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OFFICIAL REPORT

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

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House of Lords

Friday 19 November 2021

10 am

Prayers—read by the Lord Bishop of Oxford.

Age Assurance (Minimum Standards) Bill [HL]

Second Reading

10.05 am

Moved by ***Baroness Kidron***

That the Bill be now read a second time.

Baroness Kidron (CB): My Lords, I start by acknowledging the many colleagues who were unable to speak today but who wrote to offer their support and I thank those who are present. I know that many noble Lords have made a considerable effort to be here and I look forward to their contributions.

In a moment, I will set out the Age Assurance (Minimum Standards) Bill, what it does and why it is so urgently needed, but before that I wish to say why I am here. In doing so, I declare my interests as set out in the register, particularly as chair of the 5Rights Foundation, which works to build the digital world that children deserve, and most recently as a member of the advisory council for the University of Oxford's Institute for Ethics in AI and the Draft Online Safety Bill Joint Committee. My work means that, day in, day out, I see children being made the collateral damage of tech industry norms.

During the first lockdown, I was asked to visit a distraught head teacher whose pupil had received and shared a video of child sexual abuse so grotesque that I cannot describe it here. By the time we sat helplessly crying in the freezing playground, the video had been shared across London and was making its way up north. It was a primary school; the children involved were not even 10. I was with a child at the very moment it dawned on her that she had been groomed. Her so-called friend for whom she had performed intimate acts had filmed and shared videos of her with a network of adults thousands of miles away. Her spirit shattered in front of me.

Earlier this year, 5Rights published research showing that accounts registered as children were being targeted with material that no business should recommend to a child: emaciated bodies, violent misogynistic pornography, razor blades and gaping wounds, and even a message saying, "End it all"—and, sadly, some do. My inbox is a testimony to the grief and rage of bereaved parents who do not accept these norms that we are willing to tolerate or even justify as a cost of connectivity and innovation.

I am adamant that we do not use age assurance to dumb down the internet, invade privacy or lock children out of the digital world—it is essential for their growth and participation in our collective future. But it is failure writ large that children are routinely exposed to material and experiences that they do not choose or have the capacity to navigate. It is in the name of these children and their parents that I am here.

Age assurance is a misunderstood term. For the record, it is any system that purports to estimate or verify the age or age range of a user. The Bill is extremely narrow. It requires Ofcom to produce a code of conduct that sets out minimum standards for any system of age assurance. These are not technical standards. The Bill is technology-neutral but requires all services that provide or use age assurance to ensure that it is privacy preserving, proportionate and rights respecting. Specifically, it determines that age assurance be effective. Ofcom figures show that almost half of children in the UK between the ages of five and 12 are on social media, despite most sites having a minimum joining age of 13.

The Bill will ensure that any age-assurance system protects the privacy of users by taking no more information than is needed to establish age and not using that information for any other purpose, and that age assurance will be secure. If it is to be trusted, the storage, traceability and disposal of data must be subject to transparent and measurable standards. It provides that age assurance is proportionate to risk. It would be foolish to require a child to present their passport to explore the world of Peppa Pig, but it remains a travesty that 80% of pornography sites have no form of age barrier at all—not even a tick box.

The Bill will ensure that age assurance is appropriate to the capacity and age of the child, anticipating that some children will lie about their age. Equally, it will provide appropriate mechanisms for users to challenge decisions. If a child's age is wrongly determined or an adult is mistaken for a child, there must be robust routes to redress. The Bill demands that age assurance be compatible with data legislation. I have spent the last four years working to ensure that the age-appropriate design code offers children a high bar of data protection in the certain knowledge that data protection makes children safer. That is why privacy is at the heart of this Bill. But as technology changes and we enter a world of virtual and alternate realities, as envisaged by Facebook's punt on the metaverse, data law will change. Any regulation must keep one eye on the future.

Let me be utterly clear: age assurance is not a silver bullet that will fix all the ills of the digital world, but without it we cannot deliver the promises or protections to children that we have already made, neither to those underage nor to those between 13 and 17 who are so poorly protected in a digital world that treats over-13s as adults.

Nor is this a choice between user privacy and child safety. The sector's enormous wealth is predicated on having a detailed knowledge of its users. As one child said to me, "How do they know I like red Nike trainers, but they don't know I'm 12?" It is convenient to know that a child likes Nike trainers, because that drives advertising revenue. However, it is inconvenient to know that he is 12, because if you know that, why on earth is your algorithm recommending dating apps or extreme content, or sending him messages that suggest that he kill himself?

[Baroness Kidron]

The Bill does not prescribe the technology that companies should use. AI, image or speech analysis, parental controls, cross-counter authentication, know your customer checks, capacity testing and age tokens from trusted partners all have a place. What we do not have is rules of the road, resulting in every provider, business or social media company making them up to suit itself.

When the Minister stands up, I anticipate that he will say that the department is working on a voluntary standard for age-assurance providers, but a voluntary standard needs volunteers. It will simply make the good guys better and leave the bad guys as they are. He may also be tempted to suggest that the online safety Bill will deal with this. I have read the Bill many times and there is no mandatory code of conduct for age assurance. Even if Parliament insists, which I believe it will, the earliest that a code could be operational by this route is 2024. The Digital Economy Act brought age verification for commercial pornography into law in 2017, but this is yet to be implemented. A child who was 11 in 2017 will be an adult by 2024.

Perhaps the Minister will say that this modest Bill is too broad as it touches on privacy, which is the domain of the ICO. This profoundly misunderstands the construction of the digital world. Data is the engine of the attention economy. Not only age assurance, but many of the codes in the online safety Bill, will require co-regulation, or they will fail.

I thank the noble Lord the Minister, the Minister for Technology and Innovation and the Secretary of State for their time. I wish to make it clear that I do not doubt that we all agree on the destination. But this is an issue that has concerned us for a decade. Legislation has been in place for four years and promises have been made by six Secretaries of State. Meanwhile, every day, children pay the price of a wilfully careless industry, sometimes with their lives.

If, when the Minister answers, he is able to give the Government's full support, he has my deepest apologies for anticipating his words wrongly. However, on the basis that he will not, I ask him to answer this challenge. Which one of the 50% of 10 year-olds, approximately 400,000 children, currently on TikTok does not deserve immediate protection? Which one of the children receiving child sexual abuse material so horrific that it cannot be forgotten or unseen in a lifetime does not deserve immediate protection? How many children does he anticipate will be radicalised, grow into violent sexual norms, lose sleep or confidence or be pushed into cycles of self-harm and depression during the two years that the Government are willing to delay, when Ofcom has the staff and money, and could have the mandate, right now? What would he say to the parents of Molly and Frankie and other parents who have lost children about putting at risk even one more child who could be given a service suitable for their age? Which Facebook whistleblower revelations or headlines about Instagram, OnlyFans, YouTube, TikTok and Omegle—to name just a few—have given the Government confidence that industry will meanwhile do the right thing?

I ask the House not to amend the Bill, in order to give mandatory privacy-preserving, trusted age assurance a swift passage. I say to the Government: this Bill deserves more than their sympathy; it deserves their support. I beg to move.

Lord Sharpe of Epsom (Con): My Lords, I respectfully remind noble Lords of the advisory speaking time of six minutes. The House has a lot of business today. Thank you.

10.16 am

Baroness Harding of Winscombe (Con): My Lords, I thank the noble Baroness, Lady Kidron, for bringing this Bill and for her characteristic passion and commitment to this extremely important topic. Her work championing these issues has been so important and has undoubtedly led to the UK genuinely leading the world in digital safety. Today is another opportunity for us to do the same again.

Many people think that age assurance is all about pornography, but I think that we have a much broader and therefore potentially even more damaging digital age-assurance problem. It is a problem with the underlying social media and technology platforms themselves. As the noble Baroness, Lady Kidron, said, go into any primary school year 6 classroom and ask the assembled 10 year-olds who is on social media—on TikTok, YouTube, WhatsApp or Instagram—and almost all of them will say yes. Yet all these providers tell us that their products are not appropriate for 10 year-olds.

The evidence is mounting that the dangers of social media on young minds are substantial, so if the companies themselves tell us that 13—WhatsApp says 16—is the youngest that you should be to use these services, I suspect that that is the bare minimum. Yet we are living in a society where it is completely normal for the majority of children younger than 13 to be regular users of these products.

We do not tolerate this in the physical world; why should we tolerate it in the digital world? I will talk briefly about the physical world. Age assurance already exists there. I worked for much of my life in food retailing and, over the last 20 years, prevention of the sale of alcohol to underage children has changed beyond all recognition. When I was a teenager, sadly much more than 20 years ago, there was no impact on the publican, waiting staff, cashier or store owner if they sold me a beer. Now there is a material financial and criminal impact on them all if they are found selling alcohol to my underage children. As a result, they have developed effective age-assurance processes. We do not have hard age verification for selling alcohol in this country and do not all walk around with our passports in our hands, but we have an age-assurance approach.

Think 21 was, I believe, first launched in Wetherspoons in 2005, when signs were put up and staff were trained to look for people who looked under 21 and ask them for identification. That evolved to Think 25, as it is quite hard to tell the difference between an 18 year-old and a 21 year-old. Working together, food retailers and the hospitality industry have built systems, processes, training and communication that are much more effective

than when I was young. That has not meant a loss of privacy or a material change to access to alcohol for adults—quite the opposite.

I would argue that the age-assurance tools available to social media and technology companies are much more sophisticated than those available to food retailers or pubs—at least, that is the premise on which the whole multibillion pound online advertising industry is based. I have every confidence that the truly brilliant behavioural scientists and software engineers currently focused on profiling our behaviour to sell us more things could switch their focus to ensuring that only people of the appropriate age are using their platforms—if they had to. The critical question is: why have they not? Sadly, I fear it is just so much easier not to try. As the noble Baroness, Lady Kidron, said, it is better not to know how old someone is so you can claim ignorance; or, better still, to argue that it is the parents' responsibility to prevent their younger children from straying.

Unlike the more mature and established food and hospitality sectors, unforced collaboration on projects with no financial gain does not come easily to the global tech giants. In fact, those of us who have worked on child internet safety over the past 10 years, including me, have all found that it is only when you legislate that you get real, concrete change in this space, as the age-appropriate design code championed by the noble Baroness has so ably demonstrated. What we have also learned from the age-appropriate design code is that it is possible to define standards in the digital space, and that good regulators can do that in such a way that it sparks real innovation and creativity in the sector that they regulate.

Like the noble Baroness, Lady Kidron, I fear that the Government will be tempted to agree with the principles of the Bill but will argue that it should all be picked up as part of the draft online safety Bill. I do not think that is the right approach. When you build new functionality into digital platforms, you make those changes in a series of releases—bite-size changes that can be developed, tested and implemented in a relatively short space of time and that deliver real benefits to users, one after another. That is why you have a series of releases of software upgrades on your mobile phone, rather than one big change every few years.

We should be taking the same approach to digital safety. Rather than waiting for the single, enormous project that always takes longer than you think it will, costs more and fails to deliver on the overarching vision, where we have clearly identified improvements that can be set out and then built into products and are consistent with our overall direction, we should get on with them. Age assurance is a known and tightly defined issue with known, real harms happening every day. The sooner tech companies have certainty of the minimum standards expected of them, the sooner they can commence the innovation and development needed to comply, and we have seen from the age-appropriate design code that genuine improvements from those tech platforms are forthcoming.

We have been debating digital age verification and age assurance in this House for many, many years now. It is time to stop debating and act. I urge the Government to support this Bill not just in principle but in practice, so that Ofcom and the tech sector can get started now in ensuring that our children use only age-appropriate services, rather than wait longer still. Our children have waited too long as it is.

10.23 am

Lord Griffiths of Burry Port (Lab): My Lords, we are deeply indebted to the noble Baroness for bringing this matter before us in this Bill, and doubly in her debt for the extraordinary speech with which she introduced our proceedings. Indeed, on the strength of that alone, I think we could test the mind of the House, and I think I know what the result would be. Once I sit down, I will be praying hard that the Minister will find within him a way of answering her challenges that will satisfy the mind of the House, and I would not be in his place for all the money in the world.

My interest is as chair of the board of the Central Foundation Schools of London, where our children are aged 11 and over, but faced with the most horrendous range of familiarity with material that is without any doubt harmful and leads to outcomes that are to do with not only sexualisation but violence on the streets. It is a problem of gargantuan proportions. The British Board of Film Classification found that more than half of 11 to 13 year-olds had been exposed to pornography.

What are the by-products of this? We know just what it can lead to, and the noble Baroness has pointed to some of those possible outcomes. She has such a wealth of experience and has given the Government the perfect guide for effective regulation. I see no reason why we should reject any element of the Bill. Indeed, the Secretary of State for DCMS told the Joint Committee on the draft online safety Bill that the Government wanted their digital legislation to be "watertight". The antithesis of this is an online safety Bill that is void of any semblance of age assurance. I have no doubt that the committee's findings on this matter will bring this to the fore. "Watertight" must include adequate provision for age assurance.

Objectors to age assurance ring a tired bell. The issue of privacy is their central concern. This is not to diminish the value of online privacy and data protection. In my role on the Select Committee on Communications and Digital—I am delighted that others from the committee will be speaking later in this debate—I see the clear and present dangers of giving online companies our data freely and without constraints. The minimum standards within Clause 2 should have assuaged any fears anyone could have about unnecessary data gathering under the guise of age assurance. The clause offers appropriate parameters which would protect our privacy.

Some of our online industries intended for adult consumption seem to be aware of the need to regulate in line with the recommendations in the ICO's age-appropriate design code. The legally recognised gambling industry continues to do a reasonably good job on age assurance and preventing those who are underage from accessing it. But there are problems, and these go unchecked because of the lack of a government line.

[Lord Griffiths of Burry Port]

We simply cannot trust the internet and the huge companies that dominate it to regulate themselves. There is a toxic culture of acceptance that, to have a certain level of privacy and freedom online, we must sacrifice our children's innocence and subject them to harmful media. I hope all noble Lords will join together in understanding that, in the light of the proposals in the Bill, a way can be found to avoid such an outcome. It is, perhaps, icing on the cake that, if we take the Bill's proposals forward, it will help us to achieve a legislative framework that will show other nations the way to protect children, at a time when the internet is gaining an ever-tightening hold on the societies we live in.

Gosh, I wish we could vote now: I would have my coffee after saying "Content". I will leave those ideas for the consideration of the House.

10.27 am

Baroness Boycott (CB): It is a pleasure to follow the noble Lord and to support my noble friend Lady Kidron, with whom I have the pleasure of sharing an office, so I know quite how hard and consistently she has worked. As other noble Lords have said, that was a blinder of a speech, and I would not want to be in the Minister's shoes trying to disagree with a single word she said.

I want to speak briefly about the pornography so easily available to young children, especially to young girls. With a few simple taps, you can access pretty much any sex you want. Much of it is rough and involves oral and anal sex. Men pull women around and jerk their head backwards; cameras linger on faces that are always smiling, always saying "Yes!", always saying "More!". As one 14 year-old was quoted as saying, "It's actually amazing how all the women and girls look like they are having a really good time". The picture that is painted is entirely from the male point of view. This is not loving sex or caring sex; there is no sense of a relationship. This is, all too often, purely about domination and aggression.

It is so prevalent and so easy. It is not actually surprising that many online porn sites have become the primary source of sex education for children. One survey carried out in the US among 2,000 teenagers showed that 720 of them reported that porn sites had taught them everything they thought they needed to know about sex, sexual technique and behaviour—far more knowledge than they ever gained from their friends, schools or parents.

Frankly, good sex education in schools, apart from basic information about contraception, is woefully lacking. For some, there really is nowhere else to go. However, if the internet porn world becomes your go-to point, it acquires glamour and a kind of cool. In the end, it becomes sort of glamorous for a young boy to think of a woman as a slut or a whore, and to show her no respect. Often, a woman pretends to protest in online films but then gives in and maintains that she enjoys it. Even when a man might be seen to be choking a woman, in the end, it is also seen as, "Well, they like a bit of rough, don't they?" Most parents are in complete denial about this. Many children say after viewing pornography that they find it disturbing and believe that it influences how they behave.

For girls, of course, it has a very negative effect on body image. All the girls in pornography films are pretty, but they are also always thin. This reinforces one of our evil body images—that thinness is the secret to attraction. It also reinforces the notion that, to be attractive to men, you have to be willing—indeed, you have to be so willing that not even a basic chat-up line is involved, with not even a cup of coffee to get you into bed.

I do not believe that we yet know the full extent of the damage that this easily accessible online pornography is doing to our youngsters in the long term as they grow into adults. However, I know that any narrative that suggests to young women that it is right for them to be subservient to men in any respect, but especially in a sexual sense, will have lifelong damaging effects. Despite the brilliance of the women's movement, women are still less likely to put themselves forward and demand equal pay, and they still do worse in the workplace. If you grow up believing that you have to do everything that the man wants in these extremely intimate circumstances, it will spill over into all corners of your life. I find it sad and frightening.

Online porn, freely available to all young girls, seems to me, from a feminist point of view, probably the most gigantic step backwards that has happened in 50 years. A girl can click on a site at the age of nine or 10 and find a slightly older woman in the throes of being gang-raped and professing that she thinks it is wonderful; she is probably the young girl too embarrassed to discuss it. I think back to my own childhood. I was absorbed by ponies until I was about 14, when I started to think a bit about boys. I wonder whether I would be the same person I am today had I had online porn.

I got my first job when I was 19, on an underground newspaper called *Friends* on the Portobello Road. It was a sort of hippy hang-out, and we were all meant to be cool and alternative. However, as I quickly discovered, it was not much different, at least from a woman's point of view. If you wanted to be cool, you also had to be freely available for sex. It was that dislike, and my understanding of that extreme double standard—was this really a new way of living, or just a great way for the guys to have more fun?—that led to me joining a women's group. We started a magazine called *Spare Rib*, which came out 50 years ago next July.

If I had been watching internet porn from the age of 11, I wonder where my self-confidence would have been. Where would my feeling that I could stand up and say, "Hang on, I don't agree with this. I don't want to be like this", have been? I am genuinely not saying this just because it is a convenient thing to say in a debate I want to support. I believe in age assurance and very much believe in what the noble Baroness, Lady Harding, said: we do it for cigarettes and alcohol, so we have methods to do it. As the noble Baroness, Lady Kidron, laid out so brilliantly, it is not that difficult. It is perfectly possible, and the Government have no excuses. However, it seems to me that we have

let a very dangerous thing loose in the world; personally, I am incredibly glad that my path did not cross its path. I do not want to see any more girls have to do that.

10.33 am

Baroness Finlay of Llandaff (CB): My Lords, in looking at the Bill, I decided to ask some young people who would be affected by such legislation. I am most grateful to the global citizenship class at Westminster Academy, whose year 8 ran a discussion group on the Bill. These young people use the internet and internet services to access information, research topics of interest, for homework, for entertainment, to socialise with friends and family, for games and more widely, such as for shopping. They are well aware of the risks that they face through easy access to inappropriate content because there is no real way to check that they are accessing age-appropriate content. Pop-ups lead them to inappropriate content or websites, and they encounter language and grossly explicit content that they know is inappropriate.

However, in their discussion, they were worried that age assurance could restrict their access to some social media, and therefore to friends. They feared losing access to some of their favourite platforms and social networks. They thought that some people might use other people's devices or documents to bypass an age-assurance process, and that some might even protest if they were restricted from accessing things freely. Consent fatigue concerned them, and they questioned whether there are implications for freedom of speech in restricting access to information that might be controversial.

