcome that.

A year ago, I recall the Minister, the noble Earl, Lord Howe, reminding us of the existing powers of councils on access, smoking and a range of other issues. Indeed, it is always better for councils to take responsibility locally rather than to expect the Government to decide everything for them. Sometimes, however, the Government have to take action and responsibility, and preventing second-hand smoke seems to be one of those occasions.

I want to make a suggestion to the Minister. His department has a year's experience now. I hope that it is not planning to roll over these regulations for a third time in September 2022. Rather, we should build on current knowledge with a reformed but permanent pavement licensing system that builds on the achievements of the past year and addresses the problems that have arisen. There are permanent solutions that can be found but to achieve them means bringing together all the relevant parties to devise an agreed way forward on the pavement licensing system. That includes a solution to all the problems that have been identified by speakers today.

3.38 pm

Baroness Blake of Leeds (Lab): I have listened carefully to the debate so far, and very interesting points have been raised. Personally, I am very supportive of the principle of pavement licences. One of the first jobs I had as a local councillor was to introduce cafe culture into Leeds way back in the 1990s, which was not a concept that was greeted with great enthusiasm at the time. We have moved on now to dedicating whole streets and removing traffic from them so that cafés can spill out, which has proved to be incredibly successful. Obviously, the changes due to Covid have proved an enormous bonus to businesses that have been struggling.

However, I want to stress from a local authority's perspective just how complex this can be. It involves consultation with the planning department, licensing, highways, community safety, and we heard from the noble Earl, Lord Clancarty, who spoke eloquently about the shared space issues and the need to consult carefully with disability groups. This can lead to incredibly complex processes. I will come back to this, but we have to wonder whether we have given local authorities the required resource to deal with processing applications and, most importantly, assessing and monitoring their impact.

We have learned that, when introduced last year, this was going to be a temporary streamlining of the pavement licence application process and that it would be in place for only as long as social distancing was necessary. However, the Government are today legislating for the extension of the provisions until September 2022, despite legal requirements on social distancing coming to an end this month. I begin by asking the Minister to clarify whether this represents a change in policy by the Government, and is he certain that there will be no further extension beyond September 2022?

On a similar point, the Minister will be aware that under the Business and Planning Act, an extension is legally permissible only if it is for the purpose of mitigating an effect of the coronavirus. Can he detail how this extension meets that requirement? I understand

[BARONESS BLAKE OF LEEDS]

that the temporary nature of the measure was due to concerns raised by local authorities, as well as by community and campaign groups. There was concern about the process leading to more anti-social behaviour and creating noise and nuisance for local residents, as well as the issues we raised about impaired mobility. Can the Minister confirm that the Government have assessed whether the increase in pavement licences has led to those issues, and will he outline exactly what consultation has taken place with those groups on extending the provision?

The reduced funding stream is significant. I must inform your Lordships that the fee cap of £100 is leading several local authorities into some difficulties. Before this cap, some licensees were paying up to £1,000 without complaint, because they recognised the significance of what they were being allowed to do and the resource required to make it successful for them. Given that it is now close to a year since pavement licence streamlining came into effect, it would also be helpful if the Minister could clarify whether there have been any issues with the practical application of the new streamlined process. Can he confirm how many pavement licences have been granted under the new process and how that compares to the previous year? Most importantly, under the provision, how many businesses will need to reapply, as well as those applying for the first time? Have local authorities reported any issues with the statutory framework for the pavement licence process? Do the Government collect information on the conditions which local authorities are imposing? For example, the short turnaround time presents issues for the proper due diligence that needs to be undertaken in assessing applications.

I was pleased to hear from my noble friend Lord Faulkner that he intends to table a regret Motion in relation to the fact that this instrument will not guarantee 100% smoke-free pavement licences. We on these Benches have a proud tradition of acting to reduce smoking and the harms it causes both smokers and those around them. Last year, my noble friend secured an amendment to the Business and Planning Bill which guaranteed protection to non-smokers by requiring all licensed premises to set aside a non-smoking area. Clearly, there is more discussion to be had on this area, and I look forward to the debate that will be generated in the week ahead.

When the Government introduced the new pavement licence process last year, they had the support of these Benches, but with concerns raised over how it would be implemented. Given that the process is being extended by another year, I hope the Minister can allay those concerns and confirm that the Government will work hand in hand with local authorities and all the relevant groups to monitor its further application.

3.44 pm

Lord Greenhalgh (Con): I thank all noble Lords for their contributions, which have given us a very interesting debate on these draft regulations. I was particularly impressed by the distinguished former leader of the city of Leeds trying to introduce café culture in the 1990s, well ahead of its time. The way we consume

alcohol in this country, standing at a bar or outside, is very different to the café culture we see on the continent of Europe. It is good that we have seen an increase in the latter approach to our leisure activities as a result of the pandemic, as the noble Baroness, Lady Wheatcroft, referred to.

We have been discussing an essential extension of the temporary pavement licence provisions in the Business and Planning Act 2020 for 12 months to 30 September 2022. As previously outlined, the regulations continue our support for the hospitality sector's economic recovery and are vital to provide certainty for businesses in planning for *al fresco* dining for the next year. I am grateful to noble Lords for raising a number of important points on how this will operate and will try to respond to as many as I can.

First, I want to make it clear to the noble Baroness, Lady Blake, that there has been no change in policy. We have not made a decision on the future of the temporary provisions; it would be premature to make any commitments on potential changes to the policy in future. However, I reassure noble Lords that we will continue to engage with stakeholders. We are committed to ensuring that the needs of all highway users are taken into account.

I turn to the issues raised by the noble Lords, Lord Faulkner of Worcester and Lord Bradshaw, and the noble Baroness, Lady Wheatcroft, about smoking and the fact that there is not effectively a ban on it. The temporary pavement licence legislation includes a "smoke-free" seating condition—that concession was mentioned by my noble friend Lord Young—and there must be reasonable provision for seating where smoking is not permitted. This condition seeks to ensure customers have greater choice, so that smokers and non-smokers are able to sit outside.

I appreciate the suggestion of the noble Lord, Lord Shipley. I recognise that things would be different were there to be a change on a permanent basis as opposed to this simple extension of the current provisions.

In response to my noble friend Lord Young, on his comment about the letter from the Secretary of State to Manchester City Council, it is of course right—as mentioned in the debate—that local authorities have condition-setting powers. I know as a councillor of 16 years that they have and always have had such local discretion. They can set those conditions where appropriate, and some local authorities have used this power, including in this instance Manchester City Council. I reassure my noble friend that all correspondence from the department on this matter will remain in line with what has been agreed in the legislation.

