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PARLIAMENTARY DEBATES
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HOUSE OF LORDS

OFFICIAL REPORT

ORDER OF BUSINESS

Domestic Premises (Electrical Safety Certificate) Bill [HL] <i>Second Reading</i>	1673
Healthy Homes Bill [HL] <i>Second Reading</i>	1683
Ballot Secrecy Bill [HL] <i>Second Reading</i>	1707
Heritage Railways and Tramways (Voluntary Work) Bill [HL] <i>Second Reading</i>	1716
Climate and Ecology Bill [HL] <i>Second Reading</i>	1729

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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
UUP	Ulster Unionist Party

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House of Lords

Friday 15 July 2022

10 am

Prayers—read by the Lord Bishop of Ely.

Domestic Premises (Electrical Safety Certificate) Bill [HL] Second Reading

10.05 am

Moved by **Lord Foster of Bath**

That the Bill be now read a second time.

Lord Foster of Bath (LD): My Lords, the Bill is a useful prelude to the following Healthy Homes Bill from the noble Lord, Lord Crisp, which I fully support. In recent months—not least through amendments to the then Building Safety Bill—I have sought to introduce measures to improve electrical safety in our homes. I am grateful for the support I have received from Electrical Safety First and, especially, Mr Ron Bailey.

The tragic Grenfell Tower fire was started by a faulty electrical appliance. Sadly, there are many other examples of fires started in this way, which lead to loss of life and damage to property and have significant financial consequences. As well as faulty appliances, numerous fires are caused by faulty electrical installations in our homes, with similar results. Electrical Safety First estimates, using Home Office data, that over the last five years approximately five fires a day in England and one fire a day in Wales have been caused by faulty electrical installations. In total, that is six fires a day and well over 2,000 fires every year caused by faulty electrical installations—some with severe, and at times fatal, consequences for the occupants.

I am pleased that action is already being taken. Dwellings in the private rented sector in England are already required to have their electrical installations checked every five years. During the passage of the Building Safety Bill, I proposed that the same should apply in the social rented sector. After a slight hesitation, the Government agreed and the requirement for five-yearly checks in socially rented properties forms part of the Social Housing (Regulation) Bill currently before Parliament. Action is being taken in Wales too; from December, similar electrical installation checks will be required for all rented homes.

This leaves the owner-occupied sector, where nothing is currently planned despite it being the largest form of tenure and the one in which the largest number of vulnerable people live—those aged 65 and over, who are most susceptible to electrical risk. Overall, 17 million households in England and Wales are living in properties whose electrical installations are subject to no existing or planned mandated periodic checks. That is where this Bill fits. It is intended to fill this regulatory gap. However, certainly at this stage, it appears unrealistic to introduce measures to require five-yearly checks. Unlike in the rented sectors, they would be very difficult

to enforce. Instead, the Bill has an easily enforceable approach centred on the time when a property changes ownership.

As covered in Clause 1, the Bill requires the provision of an electrical installation condition report or an electrical installation certificate at the point of sale by the seller or, if deceased, someone acting on their behalf—rather like the seller currently has to provide an energy performance certificate at the point of sale. An agent selling the property would then have to ensure that there is an EICR just as they have to ensure that there is an EPC. Clause 2 specifies exemptions to that requirement: where properties are being sold for demolition or where they have been rewired in the last six months. Clause 3 defines the terms used in the Bill and Clause 4 enables the Secretary of State to make the necessary regulations applying to England and Wales, subject to the power of the Welsh Parliament to nullify those regulations regarding Wales.

The Bill's provisions have widespread support from, among others, Electrical Safety First, organisations that oversee and regulate domestic electrical work, and the Electrical Safety Roundtable, whose numerous participants range from the Local Authority Building Council and the London Fire Brigade to the Royal Society for the Prevention of Accidents and estate agents such as Savills. Many owner-occupiers also want stronger measures in this area. A March 2022 survey by YouGov for Electrical Safety First found that over two-thirds of homeowners in England and Wales stated that they would strongly support being required to complete regular electrical safety checks on their electrical installations.

The Government should also welcome the Bill. As the Minister considers how he will respond, he may wish to reflect that, in the year ending September 2021, there were 954,000 house sales in England and 48,000 in Wales. If this legislation had already been enacted, we could have ensured that an extra million properties were electrically safe. Significantly, it would also help the Government honour a very clear commitment. Following the Grenfell Tower tragedy, Dame Judith Hackitt called for a complete overhaul of aspects of the building regulation regime. Lots has already happened or is in progress; the former Minister, the noble Lord, Lord Greenhalgh, said that some of these measures were

“unapologetically ambitious, creating a world-class building safety regulatory regime that holds all to the same high standard.”—[*Official Report*, 2/2/22; col. 916.]

If all housing tenures—privately rented, socially rented and owner-occupied—are to be at the same high standard of electrical safety, this simple and widely supported Bill provides the missing bit of the jigsaw. I hope it will have the Minister's and the Government's support. I look forward to his response and beg to move.

10.12 am

Lord Campbell-Savours (Lab) [V]: My Lords, the Bill is greatly welcome, although I confess that it is not a subject that weighs heavily on my personal work agenda. It was with that in mind that I sought the view

[LORD CAMPBELL-SAVOURS]

of my son, who is the electrical contracts manager for a company that operates throughout central London. He told me this:

“I welcome the objectives of the bill and following on from the earlier associated changes in the private residential sector believe this will be of huge benefit to the safety of electrical installations across the country. There is however one aspect of the bill which I think should be considered carefully: that is the home buyer’s expectation and understanding of the electrical safety report.

Unlike a private residential landlord who is simply looking for a report stating the installation is ‘safe’ or ‘satisfactory’, a property buyer is looking for information that will inform a financial transaction. Simply stating the installation is ‘satisfactory’ does not answer questions like: How long before the installation needs rewiring? Is it cost effective to renovate the property without rewiring? Should I consider the cost of a rewire in the offer price?

The sponsors of this Bill may say that these aren’t relevant and that the main objective is electrical safety. I would advise not to overlook these issues. These are real questions electrical contractors will be confronted with should the bill pass into legislation.

It is important that potential buyers don’t over-interpret the ‘satisfactory’ certificate to mean the installation will last for years to come where the report does not specifically say so.

During my time in the industry, I have advised clients how to avoid any ‘over-interpretation’ of the results, but on many occasions, I have still been contacted by new homeowners who had instructed other contractors and simply couldn’t understand why they had received a ‘satisfactory’ certificate for an installation they were later told should be rewired.

Am I right to worry, that under the proposed rules, where it is a vendor instructing a contractor to carry out an EICR, that the current ‘over-interpretation’ could then be perceived as the vendor intentionally misleading the buyer?

This confusion can be avoided, but this may need a change in the way an EICR is carried out. It will require additional guidance to consumers (both vendors and buyers) and additional guidance and training to contractors.

To highlight the dilemma, I will leave you with the simple analogy of a vehicle MOT.

The MOT confirms the vehicle is safe to be on the road. But it doesn’t tell you how long the engine will last; if the timing belt needs replacing; or if the clutch is shot. Most people buying a car know this and don’t overinterpret the MOT ‘pass’. However, the public are not as savvy when it comes to EICRs. Some additional support will be required.”

I hope the Minister and the noble Lord, Lord Foster, will take my son’s comments into account as the Bill progresses through the House. He is on the tools, knows what he is talking about, and clearly understands the implications of all this.