Armed with this information, I challenged the noble Baroness, Lady Kidron, on behalf of these young people. I realise that they had perceived it as being restrictions on the end user, perhaps because they are so used to internet providers ignoring their needs and putting all the responsibility on their young shoulders. The noble Baroness generously responded to their all concerns in detail, and I know that the class are following this debate in earnest.

We must put the responsibility on the internet providers, not children and young people. These young people need to be accessing a responsible internet that has governance standards and uses the best technological advances to keep content age appropriate across all socioeconomic groups, recognising that there is a range of developmental stages in any group. Internet providers have enormous power; with that power comes great responsibility but, at the moment, responsibility is being sacrificed on the altar of profit, leaving those of malintent encouraged and able to exploit. Information, entertainment, research, socialising, shopping and online games—all activities that young people learn from and enjoy—should be unhindered by pop-ups that steer them to dark, violent places and places that make them feel inadequate if they do not engage in abnormal or dangerous practices, or are not in possession of some sort of status symbol.

Parental controls are completely inadequate. Many children and young people are in homes where age-appropriate needs are not addressed for a wide variety of reasons. Age assurance would ensure age appropriateness of internet content through a framework of governance standards to which internet providers can adhere. Age assurance would protect vulnerable children from predatory targeting and online grooming, and would make use of the internet safer and more enjoyable for young people.

As the noble Baroness, Lady Harding of Winscombe, pointed out, the developing brain is particularly susceptible to addiction messaging. Combined with their changing physical and emotional development, this leaves young people at high risk of being drawn unwittingly into dangerous situations and becoming addicted to them. It distorts their emotional, sexual, personal and relational development. How often do we hear of the antecedents of a tragedy being discovered after the event through seeing the history of the young person's internet usage and where it led them?

Young people have nothing to fear from minimum standards—standards to which these hugely wealthy internet companies must adhere—being set as age assurance leads to age-appropriate content becoming the norm. However, children and young people have much to fear from the wild jungle of predators who ignore their needs for financial gain, exploitation or obscene satisfaction. The Bill will not stifle young people such as those who so generously shared their thoughts for our debate. It will help them to blossom and enjoy life more, allowing them to explore with a little more safety. The Bill is urgently needed and long overdue.

10.39 am

Lord Lipsey (Lab): My Lords, in my 20 years in the House I have heard every possible excuse from Ministers for not doing what they obviously should do: something will cost too much money, there is not the legislative time, or it breaches international obligations. Anybody in this House could recite such a list. However, I have come across very few Bills that seem to be proof against such excuses.

The Bill which the noble Baroness, Lady Kidron, has worked so hard to lay before us, addresses a real and present harm, not to adults, who, arguably, can look after themselves, but to our children and grandchildren. As I stand here, I think of my beloved grandchild, Marli Rose, who is five-years old. When she is twice the age that she is now, she could be exposed to this kind of stuff, and my blood boils. It has not happened: there is still no single regulatory or statutory code that sets out rules or standards for age assurance in the UK. All we have is a bit of guidance from DCMS and the design code. Previous legislation on age verification is effectively defunct.

If we wanted proof of the Government's sheer lack of umph on this subject, we got it this week. To a blast of trumpets, Priti Patel, the Home Secretary, announced new money to help tech companies combat child exploitation and abuse online. Great, but how much was it? It was £500,000, which does not even buy you the services of Sir Geoffrey Cox for six months. Of course, the noble Baroness's Bill and the age verification that it seeks has some enemies. There are extreme libertarians such as the Open Rights Group, for whom

[Lord Lipsey]
American-style free speech trumps all other values. More insidiously, there are companies that benefit from the freedom to distribute their material to kids, in particular pornographers.

There is a perfectly reasonable argument, which we will not have now, as to whether pornography for adults should be legal. There surely cannot be even a second's argument over how it must be prevented, to the maximum possible extent, from reaching children, for the reasons that noble Lords have already explained to the House. Yet 62% of 11 to 13 year-olds who reported having seen pornography described their viewing as mostly unintentional. Never mind stopping them seeing it when they want to, we cannot even stop them seeing it when they do not want to. Given that age verification now often consists of no more than ticking a box, that is hardly surprising.

Those who profit from this fall back on an excuse: namely, the alleged technological difficulty of doing it. I was with the Communications and Digital Committee, so marvellously chaired by the noble Lord, Lord Gilbert, this week. We went up to Cambridge to see the cutting edge of tech in action. We saw a moving Google project, which had in effect equipped a blind child, so that they had many of the perceptions of a sighted child, being able to catch and throw a ball. This was extraordinarily moving, but it also exposes the excuses put up by those delaying introducing proper age verification for the smokescreen that they are. If you can get a blind child to see a ball, surely you can stop a sighted child from seeing pornography every day. AI is galloping towards age verification from a person's voice alone.

Let us be honest: it is not really being able to do it that is the problem; it is not really wanting to do it that is the problem. From some companies' point of view, it would hit their bottom line, and from the Government's point of view—not of course, because they are against it—because they are trying to tuck away every advance in the globe into the online safety Bill box. I may be unfair, but I do not doubt for a moment that Ministers are in favour of age verification to protect our children. Maybe DCMS Ministers, of whom I am sure that the Minister is one, and their trusty civil servants, toss in their beds every night puzzling over how to introduce it, prioritising it in their minds over pet policies such as privatising Channel 4 or defunding the BBC. Maybe it is their top priority. All right, let the Minister today explain the dither and delay that has so far characterised the Government's approach to this; let him demonstrate that the Government really have their teeth into this one. If he does so, we will be delighted and this Bill will be redundant. Otherwise, let us give this Bill a Second Reading, pass it rapidly into law and get age verification done.

10.45 am

Lord Gilbert of Panteg (Con): My Lords, it is a great pleasure to follow the noble Lord, Lord Lipsey. I have really enjoyed the contributions that we have heard already today. Like other noble Lords, I congratulate the noble Baroness, Lady Kidron, on introducing this Bill and explaining it so clearly.

The Communications and Digital Committee, which I chair, has been examining digital regulation and I have been quite clear in my own mind, and in talking about the work of our committee, that we must be ultra-vigilant in ensuring that proposals to regulate in the digital space neither put at risk the fundamental right to freedom of expression or undermine privacy. In our recent report on freedom of expression online, we were quite critical of some aspects of the proposed online safety Bill which we believe do just that. However, we also said:

> "Children deserve to enjoy the full benefits of being online and still be safe."

We do not just mean minimising harm; we want the internet to be a positive place for children and adults.

For children, we want the internet to be a place where safety is paramount, a place that we—adults—design for them, so that at every stage of their childhood their lives online are rich, rewarding and educational, where they are supported in their emotional development, helped to learn, play and socialise confidently, and are protected from harm. For adults, we want an environment where content that Parliament has made illegal is swiftly removed, where they have control of what they see, and where they can express themselves freely in an environment designed to encourage civility rather than to heighten conflict. That is what we seek to achieve: an internet that works for everyone, adults, and children.

I am not a doom-monger. The internet and the digital spaces that it has provided have bought huge benefits to society, as the noble Lord, Lord Lipsey, so movingly described regarding that amazing technology which we saw, effectively giving blind children the opportunity to participate in the same world as the rest of us. However, only if we treat adults as adults and children as children can we deal with the darker side of the internet and improve all our lives online.

We can only treat children as children, and provide them with the rich, rewarding, positive place that I have described, if we know who they are. It is astonishing that, as currently drafted, the online safety Bill does not tackle commercial pornographic websites by blocking access to them by children. I hope that my noble friend the Minister can tell us that this omission will be addressed.

However, as the noble Baroness, Lady Kidron, has so carefully explained, age assurance encompasses a range of systems that services use to estimate the age of its users. The 5Rights Foundation sets out 10 different approaches to age assurance. The system used by services will obviously need to take into account two factors: the likelihood of children having access and the potential for them to be harmed if they do. Therefore, a great degree of certainty would be required by a service providing pornographic content and much less certainty for a website designed for use by children, that might simply want to serve them content that is most appropriate to their age.

Here we come to the most important point about the Bill. Platforms and services are already using age assurance technology. They seem to know our ages and everything else about us when they are flogging us stuff. The same underlying technology is already used to create age appropriate environments and will be

used by platforms and other online services to meet the requirements of the age-appropriate design code and other safety requirements in the future. So as my noble friend Lady Harding pointed out, this Bill does not introduce age assurance; it simply introduces a regime to ensure that minimum standards are met and that privacy is preserved.

Time and again, the giants of Silicon Valley have demonstrated that they have very little regard for our right to freedom of expression, removing content based on their own business interests, political preferences and whims, and they most certainly cannot be trusted with our privacy. However, I have no doubt that we can square this and that we can protect children while preserving privacy.

Technology is constantly advancing. The objective I have set out of creating a vibrant, positive place for children, while protecting them from harm, can be achieved without the kind of platform-controlled, privacy-invading, age-verification and identity-checking approach we were considering just a couple of years ago. But we need to get on with it, because age assurance is happening now, and we need these measures to protect our privacy.

A Bill which requires minimum standards for the use of these systems, with safeguarding privacy at the heart of those standards—something I can support—seems to me to be a very simple measure. I hope the Government can support it too.

10.51 am

Lord Russell of Liverpool (CB): My Lords, I also thank the noble Baroness, Lady Kidron, for initiating this debate and putting the Bill before the House. I pay tribute to 5Rights and the fantastic work it is doing. I should put on record that I am a governor of Coram, which was founded in 1739 and is the oldest children's charity in the UK—we have been fighting for children's rights for rather a long time, and, thankfully, for rather a long time before the internet was dreamed up.

Yesterday, the noble Baroness, Lady Fookes, and I had the pleasure of going to Wandsworth and spending three hours at a very large girls' school there, called Burntwood School. It has about 1,800 pupils. It is incredibly diverse. Believe it or not, no fewer than 70 languages are spoken by the 1,800 pupils. Part of the visit was a question and answer session with around 100 of the girls. One of the questions they asked us was about internet safety and what we felt about it, so we were able to talk a bit about the online safety Bill and I was able to say that I would have the privilege of speaking in today's debate.

Later on, we were talking with the teachers, who said that, during the pandemic, when everybody was in bubbles and the children were perhaps relying on social media more than usual, they decided that they needed to do a bit of homework. Somewhat to their surprise, they found that the legal age below which you are not meant to use WhatsApp is 13. It turns out that that is an unexpected negative Brexit dividend; if we were still in the EU or the European Economic Area, the minimum age would be 16, but one of the freedoms we have won in leaving the European Union is that the age has dropped to 13.

I thought I would use WhatsApp as an example because, although I know it is against the rules to ask noble Lords to put their hand up if they are on WhatsApp, I anticipate that it is probably the social media or communication app that most of us use—I am sure that most of us are in one or two groups.

Lord Cormack (Con): Not me.

Lord Russell of Liverpool (CB): I understand that, in Lincolnshire, the reception is particularly bad. I am sure if the noble Lord asks the Government to do something about it they would improve it.

As we are all using WhatsApp, I thought it might be instructive to talk about what it does and, more to the point, the onus it puts on, in this case, the parents of children—first, to find out whether their children are using it, and, secondly, to find out whether they should be using it. If they decide that they should not be using it, the onus is entirely on the parents to contact WhatsApp with a variety of information, such as passports, to demonstrate that their child is underage. It may possibly respond, but it may not.

WhatsApp makes its money primarily through trying to get into the business world, and it makes money by selling emoticon stickers and online games. But it also plans to monetise the app by setting up a WhatsApp payment, rather like Apple Pay. You will see lots of people going on to the London Underground pointing their mobile phone as they enter, which is how they pay. So that is coming down the track.

WhatsApp has also announced a new privacy policy whereby, if users do not accept it, they will have to stop using the app. WhatsApp cannot do that in the EU, because it violates the GDPR, but in the rest of the world, it can. That is about to be rolled out this year, but I suspect very few of us know that.

Facebook, which owns WhatsApp, has just changed its name to Meta. In the law of unexpected consequences, in Hebrew, "meta" means "dead"; in Urdu, it means "delete"; and in certain dialects in my wife's native Italy, it stands for a "pyramid of dung". I am sure Mr Zuckerberg was aware of that when he changed the name.

What a lot of people do not realise with WhatsApp is that user groups can go up to 250 users; in Burntwood School, virtually all the children are in quite large groups. People say that WhatsApp is safe because it is end-to-end encrypted. However, any of the 250 in a group could share the details of the group with an outside person, who would immediately have access to every person. A lot of videos and photographs are put on WhatsApp groups, and although, in theory, they cannot be shared outside the group, as I am sure all noble Lords who are very au fait with how mobile phones work will know, you can easily take a screenshot to capture what is on a phone and send that on elsewhere. So WhatsApp is not terribly secure.

The school is particularly worried about its use for cyberbullying. It is worried about the fact that, quite regularly, spyware is used, there are requests for money and its students receive fraudulent job opportunities, even though they are still in school. This is not good,

[Lord Russell of Liverpool]
and the fact that the internet companies are, frankly, avoiding the responsibility they have to all of us—most particularly to our children and grandchildren—is simply unacceptable. The Government must do something. They really have no alternative.

10.57 am

The Lord Bishop of Oxford: My Lords, it is a real pleasure to follow the noble Lord, Lord Russell, and indeed every other noble Lord who has spoken in this debate. It has been extraordinary and very moving. I join other noble Lords in congratulating the noble Baroness, Lady Kidron, on securing this Second Reading and on her passionate and brilliant opening speech. With others, I thank and commend her for her tireless commitment to protecting children online. That she does so with such consistent grace and good humour, against the backdrop of glacially slow progress and revelations about both the variety and scale of harms to children, is no small achievement in itself.

One of my interests in this debate is the more than 280 church schools and the more than 50,000 children who are a precious part of my diocese of Oxford. A substantial proportion are at significant risk for want of this Bill. The primary responsibility of the Government is the protection of all their citizens and especially and particularly those unable to protect themselves. Future generations will, I think, look back on the first two decades of this century and our unregulated use of technology with deep pain and regret, as they reflect on the ways in which children are exposed to harmful material online, the damage which has followed, and will follow, and our tardiness in setting effective regulation in place. We will be judged in a similar way to those who exploited child labour in past generations.

Children are precious to God and to society, not as potential adults nor in the future tense but simply and completely in themselves. Each is of immense value. The evidence is clear that many are emerging from a digital childhood wounded and scarred in ways which are tragic but entirely preventable.

The Government make much of being pro-business in support of the emerging technologies of this fourth industrial revolution but, if they are equally serious about making the UK a safe country to be online, they really must do more to be pro-business in ways that protect children. Other noble Lords have movingly pointed out the many risks our children face whenever they venture online.

We now know with increasing certainty how it is not only other users, so-called bad actors, but many online service providers themselves—not least Facebook, or now Meta—that target children, their data extracted, their identities manipulated, their impulses exploited. It should be noted that many of these same service providers say they would welcome clear guidance and regulation from the Government, even while other businesses say they already possess the tools and opportunities to do this both safely and profitably.

The age-appropriate design code is a welcome and genuinely world-leading innovation, and the Government would do well to note—against the siren voices denying technical feasibility or fearing the balkanisation of the internet—that businesses, the service providers, have now found it easier to standardise their processes to the highest regulatory watermark globally in the interests of reducing costs and complexity. This bodes well for the principle-based and proportional approach to age verification that the Bill artfully encapsulates.

As others have asked, what possible reason can there be for further delay? If protecting children is good in and of itself; if business publicly expresses the need for clearer guidance on how to frame that protection; when business itself sees commercial opportunity in the tools for protection; when a regulator is now waiting in the wings; after government delay already threatens a lost generation—why is the Bill from the noble Baroness, Lady Kidron, not being eagerly and urgently adopted by the Government themselves, if that is indeed the case? I hope we will hear good news today. I eagerly await the Minister's answer.

11.02 am

Baroness Greenfield (CB): I commend the noble Baroness, Lady Kidron, on introducing this timely and vital Bill. I declare an interest as CEO and founder of Neuro-Bio Ltd, a biotech company pioneering a novel approach to Alzheimer's disease. However, having taught all aspects of neuroscience at Oxford for many years, I also have a keen interest in the impact of digital technologies on the young mind. My book in 2014, *Mind Change*, summarised what was known at that time of the unprecedented effects that digital technology could have on how young people think and feel.

There are only so many hours in the day and night, and it is not just the effects of not sleeping, not escaping the crowd and not having time to exercise that might be bad for young people hooked to their mobiles. The digital lifestyle can in and of itself prove deleterious. When you meet someone face to face, only 10% of the total impact is dependent on language. Most depends on tone, volume of voice, eye contact, body language and physical touch, none of which is available via social media. If you do not rehearse these skills, the brain will not be very good at them. Direct social interaction will be ever more aversive, resulting in ever greater preference for the screen as an intermediary and a decline in empathy, increasingly described as "virtual autism".

Since I wrote *Mind Change* seven years ago, the situation has become ever more stark. For example, in 2018 a paper in *Preventive Medicine Reports* demonstrated a negative, and most importantly linear, association between screen time and a decline in psychological well-being: the longer a child spent in front of a screen, the worse the effect. The impact on schoolchildren is particularly worrying. Two seasoned teachers in Washington, Joe Clement and Matt Miles, set out in their 2018 book *Screen Schooled* the evidence and arguments that too much screen time has now resulted in lack of focus and critical thinking skills.

We are becoming all too familiar with the statistics and stories in the media on the burgeoning screen lifestyle. Particularly worrying, as recently reported to

the US Senate by the Facebook whistleblower Frances Haugen, is an addiction to video games and social media deliberately crafted to that end. Neuroscience can help give insights into how this digital environment impacts on the brain, and hence the mind, and how it can be addictive. We humans occupy more ecological niches than any other species on the planet because of the superlative ability of our brains, compared with those of other animals, to adapt to the environment.

Even if you are a clone, an identical twin with the same genes, the individual brain becomes personalised through the development of unique configurations of connections between brain cells. They, in turn, will characterise the growth of the brain after birth, curating it into a highly individual and unprecedented mind that is in constant dialogue with, and updated by, your daily experiences. Everything that happens to you and everything you do will in some way leave its mark on your brain.

Digital technology is offering an environment that is completely new to the human condition. Although the printing press, the car and the TV had profound influence on everyone's lives, it was after all on our real lives. In the 20th century, people still dated, worked, played and shopped through face-to-face interactions with each other in a three-dimensional space enriched by all five senses. Now, for the first time, you can carry out all these activities via a screen, living effectively in a parallel universe: recreation via video games, friendship via social media and learning via search engines. These activities all could and should be subject to age assurance.

The brain of someone under 18 is not the same as that of an adult. Yes, brain cell connections are growing, atrophying and transforming every moment of our lives in response to experiences, but the older we are, the more these now accumulating unique pre-existing neuronal connections will be able to offer a sales resistance, a greater potential for evaluation, comparison, frames of reference and inner reflection. The effects of life in front of a screen, and perhaps even more so in Zuckerberg's dream of the all-enveloping metaverse, might well endanger such thought processes in an adult, but such considerations are even more urgent for the welfare of the literally impressionable immature brain. The World Health Organization and the American Academy of Pediatrics have both categorised addictive internet gaming as a psychiatric disorder. Most recently, China has enforced limits for under-18s of a maximum of three hours a week—surely clear recognition of the power the screen can exert over the young mind.