The noble Earl, Lord Clancarty, and my noble friend Lady McIntosh of Pickering rightly raised accessibility and ensuring that pavements remain accessible to everyone. It is important that, while supporting the hospitality industry, we achieve that objective. The pavement licence guidance makes it clear that in most circumstances 1.5 metres of clear space should be regarded as the minimum acceptable distance between the obstacle and the edge of the footway. In response to the noble Earl, I point out that we have worked with the RNIB and Guide Dogs UK to update the pavement licence guidance, which will be published alongside the extension regulations. This update will include a

section to emphasise to local authorities that, as Covid restrictions are eased, extra care should be taken to ensure that national and local requirements around accessibility are still being met.

In answer to the noble Earl, Lord Clancarty, and the noble Baroness, Lady Blake of Leeds, we have undertaken work with stakeholders to understand the impact of an extension across a range of authorities and different groups, such as the RNIB and Guide Dogs UK, taking into account the impact the provisions have had over the past year.

My noble friend Lady Gardner of Parkes and the noble Baronesses, Lady Wheatcroft and Lady Blake, all mentioned local authority resourcing. In response to the noble Baroness, Lady Wheatcroft, I was interested to hear about the granting of a licence and then using it as a way essentially to charge for other council services unnecessarily. In my experience, that would not normally be done by local authorities. Effectively, most of their moneys are raised either through tax or direct grant, and they would not normally seek to generate income. However, I would be very happy to understand the specific instances that she referred to. It would be concerning if it happens, but it seems very much out of character.

On local authority resources, we are aware that these provisions have a significant impact: not equally, but on some local authorities. If we compare parts of suburban London to the City of Westminster, we are talking about a completely different quantity of licences that will be granted. It is therefore absolutely right that we undertake a full new burdens assessment, and we will fund any new burdens as a consequence of the temporary pavement licence measures in line with the new burdens doctrine.

In response to my noble friend Lady McIntosh on what happens to the consultation timeframe when the regulations cease, I can reassure her that we will revert to a minimum of 28 days' consultation as set out in Part VIIA of the Highways Act from the 10 days in the temporary regulations.

I was interested to hear about the ban on firepits and gas heaters raised by my noble friend Lady Wheatcroft—I call her my noble friend because that is what I consider her to be. I understand those concerns, but this is not a matter for these regulations. I think it is something that we see on the continent of Europe, and with our climate, would be particularly helpful.

In conclusion, we are extending the temporary pavement licence regulations because we believe it is necessary to support food and drink hospitality businesses by expanding their outdoor capacity, so continuing to support their economic recovery out of the pandemic. This is particularly important when we consider just how badly affected by the pandemic this sector has been—there is no doubt about that.

These temporary pavement licence measures have already been very successful in supporting the hospitality sector so far, as a number of noble Lords have commented. Extending the provisions will enable this success to continue and will provide much-needed certainty in the sector's planning for the coming year. I commend these regulations to the Committee.

Motion agreed.

3.53 pm

Sitting suspended.

Arrangement of Business *Announcement*

4.05 pm

The Deputy Chairman of Committees (Baroness Barker) (LD): My Lords, the Hybrid Sitting of the Grand Committee will now resume. Some Members are here in person, others are participating remotely, but all Members will be treated equally. I ask Members in the room to respect social distancing. Should the capacity of the Committee Room be exceeded or other safety requirements be breached, I will immediately adjourn the Committee. If there is a Division in the House, the Committee will adjourn for five minutes.

Bank of England Act 1998 (Macro-prudential Measures) (Amendment) Order 2021

Considered in Grand Committee

4.06 pm

Moved by Lord Agnew of Oulton

That the Grand Committee do consider the Bank of England Act 1998 (Macro-prudential Measures) (Amendment) Order 2021.

The Minister of State, Cabinet Office and the Treasury (Lord Agnew of Oulton) (Con): My Lords, since the financial crisis, the Government have implemented significant reforms to address the problems of the past and make the financial sector safer and more stable. A key element of these reforms was establishing the Financial Policy Committee, which is responsible for identifying, monitoring and addressing risks to the financial system as a whole. The FPC addresses macro-prudential risks through its powers to issue recommendations and, importantly, directions to the Prudential Regulation Authority and the Financial Conduct Authority.

Successive Governments have legislated to provide the FPC with the powers of direction that it needs to address risks to financial stability. Through these existing powers, the FPC can ensure that firms are not allowed to take on excessive levels of leverage, effectively tackle systemic risks in the UK housing market, and vary firms' capital requirements against exposures to specific sectors over time. This instrument amends the existing powers of direction granted to the FPC by Parliament to ensure that they continue to operate effectively given changes that have been made to the wider prudential regime since they were first introduced.

The Financial Services Act 2021 represents a major milestone in shaping a regulatory framework for UK financial services outside the EU. It enhances the competitiveness of the sector and ensures that it continues to deliver for UK consumers and businesses. The Act extended the powers for the PRA to make rules which apply to holding companies for the purposes of prudential regulation. Accordingly, the Act granted the FPC the

[LORD AGNEW OF OULTON]

ability to make directions or recommendations that relate to holding companies, ensuring a coherent regime under which holding companies become responsible for meeting prudential requirements. Consistent with these changes, this instrument amends the FPC's existing powers of direction, where necessary, so that they can also be applied in relation to holding companies.

In addition, the Government have stated their intention to move the detail of the leverage ratio framework exclusively into rules made by the PRA using powers introduced by the Financial Services Act 2021. The leverage ratio is intended to be a broadly risk-insensitive measure of a bank or investment firm's level of leverage. This instrument therefore amends the FPC's powers of direction over the leverage ratio so that the method for measuring a bank's exposures when calculating the leverage ratio is defined by reference to rules made by the PRA. This method will be subject to any specifications made by the FPC when it issues a direction in relation to leverage. For example, the FPC currently recommends that the PRA excludes central bank reserves from banks' exposures for leverage purposes to ensure that macroprudential policy does not impede the smooth transition of monetary policy. Under this instrument, the FPC would instead be able to direct the PRA to make such an exclusion.

This House may wish to be aware that the FPC and the PRA recently published a consultation on proposed changes to the UK leverage framework. This followed the FPC's comprehensive review of the framework in light of revised international standards, and its ongoing commitment to review its policy approach. The UK remains committed to the implementation of the Basel 3 standards, of which the leverage ratio is a key part, alongside other major jurisdictions.

It is important to emphasise that the FPC's proposed leverage ratio framework delivers a level of resilience at least as great as that required by international standards, providing a vital backstop to secure the resilience of the banking system. The framework will continue to require that the vast majority of the UK leverage ratio be met with the highest quality of capital. However, I should make it clear that the changes introduced by this instrument are to ensure that the FPC can continue to make effective use of the existing powers of direction over the leverage ratio that have already been granted to it by Parliament. It is for the FPC, which is independent of government, to decide which of its levers, including its powers of recommendation and direction, would be most effective and appropriate to implement measures such as the proposed changes to the leverage ratio framework.