10.15 am

Baroness Brinton (LD) [V]: My Lords, I declare my interests as a vice-chair of the All-Party Group on Fire Safety and Rescue. I start by congratulating my noble friend Lord Foster on the Bill, but also on his long-standing campaign to achieve better electrical safety, whether in the recent Building Safety Bill or many questions about ensuring electrical safety, including appliances—not just about installations, which is what this Bill covers. I also thank the House of Lords Library for its helpful briefing.

The Bill looks at one very specific problem. As the noble Lord, Lord Foster, has outlined, at the moment in the sale of domestic properties there is an anomaly: any gas supply or gas fixtures will have been certified as having been safely installed and checked because of

the five-year rule. This must be available to prospective purchasers and their conveyancers in the sale pack. The Bill remedies that, in a very neat way, for electrical installations.

One of the worrying aspects of modern fires in high-rise buildings is the number caused by faulty or defective installations. Home Office data shows that this number is growing, whether in the cables themselves or shoddy work. Electrical Safety First’s data—which the noble Lord, Lord Foster, cited—stated that there are five electrical fires a day in domestic properties, and that should be a wake-up call to us all. It should worry not just those interested in preventing fires, but also the insurance industry, our health service and the public, who have a right to know whether their properties are safe. Health services in particular have to pick up the pieces after people have been hurt in fires, whether receiving burns or—much more common—inhaling smoke, the long-term effects of which can affect people’s ability to work and they may be off sick for quite a long time. So the invisible cost to electrical installation fires has to be addressed too.

There is also a particular problem in flats and apartments, where electrical work may have been carried out by a contractor on behalf of a freeholder, and party walls—intended to give time to protect other parts of the building through compartmentation—have been breached, meaning that fire can spread much faster than it should. Grenfell Tower and many other fires in flats are now demonstrating that quite often compartmentation is breached. Many blocks are part privately owned, and part rented. The good thing about the Bill is that any work a freeholder carried out would presumably—I will perhaps check with my noble friend Lord Foster—also have to ensure that work in any private flats owned in that particular block would have to be similarly certified. That would give reassurance that compartmentation would not be breached because there would be a checkpoint at the time that work happens.

The solution of my noble friend Lord Foster in the Bill is very neat. He is right that five-yearly certifications—currently required for gas installations, such as boilers—just would not work for electrical installations. But a certificate confirming that the original installation was safe—and recent enough to show that it is still safe—that was required to be shown at the time of the sale of the home to the new buyer and their conveyancer will provide the missing link that is needed.

The noble Lord, Lord Campbell-Savours, raises an interesting issue about the consequences of the Bill. I am less concerned about the over-expectation of home buyers because I think it will force buyers to seek advice as part of their fabric survey and be encouraged to consider work where necessary. Electrical wiring, for example, certainly lasts for up to 20 years and if you are buying something that was installed 15 years ago, then any survey should say that you should be considering ensuring that you renew or replace during your ownership of the property. I also think it will help the electrical industry too. Having the five-year certification has certainly transformed the gas industry, and it will help good and responsible electrical installers—

such as the son of the noble Lord, Lord Campbell-Savours—to know that there will be less opportunity for people who might try to skimp on the safety aspects.

During the recent passage of the Building Safety Act, we heard that many of the fires in high-rise blocks were started by faulty or defective electrical goods or by faulty electrical installation. This Bill brings certification of electrical installations into line with gas installations. It is long overdue, and I really hope that the Government will give it their support so that we can reduce the number of fires in private homes—whether houses or flats—and give assurances to home buyers that the invisible electrical installations they are purchasing with their home are safe.

10.20 am

Lord Kennedy of Southwark (Lab Co-op): My Lords, I start by congratulating the noble Lord, Lord Foster of Bath, on his excellent Bill, which I am delighted to be speaking in support of today. I also thank the charity Electrical Safety First and the other campaigners who have highlighted for many years the problems we have with electrical safety in this country and how important it is to get this right. There have been improvements in recent years, but this would be another step forward. I hope that we get a good response from the Government and can actually move this forward. I very much support the Bill. If your Lordships support it, I hope that we will see no amendments, because we need to ensure that it gets a speedy passage through this House and is sent to the other place quickly. The best way to do that is not to amend it and to let it move on; I hope that that happens.

I start my remarks with the experience of somebody I will call Sean. He was a first-time buyer who stepped on to the property ladder. A few months after moving into his property, his fuse box started to spark. Once he managed to switch it off, he got an electrician round. In the end, he had to fork out over £10,000 to repair the damage to his property and rewire the entire house. He cannot help thinking—and I agree with him—that this all could have been avoided if he had got an electrical installation condition report done before he bought his home. Of all the residential sales in recent years, particularly in 2017-18, only 37% of those who bought properties undertook an electrical safety check beforehand. One in five of those buyers believed that the checks would be in other survey reports that are done when you buy a home, and a further third of buyers soon found electrical safety problems that they were not aware of before purchasing their property.

Electrical safety checks on domestic properties are slipping through the cracks. This Bill, introduced by the noble Lord, Lord Foster of Bath, provides a sealing device for those gaping holes in our legislation. The National Inspection Council for Electrical Installation Contracting recommends inspections of all domestic wiring installations every 10 years or when there is a change of ownership, whichever is first. As it stands, those selling properties are under no legal obligation to carry out thorough electrical safety checks before putting their properties on the market. It is down to

the buyer to ensure that the property they wish to purchase is electrically safe. But should we rely on the buyer to carry out these checks? We cannot be sure that the buyer knows that they should do this—from the example I gave, we can see that they do not. This surely cannot be right.

As the evidence makes apparent, the implementation of this Bill is already far too late. The achievement of stepping on to the property ladder can be ruined by poor electrical safety. Putting the onus on those who sell their property to provide electrical safety certificates would save buyers thousands of pounds. But, of course, this is not merely about money. According to the calculations of Electrical Safety First, over 19,000 accidental domestic fires in the UK are of electrical origin. What is more, there are around 70 fatalities and 350,000 serious injuries in the UK due to electricity each year. As this charity puts it,

“you could be saving more than just money by getting the electrics checked.”

This is not just a matter of saving money; it is a matter of saving lives. We should treat this Bill with the urgency it deserves.

The director-general of the Electrical Safety Council has given ample warning of the way in which electrical ignorance plagues our population. In his words,

“Even though we are using more electrical products than ever before, there is a worrying gap between the public’s perception of electrical danger and the reality, with people making simple yet potentially fatal errors that can be easily prevented”.

We cannot continue to rely on buyers to carry out electrical safety checks before buying a property. Let us not wait for another warning from electrical safety experts. Let us not wait for another Grenfell Tower tragedy. We should support this Bill in the name of the noble Lord, Lord Foster, today. I look forward to the Minister’s response, and I hope that it is a supportive one.

10.25 am

Lord Shipley (LD): My Lords, as the noble Lord, Lord Kennedy of Southwark, just said, this Bill is a step forward, and I am pleased to support it. I think my noble friend Lord Foster of Bath and other speakers have made a very convincing case, which I hope the Government will support. I find the Bill timely, and it offers an effective and inexpensive solution to a serious problem. Since an energy efficiency rating is required when selling a property, it is hard to see why there should not also be evidence of the safety of the electrical installation itself.

I have previously spoken several times in debates on electrical safety matters, both of appliances and installations. It is good to see legislation in operation in the private rented sector with checks every five years, and I hope it will be followed in the social housing sector and that the regulations suggested in the Social Housing (Regulation) Bill will be triggered to include both the social housing sector generally and the owner-occupied leasehold properties in social housing blocks.