The neuronal mechanism of addiction is an enhanced release of the chemical messenger dopamine, which underlies the anticipation of reward, raises arousal levels and indeed is the neurochemical hallmark of recreational drugs of addiction. Moreover, we know that dopamine inhibits a part of the brain, the prefrontal cortex, that is singularly dominant in humans. This region, just behind your forehead, becomes fully operational only in late teenage years and the early twenties. Until then, a characteristic profile of the hypofunctional prefrontal cortex is one of recklessness, short attention span and, most significantly, over-dependency on external stimulation. Therefore, a combination of such an underdeveloped prefrontal cortex and surges of inhibitory dopamine released during gaming or social media could result in the perfect storm—a mindset readily driven to have literally a sensational time.

Supporting this prediction, a study in 2011 in the high-impact journal *Science* showed that many of the participants, college students, rather than just being left alone to think, opted instead to give themselves electric shocks. How much more now, 10 years on, might such a mindset be prevailing?

The Bill does not seek to remedy the perils of digital culture in one fell swoop; that would be a complex, challenging and long journey. Rather, it is a simple first step to embark on that journey and to make it possible for future measures to minimise the threats and maximise the opportunities that the screen world poses. The rationale of the Bill is based on the undeniable fact that age is a key factor in how the brain will respond to, and be affected by, the immediate environment. As such, I urge the Government to assent to the Bill from the noble Baroness, Lady Kidron.

11.08 am

Baroness Kennedy of The Shaws (Lab): My Lords, I add to the many tributes to the noble Baroness, Lady Kidron. She is basically reminding us all of our duty to protect the most vulnerable in society. I have the great privilege of sitting on the board of 5Rights, her foundation, which does so much work in this area. I stand in awe of her commitment and the incredible changes she is effecting.

I watched with horror and sadness as the revelations from the Facebook whistleblower unfurled. Frances Haugen, with other brave ex-Silicon Valley employees, confirmed what we all already knew: children are being put in harm's way by big tech companies that place profit before safety. This is systemic negligence by the technology sector, which for too long has turned a blind eye to children and failed to respond to their rights and needs. It is gross negligence, and I have no doubt that lawyers in law firms in the United States, and probably here, are already looking at potential litigation and class actions. But we do not have time to wait for that. The law moves slowly. Even getting a Bill through this House normally takes a very long time, so I hope the Minister is not going to come back and tell us that the online harms Bill will deal with all this, because we need to do something more urgently.

The world is watching as the United Kingdom Government take the first strides into new legal territory with legislation to tackle online harms. I pay tribute to that; we can expect to debate the details of that Bill in this House in the next few months. The new online safety regime will no doubt make a number of positive changes to the experiences of children online, not only in this country but around the world because we will undoubtedly effect change there too. But those changes will not be felt unless and until services recognise the presence of children to a standard of accuracy laid down by the regulator. The age-assurance standards in this modest Bill seek to fix a problem that should have been fixed long ago: that of identifying children in a way that is private, transparent and secure but also

[Baroness Kennedy of The Shaws]
trusted. It is required by existing legislation, as the noble Baroness, Lady Harding, documented, as well as the noble Baroness, Lady Kidron.

I am a barrister, as your Lordships know. I am concerned with preventing children being exposed to illegal activity—heinous acts of violence, hate speech and child sexual exploitation and abuse. However, I also want an online environment that helps children to flourish: to thrive and be free from the pressures of everyday commercial surveillance; to be free from the pressure to look or behave in certain ways; and to avoid routine exposure to content and activity that, as the noble Baroness, Lady Greenfield, just described, they do not have the developmental capacity to navigate. We make these provisions for children in the offline world, with lower speed limits outside schools to protect them and opaque packaging on porn magazines on the top shelves of newsagents. We do all that and accept it as normal in the offline world, so we should be doing the same online.

It is not just parents who want a safer, less adult world for children online. As the noble Baroness, Lady Kidron, described, the children themselves want it too. I remind noble Lords of the promises we have made in this House over and over again. It is time to make good on those promises, and do so with speed, not wait. We must ask ourselves how it is that four in five pornography sites have no form of age-gating whatever, not even a box to ask "Are you over 18?". How can we sit by while over half of 11 to 13 year-olds who come across pornography do so accidentally and unintentionally? It just pops up. How is it that nearly half of five to 15 year-olds have seen content online that they would rather avoid? Older siblings show it to younger ones, not realising how damaging this stuff is.

I make clear to all your Lordships that, as a lawyer, I frequently engage with libertarians who want less law and, when I first read the Bill, I looked at it with those sorts of eyes. I say pointedly to those who insist that we have to protect privacy and so on: age assurance does not mean identifying everyone who goes online. It does not mean that a pornography site will know the full name, address and inside leg measurements of adult users. It does mean, however, that children will be protected. Most importantly, it does not mean that we give up our hard-won rights to privacy. Age assurance, subject to minimum standards, can—indeed, must—be privacy-preserving and rights-respecting. I say that as a lawyer very much involved in those issues. All age assurance does is allow a service to know that a child is there or, perhaps more accurately, to prevent it pretending that a child is not there. Its value lies not in the act of verifying or estimating age but in the enormous opportunity it brings once children have been recognised.

So, I support the Bill brought by the noble Baroness, Lady Kidron, and I hope that the Government will support it too. It is critical for the safety of children and the privacy of adults that the bar is set by Parliament, not left to self-regulation by the big tech companies. We have to be the institutions that set the age-assurance standard. My time is up. I just want to say that this should be done here and now. I urge the House to support the Bill.

11.14 am

Baroness Bull (CB): My Lords, it is a privilege to follow the noble Baroness, Lady Kennedy of The Shaws, and to speak in support of the Bill today. I also pay tribute to my noble friend Lady Kidron, for both her brilliant speech and her tireless efforts to ensure that children can take full advantage of safe and effective participation in our increasingly digital world. The 5Rights Foundation has reported that, in the digital ecosystem, one in every three internet users is a child. Children's identities and worldviews are shaped through online engagement, their friendships are developed and maintained across geographies, and interactions online can offer alternative perspectives and open windows to different beliefs and values. So much of this should be on the side of the good but, too often, our response to this reality is one of justified fear.

Earlier this week, Rachel Caldecott gave evidence to the Communications Committee of your Lordships' House and reminded us that, while we hear new stories of harm on a weekly if not daily basis, it is equally important that we think about the role of technology in the world in which we wish to live—that we build, in the words of my noble friend,

"the digital world that children deserve".—[*Official Report*, 4/3/21; col.1235]

The Carnegie UK Trust has articulated a triple A requirement—availability, affordability, and appropriate level of skill—which needs to be in place before digital participation can become the great equaliser of opportunities that it ought to be. However, there is a fourth and crucial "A" that the Bill seeks to address: the ability of young people to avoid content that is not only not intended for them but could do them lasting harm.

When children enter the digital world—and, as we have seen, that is all children—they enter a world designed by and for adults. As my noble friend Lady Greenfield explained, it is a world that they do not as yet have the developmental maturity to navigate safely. Noble Lords today have shared often harrowing examples that bring the shocking statistics in the excellent 5Rights briefing to life. We have heard about unfettered access to pornography, about children groomed and abused, coerced into unhealthy behaviours or tricked into making purchases that they or their parents cannot afford.

My particular concern is about the potential for children to access spaces online that promote unrealistic and idealised body types and allow for comparison against those fake ideals. An inquiry by the Commons Women and Equalities Committee highlighted the impact on negative body image of readily available image editing apps that allow users to change the colour of their skin or teeth, lift their cheeks or smooth out wrinkles. The Mental Health Foundation noted that these apps are often labelled as appropriate to people aged four-plus, with no checks whatever, and that two of these apps had already been downloaded over 10 million times.

According to Girlguiding UK, 45% of 11 to 16 year-olds regularly use these apps to change their appearance —and research shows that perception of body image is stable into adulthood. What this means is that, if

you develop poor body image during childhood, it will probably be with you for life. This matters because of where poor body image can lead: to low self-esteem, lack of confidence, mental health conditions such as depression and anxiety, body dysmorphic disorder and eating disorders. So I of course share concerns about the impact of access to content promoting extreme thinness and weight-control measures. The recent testimony from Frances Haugen revealed what many people had long suspected: that online platforms are structured to drive people to extremes; that those who show any interest in health or exercise will be pushed towards pro-diet and ultimately pro-eating disorder content or extreme weight loss imagery.

Some 66% of children already report poor or very poor body image. While children have unconstrained access to content that exploits that already fragile self-image, they are at real risk of lasting damage to both their physical and mental health. As my noble friend points out, this Bill is not a silver bullet. There will still be work for the forthcoming Online Safety Bill to do to keep children safe online and, indeed, to protect vulnerable adults whose interests are currently completely absent from the online safety Bill as drafted. However, this narrow Bill will plug an urgent gap in regulation. I echo my noble friend in asking the Minister: just how many children are the Government willing to see harmed while we wait for action?

11.19 am

Lord Cormack (Con): My Lords, I rise to speak briefly in the gap because of what I have heard during this past hour or more. It has been a moving and powerful debate, so much so that I have asked my taxi to wait and I will risk the train. I pay tribute to the noble Baroness, Lady Kidron, for the way in which she introduced the Bill, and I thank the right reverend Prelate the Bishop of Oxford and the noble Baroness, Lady Greenfield, who provoked me into getting to my feet.

I do not do "online" and have no intention of doing so, but I know it cannot be uninvented and is here as a permanent fixture of society. The right reverend Prelate the Bishop of Oxford talked about the 19th century and referred to those who went down the mines and up the chimneys. Their bodies were broken but often their minds were still intact. What we are talking about here is distorting the brain, as we heard from the noble Baroness, Lady Greenfield, and destroying the mind.

The biggest crime that any society can commit is the destruction of childhood innocence. We have gone some way towards that, and I have mentioned it before in your Lordships' House, but we have a chance here to move forward one definite step. There is still much to do, but I say to my noble friend the Minister that we demand action this day.

11.21 am

Lord Clement-Jones (LD): My Lords, I add my thanks to those from all around the House to the noble Baroness, Lady Kidron, for introducing the Bill with such passion and commitment. We all know what an amazing campaigner she is. We hope that this is another stage in the end of—to adopt the powerful phrase of the noble Lord, Lord Cormack—the destruction of innocence.

It is a privilege to be winding up from these Benches, and to serve on the Joint Committee on the Draft Online Safety Bill along with the noble Baroness and the noble Lord, Lord Gilbert. Naturally, Members of the House have focused today on the importance of age assurance to child protection in terms of both safety and data protection. We should not tolerate the collateral damage from the online platforms—another powerful phrase, this time from the noble Baroness, Lady Kidron—as the cost of innovation.

A number of noble Lords, such as the noble Lord, Lord Russell, talked about cyberbullying, while the noble Baroness, Lady Bull, talked about the impact on body image and mental health in consequence. All around the House there are different motives for wanting to see proper standards for age assurance. I very much share what the noble Baroness, Lady Boycott, had to say about access to pornography having such a pernicious impact on young people's relationships. At the same time, it was worth celebrating the genesis of *Spare Rib*. The word "empowerment" sprang to mind, because that underlies quite a lot of what we are trying to do today.

From my point of view, I cannot do better than quote the evidence from Barnardo's to our Joint Select Committee to explain the frustration about what has been a long, winding and ultimately futile road over Part 3 of the Digital Economy Act, for which we waited for two years only to be told in 2019 that it was not going to be implemented. As Barnardo's says:

> "The failure to enact the original age verification legislation over three years ago has meant that thousands of children have continued to easily access pornography sites and this will continue unless the draft legislation is amended. Evidence shows (detailed later in the response) that accessing harmful pornography has a hugely damaging impact on children."

As the noble Lord, Lord Lipsey, says, there should not be a second's argument about restricting this. The evidence from Barnardo's continues:

> "The British Board of Film Classification survey in 2019 reported that children are stumbling upon pornography online from as young as seven. The survey also suggested that three-quarters of parents felt their child would not have seen porn online but more than half had done so."

The noble Baroness, Lady Finlay, talked about a jungle of predators. The noble Lord, Lord Russell, even spoke of a pyramid of dung, which is an expression that was new to me today. The message from the noble Lord, Lord Gilbert, is clear: we need to be vigilant. It is astonishing that the online safety Bill itself does not tackle this issue. The noble Baroness, Lady Greenfield, put the whole impact of digital technology and social media on the brains of young people into perspective for many of us.

However, the crucial aspect is that the Bill is not about the circumstances in which age assurance or age verification is required but about the standards that must be adhered to. As the noble Baroness, Lady Kidron, said, we are talking about secure and privacy-protecting age assurance, proportionate to risk and with a route to redress. This is further testimony, from the NSPCC evidence to the Joint Select Committee:

[Lord Clement-Jones]

"Given the intrinsic role of age assurance to deliver a higher standard of protection for children, the Government should set out further detail about how it envisages age assurance being implemented. Further clarification is required about if and when it intends to set standards for age assurance technologies. While the ICO intends to publish further guidance on age assurance measures later this year, it remains highly unclear what standards and thresholds are likely to apply."

The process of setting standards started with the BBFC in preparing for the coming into effect of Part 3 of the Digital Economy Act. As the designated age-verification regulator, the BBFC published guidance on the kind of age-verification arrangements that would have ensured that pornographic services complied with the law. It rightly opted for a principles-based approach, as indeed does the Bill, rather than specifying a finite number of approved solutions, in order to allow for and encourage technological innovation within the age-verification industry. Sadly, that guidance was not implemented when the Government decided not to implement Part 3 of the DEA. As I say, this Bill adopts a similarly non-technology-prescriptive approach.

It is clearer than ever that, across a variety of news cases, we need a binding set of age-assurance standards. Again, I was taken by another phrase used by the noble Lord, Lord Gilbert: we need to create a positive place online. The noble Baroness, Lady Bull, talked about the digital world that children deserve. Why have the platforms not instituted proper age assessment already, as the noble Baroness, Lady Kennedy, asked? This should have been fixed a long time ago. As the noble Baroness, Lady Harding says, it is a multibillion-pound industry and, as the noble Lord, Lord Gilbert, said, they already know a huge amount about us. As the noble Baroness, Lady Finlay, said, the responsibility lies with the platforms, not young people, who are prone to addiction technology.

We can and should incorporate the requirements of the Bill into the online safety Bill, but we have an urgent need to make sure that these age-assurance standards are clear much earlier than that. The ICO set out in its guidance in October, *Age Assurance for the Children's Code*—previously the age-appropriate design code—expectations for age-assurance data protection compliance. Ofcom's *Video-sharing Platform Guidance: Guidance for Providers on Measures to Protect Users from Harmful Material,* also published in October, is even weaker. There is not even an expectation; it simply says:

"VSP providers may consider the following factors when establishing and operating age assurance systems".

That is all they are, considerations and expectations. At present there are no sanctions attached to those requirements. It is clear that we need binding standards for age assurance to make these sets of guidance fully operative and legally enforceable.

The technology is there. The Government should adopt the Bill here and now—and ensure its passage before the end of this term. As the noble Baroness, Lady Harding, says, it lies in our hands. I hope noble Lords will resist the temptation to table amendments during the passage of the Bill. If they do resist that, we could avoid Committee stage and move rapidly towards Report and Third Reading, to make this Bill a reality. As the right reverend Prelate said, children are at risk for the want of this Bill and we have the regulator in the wings.

As the noble Baroness, Lady Kidron, said, we could simply include this in the online safety Bill, but an 11 year-old will be an adult by 2024. As she asked, how many children will be harmed in the interim? The noble Lord, Lord Griffiths of Burry Port, said that watertight protection means mandatory standards for age assurance. This is a vital brick in the wall. The noble Lord, Lord Lipsey, said that he had heard every excuse from government for not implementing legislation—I think I am with him on that—and also said that this Bill is absolute proof against that. Let us give it the fairest wind we possibly can.

11.31 am

Baroness Merron (Lab): My Lords, every child has a right to a healthy upbringing, and I therefore congratulate the noble Baroness, Lady Kidron, on her Private Member's Bill and her tenacity and laser-like focus in pursuing this over so many years. The debate today has brought the attention of your Lordships' House to the clear moral duty of the Government to protect children, irrespective of whether they are living their lives online or offline. I am grateful to noble Lords for the many common-sense contributions that we have heard today.

Great strides have in fact been made in putting children at the heart of digital regulation, with the noble Baroness, Lady Kidron, at the centre of these efforts, But, in my view, too many children and young people still find themselves exposed to content that is inappropriate or harmful. As the noble Baroness, Lady Boycott, said so clearly, hugely damaging online content affects and distorts attitudes to sex and relationships, self-confidence and body image, something also emphasised by the noble Baroness, Lady Bull. This online content is inappropriate in a powerful yet highly destructive way; it is not what online content should be there to do.

We welcome the entry into force of the age-appropriate design code but there remain a number of outstanding issues around the protection of children and young people, with social media companies themselves acknowledging that some of their systems and safeguards simply do not work. Yet, as the noble Baroness, Lady Finlay, and other noble Lords emphasised, internet providers are falling short when it comes to taking responsibility. As my noble friend Lady Kennedy said, putting profit before safety is gross negligence.

Implementing age-assurance systems is an important next step in the fight to keep children and young people safe, and this Private Member's Bill seeks to ensure that such systems meet a variety of minimum standards. Let us get on, as my noble friend Lord Lipsey said, and make age verification something which can be done today. We are all aware that age-assurance technologies are, compared to others, in their infancy, and that the systems of the future will be unrecognisable when we compare them to those available to platforms in 2021. Nevertheless, there is a clear case for implementing such systems as soon as possible, as well as ensuring their appropriate regulation by Ofcom. However, as

we have heard in this debate, even with the fairest of winds, if we rely solely on the online safety Bill, we will be waiting three years before any protection—from, for example, pornography—is in place. Three years is a very long time in the life of a child.

It is shocking to hear from the NSPCC that 62% of 11 to 13 year-olds who reported having seen pornography described their viewing as mostly unintentional. As the right reverend Prelate the Bishop of Oxford said, this is entirely preventable. If the Government are sincere about protecting children, they must find a way to fast-track the pornography protection provisions. I would be grateful for the response of the Minister on this point. More generally, if the Government agree with the thrust of the Bill from the noble Baroness, Lady Kidron, as we certainly hope they do, can the Minister provide an assurance that it will be passed to the other place in a swift manner and taken forward in government time?

Alternatively, assuming that such a move were to be backed by the pre-legislative scrutiny committee, could these very sensible minimum standards be incorporated into the upcoming online safety Bill, which currently has several large gaps in this area, as highlighted by my noble friend Lord Griffiths? For example, as the NSPCC has outlined, the online safety Bill does not go far enough to protect children, in that it covers only companies with a significant number of children on their apps. This means that high-risk sites, such as Telegram and OnlyFans, could be excluded from needing to protect children from harmful content. This requirement could mean that, instead of tackling harmful content, which is the intent, it will simply displace it to smaller sites. How would the Minister seek to act to guard against this?

We back an overarching duty of care, which would cover legal as well as illegal content. I note that the Bill before us prescribes standards, which is welcome, but does not say that age verification or age assurance should be compulsory. This may be because there is little doubt that they will feature in the upcoming online safety Bill, so it would be helpful to today's debate if the Minister could confirm that this will be the case.

These issues have been debated over very many years and, as organisations such as the NSPCC, the Samaritans and others stress, the lack of joined-up action is leaving a significant proportion of young people exposed to damaging material, whether pornography or harmful content that promotes suicide, self-harm or eating disorders. We may have moved from denial about the impact of online content but the Government still seem stuck in delay.