The Treasury has worked closely with the Bank of England to prepare this instrument. In accordance with our statutory obligations, officials have consulted the FPC, which agreed with the approach being taken. We have engaged with the financial services industry on the contents of the instrument.

This instrument is necessary to ensure that the FPC's existing macroprudential tools continue to operate effectively given changes that have been made to the wider prudential regime since they were first introduced. I beg to move.

4.11 pm

Baroness Bowles of Berkhamsted (LD) [V]: My Lords, I thank the Minister for introducing this regulation, which is consequential on the changes to powers laid out in the recent Financial Services Act—which we debated for many days earlier this year. As the Minister said, the matters covered today include the leverage ratio and the application of measures to holding companies.

I have no problem with the regulation but I want to say a few things about the policies which it will be used to put in place. As the Minister said, there are several significant FPC and PRA consultations concerning application of international Basel standards and the leverage ratio, which are made in consultation with HMT. I would like to spend my time on those underlying issues that will be given life through the powers in this instrument.

The leverage ratio presently is utilised essentially as a backstop in case the models used by banks to calculate their risk-weighted capital requirements become too light in their risk assessments. Currently, it is set at 3.5%, and it is the capital buffers that will tend to restrict the banks' activities, essentially through cost, with the leverage ratio therefore seen as a sort of lower ultimate solvency test. Nevertheless, it effectively functions in a similar way to capital buffers rather than as a different economic tool.

I make that point because I thought that, with the Financial Policy Committee having a bigger role in relation to leverage, there might be an attempt to look at the outcome of the Macmillan committee report produced after the 1929 financial crisis, where it was suggested that, instead of controlling markets simply by interest rates and price, there should be a second leverage control that addressed total volume. So my question to the Minister is on what thought is being given to whether there needs to be a control on volume and money creation other than through price.

Returning to what is actually happening in conjunction with this instrument, and in line with new Basel standards, the leverage ratio framework is being applied to a wider scope of firms, at times to the consolidated or sub-consolidated level, and will extend to internationally active holding companies and firms with non-UK assets over £10 billion, which will cover larger, non-ring-fenced banks and broker dealers such as Goldman Sachs, JP Morgan and Morgan Stanley. I agree that these are all good moves for stability of the banking system in the UK.

Alongside that there is to be tweaking of, and some disapplication of, Basel standards. Schedule 3 of the Financial Services Act 2021, repeated again in this instrument, states that the PRA must have regard to, among other things:

“relevant standards recommended by the Basel Committee on Banking Supervision from time to time ... the likely effect of the rules on the relative standing of the United Kingdom as a place for internationally active credit institutions and investment firms to be based or to carry on activities ... the likely effect of the rules on the ability of CRR firms to continue to provide finance to businesses and consumers in the United Kingdom on a sustainable basis in the medium and long term ... the target in section 1 of the Climate Change Act 2008”,

which is net zero,

“and ... any other matter specified by the Treasury”.

As ever, it is “have regard”, so it promises nothing. In the proposed changes around leverage, there are areas where the second point, about the standing of the UK—effectively competitiveness—has prevailed over the first, and the Basel rules are not taken in full. The UK will not be Basel-compliant over its leverage buffer for globally systemically important banks, setting a lower-than-Basel level, and will also not be implementing the disciplinary measures, such as restriction of dividends on breach of a leverage ratio requirement. It is not hard to see the attractiveness of those measures to banks, but is not there a risk that it is saying, “We don’t care that you are getting close to dodgy solvency levels, just go ahead and pay dividends”? Which other jurisdictions are doing this, or is the UK leading the charge?

There are other departures, too, but the Economic Secretary to the Treasury said in the Commons on Monday that the FPC will argue that overall, on an outcomes basis, the UK is equivalent because a stronger measure of what qualifies as capital will be applied. That is a substantial attitudinal departure from international standards. I understand where it is coming from, but it is the UK back to its old tricks of saying it complies when in fact it picks and chooses and juggles around? It can be the same on an outcomes basis to get to a destination going the wrong way along a one-way street, but it is not advisable and involves breaches of standards. Is not that what the UK is doing—saying that we were well under the speed limit on this road, so now we can take an illegal short-cut down the one-way street?

There is no great glory from being above Basel on capital standards. Basel rules are meant to be a minimum and already have aspects of lowest common agreement, which is in fact how some lower-grade capital gets in there. In my book, the lower standards look like breaches rather than outcomes compliance, and I worry that the UK has possibly started the undermining of Basel and a race to the bottom.

Can the Minister provide, if not now then by letter, calculations that show how the higher quality of capital compensates for lower buffers—for example through loss absorbency in the event of resolution? What was the basis, other than saying, “Come and headquarter here”, for removing the restrictions on dividends for a breach of the leverage ratio? I understand the importance of keeping investors, but what action will the regulator take for fast restoration of capital if dividends are still flowing out? Furthermore, are the differences from Basel in fact things that the UK argued for and lost—perhaps, if you like, giving a warning—or are they new approaches? Will it undermine the future effectiveness of the UK in negotiations if we have the reputation for just doing things our own way anyhow? Will not that remove the incentive for others to see things the same way as the UK?

The regulation will pass, as it is part of the new structure but, despite references in the documents to the “new accountability structure”, it is regrettable that these first, important decisions that I have commented on are happening without more prior reference to Parliament. As we said during the debates on the Financial Services Bill, everything is being front-run and front-loaded. The Government fixed their influence and have, unhappily, left Parliament behind.

4.19 pm

Lord Tunnicliffe (Lab) [V]: My Lords, this is one of the first statutory instruments arising from the passage of the Financial Services Act 2021. As well as looking at the changes introduced by this instrument, this debate provides an opportunity to briefly discuss some of the wider issues arising from the new legislation.

This order provides an update to the powers of the Financial Policy Committee, so that it can direct the Prudential Regulation Authority on matters relating to certain holding companies. We welcome this extension of existing macroprudential measures and the various consequential changes in the instrument, which ensure consistency in terminology, application and so on. We also understand the Treasury’s desire, as stated in the Explanatory Memorandum, to bring this instrument into force as quickly as possible and minimise any gaps that may exist in the FPC’s current powers.

As the Minister outlined in his introduction, this instrument also makes changes to the total exposure measure, or the overall leverage ratio, the framework of which is being transferred from the retained Capital Requirements Regulation to PRA rules. This was discussed when the SI was debated in the Commons earlier this week.

The comments of the Economic Secretary, John Glen, were extremely helpful in outlining the process to date, as well as ongoing and next steps. It was particularly useful to have confirmation that excluding Bank of England balances will make no material difference to the leverage ratio—that is, the amount of capital that a bank is expected to hold in relation to its overall loan book. One area where the Economic Secretary’s answer was slightly less clear was on whether he foresees the UK changing capital requirements now that we are outside the EU. The answer provided, that the Government’s objective is to

“align to the highest global standards”,—[*Official Report, Commons, Delegated Legislation Committee, 6/7/21; col. 7.*]

did not directly address the question from Pat McFadden, the shadow Economic Secretary. Can the Minister shed some light on this today?