It is interesting that a fifth of those who have a survey done of a property they are planning to buy already assume that the survey includes the electrical

[LORD SHIPLEY]

installation and so do not get a separate one. There are too many examples of home buyers discovering problems with the electrical installations in their property after they move in. I find it very reasonable for those purchasing a property to be supplied automatically with a valid electrical installation condition report or an installation certificate. The costs would be low; it is estimated to be between £125 and £300 per property. It may result in our needing more electricians, but high-skilled jobs would then be generated.

To conclude, there is a regulatory gap affecting 17 million homes, to which this Bill is a simple and effective solution. The Government should welcome it, and I hope that they will.

10.27 am

Lord Khan of Burnley (Lab): My Lords, first, I congratulate the noble Lord, Lord Foster of Bath, on introducing this Bill today and on his relentless and continuous campaigning on electrical safety. The Bill would require an electrical installation condition report, EICR, or electrical installation certificate, EIC, to be made available to prospective buyers of domestic properties in England and Wales. This has been brought forward following concerns, raised by the charity Electrical Safety First, at the levels of home fires resulting from home appliances. According to its data, 53.4% of all accidental domestic fires in England had an electrical origin in 2018-19.

At present, only 37% of residential sales include an EICR, while 20% of home buyers wrongly believed the electricians were checked during the process. This new legislation would reflect existing obligations on vendors to provide energy performance information, in addition to existing legislation which requires landlords to inspect electrical installations in properties. It is important to note that it would not even force the seller to undertake repair works; instead, it focuses on transparency by providing buyers with accurate information.

Labour supports the Bill because we want to see families given greater security at home, while also wanting first-time buyers to feel confident when joining the housing ladder. More broadly, Labour also wants to see the Government be far more ambitious in their attempts to improve building safety, including on combustibles. In the past four years, at least 70 schools and 25 hospitals and care homes have been built using potentially dangerous products.

There is clearly popular support for this move, with research by Electrical Safety First showing that nearly two thirds of home owners want a requirement for regular electrical safety checks in their properties. Meanwhile, NICEIC, NAPIT and the Electrical Safety Roundtable have also spoken of their support for the Bill. As the noble Lords, Lord Foster and Lord Shipley, mentioned, 17 million households have no regulation of the safety of electrical installations. That is a horrifying figure.

In conclusion, I echo my noble friend Lord Kennedy's comments about making sure that the Bill has a speedy passage. This has taken far too long, and it is about saving lives. Without this legislation, home owners will continue to be placed at risk every day. I look forward to the response from the Minister, and I hope it will be positive.

10.30 am

The Earl of Courtown (Con): My Lords, I thank the noble Lord, Lord Foster, for drawing our attention to the important subject of electrical safety in the home, and I thank all noble Lords for their contributions.

I agree with the noble Lord, Lord Khan, that people deserve to feel safe in their homes, and government has played an important role in ensuring that this remains the case. However, we must make sure that when we legislate, it is proportionate, necessary and not overly burdensome. We must avoid adding further blockers to the already complex process of buying and selling a home.

We take this matter seriously and have already taken significant action to introduce regulation and guidance where it is practical and proportionate to do so. The provisions in the Building Safety Act 2022, in addition to our recently published consultation about electrical safety in social rented homes, show that we are taking action. I will set out the progress we have made and our plans to go further, so that we can see why the powers that the noble Lord proposes in his Bill are not necessary.

First, we have already put key regulations in place to secure tenants' domestic electrical safety. Our building regulations set out robust safety standards that must be met when electrical installation work is carried out in the home, regardless of whether it is rented or owned by the occupier. Under the Landlord and Tenant Act 1985, all private and social landlords must make sure that electrical equipment and installations are in good working order. We have already taken this further. In 2020, we introduced a regulatory requirement for all electrical installations in private rented properties to be inspected every five years, with the electrical condition report provided.

Secondly, we are taking forward further measures for social rented properties, as the noble Lord, Lord Foster, mentioned. We are currently consulting on electrical safety in social housing and will use the information we gather to consider how best to introduce regulation in this area. This includes legislating for electrical safety checks and requiring landlords to provide residents with electrical installation condition reports to show that domestic electrical systems have been checked and are safe. At this point I thank the noble Lord, Lord Campbell-Savours, for his fascinating and informative speech on certification. At the same time, we are seeking evidence better to understand the case for mandating electrical safety checks in owner-occupied leasehold properties in social housing blocks.

Thirdly, we have stipulated in legislation that an assessment must be made of electrical testing in relevant buildings. Our Building Safety Act 2022 requires the new building safety regulator to carry out a cost-benefit analysis of testing, inspecting and reporting on the condition of electrical installations in relevant buildings. This assessment must be carried out within three years, and we would not want to pre-empt the outcome of that work.

Furthermore, we have concerns that mandating further electrical safety checks at the point of marketing homes may cause capacity problems in the industry,

which in turn could delay the buying and selling of homes. The noble Lord, Lord Shipley, raised the fact that we need more electricians. As he said, it will take time to build up a cadre of skilled electricians to carry out an increased volume of EICRs. This is discussed in the social housing consultation. As I said, qualified electricians are needed to issue electrical safety certificates and, as noble Lords mentioned, there are currently personnel issues in the industry caused by an ageing workforce and recruitment problems.

To require all homes to have electrical safety certificates before they can be sold would delay homes being listed for sale, preventing owners from moving and buyers from buying their dream home. It would prolong the home buying and selling process, which is frustrating and costly for everyone involved, not least at a time when the property industry is already experiencing a shortage of properties for sale.

We are already looking at where further regulation is required in the home buying and selling process, as mentioned by the noble Lords, Lord Foster, Lord Shipley and Lord Kennedy. In the *Levelling Up* White Paper we committed to working with industry to make sure that buyers have access to the critical material information they need to know to decide if a property is for them.

We are refreshing our home buying and selling strategy to support this work and to meet our objective of creating a fair housing system that works for everyone. This includes looking at potential legislation to bring forward in the fourth Session. As such, we think it is more appropriate to consider any fundamental procedural change to how homes are bought as part of the wider home buying and selling process.

The Government have a strong record in tackling safety in the home. We are providing £5.1 billion to address fire safety risks caused by unsafe cladding on high-rise residential buildings and have made great progress in tackling high-rise buildings with the most dangerous form of cladding, such as that on Grenfell, as mentioned by the noble Lord, Lord Foster, and the noble Baroness, Lady Brinton. Some 94% of buildings with this type of cladding are now either remediated or have work under way, and industry will contribute an estimated £5 billion to resolve defects in high-rise buildings. This has been spurred on by continued government pressure, both direct and indirect, which has held building owners to account and compelled them to act. We will continue to make sure that building owners, who are the ones responsible for making sure their buildings are safe, act where necessary.

In a landmark step change, the Building Safety Act 2022 will establish a building safety regulator to improve both the safety and standards of buildings. The Act also paves the way for a new national regulator of construction products, strengthening the regulatory regime for these products. We have updated the fire safety building regulations to improve safety standards for new buildings and have extended our 2018 ban on the use of combustible materials in and on high-rise buildings.

I am sure that noble Lords will agree that we have moved quite some way in this area, and as I mentioned before, we are looking again at the home buying and

selling process. However, we feel that the Bill is unnecessary due to the strides the Government have taken, and we will continue to deliver in the field of electrical safety in the home.

To conclude, the Government will therefore not be supporting the Bill of the noble Lord, Lord Foster, at this time.