The Government's stated intention of making the UK the safest place to access the internet is undoubtedly an admirable one, but this is ultimately about deeds rather than words. I hope that the Minister will use today to take meaningful action to protect young people and children, rather than just have us talking about it.

11.38 am

The Parliamentary Under-Secretary of State, Department for Digital, Culture, Media and Sport (Lord Parkinson of Whitley Bay) (Con): My Lords, I thank the noble Baroness, Lady Kidron, for bringing forward this Bill, as I thank all noble Lords who have taken part in this morning's debate. We have heard from campaigners, lawyers, educators, scientists, parents and grandparents. We all share the same goal: protecting children online and ensuring that the tools used to do so are effective and can be trusted. The Government share that goal; child online safety is a priority for Her Majesty's Government and our online safety legislation is designed to make the UK the safest place in the world to be a child online. Protecting children is at the heart of that legislation and the strongest protections in the regulatory framework that we wish to set up will be for children.

Let me speak first about the scope of the noble Baroness's Bill, which proposes setting mandatory standards for age-assurance technologies, if or when they are used by companies. It particularly focuses on user privacy and data security. As my noble friends Lady Harding of Winscombe and Lord Gilbert of Panteg, and others, have rightly highlighted, it does not introduce new requirements on companies to use age assurance for the purposes of child safety or for other age-gating purposes. I think we are all in agreement that children should be protected from experiencing harm online and provided with age-appropriate environments. This will be delivered through the Government's new online safety legislation, which is currently going through pre-legislative scrutiny and benefits from the expertise of the noble Baroness, Lady Kidron, my noble friend Lord Gilbert, the noble Lord, Lord Clement-Jones, and others.

We fully agree with the objectives of the noble Baroness's Bill. Age-assurance technologies must be privacy preserving, secure, effective and inclusive. This is needed to ensure that children are appropriately protected and that the public have trust in the solutions that protect them. Standards are key to this. Importantly, they will provide regulators with agreed benchmarks so that they can regulate with confidence. However, as the noble Baroness rightly anticipated, the Government are not supporting her Bill. As I have said, while we strongly agree with its aims, we have reservations about whether this is the right vehicle to deliver them, and I will set out why.

The Government believe that the online safety Bill is the better route to deliver these objectives, through the regulator's codes of practice. As the online safety regulator, Ofcom will set out in codes of practice the steps that companies can take to deliver their safety duties. Given the importance of age-assurance technologies to the Bill's higher level of protection for children, we expect Ofcom to include steps on age assurance in its regulatory codes, as part of which Ofcom can include specific standards and name them. Companies will be required to follow the code or demonstrate that they have achieved equivalent outcomes, or they will face enforcement action.

The noble Baroness and others asked why age verification is not required in the online safety Bill. I am mindful that this draft Bill is undergoing pre-legislative scrutiny at the moment, but I will say a little bit about it, as drafted, and the approach that we have taken to it. It is important that it is future-proofed, because what is most effective today may not be so effective in the future. To ensure the future-proofing approach,

[Lord Parkinson of Whitley Bay]
the Bill will not mandate that companies use specific technologies for protecting children online. However, in its codes of practice, Ofcom will set out the steps that companies need to take to comply with their duties, which will include the use of age-assurance technologies. Companies would need to put in place these technologies or demonstrate that the approach they are taking delivers the same level of protection for children. Ofcom will also be able to take action against companies that fail to take action to protect children from online pornography.

My noble friend Lord Gilbert and the noble Baroness, Lady Merron, asked about protecting children from online pornography on services that do not currently fall within the scope of the draft online safety Bill. Again, I am mindful of the work that the Joint Committee is doing to scrutinise it, and we are grateful for its work on this issue. As my right honourable friend the Secretary of State mentioned during her evidence session to the Joint Committee, we are exploring ways to provide wider protections for children from accessing online pornography through the Bill, including on sites not currently within the draft Bill's scope.

DCMS already has a programme of work under way to develop an international standard for age-assurance solutions. This includes the development of an international standard, through work with the British Standards Institution and the International Organization for Standardization. A specific objective of this work is to provide regulators with a robust standard to refer to in their codes of practice and guidance.

I return to the noble Baroness's Bill, which is our focus today. It rightly highlights the importance of data protection and safeguarding users' privacy. I certainly do not criticise her for including that in her Bill. This was an issue that the noble Baroness, Lady Kennedy of The Shaws, and others picked up on. The Government also take privacy very seriously.

Under the online safety Bill, companies will be required to have regard to the importance of protecting users' privacy when putting in place measures, including age-assurance technologies. In addition, Ofcom will be required to set out safeguards for privacy in the codes of practice. Where relevant, we expect Ofcom to draw on the ICO's existing expertise in developing its codes. Here I highlight that companies are already required to protect users' data privacy via regulations under the remit of the Information Commissioner's Office.

A number of standards in the noble Baroness's Bill duplicate existing data-protection regulations. For example, providing "sufficient and meaningful information" for users in an accessible way is already addressed in the age-appropriate design code. Existing data-protection regulation also sets out how data should be securely used. The Government are keen to work closely with the Information Commissioner's Office to ensure that this is clear to companies. Ofcom and the ICO are working closely on the issues of user privacy and age-assurance technologies to deliver clarity to companies.

So it is understandable that the noble Baroness's Bill focuses on user privacy, but it duplicates existing regulation and gives Ofcom responsibility for regulation in areas already overseen by the Information Commissioner's Office. We think that this risks creating a confusing regulatory landscape for companies and regulators and may undermine the Bill's central intention.

It is also important that Ofcom is able confidently and robustly to enforce expectations relating to age assurance, regardless of where a company is based. I am sure that that is something with which all noble Lords would agree. The Government believe that the online safety Bill will achieve this more effectively than the Bill before us. First, it gives Ofcom the power to develop mandatory risk assessments for companies, which is essential for supporting the proportionate use of age assurance. Secondly, the online safety Bill considers the global nature of the internet and the companies in scope. It provides Ofcom with additional business-disruption powers, which will allow it to prevent services based abroad from disregarding UK requirements in relation to age assurance.

So we fear that seeking to deliver those objectives through the noble Baroness's Bill risks being less effective than delivering them through the online safety Bill, which will ensure that all companies in scope adhere to high standards and are held to account when using age-assurance technologies.

I hear the anxiety of noble Lords and the urgency that many underlined. I also hear the challenge that the noble Baroness set me in her opening speech about what we are doing today. The Government are clear that companies should take steps now to improve user safety, particularly for children, and not wait for legislation to protect them. That is why we as a Government are taking action now, in advance of the online safety Bill, to help bring about change.

I will give some examples of that. The Government have published the interim codes of practice on terrorist content and child sexual exploitation and abuse online, which companies can follow now to remove illegal content and behaviour from their services. Earlier this year, we also published safety by design guidance, which sets out clearly for companies how to design and build safer online platforms. As the noble Baroness said, age assurance is not a silver bullet; it is just as critical that companies design safe and age-appropriate online environments for their users.

Published alongside this was a one-stop shop for companies on protecting children online that sets out their current legal requirements, making it easier for them to understand precisely what is expected of them. In July this year, the Government published the *Online Media Literacy Strategy*, which sets out our approach for supporting the empowerment of users of all ages with the key skills and knowledge that they need to make informed and safe choices online. So we are acting, even as we await the report of the Joint Committee on the draft online safety Bill.

That is why the Government believe that the approach that I have outlined today, delivering robust standards for age-assurance technologies through the online safety Bill, is the right one. We think that this will achieve the same objectives as the noble Baroness's Bill and be appropriate for Ofcom's regulatory remit. So, while I know that this will be disappointing to the noble Baroness today and to all the noble Lords who have

spoken, I echo the tributes that have been paid to her for her industry, urgency and passion in this hugely important area.

My honourable friend the Minister for Technology and the Digital Economy and I have spoken to the noble Baroness about our shared objectives in this area and, importantly, our shared desire to move quickly, and we are very grateful for her time and engagement. At their appearance before the Joint Committee on the draft online safety Bill, my honourable friend and my right honourable friend the Secretary of State said that they were interested in exploring whether it would be possible to expedite key parts of the online safety Bill, including work relating to age assurance.

I stress that the Government welcome open discussion and are keen to continue our conversations with the noble Baroness and all noble Lords who have raised issues today on this vital subject. The Government have been clear that they do not hold all the answers, which is why the online safety Bill is currently going through pre-legislative scrutiny. I am very grateful to the noble Baroness and others for their work on that. I look forward to the debates that we will have on it—it is a very important piece of legislation—but I am afraid that we cannot support the noble Baroness's Bill today.

11.49 am

Baroness Kidron (CB): I hope that noble Lords will forgive me. I had a very generous speech thanking them individually for all their contributions—and, indeed, they were wonderful—but I would like to cut to the chase and say that this is not good enough. The time has run out. I reserve my thanks for one group: the children from Westminster Academy. I thank them for looking at the Bill and for giving a more positive response than the Government.

I thank the Minister and believe that he will engage with me. He has made the vast mistake of letting me have his mobile phone number, so he will indeed be engaging with me on this matter, as his predecessors have found out to their cost. I simply say this: time has run out for voluntary standards, for fractured regulatory arrangements or for Governments trying to take a technical role. The Bill is ready-baked to put age assurance at the top of the tech sector's in-tray, and it will be that sector that solves the problem once we tell it what we want. It would mean that a child getting their first smartphone today would have the protections in place by the time they started big school next year.

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

Onshore Wind Bill [HL]

Second Reading

11.52 am

Moved by ***Baroness Hayman***

That the Bill be now read a second time.

Baroness Hayman (CB): My Lords, I declare my interest as co-chair of Peers for the Planet and thank everyone who has put down their name to speak in today's debate. I also express my gratitude to RenewableUK for its excellent briefing session for me and colleagues on the Bill.

In their net-zero strategy, the Government confirmed that a mix of renewables would be needed to achieve their 2035 goal of decarbonisation of the power sector through

"40GW of offshore wind by 2030, with more onshore, solar, and other renewables".

The strategy also stated that it would:

"Ensure the planning system can support the deployment of low carbon energy infrastructure".

The Bill before the House today is simple and straightforward—it is basically one clause—and it aims to support the Government's policies as set out in those quotations by requiring the Government to amend planning guidance to enable local authorities to grant more onshore wind applications for the purpose of meeting the UK's carbon targets.

We need renewable energy of all types. The Government have set ambitious targets for offshore wind and have plans for nuclear, but they have not yet set a target for onshore wind and there are real obstacles to this in the planning system.

The Climate Change Committee's progress report to Parliament highlighted this policy gap, stating:

"While onshore wind and solar are now eligible for CfDs"—

contracts for difference—

"there is no clear medium- to long-term ambition."

It went on to highlight as a priority recommendation for 2022 to:

"Address potential barriers to deploying and using low-carbon generation at scale (e.g. the planning and consenting regime for renewables and networks, exposure to climate risks) and, with Ofgem, develop a framework under which sufficient supply resilience can be ensured."

Onshore wind is part of the renewable mix we depend on at the moment. Between April and June 2020, renewables generated nearly 45% of the UK's electricity, with onshore wind generating 20% of that, but that will need to increase if the Government are to meet their targets.

Previously, contracts for difference did not include onshore wind, a problem addressed in the previous Bill I brought before your Lordships' House. That issue has now been resolved—albeit in the short term, because there is still more work to be done regarding frequency of auctions—with the Government including onshore wind in the next contracts for difference allocation round.

Given the practicalities of geography of our country, most of the most suitable sites for future onshore wind may well be in Scotland, where the windiest sites are, but England and Wales will still have a contribution to make in providing onshore wind in the right places. However, barriers in our planning system mean that we are not playing our part at the moment, with planning authorities consenting to less than half the annual onshore wind capacity needed for us to remain on track to meet net zero by 2050.

I absolutely understand that there are those who have anxieties about onshore wind in the wrong places. I want to make it clear that this is not a Bill that aims

[Baroness Hayman]
to dictate to local authorities that they must approve onshore wind, but it is an attempt to provide a more balanced approach to allow them to approve projects in a way much more in line with the normal planning approval process for other renewables and infrastructure more generally.

Current guidance is based on the 2015 ministerial Statement and requires that local planning authorities should grant planning permission for onshore wind developments only if the development site is an area identified as suitable for wind energy development—as is absolutely right—in a local or neighbourhood plan and, crucially, if it can be demonstrated that the concerns of the local community have been fully addressed and the proposal has its full backing. This means that a wind farm cannot receive planning permission unless it has the unanimous support of the local community, so that one recalcitrant person in a community can stand in the way of a development that everyone else wants.

The change in guidance in 2015 has led to a dramatic decline in onshore wind applications. According to government figures, there were eight applications for onshore wind projects in the period 2016-20, compared with 237 between 2011 and 2015—a 96% decrease.

Clause 1 of my Bill seeks to move us from the current situation and take us back to a framework that balances suitability and ensures that decisions can be made at a local level in a way that industry understands. It is neither fair nor sensible to have a system that makes it much harder to develop onshore wind compared with other renewables.

The ministerial Statement which gave rise to the current regime was based on a perception of wide-scale public opposition to wind farms, but times have changed since 2015 and there is now far greater public awareness of the need for our energy sector to be decarbonised. With that awareness of the climate crisis we face, public support for onshore wind has grown. A July 2021 Survation poll found that 70% of the public support the development of onshore wind and 83% support a less punitive planning system.

In October, a European Climate Foundation poll found that 67% of people would support the construction of a wind farm onshore near where they actually live—and from an environmental perspective, things have moved on, too. A lot has been learned about how developments can fit in with nature and the local environment. Environmental NGOs such as the RSPB and Friends of the Earth support planning reform, as they recognise the essential role of renewable energy in addressing climate change, with the RSPB saying that

"we believe this growth can be achieved in harmony with, rather than at the expense of, the natural environment".

With thorough environmental impact assessment, locating sites away from sensitive sites or important migration routes, and developers working closely with local communities, as I believe happens in Scotland, it is possible to find a balance and ensure that developments are compatible with the landscape and have community support. Renewable UK, in its *Onshore Wind Prospectus*, highlights the potential benefits of wind farms, such as peatland restoration, wildflower meadow creation, community benefit funds and improvement to outdoor access and recreation facilities. This is not just theory. Cornwall Council's climate emergency development plan demonstrates how this balance can be achieved by allocating suitable areas for onshore wind, in consultation with the local community. This Bill would ensure guidance that encourages this line of approach.

The Bill is not concerned only with changing the guidance in relation to new sites. Clause 1(2)(c) covers the important issue of repowering existing wind farms. We urgently need a policy environment that supports this. If we cannot repower existing wind farms, we risk losing 8 gigawatts of existing onshore wind capacity when they come to the end of their lives. So we also need a planning system that supports the replacement of existing turbines with modern, more powerful and more cost-efficient ones. Can the Minister comment on that point when he replies? I know that he is acutely aware that this is the critical decade for climate, and I hope he will agree that we need a different approach to planning for onshore wind.

My Bill concentrates on the net-zero imperative for a more balanced planning regime, but there are also economic benefits of onshore wind, which is significantly cheaper than offshore wind and could help support the Government's levelling-up agenda, as many of the windiest places are located in rural or less affluent parts of the UK. Renewable UK has published an *Onshore Wind Prospectus*, urging the Government to set a target for onshore wind of 30 gigawatts by 2030, to run annual contracts for difference auctions and to reform Ofgem—particularly to include net zero in its remit. Renewable UK estimates that this additional onshore wind capacity would boost a green recovery by providing £45 billion of gross value added to the UK economy; 57,000 full-time jobs, which would help support a just transition; 60 million tonnes of CO_2 removal, equivalent to 1 million cars off the road; and £16.3 billion paid back to consumers through £25 per year given back to each household on their energy bills.

To conclude, we need a clear policy from government to help achieve our net-zero targets, give long-term certainty and clarity to investors and reduce bills for consumers through the cheapest form of renewable energy, onshore wind. I hope that my Bill is a first step to setting out a clear medium to long-term ambition for onshore wind and addressing the barriers to deployment of low-carbon generation at scale, as recommended by the Climate Change Committee. I look forward very much to the contributions of noble Lords and hope very much for a positive response from the Minister. I beg to move.

12.05 pm

Baroness Worthington (CB): My Lords, I rise to speak in favour of this Bill, tabled by my colleague, the noble Baroness, Lady Hayman. I declare my interest as a co-chair of the Peers for the Planet group.

As has been eloquently expressed, onshore wind is our cheapest as well as a hugely trusted and now well-developed form of renewable electricity. It has been providing 10% of our electricity, or around that, from 2018. However, it has seen something of a huge

decline in England and Wales, thanks to changes introduced in the 2015 Conservative Party manifesto. One of the two barriers, as has already been discussed, is around the fact that contracts were no longer being provided for support for these technologies. The Government deserve praise for addressing that, and we will soon see an auction for CfDs in which onshore wind can compete, which is a great step forward. However, in England and Wales specifically, we still see a very considerable barrier to development through planning guidance, which was also changed.

I do not need to repeat it, but I will stress that the two factors requiring that onshore wind must be featured in a local plan in an identified area, and the decision that it should receive the full backing of the local community, generate a huge amount of uncertainty for developers and create a distortion in planning, because normal planning would not require this for other forms of renewable energy. Could the Minister tell us how many local authorities have introduced local area plans where onshore wind is identified as being allowed? Could he also tell us how he defines the term "the full backing of the community"? It seems to leave a huge amount open to judgment for local planners, which is what is deterring developers—to such an extent that we saw a 96% drop in applications between 2016 and 2020. We absolutely need to see new planning guidance, with clarity that allows appropriate developments that achieve the right balance to come forward.

Times have changed since 2015. We have just seen the international climate talks conclude in Glasgow, where it became absolutely clear that we all need to do much more to reduce our greenhouse gas emissions, and that countries such as the UK, which is in a very fortunate position to be able to lead, should be leading, and considering what more we can do. Onshore wind has been a huge success, and it has been stalled; it is time to bring it back, so we can use it to meet our zero-carbon electricity target for 2035.

Meeting that target will be made much more difficult through the natural ageing of our existing onshore wind infrastructure. The noble Baroness, Lady Hayman, described the fact that we will start to see capacity fall off from our onshore wind industry, and by 2027 to 2030 we could lose 3.6 gigawatts, which could rise to 8 gigawatts by 2040. That is enough to power 5 million homes. How are we going to reach our zero-emissions target in 2035 if we are losing that scale of capacity from this trusted source of clean power?

The good news is that, if we do repower existing sites, we can expect to see more power out, for less footprint. A study from Renewables UK in 2019 said that 19 sites had been repowered to date and that that had increased capacity by 160%, with one-third fewer turbines. So this is absolutely a win-win for everybody, if we can allow the repowering of sites to come forward. The communities that have wind farms in their landscapes are already accustomed to them, and many people have found that the objections they feared before they were built have fallen away on them being actually brought into being, and that in fact they see many benefits.

I also reiterate the point about cost savings. This is the cheapest form of renewable electricity available to us; indeed, it is the cheapest form of electricity full stop. A Vivid Economics study in June 2019 estimated that, if we reached 35 gigawatts in 2035—that would be adding an extra 20-plus gigawatts to current levels—we would see a 7% reduction in our electricity bills compared with continuing to use gas. That report was written in 2019, and we all know that we have seen very high volatility in gas prices since then.