At the beginning of my speech, I forewarned the Minister that I would make some general points. I will turn to these now. The changes in this instrument are clearly the first of many. Implementation of Basel 3.1, coupled with the Government’s desire to transfer other measures from retained EU law to domestic prudential rules, will mean a steady stream of regulatory changes in the coming months.

The Treasury will no doubt have a document containing the target dates and absolute deadlines for enacting each of these changes, as well as an indication of which parliamentary procedure—if any—they will be subject to. Can the Minister commit to sharing this work plan, to ensure that colleagues who wish to do so can engage at an early stage?

Following on from that question, now also seems an appropriate time to return to one of the big debates from the passage of the Financial Services Bill. The regulators are, separately or jointly, consulting in a range of areas ahead of exercising their expanded rule-making powers. For example, the Financial Conduct

[LORD TUNNICLIFFE]

Authority launched its consultation on a new consumer duty in May, fulfilling the first requirement of Section 29 of the 2021 Act. Although the Minister was not intimately involved in that Bill's passage through your Lordships' House, he will be aware of undertakings from the FCA and the PRA that they would engage with Parliament as part of their day-to-day work. Although the FCA approached me, is the Minister satisfied that consultation exercises and draft rules that have emerged since the passing of the Act have indeed been brought to the attention of relevant parliamentary committees?

Finally, although it may not be something he can provide in this debate, can the Minister give an update on the future regulatory framework review, which is considering issues such as accountability and scrutiny?

4.24 pm

Lord Agnew of Oulton (Con): My Lords, I thank the noble Lord, Lord Tunnicliffe, and the noble Baroness, Lady Bowles, for their thoughtful contributions. It is the Government's view that this instrument is necessary to ensure that the FPC's existing macroprudential tools continue to operate effectively, given changes that have been made to the wider prudential regime since they were first introduced. On the question from the noble Lord and the noble Baroness about the leverage ratio, it is for the FPC, which is independent of government, to decide which of its levers, including the powers of recommendation and direction, would be most effective and appropriate to implement measures such as the leverage ratio. It is important to point out that the ratio itself increased from 3% to 3.25% in 2016 and banks are today reporting core capital ratios almost three times higher than before the 2008 global financial crisis.

To expand on the comments of the Economic Secretary, since 2016 the Financial Policy Committee has used its powers of recommendation to implement a leverage ratio, which excludes central bank reserves, and the FPC's current consultation proposes to maintain that policy. The changes in this SI will instead allow it to direct the PRA to implement such changes to the framework, appropriately reflecting that the PRA will become responsible for defining the total exposure measure on an ongoing basis. On the noble Lord's question about how the Government foresee capital requirements changing now that we are outside the EU, the UK remains committed to maintaining the highest international standards, including the Basel standards. This has not changed now that we have left the EU. However, I should note that the capital requirements in relation to the implementation of Basel 3 and 3.1 standards and the prudential regime for investment firms are set by the regulators and therefore independent of government.

The Government believe that delegating responsibilities to expert and independent regulators remains appropriate. The regulators have the expertise to set rules in the complex and technical area of financial regulation. They do so in an agile way which corresponds to the changing context. The PRA will decide exactly how these Basel 3 standards will be implemented, subject to any recommendations or directions made by the FPC based on the specificities of the UK market, in

line with statutory objectives and accountability frameworks set out in the recently passed Financial Services Act. The PRA's recent consultation on Basel 3 implementation set out several areas where it proposed to tailor the implementation of the outstanding Basel 3 standards to better reflect the UK context.

The noble Lord requested a timeline for ongoing prudential regulation. Last year, the Treasury and regulators published their intention to implement the outstanding Basel 3 reforms and the investment firms prudential regime for 1 January 2022. To enable this, Her Majesty's Treasury intends, in the near term, to lay an affirmative SI which revokes the relevant aspects of the onshore to capital requirements regulation, therefore allowing the PRA to make rules that fill the space of those revocations and, in so doing, implement the outstanding Basel 3 standards. The Treasury will also, later in the year, lay an affirmative SI which makes consequential amendments needed as a result of the aforementioned revocations.

I want to highlight the *Regulatory Initiatives Grid*, the third edition of which was published in May of this year and includes the proposed timeline for other prudential reforms, such as the implementation of Basel 3.1. The grid adds to the extensive co-ordination mechanisms already in place between HMT and regulators, giving firms a clear picture of upcoming regulatory initiatives, including consultations, so they are better placed to plan for them. In relation to consultation exercises and draft rules to emerge since the passing of the Financial Services Act 2021, I can confirm that the PRA sent its consultation and its draft rules on Basel 3 implementation, shortly after their publication, to the Treasury Select Committee, the Lords Economic Affairs Committee and the Lords EU Services Sub-Committee. The PRA intends to follow a similar process when it publishes its subsequent policy statement and near-final rules.

The FCA has also engaged with parliamentary colleagues on its two consultations and policy statement on the investment firms prudential regime. Indeed, the first IFPR consultation was discussed by Parliament during the passage of the Financial Services Act and the FCA has notified the Treasury Select Committee of all the IFPR publications to date. I am confident the FCA will follow a similar process for future consultations, policy statements and final rules. As set out in their letters to parliamentarians during the passage of the Financial Services Act, both regulators are happy to hear views and discuss ongoing work in more detail with MPs, Peers and parliamentary committees wherever this is helpful.

Finally, the noble Lord also asked for an update on the ongoing future regulatory framework review. The FRF review aims to build on the strengths of the UK's existing framework as set out in FSMA to ensure that it is fit for the future. The review considers whether changes are required to the regulator's statutory objectives and principles, how we ensure that accountability and scrutiny arrangements with the Treasury, Parliament and stakeholders are appropriate, given the regulator's new responsibilities, and how we return responsibility for designing and implementing the specific requirements that apply to firms in certain areas of retained EU law to the regulators within a framework set by government

and Parliament. An initial consultation exploring these key issues and a proposed approach was published in October 2020 and closed in February 2021. The Government are considering the 120 responses received ahead of a second consultation in the autumn.

On the question asked by the noble Baroness, Lady Bowles, about the plans for the UK framework to take a different approach to Basel, the design of the leverage ratio framework is a matter for the FPC and the PRA, which are independent of government. The UK's proposed leverage ratio delivers a level of resilience at least as great as that required by international standards. Interested parties are able to respond to the ongoing consultation that I referred to, which is being carried out by the FPC.

I hope that the Committee has found today sitting informative and that it will join me in supporting this order, which I commend to the Committee.

Motion agreed.

4.31 pm

Sitting suspended.