10.38 am

Lord Foster of Bath (LD): My Lords, I thank all noble Lords who have spoken and thank the vast majority of them for their support. I say to the son of the noble Lord, Lord Campbell-Savours, that he has raised some very interesting issues which I hope we can at least look at in more detail in Committee, if we can get that far.

My noble friend Lady Brinton drew attention, as did I, to the problems caused by faulty electrical appliances. As I said, more work needs to be done on that, not least on electrical appliances bought online, to which the level of security that applies to appliances bought on our high streets does not apply. However, I am grateful for her support, as I am for that of the noble Lord, Lord Kennedy, my noble friend Lord Shipley and the noble Lord, Khan, on the Opposition Front Bench.

I am grateful that the Minister repeated a lot of what I said at the beginning of my speech, saying what the Government have done and what they plan to do. As he said, the Government have moved quite some way. I too said that, and I applaud the Government for the work they have done and the work being planned.

However, the Minister suggested that the Government would support this Bill only if it was “proportionate, necessary and not overburdensome.” I went out of my way to say that it is proportionate, because I do not propose to introduce five-yearly checks but to do it at the simple point of sale of an individual property. On whether it is necessary, I have already given the statistics, backed up by the noble Lord, Lord Kennedy, who drew attention to the way in which this will not only save a vast amount of money but, much more importantly, save lives. That is one of the key reasons why it is so important. It is certainly not overburdensome. If it is so overburdensome to require some form of certification for something or other at the point of sale of a property, why have the Government introduced that very approach by the requirement of an energy performance certificate at the point of sale? I have sought to mirror what the Government have already done in respect of energy efficiency of properties in relation to the security of energy installations.

The Minister suggested that some measures were taking place in respect of owner-occupied premises, and he is absolutely right. But I say gently to him that that applies only to those in high-rise premises, which is not the vast majority of the 17 million owner-occupied properties in this country. That remains a huge gap in the current regulatory regime. He talked about his concern about this being overburdensome. The cost of the checks I am proposing would be between £150 and £250. As a proportion of the cost of selling a property, that is a very small amount indeed.

[LORD FOSTER OF BATH]

Nevertheless, I hear what the Minister says. I hope that he will agree with at least some of the representative organisations which are supporting the Bill, including those that would be responsible for providing it, the fire services and homeowner organisations. I hope that the rest of the House will be prepared to support the Bill. I commend it to the House.

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

Healthy Homes Bill [HL] *Second Reading*

10.43 am

Moved by Lord Crisp

That the Bill be now read a second time.

Lord Crisp (CB): My Lords, I thank noble Lords from all sides of the House who are supporting this Bill—and who, very nobly, I may say, have stayed in Westminster rather than starting their weekend early. I welcome the noble Baroness, Lady Bloomfield of Hinton Waldrist, who will, I know, be responding at very short notice.

I will speak briefly about the contents of the Bill and rather more about why I believe noble Lords and the Government should support it. In short, it is about improving the lives, life chances and opportunities of our fellow citizens—particularly those who are most in need and have the fewest opportunities in life—and it is immensely practical.

There are four key elements to the Bill. The first is a duty on the Secretary of State to secure the health, safety, well-being and convenience of persons in or around buildings, which means in practical terms that all new homes have to promote health, safety and well-being, and help people to live well. The second part is to have 11 healthy homes principles. These are the principles of what makes a healthy home, and they address issues from fire safety to space, security, access to green spaces and managing climate risk. They would form the basis of any policy. The third point I want to draw out is the appointment of a healthy homes commissioner, to ensure promotion and implementation of the policy. Finally, the Secretary of State would provide an annual report to Parliament on progress with the policy.

The underlying issue behind the Bill is the intimate relationship between housing and health. Other noble Lords will describe many examples of how poor and inadequate housing damages health; from damp, cold and heat, poor air quality and overcrowding to dangerous stairs and electrical circuits—the list goes on. I congratulate the noble Lord, Lord Foster of Bath, on his Bill and his powerful speech earlier.

The Bill is also by implication about the health of communities, wider society and the planet. They are all intimately connected. Poor housing blights communities and contributes to loneliness, isolation, depression and all the many aspects of social exclusion and the

damage done by inequalities. Poor housing in neighbourhoods without facilities blights lives and contributes to global warming. Tackling these issues is central to any levelling-up agenda.

But this Bill is not just about the negatives or limiting the damage; it is also about the positives: improving lives and enhancing health and well-being across the whole arc of peoples' lives. Housing is one of the key needs for all of us. For all of us, shelter and food are the foundation of our lives.

The Bill has been prepared by the TCPA, formerly the Town and Country Planning Association, and I particularly thank Hugh Ellis, Dan Slade and colleagues for their work on it. I also thank the officials in the Public Bill Office who helped streamline this final version. The TCPA is an organisation with a proud history, dating back to the 19th century and the promotion of garden cities. In many ways, this Bill is not a new and radical departure. We have known of the links between health and housing for years—think of Dickens and Disraeli, and the 19th-century rookeries and slum housing. This is in many ways a return to a much older British tradition of designing places to transform people's lives, an endeavour at which this country used to excel. It is not just about the garden cities. At the end of the First World War, the Government published new and comprehensive design standards for public housing in order that they could build homes fit for heroes, and millions of new, decent homes resulted from this policy. Incidentally, the Minister of Health was then also the Minister of Housing.

People often talk about welfare provision as a safety net, stopping people falling to the ground, but if we want to talk about it in physical acrobatic terms, we should also think of it as a springboard, enabling people to reach higher. It is about not just the negatives of tackling problems but the possibilities and positives of enhancing and enabling lives, creating opportunity, and enabling people and the country to thrive.

Recent history has shown us how inadequate current planning and regulations are even as a safety net, as shown by the acute failures represented in the Grenfell Tower tragedy, where the most basic measures to secure individuals' physical safety were not implemented. Moreover, look at some of the worst examples of the permitted development regime, where flats have been created from converted offices and commercial buildings with no windows or play space, or on industrial estates which expose residents to noise and pollution.

Even more recently, Covid has exposed the inequalities in our society and, as far as housing was concerned, revealed the problems many face: people were trapped during lockdown in inadequate housing, or overcrowded and ill-ventilated spaces ideal for spreading disease; there were schoolchildren with no space to study and no easy access to outdoor spaces; and some people were, very sadly, trapped with abusive partners. This is housing not acting as a springboard but stunting lives.

Let me deal briefly with two objections to the Bill. Will the proposals slow down development when we have a desperate need for more homes? The answer is that we must not offset quantity with quality: we will live to regret it. Standards matter, and the healthy homes principles matter, and we will pay for the

consequences in the long run. Just reflect for a moment on the 1.5 million zero-carbon homes which would have been built to the 2016 zero-carbon standard if the standard had not been abolished. Those homes would now be cheaper to heat and would not require an expensive retrofit to deliver on a net-zero future.

Will the Bill add to the regulatory burden? It could, if implemented properly, reduce it. In the five years since Grenfell, there has been little practical action to change our regulatory approach or the wider culture of public policy on the built environment. Local authorities do their best in an environment where policy is heavily centralised. There have been incremental changes to building regulations and the application of some national housing standards to some aspects of planning. But this incremental tinkering with the system does not reflect the creative ambition we require if people are to be given the opportunity to thrive in healthy places. This Bill seeks to unify our regulatory approach around the single positive objective of securing the health, safety and well-being of individuals and communities. Implemented well, it will remove some of the current contradictions in the system, speed up development and reduce the regulatory burden.