It is absolutely clear that we should not be dependent on imported gas for our energy security. It will not provide us with the reliable and cheap electricity that we need to reach our targets. Many noble Lords will hopefully instinctively understand this: when I was working in the power industry, we knew that gas demand spiked with wind; when there was a windy night in winter, we knew that gas demand would rise. So why not harness the wind in those periods, so that we can reduce our reliance on gas?

I conclude by saying—as has been said before—that this is not just an environmental question, it is one of development, jobs, investment in supply chains, winning exports and Britain leading in the world again. In 2015, times were very different. In the six years since then, climate change has risen up the agenda, the public are aware and people care—the youth of today are demanding more of us. I fully support the Bill and hope that the Minister will provide us with a positive response. This is something we can do today to unlock huge investment and get those millions, billions and trillions flowing into clean energy, which we need to see if we are to meet our Paris targets. So I hope that we will have a good debate and I look forward to the Minister's response.

12.11 pm

Baroness Blackstone (Ind Lab): My Lords, I thank the noble Baroness, Lady Hayman, for introducing this important Bill. Countless reports have strongly recommended much greater investment in renewable energy. Without such investment, the UK is extremely unlikely to reach its net-zero carbon target by 2050. One such report, which UCL and Vivid Economics submitted to the Climate Change Committee, recommended:

> "Significant new renewable generation capacity is needed to accommodate rapid uptake of electric vehicles and hybrid heat pumps".

Without it, those changes will not really be able to take place. The report goes on to say:

> "Over the period to 2035, up to 35 GW onshore wind … could be needed."

Moreover, the *Net Zero Strategy* recognises the need for more onshore wind, stating that carbon budget 6

> "also requires a sustained increase to the deployment of land-based renewables such as locally supported onshore wind and solar in the 2020s and beyond."

The problem is that it fails to set out how this is to be achieved. I would be grateful, therefore, if the Minister could tell the House what assessment the Government have made of the recommendation of 35 gigawatts of onshore wind by 2035.

[Baroness Blackstone]

As has been said by both the previous speakers, one great advantage of onshore wind is that its cost is relatively low. Indeed, it is the lowest-cost form of new electricity generation, so much so that the cost of electricity from onshore wind projects is currently lower than the wholesale electricity price. Forecasts suggest that it will become even cheaper, providing considerable benefit to consumers—and we must think about the consumers in this area. It has been calculated that 30 gigawatts of onshore wind by 2030 would create approximately £16.3 billion of consumer payback, cutting energy bills by £25 per year.

The fact that the Government have included onshore wind in the next auction round for contracts for difference is therefore very welcome. However, as the noble Baroness, Lady Hayman, said, more clarity on this with respect to the longer term would lead to greater certainty for investors as well as cheaper electricity for consumers. At present, auctions are approximately every two years. Renewable UK recommends annual auctions. More frequent auctions would reduce the risk for investors by increasing the availability of finance and bringing down costs even further, allowing investment to happen at lower capital cost. So would the Government be prepared to commit to annual CfD auctions for onshore wind as part of a long-term plan? It would be helpful if the Minister could confirm this.

I very much welcome the Government's commitment to updating the energy national policy statements so that there can be even greater clarity on the need and urgency for low-carbon infrastructure. Can the Minister tell the House what the progress of the review in respect of nationally significant infrastructure projects has been? Since 2008, onshore projects have not been included following changes to the Planning Act 2008; nor was this rectified in 2015, which was disappointing. Will they now be mentioned?

I end by supporting everything that the noble Baroness, Lady Hayman, said about the planning process. I hope that the Minister accepts the polling evidence about public opinion on this issue, which is very positive, and that when he responds to the debate he will be able to give the noble Baroness, Lady Hayman, the answers she sought on planning, so that the bids for onshore projects may get consent in greater numbers in the future.

12.16 pm

Baroness Sheehan (LD): My Lords, I start by thanking the noble Baroness, Lady Hayman, for introducing this Bill. It is absolutely crucial that we address the barriers that have led to onshore wind being neglected and planning applications for it plummeting since the ministerial Statement of 2015 changed the rules on planning guidance. The noble Baroness, Lady Hayman, and other speakers have said a great deal about the planning process and the barriers that face onshore wind, so I will not repeat much of what they have said.

What I really want to concentrate on is why I think it is so important that we use everything in our arsenal to tackle the climate emergency. It was in 1989 that I left the job I was doing then to go back to my scientific roots, to find out what it was that was causing concern about the climate—I was already concerned about the environment in any case. I left to start a master's in environmental technology at Imperial College. The talk then among the students, and a lot of the lecturers, was about the amount of carbon dioxide accumulating in the atmosphere, and that it was beginning to rise. The Mauna Loa observatory in Hawaii was monitoring it. There was some cause for concern and real agreement among everyone that we had to, at all costs, keep carbon dioxide concentration in the atmosphere to below 400 parts per million. In 2013, the Mauna Loa observatory recorded that 400 parts per million of carbon dioxide in the atmosphere had been breached. Today, the figure stands at 417 parts per million.

Ice cores from the British Antarctic Survey, among other sources, show us that over the last 800,000 years, since we started to collect records of carbon dioxide concentration in the atmosphere, we have never seen concentrations above 300 parts per million. So we are now in uncharted territory. We are seeing extreme weather events that mean we must act urgently. So to me it is a no-brainer that we must do everything we can to get proven, reliable sources of renewable energy that are scalable and cheap and that provide jobs—and we must do that as soon as possible.

Onshore wind is really cheap. There has been some concern about the figures coming out of BEIS. Could the Minister therefore confirm that these figures—I believe they are in its last costings on the levelised cost of electricity, which assess the cost from all sources on a level playing field—show that onshore wind was in fact the cheapest and considerably cheaper than gas? I would really appreciate that. If that is information he does not have at the moment, would he write to me with that? Just from scouring the internet, it is clear that onshore wind is very cheap. The evidence is corroborated by the BBC, the *Guardian*, Bloomberg and IRENA, the International Renewable Energy Agency. I want to make sure that this is also the case with BEIS.

Before I go on to some of the historic objections that have been raised, the other real advantage—I thank RenewableUK for this information—is the environmental co-benefits that wind farms can bring. I will cite the example that RenewableUK gave of Scottish Power Renewables' Mark Hill Wind Farm in South Ayrshire, where a former forestry plantation is being restored to give 192 hectares of natural woodland and 800 hectares of peatland. Here we have seen the return of otters, hen harriers, et cetera, and many other environmental benefits to the area.

In the past, we have had historic objections and a lack of community consent. The Survation polls mentioned by the noble Baroness, Lady Hayman, show that those objections are just no longer there. Anecdotally, when I visited friends of mine in Derbyshire 10 years ago, they really objected to the wind turbine that was going to be put up on the hill behind them. This summer, when I visited again, they said they have no further objections and would very much welcome the continuation and expansion of wind power there. These feelings are corroborated by the survey.

Secondly, embedded carbon in the construction of wind turbines was also a concern. RenewableUK tells us that the carbon in the construction will be got back within six months, and the remaining 20 to 30-year lifetime will provide very green energy indeed.

Lastly, on the recyclability of concrete in wind turbines, for many years about 85% of the materials used were recyclable. Today, the new technology means that the resin used in blade construction can be totally recycled, and we are now looking at 100% recyclability.

I really hope the Government will see fit to back this Bill. In order to deal with the climate catastrophe facing us, we have to do everything we can as quickly as we can.

12.23 pm

Lord Kerr of Kinlochard (CB): I think I need to declare an interest and do so very explicitly. The noble Baroness, Lady Sheehan, referred to Scottish Power. I am a director of Scottish Power, which operates 40 wind farms and generates about 2.8 gigawatts at the moment. All our generation is green. When I joined the board, we had two large coal-fired stations and a lot of small combined-cycle gas turbine stations. We have sold the gas stations and closed the coal-fired stations. Between 2020 and 2025, we plan to invest some £3.7 billion in onshore renewable generation—wind, solar and battery—and we have a 3-gigawatt, UK-wide renewable future project pipeline. We also have offshore wind farms.

I say all that because although I cannot match the expertise of those who have already spoken—particularly the noble Baronesses, Lady Worthington and Lady Hayman—I want to be transparent about my interests and establish some credential for what I am going to say about national policy. I know a little bit about what I am talking about.

I very much congratulate the noble Baroness, Lady Hayman, on her Bill. It is badly needed. I could argue that, for example, it would be good to see Clause 1 refer to installing battery storage on wind farms with a single connection point to improve flexibility. I might similarly suggest a reference to installing photovoltaic solar capacity on existing wind farm sites. I might also query the inclusion of Wales within the scope of the Bill because, in my experience, planning works better in Wales.

Baroness Hayman (CB): If the noble Lord will forgive me, the Bill states that it applies to England and Wales. I am advised by the Table Office and the Public Bill Office that this is a convention—that, in fact, the devolution arrangements mean that the planning regime in Wales is for Wales, just as the one in Scotland is for Scotland; and that, in practice, this Bill would apply only to England. I apologise; it was not my choice.

Lord Kerr of Kinlochard (CB): I was puzzled because planning is a devolved function in Scotland, Wales and Northern Ireland.

However, those are small points. The big point about this Bill is Clause 1(1), of course, which calls for a review. The present system—or, rather, the lack of any system—for planning applications in England has created a paralysis that, if prolonged, will inevitably mean the country missing the target of net zero by 2035. My company's onshore wind programme pipeline is heavily weighted to Scotland, Wales and Northern Ireland because, since 2015, the Government have washed their hands of the approval process in England, leaving it entirely to local opinion. As the noble Baroness, Lady Hayman, said, a single local objection sinks a proposal or delays it sine die. Open-ended consenting timelines that are five to 10 years long and often end without consent obviously deter investment. Between 2011 and 2015, 435 turbines were erected on 108 sites. However, as the noble Baroness said, between 2016 and 2020, applications went down by 96%. Only 16 turbines were permitted in those five years.

This really matters. The analysis I have seen suggests that, to reach net zero by 2035, the country will need a fourfold increase in offshore generation, a doubling of solar generation and a trebling of onshore wind. The Climate Change Committee says that the onshore wind capacity, now some 14 gigawatts, some of which is nearing the end of its operational life, will need to be about 35 gigawatts. This means new capacity of about 1.25 gigawatts a year. Currently, we are installing about 600 megawatts a year, very little of it in England, so we need to go twice as fast as we are now. We will not manage that unless the paralysis of planning in England comes to an end. That is why this Bill is so important and why the Government should welcome it and get behind it. I really hope they do. It is all very well the Government puffing our legally binding targets. If you will the end, you should will the means.

Of course local opinion matters, but going for 30 gigawatts by 2030 would create 30,000 full-time construction jobs and 30,000 full-time operating jobs. We can all think of communities across England, not least those where the Government want to see levelling up, where such jobs would be welcome. Currently, it does not and cannot happen in England because a single objection kills a proposal. Local unanimity is needed, so applications are not made and jobs are not created. Without a predictable future project pipeline order book, supply chains maximising UK content and cutting costs cannot be created. If all this persists, the decarbonisation targets will not and cannot be met.

Pace the Prime Minister, we really cannot have our cake and eat it. One cannot be proudly green, decisive and determinant—rhetorically—and refuse to get one's hands dirty about delivery. One cannot be laissez faire when one is surely bound by one's target. One cannot just leave it to one's successors. If I were to be undiplomatic, which is unthinkable, I would say that that would be almost as hypocritical as—

Baroness Bloomfield of Hinton Waldrist (Con): My Lords, I remind the noble Lord of the advisory speaking time.

Lord Kerr of Kinlochard (CB):—promoting the decarbonisation of transport and, at the same time, freezing fuel duties for a decade. That was very tactless. I urge the Government to welcome the Bill of noble Baroness, Lady Hayman, as I do.

12.30 pm

Baroness Bennett of Manor Castle (GP): My Lords, this debate has been unanimous in both backing the Bill put forward by the noble Baroness, Lady Hayman, and thanking her for her work and the very clear,

[Baroness Bennett of Manor Castle]
unarguable argument she presented for it. Like others, I declare my involvement in Peers for the Planet. I am pleased to follow all of the speakers in this debate who have already made the very clear environmental and economic arguments for this Bill.

I will not repeat those but will take a look at why we are here today and why we need this Bill. The Bill gets the Government out of a political tangle of their own making. It also ensures that they deliver what they have promised to do. If we think about why we are here today, we go back to the time when David Cameron shifted from hugging huskies to talking about not liking "green crap". This was at a time when the then Government were wooing UKIP-leaning voters before the Brexit referendum and a UKIP candidate was on the record for complaining about what would happen when the renewables ran out. We know what happens when the far right gets a hold on politics. Many nasty, disastrous things happened and our current policy on onshore wind is one more disastrous effect of the politics of that time.

We are seeing some reversal of this. Boris Johnson has disavowed his former claim that wind power could not

"pull the skin off a rice pudding".

As others have said, we know that onshore wind enjoys broad support from the public—70% of the public in one recent survey. It also has support from conservation charities such as the RSPB, which points out that the greatest threat to birds and other wildlife is of course climate change. One survey, a UK-wide poll carried out in July 2021 by Survation on behalf of RenewableUK, found that, if there are public concerns, these are about efficiency and harmony with nature.

Efficiency concerns can be addressed by technical arguments and the concern about the impact for nature can be addressed by the careful, appropriate siting and design of wind farms. Indeed, the US Department of Energy's 2015 report, *Wind Vision: A New Era for Wind Power*, found that, in the United States, the rate of avian collisions with wind turbines was 1,500 to 5,000 times lower than for buildings in general. I have never heard anyone using bird strike as an argument to stop any other sort of building, yet we know that is often waved as an unjustified argument against wind farms.

Whenever we talk about energy, I make the point that the cleanest, greenest energy you can possibly have is the energy you do not need to use. Energy conservation remains the awfully poor Cinderella of government energy policy; we have seen very little government money going to that over the past decade. However, we do need energy, and onshore wind and solar power are now the cheapest options, as well as offering big environmental benefits.

We have a lot of hot air in Westminster—who can avoid that one?—but we cannot fuel Britain's energy transition by talking; we can do it only by practical action. Even if the Government will not take action on this Bill now, will they not consider, as the noble Baroness, Lady Hayman, outlined, Clause 1(2)(c), which allows existing wind farms to re-purpose?

I started by saying that we are here because of politics, not because of engineers, the environment or the economy, but it is of course a non-party-political Cross-Bencher who has proposed the Bill, offering a common-sense solution to the situation the Government now find themselves in. I must conclude by reminding everyone that we are now speaking from a Chamber of the Government of the nation that remains the chair of the COP climate process—until Egypt takes over in a year's time—and the world is watching what is happening here. I was at COP 26. People ask why the UK's policies are so failing to deliver on its promises and targets, and it is things such as this that people talk about. So, the world is watching the Minister as he answers today, and I hope he will be thinking about that when he gives us his answer.

12.36 pm

Lord Whitty (Lab): My Lords, I join everyone else in congratulating the noble Baroness, Lady Hayman, on introducing the Bill and her wider work for Peers for the Planet. It has been pretty clear that the Government have to think again. This is an anomaly in our planning system that needs to be addressed, because it threatens to inhibit our ability to reach net zero on the path we have already determined.

The Government need to recognise that there have been serious changes over the past decade or so in the economics of renewable energy, political attitudes and public attitudes, and they need to take them on board. By 2010, at least, we were clear that onshore wind was the cheapest and most convenient form of renewable energy. At the time, as the noble Baroness, Lady Bennett, said, David Cameron was in his "hug a husky" mood and the coalition Government saw a large number of turbines approved in their period of office.

Regrettably, there was a bit of a backlash. I am the first to recognise that not every site that has been suggested for wind turbines should necessarily be agreed, but the fact is that the 2015 Tory manifesto and the subsequent change in planning rules has led to a presumption against onshore wind, and that presumption needs to be changed. By 2015 David Cameron had, I assume, not only forgotten about the huskies; he also wanted to get rid of the Liberal Democrats and was prepared to adopt a rather hard-line view on onshore wind. That was a mistake, and the Government need to recognise it as such.

Of course, there have been other changes. As the noble Baroness, Lady Bennett, said, Boris Johnson came in with a bit of a reputation as being not very sensitive to climate change issues, but that has changed dramatically with the responsibility thrust on the Prime Minister because of COP 26 and the process that goes with it. He has declared that, effectively, he wants all our homes heated by wind energy. Onshore wind must be a very significant part of in order to meet that objective by 2030 or 2035. The renewables industry has suggested that by 2030, the aim should be 30 gigawatts. That seems about right, but only provided that there is more of a level playing field in the planning process and the whole process of auctions and contracts for difference, which were the subject of a previous Bill from the noble Baroness, Lady Hayman, that, regrettably, did not see the light of day.

The presumption against planning permission for onshore wind needs to change. It does not exist for any other form of infrastructure development. Ideally, I hope that today the Government will signal that they will take over the Bill. Failing that, I hope that the Prime Minister's office will instruct the Minister today that we must signal our support for the Bill or get the Government Whips in this House to give time, so that its subsequent stages can be seen through and it can be part of our energy policy.

I think that chimes with the policy the Prime Minister has now enunciated. It chimes with what is necessary to stay on the path—or get on the path—to net zero and it chimes with public opinion. Fewer than 50% of people supported onshore wind 10 or 12 years ago, but well over 70% of people now support it, including those in rural areas. It has the additional advantage over offshore wind of having short supply lines and of being able to develop an industry and support in this country, rather than being almost totally dependent on the manufacture of parts abroad. It would help with the levelling-up agenda and our industrial strategy.

If the Prime Minister is to deliver his green agenda and the commitments that were made in Glasgow, the Government need to make this relatively straightforward adjustment in our planning process and allow it to happen. I therefore hope that the Minister can signal today that that is precisely what the Government intend to do.

12.41 pm

Lord Oates (LD): My Lords, I join other noble Lords in congratulating the noble Baroness, Lady Hayman, on introducing the Bill, not just because it implements a Liberal Democrats manifesto commitment —I urge other noble Lords to follow that line—but, as we have heard, because it is felt across the House that this is a major shot in the foot that the Conservative Government of 2015 put in place. As the noble Baroness, Lady Hayman, said, this Bill is about attempting to find a more balanced approach. The Government's current approach is totally unbalanced. As we have also heard, onshore wind is critical to the decarbonisation of our economy. As the noble Baroness, Lady Worthington, reminded us, it offers the cheapest form of energy, not just of renewable energy, so we clearly need more of it.

I have some experience of the Conservative attitude to onshore wind because I can tell the noble Baroness, Lady Bennett, that David Cameron's shift from "Vote blue, go green" to "all the green crap" took place rather earlier than 2015. In fact, it appeared to take place just about as soon as the coalition was formed and he had his feet under the Cabinet table. From then on, the then Prime Minister, with the Chancellor of the Exchequer, who was even more hostile to any greenery, pursued this agenda. This proposal, which was implemented after the end of the coalition, was one of the proposals that they tried to push on us during the coalition. It has never been explicable to me how Conservative MPs, leaders and chancellors who make so much of energy bills could have put in a place a situation where one of the cheapest forms of producing energy was curtailed. It was a massive act of environmental vandalism.

As the Library briefing note tells us, and as the noble Baroness, Lady Hayman, and the noble Lord, Lord Kerr, have underlined, the 237 applications for wind farms between 2011 and 2015 plummeted to just eight between 2016 and 2020, after the Conservatives introduced the new guidance in 2015. Forgive me for making a partisan point, but there can hardly be a clearer contrast between the commitment we got to decarbonisation with the Liberal Democrats in government and the appalling record on onshore wind since.