Arrangement of Business

Announcement

4.38 pm

The Deputy Chairman of Committees (Baroness Barker) (LD): My Lords, the Hybrid Sitting of the Grand Committee will now resume. Some Members are here in person, others are participating remotely, but all Members will be treated equally. I ask Members in the Room to respect social distancing. If the capacity of the Committee Room is exceeded, or other safety requirements are breached, I will immediately adjourn the Committee. If there is a Division in the House, the Committee will adjourn for five minutes.

Road Vehicle Carbon Dioxide Emission Performance Standards (Cars and Vans) (Amendment) (EU Exit) Regulations 2021

Considered in Grand Committee

4.39 pm

Moved by Baroness Vere of Norbiton

That the Grand Committee do consider the Road Vehicle Carbon Dioxide Emission Performance Standards (Cars and Vans) (Amendment) (EU Exit) Regulations 2021.

The Parliamentary Under-Secretary of State, Department for Transport (Baroness Vere of Norbiton) (Con) [V]:

My Lords, these draft regulations will be made under the powers conferred by the European Union (Withdrawal) Act 2018. The regulations amend Regulation 2019/631 and Regulation 114/2013, both as amended by prior EU-exit SIs. Regulation 2019/631 sets carbon dioxide emission standards for new cars and vans in Great Britain, while Regulation 114/2013 establishes the rules for applying for a derogated target.

An EU-exit SI amended the EU regulations and established car and van carbon dioxide emission standards in Great Britain only, as the regulations were originally listed in Annexe 2 of the Northern Ireland protocol,

meaning that Northern Ireland would continue to be captured by the EU regime. The current fleet average carbon dioxide emission target for cars is 95 grams of carbon dioxide per kilometre, and for vans it is set at 147 grams of carbon dioxide per kilometre.

Manufacturers are set individual targets based on the mass of their fleet compared to the average mass of the entire Great British fleet. The heavier a manufacturer's vehicle, the higher their target, and vice versa. All targets average out to either of the headline targets as aforementioned. The target for both cars and vans will tighten further in 2025 by 15%, and in 2030 by 31% for vans and 37.5% for cars, when compared with the 2021 baseline. Fines are levied for non-compliance with these targets.

The regulations allow for flexibilities to be granted to help manufacturers in certain circumstances to reach their target. One of these flexibilities is derogations. Smaller manufacturers can apply for a derogated target which is more in line with their technical and economic capability. Pooling is another flexibility. This is where manufacturers can join together for the purposes of the regulation and will be given one target. Manufacturers can also receive credits for using carbon-dioxide-reducing technologies in their vehicles that are not taken into account during the carbon dioxide test procedure, such as LED bulbs. More credits can be earned, up to a certain limit, when a manufacturer puts more zero and low-emission vehicles on the market. These are called super-credits and are available across 2021 and 2022.

Regulation 114/2013, as amended by two previous EU exit SIs, is a tertiary piece of legislation which further sets out the rules and procedures for manufacturers when applying for a derogation. The withdrawal Act retained EU Regulations 2019/631 and 114/2013 in their entirety on exit day in UK law. These were amended by a prior EU exit SI, 2020/1418, and set obligations in GB only, due to the Northern Ireland protocol. The draft instrument under consideration today reflects changes made to the Northern Ireland protocol by the Joint Committee. On 18 December, the EU regulations were removed from Annexe 2 of the protocol, leaving Northern Ireland without any car and van carbon dioxide regulation. This instrument will therefore extend the domestic regulations to Northern Ireland from 1 September, in effect creating a UK-wide regime.

The amendments throughout the regulations primarily replace "GB" with "UK". However, a provision was added stating that new car and van registrations in Northern Ireland prior to 1 September were out of scope of the regulations, including all target calculations. This SI is essential to ensuring that new cars and vans in Northern Ireland are subject to the same carbon dioxide emission standards as elsewhere in the UK.

The regulations are necessary to ensure that the UK achieves its net-zero ambitions and legally binding carbon budgets. I beg to move.

4.44 pm

Lord Moynihan (Con): I am very grateful to the Minister, who has outlined the changes to the regulations which amended the amended regulations and covered the specific issue regarding Northern Ireland, for reasons that she explained very clearly to the Committee.

[LORD MOYNIHAN]

This short debate also gives us the opportunity to consider some of the substantive issues behind the regulations. Alongside the decision to phase out the sale of new petrol and diesel cars and vans from 2030 and introduce new plug-in hybrid electric vehicles from 2035, the regulations are part of a very welcome set of regulations.

However, the key question remains: how do the Government intend to strengthen and reform vehicle CO₂ performance and emissions standards to ensure that emissions from non-ZEV—zero-emission vehicle—sales continue to drop ahead of their full phase-out? Does my noble friend accept the views of Energy UK that the key objectives of the policy framework should be: making ZEVs more affordable—a key consumer concern, and an important part of a just transition; increasing the supply of ZEVs, a key challenge at present; continuing to drive improvement in all new cars and vans, to avoid emissions from non-ZEVs increasing ahead of their phase-out; providing certainty to consumers and industry to unlock private investment and provide a strong signal to the public about the direction of travel; coming in at an acceptable cost to the taxpayer; and providing good value for money? In summary, Energy UK says that the Government should

“Introduce a zero emission vehicles ... mandate to provide a clear and binding trajectory for the increase in ZEV sales leading up to 2035.”

On CO₂ emission standards, do the Government intend to provide a way to incrementally reduce emissions from new non-ZEVs by publicising them clearly and well in advance, and will they consider strengthening standards now?

Does the Minister agree that consistency in policy, transparency and adequate timing are all essential? To date, the scandals reported around monitoring emissions are important considerations. I believe that we have already learned the lessons from them. Baseline measurements and transparency are required. To ensure transparency in the emissions measurement process and to eliminate any doubt about the specific data reported by manufacturers, the emission reporting process and tools must be completely transparent to the Government, the trade and the general public for verification processes. This includes both the yearly emissions measurements as well as the specific reported CO₂ emissions within the respective subgroups as defined by the original regulations. Does the Minister further agree that it will be key to the future decarbonisation of the heavy-duty transport sector to set ambitious and forward-looking CO₂ targets—as I believe she intends—with strong zero and low-emission vehicle targets? Ambitious regulation and binding targets are key to reducing the risk of investing in zero-emission technology.

I support my noble friend’s work in this sector, I am very grateful to her, and I support the amending regulations before the Committee.

4.47 pm

Lord Teverson (LD) [V]: My Lords, I, too, thank the Minister for her explanation, although I must admit—it is no fault of hers—that I found it about as opaque as the Explanatory Memorandum to the SI. I shall ask

just three straightforward questions. First, are the EU and UK regulations still identical at the moment? Secondly, what is the Government’s view on divergence of those regulations, and therefore the export potential of UK car manufacturers into the European Union? Thirdly, if there is divergence, where does Northern Ireland fit in? I get the impression that, having been dropped from the protocol, UK standards would reign in Northern Ireland, although most manufacturing is within the single market. I should be interested to understand that.