On the positive side, there will be positive impacts on other areas, including the NHS and education. Improving health through improved housing will save costs and reduce impacts on the health and care system. Indeed, the only way we will see pressure taken off the NHS will be by action in other areas, such as housing, education and the environment—but that is a debate for another time.

This Bill is being debated at a time of great frustration over housing. We have waited too long for improvement. It is five years since Grenfell. This Bill provides a coherent vision for the future and a framework for practical action. It is practical and direct. It must be central to any levelling-up agenda. It offers a springboard as well as a safety net, and people in the country will understand what it is all about. Indeed, there is already widespread support among many organisations for it.

Of all the arguments that commend this Bill, it is the simplest that remains the most powerful. Healthy homes are the foundation of hopeful lives, and that sense of hope is vital to the many communities struggling with health inequality, the cost of living and the climate crisis. I beg to move.

10.52 am

Lord Young of Cookham (Con): My Lords, I commend the noble Lord, Lord Crisp, on his choice of subject for this Bill, furthering a campaign that he has promoted in this House for some time. It is a pleasure to support its Second Reading. The Bill was launched at a well-attended reception here on 7 June, sponsored by the Town and Country Planning Association, where we heard compelling arguments from a wide range of speakers.

Although I am delighted that my noble friend Lady Bloomfield is replying to this debate, let me say how sorry I am that my noble friend Lord Greenhalgh has stepped down. He won the respect and affection of the House, and I know that he personally moved policy forward on subjects such as leasehold reform

and compensation for cladding. He also understood the intricacies of local government finance, which is a mystery to most noble Lords.

The title of this Bill—the Healthy Homes Bill—summarises both its ambition and its challenge. The ambition was explained by the noble Lord, Lord Crisp. The challenge is because health and homes are in different departments, and successive attempts to bring the two together have so far stalled. The Bill crystallises our silo approach to issues that cross departmental boundaries, as seen in such other areas as policy on the under-fives and social care.

Paradoxically, as the noble Lord mentioned, 100 years ago the Ministry of Health was responsible for both health and housing; between the two World Wars, that led to a more integrated approach. Indeed, my great-uncle, Sir Hilton Young—he started off as a Liberal but then saw the light and became a Conservative MP—was Minister for Health in the 1930s. He introduced the Housing Act 1935, which set down standards of accommodation—something that this Bill from the noble Lord, Lord Crisp, seeks to build on, of which I am sure the old boy would have approved.

Winding forward 40 years, the importance of bringing health and housing together was central to the Black report, published in 1980, about inequalities in health outcomes. This is what it said:

“The consequences, and importance, of housing policies for other areas of social policy, including health policies, have received increasing recognition in recent years—as have the problems of co-ordination deriving in part from the location of responsibilities for housing and personal social services ... and Health services.” It went on to say:

“The adequate housing of families with children must be a priority if class inequalities in health are to be eliminated”—as in the Bill before us today. Just after that report was published, I moved from being a Health Minister to being a Housing Minister. I vividly recall being visited in my new office by the then Chief Medical Officer, who asked whether he could switch some of his health budget to housing as he believed this would be the best use of resources.

The Black report was followed up nearly 20 years later by the *Independent Inquiry into Inequalities in Health*—the Acheson report—which came up with recommendations that could be seen as predecessors of the Bill before us. It said:

“We recommend policies which improve the availability of social housing for the less well off within a framework of environmental improvement, planning and design which takes into account social networks, and access to goods and services”—the very principles captured in Clause 3 of this Bill. I hope that the Bill makes progress to the statute book but my experience of Private Members’ Bills is that this does not always happen. So, my question to the Minister is whether some of the objectives in Clause 3—for example, that

“all ... living areas and bedrooms ... should have access to natural light”

and that new homes should provide “year-round thermal comfort”—can be implemented using existing powers.

If it is the case that some of the Bill’s objectives can be achieved by secondary legislation or by amending existing guidance, the noble Lord, Lord Crisp, may feel that this is progress he can build on for a fresh assault later.

10.56 am

Lord Blunkett (Lab): My Lords, I too congratulate the noble Lord, Lord Crisp, on this initiative. I declare my interest as a poor vice-president of the TCPA; I say “poor” because of my lack of contribution over recent years, including being abroad for the reception referred to by the noble Lord, Lord Young of Cookham.

The noble Lord, Lord Young, and I have to stop meeting like this, because it is bad for his political career—well, he does not have a future career, but it is bad for his image within whatever emerges on 5 September. I am pleased to endorse his words about the noble Lord, Lord Greenhalgh; I also thank him and the noble Lord, Lord Crisp, for covering some of the elements that I was going to cover and therefore sparing the House a lengthier speech by me.

It strikes me that, although we understand the responsibility of the individual for their lifestyle and the contribution that they make to their own health, it is the public health elements that are so important. Of course, income is a major driver here, as it is in terms of the kind of housing that all of us can enter into and enjoy. I spent my early years in a house that was built immediately after the war. The lino used to lift in the air when it was windy. It was like a sort of elevation; I could not do a party trick and make it rise up without being lifted, but it sometimes felt like that. The house also lacked double glazing—well, we had a form of glazing in the winter: the ice that formed on the inside of the windows—and the toilet was inside but in the porch opposite the coalhouse. I was lucky because other people were brought up in much worse conditions in the old back-to-back houses.

That is why I think this Bill is so important for our understanding of what we do to our fellow citizens and of how properly designed houses are healthy to live in throughout their lifespan and contribute both to people’s independence and to their contribution to their own well-being. If you live in a decent house that is healthy on a day-to-day basis, the chances of you having and holding down a job are obviously much greater because you will not be taking time off work. The drain on primary and secondary health services will be much less and young people’s chances of connecting to, and remaining connected to, education will increase dramatically.

We know from the conditions that exist at the moment, with pollution that is vastly impacting the climate around us, what a difference it makes when children do not have bronchial and asthmatic problems, which are often exacerbated severely by the conditions that they live in. We all pay attention to the issue of insulation. We now must match that with an understanding of ventilation and with overcoming the built-in tragedy of people living in houses that have water running down the walls and the choice of having the window open or having damp inflicted on them. When people live in good conditions, not just within the home but in the design of the house and the design of the community around them allowing them to enjoy amenities, their life chances are transformed.

We need to learn from the past, from the model villages in Scotland and West Yorkshire, the work of Rowntree’s and Cadbury, and the homes established by Wedgwood. It was one of the drivers, but nevertheless

an important one, for Wedgwood, that if his employees lived in a decent house, the chance of them putting in a good shift was much greater and the chance of them dropping out of work was much less. The logic is one of economy as well as of public health. The logic is one of liberating people to be independent and self-reliant, as well as of communal duty and obligation to each other. You can see immediately that if you get it right from the beginning, you reduce public expenditure in the long term.

My final point is about ageing. The work described by the noble Lord, Lord Young of Cookham, and which was referred to earlier by the noble Lord, Lord Crisp, about reports that have occurred over the generations, from the 1980 to the 2020 reports, is matched by work in relation to ageing, which was done by Professor Alan Walker at Sheffield University, whom I know very intimately. I am not directly associated with the voluntary body, ARCO, but I have dealings with it. If we get design of homes for different times in our lives right, we can liberate people in a way that, again, reduces the cost of social care. So often, people end up in residential care because the home that they live in is entirely unsuitable to maintaining their good health and well-being in the place that they loved and knew. That is true of mild dementia too, where people get even more confused when they are moved into unknown environments in which they are unfamiliar with their surroundings and with what is happening to them. The more that we can invest in homes fit for the future, not just fit for heroes, as they said after the First World War, we will turn our society around. I am really pleased to support this Bill.