The noble Baroness, Lady Bennett, also made the important point that we need not only to increase very significantly our production of green energy over the coming years, if we are to have any hope of meeting our carbon targets, but to focus on reducing our energy consumption. We have no chance of getting where we need to be, even with this excellent Bill, unless we do that.

I reiterate the points we made in the COP 26 debate: the Government have to act, particularly on building and heat, where the strategy was so woeful on new measures to reduce energy wastage. That is absolutely key. The second point here was raised by the noble Lord, Lord Kerr: the Government need a proper energy policy. They have to think not just about generation but about storage and distribution. Storage is absolutely critical, and there needs to be much more focus on that to ensure that our intermittent renewable sources can be as effective as possible.

The Prime Minister tells us that every house will be powered by wind generation within 10 years. Whether or not that is true, the aspiration that we move to an entirely renewable system is certainly commendable. But the Minister will have to tell us how we can achieve that in the absence of the sort of change of policy proposed in the Bill. The noble Lord, Lord Kerr, told us that we will need to treble our onshore wind capacity if we are to meet these targets, so I hope the Minister will tell us how he responds to that.

I will conclude by saying this. The Government have set a series of impressively ambitious targets for decarbonising our economy, which I welcome and which are welcomed across this House. But as the noble Lord, Lord Kerr, said, if these targets are to retain any credibility at all, the Government will have to start willing the means as well as the ends, and to start doing that quickly. This is one clear first step that they could take, so I very much hope that the Minister in his reply gives full support to the Bill from the noble Baroness, Lady Hayman.

12.47 pm

Lord Grantchester (Lab): It is a pleasure to take the Second Reading of the Onshore Wind Bill today, as it brings me and your Lordships' House back in touch with my noble friend Lady Worthington. She is my mentor and immediate predecessor as Labour's Front-Bench shadow Energy Minister in this House.

I mention this as, in 2015, she and I had to handle the Energy Bill, as it then was, when the Cameron Conservative Government took on UKIP clothes and effectively killed onshore wind, along with the UK solar industry, as part of the UK's future energy mix.

[Lord Grantchester]
It turned the dial back on the necessary transformation of the energy market, undermined consumer and investor confidence at the stroke of a pen and denied so many the opportunity to be able to do their bit through solar panels to provide renewable energy to the grid. But for these missteps, would we be in a better place now in this climate emergency? The mindset is certainly slow to change.

The noble Baroness, Lady Hayman, explained the Bill very ably, stressing the importance of onshore wind being in the right place and being the cheapest form of renewable energy generation. From these Benches, Labour believes that renewables will play the dominant role in our energy mix into the future.

Yesterday, the House debated the outcome of COP 26. The climate emergency is such an existential threat that we cannot afford to reject viable zero-carbon sources of power. This party is determined to provide much greater support for renewables. The Government must stop blocking onshore wind with their planning rules and should invest in wind-power jobs through a green industrial strategy.

That is why I mentioned yesterday Labour's green investment pledge to invest £28 billion extra every year until 2030 to create the greener, fairer country that we need. This includes a national mission to insulate every home and make EV cars and hydrogen transport more affordable, creating the well-paid jobs in new industries like renewables and helping to transform existing industries, such as steel, to make the climate transition to rebuild our communities. We need to go faster along this pathway, cutting a substantial majority of carbon emissions by 2030. This is indeed the decisive decade for climate action.

The Conservative moratorium on onshore wind and solar PV needs to move on. Official figures show a loss of 33,800 direct jobs and a further 41,400 jobs in a supply chain for low-carbon and renewable sectors between 2014 and 2019. Thousands of jobs have been lost in solar, onshore wind, renewable electricity and bioenergy as well as in the energy-efficiency sector. The energy-innovation progression needs to be regenerated.

The Library's helpful briefing for this debate highlights that, between 2016 and 2020, there has been a 96% decrease in planning applications for onshore wind developments. In October, the trade body RenewableUK published a report that found that planning authorities are approving just over 600 megawatts a year of onshore wind on average—well short of the 1.25 gigawatts needed to remain on track to hit the UK's climate goals. RenewableUK said that substantial investment by 2030 in viable onshore wind would cut household bills by £25 a year, create 27,000 jobs and help in more rural areas.

The Climate Change Committee has said that the UK needs to install up to 35 gigawatts of onshore wind capacity by 2035, as part of the drive to hit the UK's net-zero emissions targets by 2050. At present, the UK has about 14 gigawatts of onshore wind, with most of it installed in Scotland. Planning regimes vary in the devolved Administrations, with England being the most heavily restricted. The National Planning Policy Framework, last updated in July, says that proposals for onshore wind cannot go ahead unless objections from the local community have been fully addressed. Can the Minister clarify whether this means that it should be unanimous?

He will know that the Government's December 2020 energy White Paper said that onshore wind is one of the

"key building blocks of the future generation mix".

Following constant pressure, it is welcome that onshore wind is now allowed to bid for contracts for difference payments and may now compete in the next allocation round from next month—December 2021.

Mentions of onshore wind were extremely scarce in the *Net Zero Strategy*. The noble Baroness, Lady Hayman, has quoted the main policy announcements:

"40GW of offshore wind by 2030, with more onshore, solar, and other renewables – with a new approach to onshore and offshore electricity networks to incorporate new low carbon generation and demand in the most efficient manner that takes account of the needs of local communities like those in East Anglia."

Today's Bill would force the Government to change their planning guidance, which they could do anyway without legislation if they so choose. Can the Minister tell the House what net zero adds up to? What is his Government's view?

12.54 pm

The Parliamentary Under-Secretary of State, Department for Business, Energy and Industrial Strategy (Lord Callanan) (Con): My Lords, like everyone else, I congratulate the noble Baroness, Lady Hayman, very much indeed, on securing a Second Reading for her Private Member's Bill. She has spoken passionately, as she often does, about the importance of onshore wind in meeting our net-zero and carbon budget ambitions, and advocating the need for reform.

Deploying renewable electricity is intrinsic to the decarbonisation of the power sector and the UK's efforts to reduce greenhouse gas emissions. A low-cost net-zero consistent system of the future is likely to be comprised predominantly of wind and solar. There should be no doubt of the value that this Government place on a strong renewable power sector. Over recent years, the Government have committed to delivering a deep decarbonisation of the grid, implementing new legislation, stimulating growth with ambitious policy pledges, and marrying this with the provision of appropriate financial support.

Let me begin by quickly recapping the role of onshore wind, before setting out how the Government intend to deliver a planning system that will give local planning authorities the capacity to make decisions that are consistent with our carbon budget and net-zero ambitions.

Onshore wind is an important part of the renewable electricity mix. As the noble Lord, Lord Grantchester, said, we currently have 14 gigawatts of onshore wind installed in the UK, the most of any renewable technology. Last year, onshore wind generated a record 11% of our electricity. In response to the noble Baroness, Lady Sheehan, I confirm that onshore wind is now among the cheapest forms of electricity generation.

The most recent *Electricity Generation Costs* report, published by my department, estimated that onshore wind projects have a levelised cost of electricity of £46 per megawatt hour, making it the second-cheapest form of electricity generation, behind utility-scale solar.

We will need more. In response to the noble Baroness, Lady Hayman, and the noble Lord, Lord Oates, the Government acknowledge that targets can be useful in giving certainty to sectors with long investment horizons. However, the Government do not believe in the need to prescribe a specific proportion of generation that will come from all technologies in 2050 or, indeed, in 2030. There is no single optimal mix of technologies to decarbonise electricity generation. However, as set out in the recent energy White Paper and in our *Net Zero Strategy*, the Government are clear that carbon budget 6 requires a sustained increase of onshore wind over the next decade.

As the noble Baroness, Lady Hayman, acknowledged, the Government have also announced that onshore wind can compete in the next contracts for difference allocation round, which is scheduled for next month. The contracts for difference scheme is the Government's main mechanism for incentivising large-scale renewable electricity generation. The next CfD allocation round will be the biggest yet. It includes up to 5 gigawatts of capacity from established renewable technologies such as onshore wind, with a £10 million budget. I can confirm to the noble Baroness, Lady Blackstone, that the Government will seek to accelerate deployment of low-cost renewable generation, such as onshore wind, by undertaking a review of the frequency of the contracts for difference auctions. These announcements reflect the Government's commitment to a sustainable, diverse and resilient energy system.

As I have mentioned before, the Government have committed to more than just financial support. In response to the noble Lord, Lord Kerr, the Government also recognise the importance of planning in delivering our net-zero and carbon budget requirements, and are clear that the planning system should support the transition to a low-carbon future in changing climate. The energy White Paper and the *Net Zero Strategy* have committed to reviewing the planning system to ensure that it supports efforts to combat climate change and helps to bring greenhouse gas emissions down to net zero by 2050. That remains the Government's position.

Noble Lords will doubtless be aware that the Department for Levelling Up, Housing and Communities is considering the best way forward to reform the planning system. This will include a review of planning guidance following the passage of the Planning Bill. The review will consider ways in which local planning authorities will be able to make decisions on energy infrastructure in keeping with our carbon budget requirements, while ensuring that the environmental impacts and, of course, the interests of local communities continue to be taken into account.

I turn to the Bill. It seeks to ensure that planning guidance enables local planning authorities to grant onshore wind applications for the purposes of meeting our carbon budget targets. First, the Bill requires that within six months of the Act coming into force the Secretary of State must revise national planning guidance on onshore wind. My concern is that this duplicates proposals to review the existing suite of planning guidance documents.

The review is being proposed as part of the broader reform to planning, managed by the Department for Levelling Up, Housing and Communities. It will consider ways in which local planning authorities will be able to make decisions on energy infrastructure, including onshore wind, that are in keeping with our carbon budget requirements. The review of planning guidance is being carried out in the context of the reforms being brought forward in the Planning Bill, and in my view it would therefore not be right to impose a timeframe on that process because we all know legislative procedure to be a complex and, at times, indeterminable process.

Secondly, the Bill requires that the *National Policy Statement for Renewable Energy Infrastructure* is also revised. However, it should be noted that the national policy statements are designated under the Planning Act 2008. Their purpose is to provide guidance to the Secretary of State when determining development consent for major infrastructure through the Nationally Significant Infrastructure Projects regime. Onshore wind was removed from that regime in 2016 through amendments to the Planning Act 2008. This means that all planning applications for onshore wind turbines in England are now made to the local planning authority.

The Government are currently carrying out a review of the existing national policy statements to ensure that they reflect current energy policy. However, the national policy statements are statutory guidance. As onshore wind is now not included in the 2008 Act, it is no longer appropriate for the national policy statements to provide specific technical policy guidance in relation to it. However, the draft national policy statements, currently open to consultation and parliamentary scrutiny, make clear that sustained increases in onshore wind will be needed alongside other low-carbon technologies to meet our net-zero targets.

Thirdly, the Bill requires that planning guidance provides for the construction of onshore wind on sites not previously used for wind energy, as well as enabling the repowering of existing sites. Current planning guidance already allows for that. Onshore wind can be constructed on sites not previously used for wind energy so long as the local planning authority has designated the area as suitable for wind energy and the proposal has local support.

In response to the noble Baroness, Lady Worthington, while the Government have not undertaken a complete appraisal of how many local planning authorities have designated areas as suitable for wind energy, the Government are aware that some have done so or are intending to do so, and that those authorities correlate, broadly, with the areas of best wind resource.

The noble Lord, Lord Grantchester, inquired whether requirements to address concerns mean unanimity. Whether a proposal has the backing of the affected local community is of course a planning judgment for the local planning authority. Important local factors such as wind speed, proximity to grid connections or indeed landscape or visual impact will determine suitability.

[Lord Callanan]

In my view, it is right that local planning authorities continue to have jurisdiction over spatial planning and that communities can have a say on developments that take place in their area. The move to net zero will require buy-in from all parts of society as the energy infrastructure landscape changes and we increase the deployment of low-carbon technologies, including onshore wind.

The noble Baronesses, Lady Hayman and Lady Bennett, rightly highlighted the role that repowering can play in helping to reach the national carbon budget targets. The national policy framework supports the repowering of onshore wind, and the repowering of existing wind turbines is exempted from some of the requirements that typically apply to new onshore wind sites. The National Planning Policy Framework states that in instances of repowering, local planning authorities

"should … approve the application if its impacts are (or can be made) acceptable."

In conclusion, I thank the noble Baroness for bringing this Bill to the House and enabling what has been a very useful debate. I am sympathetic towards her aims but, as I have underlined, the Government are already taking forward sufficient actions to enable local planning authorities to grant onshore wind applications so as to meet our carbon budget requirements. I am therefore not convinced that the Bill is necessary.

1.05 pm

Baroness Hayman (CB): My Lords, I am extremely grateful to everyone who has taken part in the debate on the Bill. Normally on these occasions, we say that we are grateful to everyone, including the people who stood up with objections and argued against the Bill. There were no such objections in the debate today, and I think that is a reflection of the change in public attitudes to which many contributors have alluded.

I also thank the Minister as there was much to welcome in what he said: the issue around contracts for difference and the frequency of auctions; the acceptance that we need a sustained increase in onshore wind; the understanding that planning regulations at the moment are not, we might say, optimal; and the balance he described between environmental issues, landscape and community being—he did not say it but I will—out of kilter with the Government's overall recognition of, and commitment to, the need to increase onshore wind.

It is a matter of whether we put our faith in the planning Bill, which has been an awfully long time coming and had several setbacks along the way, or whether we look at something that comes "prepared earlier" and fit for purpose to address the specific problem. Having listened to what he said, and to the suggestions of the noble Lord, Lord Kerr, we can improve this Bill, get it through and make it a valuable contribution to what has to be done. In the meantime, I will review very carefully what the Minister said, which was extremely helpful on a number of fronts.

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

Coroners (Determination of Suicide) Bill [HL]

Second Reading

1.08 pm

Moved by ***The Lord Bishop of St Albans***

That the Bill be now read a second time.

The Lord Bishop of St Albans: My Lords, I declare my interest as a vice-chair of Peers for Gambling Reform. The focus of this Bill is on gambling-related suicide; indeed, I have heard one Member of your Lordships' House describe it as a "gambling Bill". It is no secret that gambling reform is a major concern of mine, but I start by stressing that the scope of the Bill extends far beyond gambling-related suicides and can include a wide range of factors that contribute to death by suicide.

I will give some background to set the scene. Under the current legislative framework in England and Wales, once a suspected suicide is reported, the death is classified as "sudden and unexplained" until an official determination is made. The coroner is then required to undertake an inquest alongside a jury to make a determination as to the cause of death and whether the death is to be registered as a suicide—a process that often takes up to six months from the confirmed date of death of the deceased.

The benchmark for making a determination of suicide was lowered in 2018 from the criminal standard of "beyond all reasonable doubt" to a civil standard of balance of probabilities, although it is still a high benchmark to make that determination. My reason for outlining the current framework for determining whether a death by suicide has occurred is to emphasise that the Bill I propose does not alter this framework. One Member of this House expressed the concern that a determination of suicide might affect life insurance claims. While it is clearly upsetting and deeply regrettable for the families who are denied life insurance claims on those grounds, the remit of this Bill would occur only once a coroner or jury has already made a determination of suicide, which would therefore have no bearing on this particular matter.

The Bill would amend the Coroners and Justice Act 2009 to allow for the coroner or juries in inquests to record an opinion as to any factors that were relevant to a death in the case of a suicide. It would also amend the Coroners (Inquests) Rules 2013 to insert a new rule that would legally require the coroner or jury to record an opinion as to any factors that were relevant to the death by suicide and that explicit consideration be given as to whether the deceased had an addiction to gambling. The intention is that, by collecting more reliable data on the underlying factors that cause suicide in the UK, suicide prevention efforts by the Government can therefore be targeted at the underlying risk factors which cause suicides and allow for better interventions for those characterised as at risk.

Having spoken many times on suicides due to gambling-related harm, again and again I have heard the Government say that they do not have reliable statistics, and I keep asking them to help us to get some. Absolutely nothing has come back. I am hopeful that out of this some noble Lords will come up with

even better suggestions, but this is my stab, and I hope that it will help us as a way forward. I realise that I may need a lot of help to look at exactly the best way forward.

Coroners are not required by law to record factors relevant to a death by suicide, but can do so on a discretionary basis. Since it is not legally required, there exists an inconsistency in how suicides are registered between those coroners who record the relevant factors and those who do not, which prevents reliable data being gathered on factors that were pertinent to the death. According to the ONS figures for 2020, there were 5,224 registered deaths by suicide in England and Wales. We know that 75% of them were males and that suicide rates were highest among those aged 45 to 49. ONS figures also highlight the regional variations in suicide rates: the death rate per 100,000 in London was nearly half that in the north-east of England, followed by Yorkshire and then the south-west.

Although they are not recorded in official registration, the Government do recognise many of the risk factors that lead to suicide. Before I continue, I echo the sentiments of the fifth progress report on suicide prevention, the most recent one, where it states:

"There are many complex factors driving suicide rates"

and expands on this further to say that rarely can a suicide be reduced "to one factor alone". At the same time, I do not believe that this is an argument against recording the risk factor, or factors, underlying a suicide, especially when there are circumstances, the extent of which are unknown, where one or two risk factors were particularly prevalent.

The fifth progress report recognises that self-harm is a major risk factor in suicide, with evidence suggesting that 50% of people who have died by suicide have previously self-harmed. The report also recognises the risk posed through exposure to harmful online content, something that caught the public attention after the tragic case of Molly Russell.

Other risk factors that the report outlines include economic risks, with evidence suggesting that during the last recession the suicide rate rose 1.4% for every 10% increase in unemployment within men, and social risk factors such as homelessness, which the ONS is able to have official records on. Most of these assertions, however, do not rely on concrete data collected during the registration, which in reality means that we do not know how many suicides are attributable to these factors.

Coroners currently have the option to mark the relevant risk factors underlying a suicide. I have a copy of a sheet from one of the coroners in my diocese, which lists various options. You can tick financial difficulties, marital difficulties, recent or past mental health involvement, bereavement in the last 12 months, self-harm, physical health issues, a history of violence or being under investigation for criminal matters, and so on. I will not read them all; indeed, there are some caveats in brackets, which are important to take into account. The document I have dates from 2018, and I may need to defer to the Minister if I have an outdated version.

Some may argue that to record comorbidities is fraught with difficulties, yet doctors record them and the data has proved very valuable for medical research. This method of marking predetermined risk factors would allow accurate data on the relevant risk factors in a suicide to be accurately recorded; it is the approach that I favour. But conspicuously missing from these options is gambling-related harm, which, according to Public Health England's evidence review on gambling harms, just published, is estimated to be responsible for 409 suicides annually. That translates to nearly 8% of the recorded suicides in 2020.

It is for this reason that included in the Bill is a specific requirement on the coroner to consider whether the deceased had an addiction to gambling. However, I recognise that the inclusion of gambling-related harms in the options of risk factors might be more appropriately set out in regulations or official guidance than in primary legislation. I am sure that I will get some advice in this debate on that provision. What matters is that it is included within these options, so that we can get accurate data on all the relevant risk factors, including gambling-related harm. We should collect them and publish them anonymously. This would be invaluable to the Government's strategy to drive down the number of suicides. You do not drive them down in general but work out the reasons why they are happening, then have a strategy for a range of things, of which gambling-related harms is just one.

I believe that the Bill would be a great asset to the Government's suicide prevention efforts. I hope it will allow us to give much more support and earlier intervention to those who are at risk of suicide. I beg to move.