To follow on from a question in the contribution of the noble Lord, Lord Moynihan, the 2030 target is incredibly important, ending the sale of vehicles with only internal combustion engines. When will the Government bring forward legislation to implement that policy? Until that is implemented, no one can have any certainty at all that that date will not be postponed. When will the Government bring forward legislation to move it from a wish list to a statutory requirement?

4.49 pm

Lord Berkeley (Lab) [V]: My Lords, I, too, am grateful to the noble Baroness for introducing this draft SI. She tried valiantly to make it intelligible, and she did better than the text of the SI itself, which is, probably of necessity, pretty opaque.

I have been looking at some of the issues in the Explanatory Memorandum and, in particular, paragraphs 6.1 and 6.2. I find it surprising that the amendments, being necessary, were thought of only on 18 December 2020, which was two weeks, including Christmas, before Brexit day. This may not be as important as the measures on importing fresh meat, and everything else, which are still being discussed between the UK and the EU in respect of Northern Ireland, but it does seem to have been completely forgotten. The Minister tried very hard in her explanation to rescue what is probably just about impossible to rescue.

I have one or two questions on the Explanatory Memorandum itself. First, on paragraph 7.5, we noted that no EU or UK regulations apply to Northern Ireland between now and 1 August, I think the Minister said. Does that mean that manufacturers who had been on the ball could have introduced the dirtiest possible emissions in cars, vans and other vehicles during the six to seven months when there have been no regulations, and nobody could do anything about it? Presumably, for that reason, nobody has been fined or even caught.

The Minister mentioned “pooling”, which is mentioned in paragraph 7.10 of the Explanatory Memorandum. It is easy to say that that is a good thing, because overall it will balance out the more polluting with the less polluting vehicles. However, I recall the failure of Volkswagen. The subsequent court cases are still ongoing, because it was alleged to have fiddled the figures on emissions—and one or two other manufacturers are, I suspect, saying, “There but for the grace of God go we”. This seems to be a way out for manufacturers to get away with anything they want. I hope that I am wrong and that the Minister will tell me if I am wrong, because it seems very odd.

That also applies to paragraph 7.16 and the phrase “carve out provision”. To me, a carve-up is something that should not be done but often is done to get away with what you should not get away with. Whether carving out is any different, I do not know, but I am sure that the Minister can explain why that phrase is used and what it means. It seems to me to allow manufacturers and distributors of vehicles—cars and vans in Northern Ireland—to register whatever they like from the present period up to 1 August, which reflects pretty badly on the Government’s arrangements there. On whether it will make any difference to emissions or pollution, I look forward to hearing what the Minister says because, as the noble Lord, Lord Teverson, said, we are looking for much more definitive information than we have at the moment on how we get to zero carbon.

Finally, with this extraordinarily complex but no doubt necessary regulation, what is actually wrong with keeping the EU regulations, even if we change the name so that Europe does not appear in the title? It might be a lot easier.

4.54 pm

Baroness Jones of Moulsecoomb (GP) [V]: My Lords, I too thank the Minister for her explanation, but I am relieved that the noble Lords, Lord Teverson and Lord Berkeley, used the word “opaque”, because I felt blinded by science but assumed I was the only one. This is an almost sneaky little piece of legislation, because it is presented as a regulation to continue the status quo but it is actually backfilling a regulatory loophole that was created by the Government; it did not have to be created. I am concerned that this little loophole has allowed some highly polluting vehicles to be sold in Northern Ireland. It is only in September of this year that the loophole will close, so highly polluting vehicles can still be sold until then. Clearly, it was negligent of the Government to allow this to happen. For some strange reason, they dropped Northern Ireland out of the EU emissions regime two weeks before the end of the transition period and then allowed a nine-month window of lawlessness when it came to selling polluting vehicles. Perhaps we could have some explanation of that, if it was not in the opening remarks.

Since Northern Ireland enjoys the dual status of being in the EU customs union as well as the UK internal market, I am worried that there is an opportunity for car manufacturers from across Europe and the UK to dump any remaining stock of highly polluting vehicles into Northern Ireland and for them to be sold perfectly legally. Is it possible that the Government created this nine-month free-for-all as a useful opportunity to prop up some car manufacturers and let them clear out their polluting inventory? I sort of felt that that was what the Minister was saying in her introduction.

I have a few questions. Can the Minister give details of how many vehicles have been sold in Northern Ireland through this loophole? How many more are left to be sold and are likely to be sold—I realise that is a harder question—before the September deadline? What is being done to prevent car manufacturers exploiting the loophole and dumping dirty vehicles in Northern Ireland, or do the Government just think this is fair game?

4.57 pm

Lord Jones (Lab) [V]: My Lords, I thank the Minister for her exposition in positive and committed terms. Surely all welcome the instrument, given genuine concerns about climate change, whether in Northern Ireland or in my homeland, the lovely land of Wales. In the context of the instrument and current public debate, will the Minister state how dangerous the diesel-engine car and light van are to the health of the citizen?

Climate change has been the motive for decisive action, but what of public health and the diesel engine? We might ask for how long successive Governments have known or not known of diesel’s threat to health. There were 18 respondees to the consultation. Just for the record, will the Minister name several of them? Paragraph 10 of the Explanatory Memorandum, on consultation outcomes, states that respondees were “generally” supportive. Where were the differences? Was that but one manufacturer or association, or was there a general theme indicative of some opposition? Further, were the consultations Minister to Minister or official to official? Were they by email perhaps—one hopes not? Was the voice of local government taken? How are consultations organised by Her Majesty’s Government in an era of devolved government? Will the Minister explain this matter to the Committee? Against such inevitable, unforeseen questions in debates such as this, will she please write with answers?

Finally, in the knowledge that the Minister knows the brief and does care, I say that there is an elephant in the room. I put it like this. How does the woman in the street afford the requirement to change her car or her van? After her car or van, how does she afford the replacement for the gas boiler? Will she be assured that climate change policies under any Government will not presage considerable tax rises? I am sure the Minister shall answer these questions in written form, and one looks forward to the answers. I thank her.

5 pm

Baroness Randerson (LD): My Lords, I thank the Minister for her explanation and thank her officials for their helpful advice. This is the latest episode in the sad saga of the Northern Ireland protocol, and it is an example of the contortions the Government have had to undertake to enable the economy of Northern Ireland to function according to EU rules, as it must do in order to avoid a hard border, and at the same time to remain part of the UK economy. The solution, of course, was the only one available: that is that, effectively, EU standards will continue to apply.