11.03 am

Lord Stunell (LD): My Lords, it is a pleasure to follow the noble Lord and to offer my support for this very important Bill. I cannot bring the same distinguished background and retrospective contributions of the noble Lords, Lord Young of Cookham, and Lord Blunkett, but I can claim to have worked for 13 years in the architects’ department of a new-town development corporation, and the principles which underline this Bill were very much in the minds of those of us who were designing and building that community.

Why do we need this Bill? It may seem odd to noble Lords that there is not already a statutory duty to secure the health, safety and well-being of people living and moving around in homes, but there is not. Consequently, there are thousands of families and millions of children and vulnerable elderly people who find themselves in unsafe, poorly heated, inadequately insulated homes, in neighbourhoods far from green spaces or public transport and all too close to life-threatening sources of pollution and toxic particulates.

We are still building those homes. As the noble Lord, Lord Crisp, pointed out, some recent changes to permitted development rules mean that too many homes are still being built which fail those basic principles. That will blight the occupants of those homes for generations. Housing is an investment made now which lasts for decades—for generations. The noble Lord, Lord Crisp, has pointed out that the decision to abandon the move to zero-carbon standards of building for

homes in 2016 means that we have now deliberately built about a million substandard homes. They will have to be retrofitted—that is, changed and upgraded—before we get to 2050, at considerable expense either to the householder or the taxpayer in one form or another. It is that kind of short-sighted thinking, at national and sometimes local level, that I hope very much that the introduction of these principles as a statutory requirement will end completely.

The Bill applies only to new homes but I very much hope that the principles set out here will become a benchmark for existing homes. We have yet to hear the Minister's response to this Bill, but I join others in saying that much as I will welcome her contribution, it is a pity that the noble Lord, Lord Greenhalgh, cannot deliver it in the ebullient style that we had become used to. I hope very much that the Government understand that this is an important and necessary step which ought to set the framework not just for new building but for how we think about upgrading—a better word than retrofitting—our existing homes so that they are suitable for the 21st century and its climate.

It is a framework Bill, not an answer-to-everything Bill. However, it establishes responsibilities and duties, nationally and locally; it sets out an overarching set of principles to apply, which I have just mentioned and which the noble Lord, Lord Crisp, enunciated in his introduction; and it sets out a reporting mechanism with an accountability to Parliament, meaning that it will not be possible for Governments or local authorities to slide away from their responsibility. To keep all that on track, it proposes a healthy homes commissioner, who will be independent of the Government and able to have oversight of this process. Crucially, it also empowers local planning authorities to plan for building safe and affordable homes for those on average and below-average incomes in their areas. There is a terrible shortage of such accommodation in practically every area of the country, and the press reports yesterday of record rental levels in London only underline the shortage of suitable accommodation, with many stories accompanying that news of people who are desperately seeking accommodation which is in any way suitable for habitation at all.

This Bill fills a surprising gap in our legislative armoury and can play a significant role in ending the damage and detriment caused to far too many children and citizens by the poverty of our current housing stock and the unhealthy surroundings that they have. I wish this Bill a speedy passage.

11.08 am

Baroness Prashar (CB): My Lords, I am pleased that the noble Lord, Lord Crisp, persevered and succeeded in ensuring that his Private Member's Bill is considered. His slogan:

“Health is made at home, hospitals are for repairs”

encapsulates his vision and his objectives admirably. I commend the Town and Country Planning Association, for its excellent work, for its tenacity, and for masterminding this campaign. I am also delighted that the Nationwide Foundation, an independent charity, supports the work of the TCPA. I declare my interest as a

trustee of the Nationwide Foundation, whose main objective is to ensure that everyone has access to decent, healthy and affordable homes.

Lack of decent, healthy and affordable housing is one of the most pressing social problems that we face. It causes harm to individuals and families, as well as communities and society. There is, of course, a direct link between housing and poverty. There is compelling evidence about health problems caused by poor-quality housing, noise pollution, damp, cold, inefficient, poorly lit and cramped living conditions; you have only to read the White Paper of the All-Party Parliamentary Group for Healthy Homes and Buildings, *Building our Future*, which was published in 2018. Covid highlighted very poignantly how those in poor and inappropriate accommodation suffered the most.

It is therefore an imperative that the homes in which people live positively contribute to physical and mental well-being, instead of diminishing it. The human cost and cost to the public purse of unhealthy homes is incalculable. The benefits, on the other hand, are enormous. The Bill's provisions would help to ensure that we have healthy, happy individuals, a lower cost to the National Health Service, better educational attainment, better productivity, reduced emissions and a healthier environment, greater life chances and a reduced burden on social care.

Unfortunately, changes in housing over the years have often been piecemeal, with very little thought given to their wider implications. I will give just one example. Some houses built through permitted development even lack access to natural light, and thousands more have been built in office parks and industrial estates. They have been described as “slums of the future”.

This has resulted in an unbalanced system that is not fit for purpose and does not meet people's essential needs, particularly those who are vulnerable and disadvantaged. We know that the most vulnerable are more likely to live in unhealthy homes that are damp, energy inefficient, noisy and poorly ventilated. Given rising energy prices and the cost of living crisis, it is even more important that the Government act now to ensure that homes and buildings do not cause or exacerbate poor health and well-being.

This Bill is a real opportunity for government action. As the noble Lord, Lord Crisp, said, it would create a duty on the Secretary of State to ensure that all relevant policy secures healthy homes; provide a definition of a healthy home and legally binding principles that should underpin it, as developed by the TCPA; join up the housing and planning systems in pursuit of healthy homes and neighbourhoods; and simplify and strengthen the way that the built environment is regulated.

In short, the Bill would transform the regulation of the built environment to ensure that new homes and neighbourhoods support residents' health and well-being. It would also provide significant scope for the Government to pursue those objectives, standards and policies that they deem to be most effective and would directly contribute to the levelling-up, climate change and affordable housing agendas. It is a real opportunity for a holistic and fundamental change at a time when

[BARONESS PRASHAR]

there are opportunities through other legislation to adopt the Bill. I urge the Government to embrace the Bill, as the rationale for it is unassailable.

11.13 am

The Lord Bishop of Ely: My Lords, it is a pleasure to speak in the Second Reading of this very important Bill. The lead Bishop on housing, the right reverend Prelate the Bishop of Chelmsford, is sadly unable to be with us. However, she has asked me also to pass on her gratitude to the noble Lord, Lord Crisp, for his work in bringing the Healthy Homes Bill forward.

In his book *Reimagining Britain*, the most reverend Primate the Archbishop of Canterbury wrote that we need to reimagine housing. He said:

“Reimagined core values and practices in any housing development will be linked to health in many forms. Good communities build financial, physical, mental, spiritual and relational health.”

As the noble Lord, Lord Crisp, said, this is about linking not just housing and health but education. In my time as Bishop of Ely, when we have built church schools on crowded new housing estates I have always insisted on having space in front of the schools so that, rather than doubling the cramp that people feel, we have pram plazas rather than pram wars.

One mistake that has been made over and over again is to reduce our housing crisis simply to the idea of an excess of demand over supply. The consequence is that we assume that, by building more houses faster, we will somehow sort out the other problems around housing. This excessive focus on the volume of houses to be built has caused us to overlook their quality. In the headlong rush to deliver the numbers, we are compromising on the basic standards for healthy homes. We have lost sight of the purpose, for if we go back to the question of why we are building all these houses, it is to create healthy homes where individuals can thrive and healthy neighbourhoods where social bonds can form, where decent housing provides for productive citizens.