1.18 pm

Baroness Bakewell of Hardington Mandeville (LD): My Lords, I declare my interest as a vice-chair of Peers for Gambling Reform. I congratulate the right reverend Prelate the Bishop of St Albans on securing this debate and on his excellent introduction to this important issue.

Addictions of whatever sort, whether alcohol, drugs, or gambling, have a devastating effect on those suffering, and their friends and relatives. Perhaps gambling is the most invidious, as it is often hidden. It is relatively easy to see when someone is an alcoholic or a drug addict. Those with gambling addiction will be locking themselves in their bedroom with a computer, betting long into the night. This is not a social activity which brings friendship and camaraderie among sufferers. Quite the opposite: it is a lonely, deeply depressing activity, where the participant thinks that just one more chance will bring a better result.

Currently, coroners are not required to record whether those who take their own life are suffering from a gambling addiction. There is, therefore, insufficient information to judge accurately just how prevalent the problem is. From the information on the Gambling with Lives website, it would seem that those most at their wits' end are young men under 30, on the threshold of their adult lives, who become trapped and feel unable to escape through any other means than ending their own life.

In order for both national and local government to be able to ensure that they have sufficient resources and programmes in place to help those afflicted with gambling addiction, it is necessary for them to be able

[Baroness Bakewell of Hardington Mandeville] to assess correctly the scale of the problem. Requiring a coroner to record an opinion on any factors that are relevant to the death, including whether the deceased had an addiction to gambling, is critical. The right reverend Prelate listed the role of the coroner in the investigation of deaths due to suicide and other factors.

Recording factors relevant to a death could provide a wealth of information about addiction, without releasing the identity of the deceased. It seems to me that this would not place unreasonable burdens on the coroners' courts. Preserving the anonymity of the deceased is critical for the bereaved family. They have lost a treasured son or daughter and are desperate for answers. They will not want others to suffer in the way that they have. The collection of data on gambling-related suicide is the only way in which we as a caring society can be sure that we are providing sufficient resources to help those suffering from this crippling addiction.

I will give just one example of someone known to me: a young man, in his late 20s or early 30s, married, whose wife had just given birth to a baby. His gambling addiction came to light only when his wife discovered that their house was about to be repossessed to cover his gambling debts. Sadly, this was the end of his marriage and the family home. He lost contact with his baby and subsequently lost his job. Luckily, he had a friend who picked him up and took him in. Not everyone in this situation is so lucky. Others might have ended up on the streets, self-harming or worse.

A recovered alcoholic who takes back control of his or her life does not drink alcohol ever again, even at Christmas. A drug addict who has achieved the status of being clean does not willingly reuse. A gambling addict who thinks they have turned the corner easily becomes a victim of enticement to have online VIP designation and multiple free cash bonuses. They become entrapped again, realise what has happened and feel that they have failed, resulting in extremely low self-esteem and sometimes even suicide.

I will touch briefly on Armed Forces personnel. Those returning from serving their country in extreme conditions in Iraq, Afghanistan and other places of conflict are often suffering from post-traumatic stress disorder and unable to find employment. The online gambling sites advertised widely on television, and the slot machines that promise so much but deliver so little, are both readily available to them. Sadly, this only increases their sense of isolation and desperation, resulting in self-harm and, ultimately, suicide in some cases.

Gambling with Lives conducted research that indicated that between 250 and 650 gambling-related suicides occur each year—roughly a minimum of one every working day. That is 365 families who have lost a treasured relative, a son, a daughter, a husband, a colleague or a friend. The effect on those left behind is devastating, as they often feel that they should have realised and done more to help. Until such time as we have reliable data on the number of gambling-related suicides, society will not be able to provide sufficient, effective services to help those suffering from problem gambling. The right reverend Prelate's Bill would provide the answer. Prevention could be available, but only if we understand the scale of the problem.

1.24 pm

Baroness Meacher (CB): My Lords, I rise to support this excellent Bill, so strongly introduced by the right reverend Prelate the Bishop of St Albans. In order to achieve a reduction in the number of suicides and the number of attempted suicides—which is thought to be about 20 times higher—it is crucial to know more about the factors that lead a person to consider this course of action. The right reverend Prelate gave clear examples of the role of gambling addiction in suicides, and I welcome his efforts to ensure that this is recorded as a factor by coroners when appropriate.

I agree with the approach outlined in the Bill and I very much welcome its breadth. It is not simply about gambling, though that is profoundly important. The approach is that the coroner must record an opinion about the factors which were relevant to the death. It should of course be noted, as Samaritans explains clearly and as the right reverend Prelate said, that there are rarely single causes or factors that lead someone to consider ending their own life. However, where there are common themes, we need to understand them so that we can make every effort to reduce the number of suicides and—as I have said—often very violent and dangerous attempted suicides, which can leave the person with serious injuries and profound medical problems, at huge cost to the NHS apart from anything else. If coroners' records included the information envisaged in the Bill, they would be a priceless source of information for the development of preventive measures.

I am personally aware of the appalling consequences for families of the gambling addiction of the breadwinner. When I was organising the campaign for child benefit for CPAG in the 1970s, when the Government of the day were planning to abolish family allowances and merge them with child tax credits, which of course often then benefited the breadwinner, I received at least 2,000 letters from frantic mothers—I think they were all mothers in those days; they would not be today—telling me that their family allowance, which was a pittance, was the only money they could totally rely on each week to feed their children. A vast number of these women had gambling-addicted partners, so I became very conscious at that time of the importance of this issue—and here we are, 40-odd years later. It is a terrible social problem, and we need to have better data about it and act to reduce it.

Another great potential benefit of the Bill—I hope the right reverend Prelate will forgive me for introducing this—is that terminal illness as a major factor in suicides would be recorded. As your Lordships know, I have a Private Member's Bill on assisted dying. During my speech to introduce the Second Reading debate, I spoke of the experiences of dying people who take their own lives, generally alone and at great risk to themselves if they fail, as I have already mentioned. As noble Lords know, the current law bans assisted dying, hence the wretched experience of dying people who face unbearable suffering at the end of their life deciding to end it prematurely while they have the physical ability to do so, and to do it without consulting their loved ones, and certainly completely alone.

The organisation Dignity in Dying—I should declare my interest as its chair—published in October its report *Last Resort: The hidden truth about how dying people end their own lives in the UK*. That report details the stories of dying people who have taken their own lives in this country, told through the words of their nearest relatives. These are people who have had access to specialist palliative care but for whom palliative care, through no fault of the carers, doctors and others, cannot eliminate or adequately alleviate their appalling suffering. They have felt that the current law does not offer them the choice of a dignified death, so they try to create it for themselves, usually disastrously.

The *Last Resort* report estimates that between 300 and 650 recorded suicides every year involve a person experiencing a terminal illness. The breadth of that estimate is similar to the Gambling With Lives estimate on the number of gambling addiction-related suicides, and for similar reasons: we simply do not have enough data to understand the scale of these problems—and without understanding the scale of the problems, we cannot properly take action to tackle them.

I do not wish to revisit the very thorough Second Reading debate on my Bill, but I emphasise one of the great benefits of this Bill: that terminal illness would be recorded by coroners when it is the relevant factor leading to death under Clause 1(3), in proposed new rule 35(1). I also want to clarify the difference between the suicide of a terminally ill person who may have months or years to live on the one hand, and the choice of a dignified death supported by a doctor and loved ones when death has become inevitable and imminent and life is deeply unbearable to the individual. The term "suicide" is not appropriate in that situation; it is about controlling the nature of one's own death.

Finally, I mention in closing that the Office for National Statistics is currently investigating the rates of terminally ill people who take their own lives. From discussion with colleagues, I understand that this has become an extremely complex challenge, simply because of the discrepancy in recording these issues. There is no doubt that if we had this Bill in place and terminal illness was recorded by coroners where relevant, the ONS research would be straightforward, almost unnecessary; the data would all be available.

I warmly welcome the Bill and hope the Government will adopt its key recommendations. We all know that Private Members' Bills in this House have a certain life, but Ministers really could do something about this. I congratulate the right reverend Prelate.

1.30 pm

Lord Brown of Eaton-under-Heywood (CB): It is always a pleasure and a privilege to follow my noble friend Lady Meacher. I join her in congratulating the right reverend Prelate on his compelling introduction of the Bill.

I bring to this debate very little expertise about gambling. I have not served on any recent committees, nor played any part in the legislation that governs this process. I was lucky enough to be cured of any possible inclination to gamble 60 years ago when, as I was just reaching adulthood, an occasion arose when I was given 20 French francs to visit a casino at Cannes. At that time, 2 francs—getting on for a fiver today—was the minimum stake at the smallest roulette table. I placed, and lost, 10 straight 2-franc even bets and have never felt tempted since.

I recognise that gambling is a huge attraction to some—a craving, an addiction and, in truth, a cancer in our society today. While I have little knowledge about gambling, for a great number of years in the law I had a good deal to do with coroners, coronial law, inquests and verdicts. As Treasury counsel 40 years ago, I used to represent coroners in all the prominent legal cases of the day. I was later involved in most of the leading judgments on coroners; the proper scope of inquisitions and determinations; the critical differences that developed, not least under ECHR law; and the difference between a Jamieson inquest and a Middleton inquest—but do not worry: I will not weary your Lordships with all that.

It is critical for the purposes of the Bill to make it plain that throughout this mass of law down the years on the scope and purpose of inquests, one cardinal principle has remained intact:

> "The function of an inquest is to seek out and record as many of the facts concerning the death as the public interest requires."

That is a citation from a judgment of the then Lord Chief Justice, Lord Lane, in a case called Thompson way back in 1982.

I will mention one other case. The right reverend Prelate suggested that it was from 2018, but I think it was 2020. It is the case of Maughan in the Supreme Court. Here, by the narrowest of majorities—three to two—the Supreme Court finally decided on what had been differing views expressed over many years as to the standard of proof required for a coroner or a coroner's jury to bring in a verdict or determination of suicide. It was established in Maughan that it is the civil standard, the "balance of probabilities", not the criminal standard, "beyond reasonable doubt".

In giving the judgment of the majority, Lady Arden, among much else—the judgments extend to some 40 pages—said:

> "The criminal standard may lead to suicides being under-recorded and to lessons not being learnt … The reasons for suicide are often complex … There is a considerable public interest in accurate suicide statistics as they may reveal a need for social and medical care in areas not previously regarded as significant. Each suicide determination can help others by revealing how suicide risks may be managed in future."

I suggest that the Bill is wholly consistent with that line of thinking. By the same token that it is important to get the standard of proof right, so as not to underreport suicides, so it is important to record as many of the relevant facts or factors as would ensure, in the public interest, that social evils such as problem gambling are not underrecorded.

I have formed no view about whether the precise language currently in the Bill could be improved. I refer in particular to where draft new Rule 35(1) refers to

> "any factors which were relevant to the death"

and where draft Rule 35(2) refers to "an addiction to gambling". Still less am I suggesting that any scheme of guidance such as the right reverend Prelate suggests may be forthcoming.

[Lord Brown of Eaton-under-Heywood]

The important thing for now is that the Bill will ensure that, overall, the coronial process provides altogether more reliable figures than at present for assessing and thereby later, hopefully, assuaging the scale of this appalling social problem. We must give it a Second Reading.

1.36 pm

Baroness Bennett of Manor Castle (GP): My Lords, I rise, like other Members of your Lordships' House, to first thank the right reverend Prelate for presenting us with the Bill and giving us such a clear outline of the reasons for it. We have had a very useful debate—I particularly note that the noble Baroness, Lady Meacher, stressed that this is about much more than gambling. The noble and learned Lord, Lord Brown, summed it up in quoting two words: this is about the "public interest". This is about changing the law to ensure that the coroners' courts act more in the public interest.

However, I will focus on the gambling industry aspects of this and declare my position as a member of Peers for Gambling Reform. As in the debate on the last Bill, I begin by reflecting on the political situation in which we find ourselves. There is a great deal of public concern about the impact of corporate lobbyists on government policy and decision-making. We have seen the gambling industry scream to previously unknown levels of economic returns and size as a result of deregulation that has happened over decades. It is obviously a very rich industry with a great deal of money—very often stashed in tax havens—and the public are watching this to see what happens and what controls will be put on this out-of-control industry that is causing so much damage to both individuals and communities.

Very often in your Lordships' House, we hear about the Government's levelling-up agenda. The poorest communities are suffering the most from the impact of the gambling industry being out of control. Taking control of the gambling industry would be a step towards levelling up.

However, I come to the very specific issue of the relationship between gambling and suicide. There was a useful report from Public Health England in 2019 on stakeholder perspectives on gambling-related harms. It says that the gambling industry, like other "unhealthy commodity industries" such as alcohol, tobacco and junk-food producers,

"frame health behaviours as complex problems as a strategy to argue against effective primary prevention policies".

So, it is really important that the right reverend Prelate, in introducing this Bill, stressed that the complexity of suicide is understood. This is talking about a range of factors and recording what may well be one of a range of factors.

The report from Public Health England notes that the gambling industry often tries to shift the blame on to other addictions that problem gamblers might face, such as alcohol and drug abuse. Again, what the Bill allows for is an understanding of the complex interrelationship, but we also need to acknowledge, as the PHE report did, that the gambling itself might have led to the other addictions.

Looking again at the report, it is interesting to see the conclusions drawn by non-commercial stakeholders —people not from the industry. They call for a

"broadly adopted a public health perspective"

and

"action to treat gambling-related harms as a public health issue".

It is worth stressing that the Bill will not cause any direct government action; it will not change policies in respect of the treatment of the gambling industry, nor will it directly improve treatment for people with gambling addiction or problem gambling more generally. However, if we can quantify the problem and if we simply had the information, that would create the evidence, which would surely be a powerful push against the force of the lobbying industry. How can we argue against having that information?

Others have referred to this, but we have to look at the actual numbers and see just how deep a concern this is. The charity Gambling with Lives believes that between 4% and 11% of suicides in the UK might be gambling-related—that comes from a report from 2020. The report of the Adult Psychiatric Morbidity Survey of 2007, which is one of the last extremely science-based, peer-reviewed-type studies that we have, concluded that, among people who had made a suicide attempt in the previous year, one in 20 were problem gamblers and another one in 20 were at-risk gamblers. So we get there to a total figure of about one in 10, which is very much in the range of the figure put forward by Gambling with Lives.

We also have to look to a study from 2019, published in the journal *Addictive Behaviors*, which suggested that the problem was getting worse and:

"A higher proportion of individuals entering treatment had attempted suicide in more recent intake years."

It further stated that in

"each year since 2013, approximately 30% of individuals accessing treatment for gambling problems … have attempted suicide prior to starting treatment".

There is a great deal of evidence there. It is of varying ages and comes from varying sources. I suggest to the Minister that bringing this evidence together through the coroners' courts is a very obvious and simple step, and I hope we will hear a positive response from the Government to this debate.

1.43 pm

Baroness Finlay of Llandaff (CB): My Lords, I add my congratulations to those offered to the right reverend Prelate the Bishop of St Albans on all the work that he has done to shine a light on the devastation that gambling addiction has wreaked in our society.

I must declare that I am a patron of the Louise Tebboth Foundation, which aims to support the mental health of doctors, particularly those who are at risk of suicide. It has already been said that gambling addiction is often associated with other addictions, such as to alcohol, and sometimes with different types of substance abuse and abnormal behaviour such as sex addiction. There is a problem, too, of suicide contagion, of which we have had clear examples in our society at times.

The noble Baroness, Lady Bakewell of Hardington Mandeville, spoke about veterans from the Armed Forces. It has been suggested that the buzz that they get from gambling when they are traumatised mimics

some of the buzz they got in the battlefield. Then they get the "down" afterwards and seek to compensate for that, so they become particularly at risk of the psychology of gambling.

We must recognise that coroners' services have been poorly supported for many years. Inquests are often held in situations which are far from ideal to inquire into whether distressing background factors contributed to a person's suicide. As has been said, the coroners have to establish who, when, where and how, through evidence, a person had taken the action to end their own life. The question of why they did so may be a speculative parameter on the evidence before them and may be difficult to piece together as factors from the things that a person left behind.

The coroners to whom I have spoken—I have had the privilege of attending the Coroners' Society of England and Wales on a couple of occasions—do all they can to act in the public interest and to establish and recognise the burden of responsibility that sits very heavily on their shoulders. They are often conducting an inquest in the face of an extremely distressed family, with the family asking the question why. Known, obvious and contributory factors, including gambling, alcohol use, domestic abuse, financial problems, a raft of other things and perceptions of inadequacy, are often promoted through online platforms and the person may even have been goaded or manipulated into suicide. We have just debated the urgent need for age-assurance minimum standards in the Second Reading of my noble friend Lady Kidron's Bill. I have to say that the Government's response to it has been deeply disappointing.

There is clear evidence that loneliness is associated with many factors, including gambling addiction. Loneliness is associated with depression. A recent paper, published after a 12-year study, showed that about one-fifth of depression could be prevented if the loneliness and social isolation in our society were tackled.

Coroners take evidence in open court so it is very important that, should the Bill be adopted, speculative evidence of underlying causes is recognised to be important, but that it does not carry the same burden of proof as some other factors that coroners are asked to record. When someone has had a difficult life, the coroner will try to conduct the inquest in such a way as to give them dignity in death and help the family to celebrate their life and humanity, rather than focusing on the problems they lived with. That is not to deny the real problems in society, which are often multifactorial, leading to a person's suicide, and an inquest in open court may make it very difficult to expose contributory factors. I wonder, therefore, whether the right reverend Prelate is right to think that it may be better to go for regulation and guidance than to enshrine this in primary legislation. There are many complex factors and coroners' inquests are held in different places.

As well as that, we must change the language. We must stop talking of "committing suicide" and talk about "died by suicide". The stigmatisation of "committing" is a hangover from the days when it was a criminal offence. Those days are long behind us, and how heartless they were, yet sui cide—self-killing—is what the action is. Some years ago, I undertook a study of suicide in patients receiving hospice care. We found a low incidence of suicide. It was no higher than in the rest of the population, and certainly lower than in other groups of patients. Suicide in cancer patients is generally compounded by chronic disease, advancing age, multiple losses and all kinds of reasons for their suffering. It is not possible to draw a direct causative link between one factor and another. The background to suicide is multifactorial in many circumstances.

When data on suicides is collected, there is a danger, if it is not classified hierarchically, of double counting, so such data needs to be presented very carefully. The multiple known factors may make it difficult or impossible to discern which was the main trigger, but unless we are able confidentially to record all known risk factors, we will not be able to tackle the public health disaster of suicide. When it comes to the overwhelming destruction from addiction, the sense of personal shame and the failure of social support, combined with demoralisation, can lead to the downward spiral that is the public health problem that we face today. As has been said, we just do not have enough data.

1.49 pm

Baroness Greengross (CB): My Lords, I thank the right reverend Prelate the Bishop of St Albans for this Private Member's Bill, which raises many important issues, and for the very moving way he presented them. Too often when we look at mental health issues or suicide, we fail to look at the cumulative effects of things such as addiction to understand what has happened. Through collecting data on things such as gambling addiction, we get a greater understanding of the problem and, hopefully, can try to reduce the harm currently being caused.