In this instance, Northern Ireland was omitted from the previous SI, which covered just Great Britain, because of concerns about how Northern Ireland coverage would be achieved. Other noble Lords have referred to their worries in that respect. The result is, as the noble Lord, Lord Berkeley, commented, that Northern Ireland has operated without any rules on new vehicle emissions since January, and will continue to do so until September. This gap has occurred despite the Department for Transport being fully aware.

Can the Minister explain why this SI will not be implemented immediately? The Government have a long record of introducing legislation with instant

[BARONESS RANDEKSON]

application; sometimes it is even introduced in retrospect. Since these same rules apply in the rest of the UK now, and since these are effectively EU rules, and therefore nothing new, I cannot think of a single reason why they should not immediately come into force, and why the people of Northern Ireland should not have the same protections on air quality as the rest of us.

The noble Lord, Lord Berkeley, explained his concerns, and mine are very similar. My fear is that some unscrupulous dealers, or even manufacturers, may be using this legal lacuna to offload old stock or substandard products. After all, the Volkswagen scandal is less than six years old. Those vehicles were manufactured to deceive, fitted with defeat devices to disguise the real levels of emissions. Given the lengths they went to in order to cover up the scandal, it would be reasonable to expect some in the motor vehicle industry to try to take advantage of the gap in regulation now in Northern Ireland. Volkswagen was not alone. Since that time, there have been several other scandals of a similar nature, hence the EU's attempts to tighten up on the way the emissions-testing system is undertaken.

Can the Minister say whether the Government have done any surveys or alerted trading standards in Northern Ireland to a potential problem as a result of this lacuna? What protection will consumers in Northern Ireland have if they buy a vehicle at this time and then subsequently find it is not up to modern emission standards? The Government would do well to keep a close eye on the Northern Ireland vehicle market.

On a fresh point, I want to ask about the interrelationship between this SI, and the previous one for Great Britain, and the recall clauses in the Environment Bill. We dealt with those last Monday evening; they will allow the Government to recall any vehicle which fails to meet the environmental and emissions standards applicable at the time of sale. My questions to the Minister that evening led her to confirm that recall could apply to a vehicle or its components that either did not meet the standards that applied when new or subsequently failed to meet them. Manufacturers will be liable for the full costs of recall, potentially including compensation to consumers. The Minister then confirmed that it was intended to apply to deliberate or accidental failure to meet the standards.

Can she explain where consumers in Northern Ireland will stand? They are happily buying vehicles now, probably unaware that no proper rules are in place. What will be their rights in a couple of years' time if they discover their vehicle does not comply with the rules that should be in place, had it not been the case that the Government decided to leave Northern Ireland without legal cover for six months or so? Are the Government sure that the previous SI, for Britain only, will also fit neatly with the recall clauses?

It is a pity that the Government are still running to catch up on an issue as vital as vehicle emissions. If targets are to be met, they really need to be getting ahead by setting interim targets and incentivising consumers. I look forward anxiously to SIs for those, rather than SIs such as this, for which there are so many questions.

5.06 pm

Lord Rosser (Lab) [V]: My Lords, CO₂ emission performance standards set a maximum average level of CO₂ emissions for new cars and vans, broken down into specific targets for each individual manufacturer. This issue of new car and van CO₂ emissions was originally included in the Northern Ireland protocol, which meant that Northern Ireland would continue to align with EU regulations on this aspect in accordance with annex 2.

However, on 17 December last year, the UK-EU joint committee made a decision to remove two regulations covering emissions from the protocol, which meant that Northern Ireland was no longer expected to align with the EU on those regulations and could instead align with the Great Britain regime, making it a UK regime. The reason given by the joint committee was that the regulations relating to emissions of new cars and vans

“do not relate to the placing on the market of such vehicles in the Union. They should therefore be removed from Annex 2 to the Protocol”.

Removing these two regulations from the protocol, as the European Scrutiny Committee report says, also ensures that

“vehicles in Northern Ireland will not count toward EU manufacturer CO₂ targets, and may count toward UK manufacturer CO₂ targets instead. This clarifies Northern Ireland's place in the UK internal market.”

These regulations—I too thank the Minister for her introductory comments—extend the existing GB regime to cover Northern Ireland as well, now that Northern Ireland is no longer covered by the EU regulations on this issue. This will enable the UK Government to regulate CO₂ emissions from newly registered cars and vans in Northern Ireland in the same way as currently regulated in Great Britain, effective from 1 September this year.

We are supportive of the UK-EU joint committee as a forum for finding practical solutions and agreement over issues with the protocol, and that the Government must work through the joint committee, which they do not always do. I have one or two questions to ask and clarifications to seek. The Explanatory Memorandum states that, because the two regulations covering emissions were removed so late from the Northern Ireland protocol, in mid-December last year,

“Northern Ireland currently has no CO₂ regulations for new cars and vans, meaning”,

as others have pointed out,

“manufacturers are free to sell highly polluting vehicles in Northern Ireland without restriction.”

Can the Minister say whether the selling of highly polluting vehicles in Northern Ireland actually happened, as the regulations we are debating, which cover Northern Ireland, do not come into effect until 1 September this year? Can the Government also say why these regulations, which will cover Northern Ireland, could not have been brought into effect much earlier than 1 September 2021, or, alternatively, why the regulations applicable in Northern Ireland could not have remained in the protocol until 1 September 2021, when the regulations we are discussing come into effect, thus presumably

avoiding any period during which there would have been no CO₂ regulations for new cars and vans covering Northern Ireland?

The Explanatory Memorandum refers to the need to provide a short period of time to allow industry to adapt to the regulations coming into force. What does this adaptation actually involve doing? Is there a difference between the CO₂ regulations that applied in Northern Ireland prior to December 2020 and the regulations that will apply to Northern Ireland from 1 September 2021? As I said, removing these regulations from the protocol means that vehicles in Northern Ireland will not count towards EU manufacturer CO₂ targets and may count towards UK manufacturer CO₂ targets instead. However, since by 1 September 2021 there will have been no CO₂ regulations for new cars and vans covering Northern Ireland for some eight months, does that mean that relevant vehicles in Northern Ireland will have counted towards neither EU nor UK manufacturer targets? If so, what exactly has been achieved by creating that situation, and will adjustments to the figures for this eight-month period subsequently be made to EU and UK manufacturer CO₂ targets? The Explanatory Memorandum suggests that this will not be done. If that is the case, why not?

Following our departure from the EU, the Government's policy for this year, as I understand it, has been to have a continuation of the existing EU-wide standards to minimise disruption for vehicle manufacturers. What, however, are the Government's, intentions or plans for future vehicle emission standards in the UK, now that we are outside the EU? Or were the Government's future intentions or plans covered by the comments the Minister made in her opening remarks? I look forward to the Government's response to the points and questions that I and other noble Lords have raised in the debate.

5.12 pm

Baroness Vere of Norbiton (Con) [V]: I thank all noble Lords for their consideration of these draft regulations. I will add a bit more colour to the issues relating to the regulations and I will come on to other matters if I can; otherwise, I will write.