Our nation has a history of slum clearance going back to the 19th century and campaigns after both world wars in the 20th century to build decent new homes. In the 1920s, a young priest called Basil Jellicoe, upon discovering the dire state of his parishioners' housing in Camden, founded the St Pancras House Improvement Society. His obituary in the *Times*—he died when he was only 36—said that he

“resolved that he would not rest till his people had homes fit to live in, and the rehousing schemes started by his society have already provided many excellent flats with gardens, trees, ponds, swings for the children, and other amenities.”

It is concerning that, despite these works and many like them in the post-war developments, in many respects the quality of homes in this country has gone backwards in the last few decades. When I was a curate in Gateshead, high-quality social housing produced many fine athletes. It is terrible that the housing that is being provided now produces children who can barely breathe. That there are no legally enforceable standards across many aspects of our housing design and construction means that many have been forced to live in poor-quality, overcrowded housing. It is an ironic reflection on our

current housing market that homes for sale with good-sized rooms and spacious gardens are not found on new developments but are often ex-council houses, such as the ones I knew back in the 1980s.

It is right and very welcome that the Bill seeks to introduce “healthy homes principles” to be committed to, implemented and monitored. I am sure noble Lords will agree that these principles are good and appropriate. They seek to reduce fire risk, provide liveable space, ensure access to natural light, accessibility, inclusivity and resilience to climate change in homes that are secure and reduce noise and light pollution.

Finally, in drawing my remarks to a close, I observe the affinity of the principles set out in the Healthy Homes Bill with those set out in the Church of England's *Coming Home* report—those being the five “S” principles that good housing should be sustainable, safe, stable, sociable and satisfying. I and other Lords spiritual look forward to working with the noble Lord, Lord Crisp, to support this Bill's passage.

11.17 am

Lord Shipley (LD): My Lords, I thank the noble Lord, Lord Crisp, for this Private Member's Bill. It is very important because it would improve public health. In defining the healthy homes principles that should underpin planning law and the built environment, it provides a missing link to ensure that the built environment is better regulated. It would establish a clearer link for housing with health and well-being, and give a public duty to the Secretary of State to secure the health, safety and well-being of people in buildings.

As the noble Lord, Lord Crisp, and my noble friend Lord Stunell said, we have too many poorly constructed homes—too many homes that lack space and have poor access to green spaces and local services. The crucial point of the Bill and its great benefit is that the healthy homes principles would become legally binding. For example, new homes should not lead to unsafe levels of air pollution, yet poor indoor air quality can increase cardiovascular disease and asthma.

Like many, I have never been happy with the current permitted development rules that permit the conversion of commercial properties to housing with little regulation. They have resulted in some homes lacking access to natural light. Homes that cannot justify the name have been fitted out in premises in business parks and some in industrial estates. In the rush to build more homes to meet the Government's commitment to 300,000 new homes a year, poor standards have been tolerated when they should not have been. This is the consequence of deregulation—an outcome that was forecast at the time.

As we have heard, the planning system has become fragmented. The noble Lord, Lord Young of Cookham, talked about the silo approach in planning and the poor-quality housing that derives from that. That tells me that the proposal for a healthy homes commissioner is key to the success of this Bill because it would provide the essential focus to ensure that standards of health and well-being improve. It is difficult when responsibilities for legislated-for standards are spread across Whitehall—we see it in many spheres. This is one, but we know that if we had a healthy homes

commissioner, it would bring the disparity together to enable higher standards to be achieved. I therefore wish the noble Lord, Lord Crisp, every success with this Bill, which I think is an essential part of underpinning our planning system.

11.21 am

Lord Best (CB): My Lords, I join other noble Lords in thanking the noble Lord, Lord Greenhalgh, for his service. I shall miss him.

I congratulate my noble friend Lord Crisp on progressing this excellent Private Member's Bill and I thank the Town and Country Planning Association, of which I am honoured to be a vice-president, for its great work in promoting this legislation. The noble Lord, Lord Crisp, has become justly famous for his advocacy of health creation. This approach is not about healthcare after the event, or even about measures to prevent ill health, but about interventions that positively create good health and well-being. In creating health, the role of the home and its environs is critical.

My contribution to this debate is to highlight three high-level sources of support for this core message embodied in the Healthy Homes Bill. First, earlier this week we saw the launch of a report from an Oxford University commission, which I have had the privilege of chairing, on creating healthy cities. The commission was established by Kellogg College's Global Centre for Healthcare and Urbanism, in partnership with the Prince's Foundation. The noble Lord, Lord Crisp, chaired our international advisory board, with added insights from experts across the world.

The commission's central contention is that built environment interventions that create improved health and well-being, of which housing is the most prominent, should be prioritised in public policies and the allocation of resources. The commission's point is that this linkage of health with housing and place is key to resolving many of the wicked issues—the most difficult problems of our time. Getting the home and its environment right addresses the stark inequalities in society, fuel poverty, the prosperity and productivity of our cities, our ageing population, the escalating costs of the health service and key components of the climate emergency. The commission recommends that affordable housing output should be stepped up to around one-third of the Government's overall target of 300,000 new homes each year, but the commission is clear that quality is as important as quantity. New homes are so often criticised for poor design, inadequate space standards, and a lack of green spaces and a decent public realm, as well as for making slow progress towards net-zero emissions. The commission advocates improvements through building regulations, design codes and planning requirements. I commend this new report which endorses the need for the Healthy Homes Bill. It can be found online by searching for “commission on creating healthy cities”.

My second source of backing for the intentions of the Bill comes from the report of your Lordships' Select Committee on the Built Environment, *Meeting Housing Demand*. I am proud to be a member of that committee. This report points to the problems of

quality standards in new-build homes from volume housebuilders. It makes the point that poor-quality housing has a significant impact on public health. The Built Environment Committee's report gave special emphasis to the need for well-designed, manageable, accessible and companionable housing for older people, a desperate need illustrated today by the news of record delays in hospital admissions from ambulances, so often because beds are full of people who cannot return to unsuitable homes. In that context, I ask the Minister for advice on progress with the establishment of the Government's housing for older people task force, which was announced last year.

My third reference for support for action on healthy homes is the Government's own levelling up White Paper. This states

“Having a decent home is fundamental to our well-being”.

Despite all the hazards around us—Covid, war, inflation and political turmoil—the levelling-up agenda could and should mean substantial investment in place-based initiatives that promote healthy homes within a decent environment. Can the Minister confirm that the Government's commitment to this levelling-up agenda remains unwavering in these volatile times?

The Healthy Homes Bill's aim of ensuring that the nation's housing contributes positively to health and well-being in every respect is reflected in growing recognition and support from many quarters. This important Bill definitely deserves to move to the next stage, and I wish it a safe passage.

11.26 am

Baroness Walmsley (LD): My Lords, I too am delighted to support the noble Lord, Lord Crisp, in his campaign to ensure that all our population can live in a safe, healthy home for life, as the noble Lord, Lord Blunkett, pointed out.

He has listed 11 principles which should apply to new homes to make them healthy homes. After the Grenfell disaster and the following revelation that many other homes in high-rise buildings are also susceptible to fire, he is wise to have put fire safety top of the list, death being the single biggest risk to health. Whatever else we expect from our homes, we certainly should not expect them to kill us.