Earlier this year, this House debated the Domestic Abuse Bill, when I and others raised concerns about the abuse of older people. One very common form of abuse against older people is financial abuse. Studies have shown a direct link between gambling addiction and financial abuse. A recent example of this was reported to Hourglass—formerly Action on Elder Abuse—where a grandparent aged 88 suffered economic abuse. In this case, their adult grandchild, who had both gambling and drug addictions, stole £100,000. However, that story is all too common, and we know that gambling addiction is one of the key motivators of financial abuse. Gambling is bidirectional: it can be a risk factor in both the perpetration and the victimisation of domestic abuse. A recent study by Australia's National Research Organisation for Women's Safety found that gambling was often a contributing factor in physical as well as financial abuse. This study also found that it was often older women who were the most vulnerable and had the least support.

We know that gambling addictions often lead to abuse, but we do not know how often this then leads on to suicide, either by those who have the gambling addiction or those who have been victims of abuse from someone with this addiction. A first step is to start collecting data on gambling addiction and suicide.

I briefly conclude by saying that I do not believe the solution to these problems is to ban gambling, any more than I think abuse, mental health issues or

[Baroness Greengross]
suicides caused by alcohol would be solved by alcohol prohibition. Instead, we need to have a better understanding of the harm it can cause and how we as a society best mitigate it. The first, important step in this is to collect relevant data.

1.52 pm

Baroness Brinton (LD) [V]: My Lords, I add my congratulations to the right reverend Prelate the Bishop of St Albans on introducing this important Bill to your Lordships' House. He helpfully outlined the scope of the Bill—that it starts only once a coroner has determined that death by suicide has occurred, and it requires the coroner to give their opinion on the underlying factors of suicide.

I am pleased that he also reminded your Lordships' House that this is not just about suicides by people with gambling addictions. I am mindful of the families of young people who have taken their own lives, including Molly Russell, following encouragement from others on social media. This is a particularly unpleasant trend that has resulted in an increase in attempted and successful suicides in the past few years. That this Bill would require a coroner to also comment on underlying reasons for such suicides is important. My noble friend Lady Bakewell of Hardington Mandeville outlined that young men are the most likely to take their lives, but the right reverend Prelate is right to say that collection of data is vital, not just the ONS style of characteristics data, but also the softer, more underlying reasons for their suicide that would enable assistance to be targeted at people at risk.

The noble Baroness, Lady Meacher, reminded your Lordships' House about those who know that they will die soon face and the problems they face without an assisted dying law. They are obliged, if they wish to, to kill themselves not just on their own but in a way that protects their loved ones from being involved in their death. The noble Baroness, Lady Finlay, was right to remind us of the higher level of suicides amongst doctors, service staff and veterans. Her arguments for how data need to be dealt with in a coroner's court were extremely helpful.

All speakers have talked about the catastrophic effects of gambling on individuals and wider society, as well as the estimated number of gamblers. The noble Baroness, Lady Greengross, talked of the importance of harm reduction, especially with the links between gambling problems, violence and financial abuse, especially domestic and familial.

The noble Baroness, Lady Bennett, reminded us of officials deciding whether it was gambling or addiction to drugs and/or alcohol that caused the individual to end their life. The problem of the addiction and the mental health difficulties that arise from that is key. There is a particular additional problem with gambling because of the compulsive need to continue to source more and more money to fund the addiction. That is why this is a public health emergency.

From these Benches, we are clear that there need to be further measures to protect individuals, their families and communities from problem gambling. Our party policy is to see a compulsory levy on gambling companies to fund research, education and treatment of problem gambling, and also to ban the use of credit cards for gambling.

In September last year, the parents of Jack Ritchie succeeded in widening his inquest to look at support for addicts and industry regulation. However, the journey they had to travel to get the coroner to agree to that is deeply shocking, and explains exactly why the right reverend Prelate the Bishop of St Albans is right to bring forward this Bill. Lawyers for the Government and the gambling regulator had sought to persuade the coroner that the death of Jack Ritchie from Sheffield could be dealt with in a 15-minute inquest without any discussion of possible state failures.

The parents were asking for three key areas of investigation. This would have been impossible in the short inquest proposed, which would have confirmed only that he had died by suicide. The first was how Jack's gambling addiction was treated in the UK and whether he had been sufficiently warned of the risks. The second was to explore any shortcomings in the Government-backed regulator, the Gambling Commission, and how the industry had been regulated when he became addicted. Both of these issues were granted by the court. The third was not, but it is perhaps the most significant. The parents wanted the inquest to look at the failures of UK authorities to treat gambling issues and how those directly contributed to Jack's death.

It is extraordinary that the Government and the Gambling Commission fought against the parents asking for that information. If the Government, the Gambling Commission and gambling companies had this underlying data available, I suspect it would spur them to action to help reduce the problem.

There is another point that I have not heard discussed in today's brief debate: the cost to the public purse arising from a suicide by someone who has gambled. The public health evidence review mentioned by other noble Lords, which was updated this year, notes in the section on mental and physical health harms that:

> "The overall estimated excess cost of health harms is estimated to be £961.3 million. This is based on the direct costs to government of treating depression, alcohol dependence and illicit drug use, as well as the wider societal costs of suicide.
>
> The estimated excess cost of suicide is £619.2 million (with 95% confidence that the precise estimate is between £366.6 million and £1.1 billion), based on the wider social costs of an estimated 409 suicides associated with problem gambling."

This includes things such as benefits that surviving families will have to access. I will repeat that: of the total estimated health costs of £961 million, £619 million is ascribed to the excess cost to society of suicide. That is for an estimated 409 suicides.

As much as this is a real and personal tragedy for the people who have taken their lives and the families and friends that are left behind, this is also a real public health emergency that is costing the NHS and other public services a large amount of money. The loved ones of the person who has died deserve to know if there were underlying issues that led to the suicide. The Government, Parliament and the country need that information too, as the noble and learned Lord, Lord Brown, emphasised, to ensure that targeted interventions can be made to provide help and support.

I do not think anyone minds whether the Bill progresses or this ends up as a regulation, but the clear message is that we need that data to deal with this crisis.

2 pm

Lord Ponsonby of Shulbrede (Lab): My Lords, I thank the right reverend Prelate for introducing this Bill. It would enable coroners to record gambling addiction as a relevant factor when recording a suicide.

At present, according to the Library Note, data on the correlation between problem gambling and deaths by suicide remains limited. As we have heard, Public Health England's recent review concluded that problem gambling should be seen as a public health issue. As the right reverend Prelate has said, the purpose of this Bill is to better understand gambling-related suicide and its victims. This will help to inform future policy and more appropriate medical interventions aimed at treating problem gambling. I would be interested to hear from the Minister what progress has been made since the right reverend Prelate introduced his previous Bill, in January 2020.

The Bill would make changes via amendments to the Coroners and Justice Act 2009 and the 2013 rules. These rules provide a national framework for current good practice. From the Library Note, the chief coroner's current guidance states that the conclusion of a hearing, or verdict,

"should be based on facts and must not include the coroners or jury's opinion, other than on those matters which the law allows",

such as the identity of the deceased and when and where they had died. The mechanism of death can be recorded as "suicide", rather than the broad circumstances of the suicide. The right reverend Prelate showed a coroner's form, where he gave various examples of things that can be recorded, but this did not include gambling-related harm.

The report by PHE shows that the people most at risk of harmful gambling are concentrated in areas of higher deprivation and are likely to already be experiencing greater health inequalities. The Government's rhetoric is that of levelling up, so surely this should include a better understanding of the effects of gambling on suicides. This was a point made by the noble Baroness, Lady Bennett.

A significant proportion of the population gamble. Most do it as an occasional hobby that is enjoyable, social and fun—I occasionally gamble. However, for a worryingly high number of people, particularly young people, it can lead to harm. Researchers believe that online gambling carries a higher risk of harm; that is based on figures from before the pandemic and lockdowns, and there is every reason to believe that the situation has deteriorated as a result of the lockdowns. Free betting introductions are relentlessly promoted online, through our leading sports teams and international advertising. It is a whole world of excitement, risk and glamour, which sucks people in for an occasional triumph—or probably another loss.

There have been a number of studies seeking to link problem gambling and suicide. The Library Note mentions a 2019 study by the Gambling Commission and GambleAware, which concluded that there is a link. However, the study was based on data from 2007—the noble Baroness, Lady Bennett, referred to that data—and it was recommended that further and better data should be made available. Also, there was a *Lancet* journal article in 2021, concerning young people and gambling, which pointed towards a link between problem gambling and suicide. Many Peers have referred to the PHE review, which considered a host of gambling harms, including suicide, and recommended that this should be seen as a public health issue.

I want to introduce a note of scepticism into this debate, and I hope my scepticism can be seen as constructive. I am a long-standing member of the all-party group on drugs and alcohol, and, on a few occasions, we have had speakers from the ONS talk to us about the recording of deaths from drug overdoses. The figures show that about double the number of men die from drug poisoning than women, and that, roughly speaking, there are three times as many male suicides as female suicides.

However, the point I took from the ONS speakers at the all-party group was the difficulty in recording reliable data over time because of the changes in the recording mechanism. So, although the headline conclusions are stark, there is genuine difficulty in seeing the impact of different types of drugs leading to deaths, for example. In fact, I think it is fair to say that the more one goes into the detail of the data regarding drug deaths, the more difficult it is to draw sound conclusions. So I wonder what the right reverend Prelate thinks should be recorded in the case of a suicide. Should it be the opinion of the jury, the coroner, the doctor or the family and friends that gambling was a factor in the suicide? What about other factors, such as drug and alcohol use, mental health, family break-up and physical health? The list goes on. This is essentially the point made by the noble Baroness, Lady Finlay.

My point is that gambling does indeed seem to be a factor in many suicides, but how to quantify that on a statistical basis is a difficult question that would, and should, have an enduring effect on government health policy. I do not know what the Minister is going to say, but I hope she will use her influence to get the ONS, or perhaps another government body, to look at the substance of the right reverend Prelate's proposal and either respond positively to the Bill or tell us that regulational guidance is a more appropriate way forward.

Turning to the various speakers in today's debate, I was amused to hear about the noble and learned Lord, Lord Brown, placing 10 straight bets at a casino in Cannes and losing all 10. That may well have been the luckiest day of his life. I was also particularly sympathetic, if that is the right word, to the point made by the noble Baroness, Lady Bennett, about the way in which the gambling industry seeks to argue its case in this arena by pointing to the complexity of the issue. In a way, I have been pointing to the complexity of the issue—I understand that—and, in a sense, it is muddying the waters. But that is not a reason for not making progress; it is a reason for acknowledging the complexities and trying to come up with a good, statistically based approach to recording the data.

Finally, I wish the right reverend Prelate a very happy International Men's Day today.

2.07 pm

Baroness Scott of Bybrook (Con): My Lords, I congratulate the right reverend Prelate the Bishop of St Albans on bringing forward this Bill and securing its Second Reading. I thank all noble Lords who have participated in what I consider to have been a considered and thought-provoking, if not complex, debate.

This legislation would require a coroner or inquest jury to record gambling addiction, and any other relevant factors, in a case of death by suicide. As a member of the Lords Gambling Industry Committee, I know that the right reverend Prelate has been a staunch advocate in advancing this Bill to help us to understand the impact of gambling on mental health and gambling-motivated suicide.

At the outset, I have to say that the Government are absolutely determined to prevent gambling-related harm and suicide. Gambling is one of our society's major ills. It causes untold misery and distress to countless families across this land. The Government recognise that gathering quality information on the circumstances leading to self-harm and suicide, including gambling issues, can help prevent future deaths and support better outcomes. However, we do not agree that this Bill will achieve the desired effect as intended.

During the course of their investigation, a coroner may be made aware of motivating or contributory factors in a suspected suicide. However, the legislation is clear on the coroner's jurisdiction, which does not include determining why, in the sense of deeper or more sociological explanations, someone died. Under Section 5 of the Coroners and Justice Act 2009, the scope of the coroner's investigation is to determine who died and how, and when and where they died. "How", in most cases, equates to "by what means". The investigation is designed to be a limited and proportionate fact-finding exercise, and under Section 10 of the 2009 Act, coroners are prohibited from appearing to determine any question of criminal liability against another person or civil liability.

If the Government were to support this Bill and change the scope of what the coroner would determine, to include why a person took their life, this would also have to apply to all other types of inquest conclusions. As many noble Lords have noted, including the noble Baronesses, Lady Meacher, Lady Bakewell of Hardington Mandeville, Lady Finlay and Lady Greengross, there are many multifactorial reasons and complexities within the Bill that has been put forward—changes that would cover veterans, terminal illness and addictions. As the noble Lord, Lord Ponsonby, clearly said, it is a very complex area of recording for the coroner.

In addition, it would be impractical or difficult for coroners to collect consistent data on identifying whether a gambling addiction or other reasons were factors in a person's suicide. While a coroner may be made aware during the course of their investigations of information about the motivation or contributory factors in a suicide, this will not always be the case. Medical practitioners may apply different criteria in determining whether they consider gambling a factor in a death, and not all deaths which the coroner investigates, including deaths by self-harm or suicide, are notified by a medical practitioner. The coroner may gain information from a wider range of sources—family, partners, friends and police—who might mention gambling as an issue when understanding the circumstances of the death. The data collated would therefore be incomplete at best, inconsistent in quality and not useful for delivering the interventions needed in this space.

While the Government understand the good intentions behind the right reverend Prelate's Bill, unfortunately we are unable to support it. Nevertheless, we remain committed to tackling gambling-related harms and understanding the wider lifestyle factors associated with gambling addiction that impact on individuals' poor mental health and well-being. Indeed, the Government are tackling the issues that the right reverend Prelate aims to address with the Bill by other means. In March, the Government published their fifth progress report against the national suicide prevention strategy. This included a refreshed cross-government suicide prevention work plan that included factors such as gambling. The Government recognise that the need to address gambling-related harms is a public health issue. There is also a continued government focus on expanding and improving mental health services so that 2 million more people can access support by 2023-24.

There has also been an increase in funding for suicide prevention through the NHS long-term plan, with an additional £57 million by 2023-24 to support local suicide prevention plans and develop suicide bereavement services in every area of the country. In addition, Public Health England—now the Office for Health Improvement and Disparities—and the Local Government Association have published guidance for local authorities on tackling gambling-related harm, encouraging public health teams to consider the potential links between their work on suicide prevention and harmful gambling. The Government have worked to ensure that every local authority has a multiagency suicide prevention plan in place and the Department of Health and Social Care is providing funding to support local authorities to strengthen those plans.

On gambling specifically, the NHS long-term plan has committed to expand the geographical coverage of NHS services for people with serious gambling problems. In addition to the existing National Problem Gambling Clinic in London, the NHS has committed to opening an additional 14 new gambling clinics in 2023-24.

On 30 September Public Health England published the first ever comprehensive review of the evidence on gambling-related harms and their impact in England, which will be considered in the Government's Gambling Act review. In October the Department of Health and Social Care launched the new Office for Health Improvement and Disparities, with the aim of tackling health inequalities across the country.

In addition, the Department for Health and Social Care has commissioned NHS Digital to procure the 2022 adult psychiatric morbidity survey. A consultation on the content of this survey has been carried out, which considered the inclusion of questions on gambling. This may answer one of the questions that the right reverend Prelate asked. The survey could help establish the prevalence of suicidal tendencies linked to gambling

and improve the existing evidence base. The consultation findings have been published, and the survey team is now liaising with experts on problem gambling to decide the best measures to use. Content for the adult psychiatric morbidity survey will be finalised in due course.

The Government are also delivering on our manifesto commitment to review the Gambling Act 2005. The review launched with a wide-ranging call for evidence last year and we will publish a White Paper in the coming months. The review aims to ensure that the framework for gambling regulation is right for the digital age and that people are protected wherever they are gambling. Together, all this presents a unique opportunity to bring together policy and evidence experts to support the development of effective and implementable responses to gambling-related harms.

In May 2021 the Justice Committee published the report of its inquiry into the Coroner Service. During the course of its inquiry, the committee received a wide range of written submissions and oral evidence from a large number of stakeholders, which led to 25 recommendations for the Government to consider, of which five were for the Chief Coroner. However, the issue raised in the Bill was not considered by the committee in its detailed report.

I will try to answer one or two questions that noble Lords asked, but I will also go through *Hansard* next week and write to anyone whose question I have not answered. First, to the noble Baroness, Lady Finlay of Llandaff—whom I thank for her support of the Coroner Service—coroners do try to increase dignity in death; that is very important to them. They also spend time and have the resources to support the families of the bereaved. I am happy to write in more detail if she would like, but that is an important part of their work and I thank her for saying how well they do it.

The noble and learned Lord, Lord Brown of Eaton-under-Heywood, cites a judgment in Thompson that suggests a wider scope for the coroner's investigation, but the coroner's investigation is not wide-scoped. It is a summary hearing to determine only four statutory questions: who died, how, when and where—not why. I am happy to send further information on that if the noble and learned Lord would like me to.

The noble Baroness, Lady Brinton, brought up the complexities of this issue. She asked that the coroner should, essentially, provide softer data, but that would be quite difficult and, as I have said a number of times, is out of the scope of the coroner's responsibilities. She also said, as did many noble Lords, that it is not always just about gambling; it is a complex issue and can be about personal relationships, addiction, mental health issues et cetera. That is why the Government feel that it is not the responsibility of the coroner to look into all of that. I cannot comment on the Ritchie case as we do not comment from the Dispatch Box on individual cases.

I think I have answered all the questions and will end on a lighter note. The right reverend Prelate showed me a form. My officials say that they do not know of this form. We will have a look at it, but we rather think that it is that particular coroner who produces that form.

I assure noble Lords that, while the Government cannot support this Bill, we remain committed to understanding the circumstances that lead to self-harm and suicide, including gambling. We recognise that there is more work to do to reduce it, and we recognise the devastating impact of gambling-related suicide. We feel that we have a programme in place to do just that.

2.23 pm

The Lord Bishop of St Albans: I thank the Minister for her response and I am glad to hear that more attempts are being made to find out the data for us. I have been involved in this area for six or seven years now, and it feels as though the Government are constantly dragging their feet—as though we are having to pull them along. I am currently in contact with the Ministry of Defence. We have had to ask endless questions to try to find the information that we want; in fact, the MoD is putting down a Statement today because it has got confused too. This is an area that is not being attended to by Her Majesty's Government.

I am grateful to all noble Lords, who have brought out some really interesting points; I have made notes. I am hugely grateful and will think about those things. I would say to the noble Lord, Lord Ponsonby, that, as I understand it, it is down to the coroner or jury to record a relevant opinion. Although the Minister said that she did not recognise this form, the coroner who gave it to me said, "All of us coroners starting out are using this; it is the old ones who won't do it." She was quite frustrated about it. I will go back and find out more information.

From what I can see, we are already recording this data. I know that the law is all about where, who, how and when—not why—but we have some of the "whys" already. We use "whys" widely in the world of medicine. It is complicated but, when we bring forward, for example, regulations to do with finance, and there is complexity, we just get our heads down and get our minds around the complexity. We do not say, "Because it is difficult, we are not going to try to do it."

I do not pretend to know the best way of doing it. I would be hugely grateful if those of your Lordships who are much more expert in this could point me to the relevant people. I particularly like the idea of talking with others who also want this sort of data; I think there would be quite a groundswell of people saying that, while it may not be perfect, this form of data could give us some helpful ways forward. I am, of course, disappointed that Her Majesty's Government cannot support the Bill. I will think very carefully about the points that have been made, but I will be minded to take this on to the next stage and work with others if they are willing to work with me.

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

Critical Benchmarks (References and Administrators' Liability) Bill [HL]

Returned from the Commons

The Bill was returned from the Commons agreed to.

House adjourned at 2.24 pm.