First, I point out in relation to the devolved nations and consultation that, because this is a Northern Ireland regulation, we obviously engaged with Northern Ireland officials on our plans to regulate carbon dioxide emissions and my colleague, Minister Maclean, sent a letter to the Secretary of State for the Northern Ireland Department for Infrastructure, Nichola Mallon, informing her of this SI being laid on 8 June.

Let us go back to how we got into this situation. It was because the regulations were removed from the Northern Ireland protocol at the last minute. This was a decision taken by the UK-EU Joint Committee; therefore, when we did the previous EU exit SI, it was drafted on the basis of agreed international law at that point, and the regulations therefore covered only GB. It was anticipated that Northern Ireland would be in the protocol and then obviously that turned out not to be the case. Both the UK Government and the European Commission formally agreed that these regulations were not needed, so it was not a decision of the UK Government alone. Because this decision came relatively

late, as noble Lords will know—it was on 18 December—we were unable to lay an SI to extend the regulations to Northern Ireland prior to the end the transition period in 2020. I accept that that created a gap in the law, which is what noble Lords are being asked to rectify today.

The noble Lord, Lord Berkeley, asked why it took so long—he said it more nicely than that. The extent of the gap in the law—the setting of the date of 1 September, which is the date when these regulations would come into force—was dependent on two factors. The first is that the process of laying an SI takes many months and cannot be done very quickly, especially when it needs consultation with stakeholders. The second is the impact on manufacturers and their views following a consultation. The date of 1 September is actually a fairly short delay to what would otherwise have been achieved, and it provides manufacturers with a certain date from which the changes will take place and time for them to adapt. The need for this was voiced by stakeholders at a VCA and DfT workshop, where concerns about the regulations coming into force immediately were expressed.

Manufacturers were essentially given very short notice of the Government's intention to change the regulation for Northern Ireland, which would have meant that new cars and vans sold in Northern Ireland would start counting towards their domestic targets immediately, but fleet compositions are typically set out well in advance. They would not have known about or been able to plan for the new regulatory regime. Northern Irish registrations, and the resulting carbon dioxide emissions, as a share of UK totals are far more significant than the same registrations in the EU. Therefore, extending the regulations to Northern Ireland could have impacted on manufacturers' emissions.

In addition, a key concern for manufacturers is their ability to forecast their sales for the year. Manufacturers may know the vehicles they plan to sell in the UK, but they are not in control of where or when during the year they will be sold. For example, if in a particular year more electric vehicles were sold in the first half than the second, and if you suddenly included Northern Irish vehicles from, say, July onwards, that might artificially distort the manufacturers' average emissions and you would therefore get a distorted image. Essentially, if we use the registration data from 1 September instead, the likelihood of that distortion falls away and the industry has time to plan and adapt.

Although it is the case that carbon dioxide emissions from newly registered cars and vans in Northern Ireland from 1 January to 31 August will not count towards any carbon dioxide emission targets, it should be noted that manufacturers generally do not create vehicle models or specifications for individual countries; they create products for larger geographic markets and have strategies for them. As a result, the vehicles sold in Northern Ireland so far this year will have been heavily influenced by both the domestic and the EU carbon dioxide regimes, which currently remain aligned.

I believe that the fears of both the noble Lord, Lord Berkeley, and the noble Baroness, Lady Jones, are unfounded. It is useful to note that the sales of new cars and vans in Northern Ireland represent roughly

[BARONESS VERE OF NORBITON]

2.2% and 1.9%, respectively, of the UK's total market. So even if higher-emitting vehicles have been sold in Northern Ireland, we expect that there would be an incredibly minimal change to greenhouse gas emissions. The data on the number of vehicles is not currently available. I cannot remember who referred to this—I believe it was in a conversation about air quality—but it is worth noting that the regulations cover only carbon. All cars sold must comply with particulate limits, which are obviously the contributor to poor air quality.

Thinking about the administration and enforcement of the regulations, their administration will be very much as the EU procedures are currently, with the exception, of course, that manufacturers will work with the Vehicle Certification Agency, the VCA, as the enforcement body, rather than the EU equivalent. At the moment, data is passed to the DVLA, as it will be in future, then it will get to the VCA, which is the enforcement body for the regulations. Every year, it will process the registration data and calculate the carbon dioxide performance and targets for the previous year for each manufacturer.

Any manufacturer exceeding that target when the dataset is published in October has to pay an excess emissions premium and has 28 days to pay or appeal it. That is what happens for new cars—that is, cars at first registration—but the noble Baroness, Lady Randerson, mentioned the Volkswagen emissions issue. The regulations also allow for random verification of carbon dioxide emissions from vehicles in service. In this case, it is the DVSA that conducts random testing on new and, sometimes, used cars to ensure compliance. Also, all new vehicles are now required to store that data on board.

Many noble Lords asked me to go far beyond the regulations, and I would not want to steal the thunder of two bits of government activity which are coming very soon. We recognise that the retained carbon dioxide targets are not currently aligned with our commitments to phase out new petrol and diesel vehicles by 2030, nor, obviously, with the 2035 zero emissions at the tailpipe ambitions. We will be publishing the Green Paper on the UK's future carbon dioxide regulatory

framework very shortly. It will set out the frameworks that we could introduce to transition away from the most polluting vehicles and to support consumers and businesses to make the switch to zero emissions. The second piece of activity is the much more wide-ranging transport decarbonisation plan which will talk about how we decarbonise all modes of transport. I have listened very carefully to the questions in this area but I would not want to steal its thunder, as noble Lords will be seeing that very soon.

The noble Baroness, Lady Randerson, noted the Environment Bill. The Government intend to create a regime that will enable manufacturers to recall vehicles and non-road mobile machinery and vehicle components that do not comply with the environmental standards which they are legally required to meet. The Government will be able to set vehicle manufacturers a minimum recall level that they will have to achieve. In the event of the manufacturer refusing to comply with a recall notice or failing to meet the minimum recall level, they can be subject to civil penalties. Under these carbon dioxide regulations, manufacturers can already be issued with substantial financial penalties if they fail to meet their carbon dioxide targets. However, it should be noted that there is no upper limit on carbon dioxide for any particular vehicle. They are being set on a fleet-average basis, meaning that manufacturers can sell some vehicles which produce more emissions than average because there will be others that produce fewer.

I accept that I have not been able to go into detail on some of the questions that I have been asked today. I will be writing, particularly to provide further information around consumers and how we feel the market in Northern Ireland is behaving at the moment, but for the time being, I beg to move.

Motion agreed.

The Deputy Chairman of Committees (Baroness Barker) (LD): That completes the business before the Grand Committee this afternoon. I remind Members to sanitise their desks and chairs before leaving the Room.

Committee adjourned at 5.22 pm.