Despite the progress of the Building Safety Act 2022, there are still many outstanding issues which require clarity or action. Leaseholders are still having to pay for fire safety measures, other than cladding, up to the cap, but some freeholders are increasing service charges to cover costs over and above the cap. This cannot be right. It is still not mandatory for a resident with a disability in a high-rise building to have a personal evacuation plan. There are many blocks of flats with only a single staircase for evacuation in the case of fire. At the very least, it should be illegal to build new blocks with only a single staircase. Then there is the issue of electrical safety, referred to by my noble friend Lord Forster in his Private Member's Bill that has just been debated. Many fires have been caused by electrical faults, yet still no electrical safety inspection is mandated unless you are trying to let your flat—a certificate is not required if you are selling.

[BARONESS WALMSLEY]

Looking at the other principles, I regret that they apply to new homes only, but I understand why the Bill has been written that way. New homes are a minority of homes, but I wonder whether the healthy homes commissioner's functions, as outlined in Clause 8, could be amended in Committee to include action on existing homes too. I agree with my noble friends Lord Shipley and Lord Stunell on that point.

I was interested to note that some of the principles in Clause 3 are linked to each other. If they were put in place, they would make a major contribution to certain government ambitions. I refer to paragraph (f) on a reduction in carbon emissions, paragraph (g) on resilience to climate change, and paragraph (k) on year-round thermal comfort. If all new homes were well insulated and double or triple glazed, we would make some progress towards net zero.

Unfortunately, there is no proper inspection that the energy efficiency as built is equivalent to the energy efficiency a home was designed to have. This does not happen, because developers can appoint their own building inspectors. I think it is shocking that local authority building inspectors are not allowed on site to ensure that buyers are getting what they paid for in respect of insulation. Developers are marking their own homework, which is one of the reasons why the advisory Committee on Climate Change has given a red rating on progress on reducing emissions from buildings. The policies are not there and neither are the support schemes.

The principles in the Bill are about new homes but, as I said, the majority of homes are not new. Government funding to support home insulation has been drastically reduced since 2015, and there is now no support at all for owner-occupiers who want to retrofit their homes. It can and should be done, though, especially now in the light of the threats to energy security and the eye-watering increase in the price of gas and electricity—another job for the healthy homes commissioner that could be added in Committee.

The Government's welcome help with paying energy bills is like pushing £5 notes straight through the walls of homes into the atmosphere. It is money wasted unless we insulate both new homes and existing ones. Indeed, we must do so before we remove gas boilers and install heat pumps. Interestingly, better insulation would also achieve the principle in Clause 3(i), which requires homes to be free from unacceptable levels of "intrusive noise and light pollution".

On noise pollution, I can confirm from my own experience in a passive house that a well-insulated house is a quiet house—unless of course you fill it with a lot of noisy people.

Insulation is also important for the Government's ambition of giving us an extra five years of healthy life. Older people in particular are susceptible to cold and hypothermia, so the principle in Clause 3(k)—year-round thermal comfort—is vital for that government ambition too.

Clause 9 deals with "affordable housing", but defines it as

"affordable to those on average and below-average household incomes".

The Government's definition is 80% of market price, either to rent or buy, or 50% for social rents. If the Bill goes to Committee, which I hope it does, we will have to iron out that potential anomaly. Affordable should mean affordable.

All round, though, the Bill of the noble Lord, Lord Crisp, if passed into law, would not only benefit the health, well-being and pockets of residents of new homes but help to achieve many of the Government's key ambitions for us and future generations. It must be done.

11.32 am

Baroness Bennett of Manor Castle (GP): My Lords, I am the final Back-Bench speaker and I join every other speaker in wishing this Bill a fast and successful passage into law, and I congratulate the noble Lord, Lord Crisp, on it.

I entirely sympathise with the comment of the noble Lord, Lord Young of Cookham, that some elements of the Bill could be implemented immediately, but really the great value of it is that it is the new systems-thinking approach that the Government so desperately need. Dare I say it—I doubt they will listen to me—but a Tory leadership candidate could adopt the whole Bill as a new policy to present in the debate tonight. It brings the kind of systems thinking that we so urgently need. In passing, I offer Green support for the Domestic Premises (Electrical Safety Certificate) Bill of the noble Lord, Lord Foster of Bath, which is so clearly related to this one; I am sorry I was not able to take part in that debate.

I congratulate the usual channels, which is not something I say very often, who have perfectly timed the arrival of Second Reading of this Bill in the light of the amber extreme heat warning across most of England and Wales from Sunday to Tuesday, with temperatures expected to exceed 35 degrees in southern, eastern and central areas and with COBRA meeting to look at tackling the dangers this presents, particularly to the health service.

In the light of that, I am going to concentrate on Clause 3, which defines the healthy home principles, particularly Clause 3(f), (g) and (k), referring respectively to slashing carbon emissions, being resilient to climate change and thermal comfort. I must also make reference to the importance of Clause 3(j), which deals with indoor air pollution. My noble friend Lady Jones of Moulsecoomb has a Bill dealing with the urgent need for clean air in the environment, but indoor air pollution is an issue that is even less adequately considered and is related to novel entities, the planetary boundary that we have most recently exceeded. Far too many products on our supermarket shelves being pushed by blanket advertising contain volatile organic chemicals that make our homes far less healthy by polluting them, and the ventilation of those homes is inadequate to remove them.

The noble Baroness, Lady Walmsley, among others, commented on the relationship between this issue and poverty. A recent report by Centre for Cities—here, we come back to the Government's levelling-up agenda—noted that Burnley and Blackpool are among the areas of the country worst-hit by inflation, in large

part because of poor-quality housing stock. The reality is that northern workers are facing extra costs for essentials of £133 per month, compared to an average in the south of £103. A significant part of such extra costs, £360 a year, is associated with poor housing—which, of course, is before the further increase in energy prices that we are expecting.

I imagine that one of the responses we may hear from the Government, if we are not going to hear the widespread embrace of the Bill that we should, is, “But what about the extra costs?” I do not have much time now to go into detail, but I refer noble Lords to the report entitled *The Costs and Benefits of Tighter Standards for New Buildings*, prepared for the Committee on Climate Change. The noble Lord, Lord Best, referred to its scathing assessment of the Government’s climate adaptation policies. The report sets out the detail very clearly. Ultra-high energy-efficiency standards—which would meet many of the demands set out in the noble Lord’s Bill—combined with air-source heat pumps, represent a 1% to 4% uplift on build costs compared to a home built to current regulations. So, for a 1% to 4% higher build cost, we would get a long way down the road towards the healthy homes that the noble Lord is outlining. It also notes that costs are highest in the least efficient building forms, such as detached houses, which is where, bringing in the systems thinking, we come to the land-use strategy that we are to see very soon from the Government.

I want to broaden this issue and come back to Clause 1, which lays a duty on the Secretary of State to look at all buildings, not just homes. Let us consider the disastrous position we are in now. The head teacher of Clapton Girls’ Academy has told parents that the school plans to send pupils home at 12.30 pm on Monday and Tuesday:

“Already, many classrooms are very hot, even with fans, and students are struggling to keep cool, drink enough water and maintain concentration in lessons.”

We should apologise to our young people, who have been hit by so many shocks and difficulties. Again, their education is being disrupted because we have failed to provide them with buildings of a decent standard.

Lastly, I want to bring us very close to home and point out to noble Lords that on Monday and Tuesday, the Home Office service office in Portcullis House will be closed because it is expected to be so hot that it will not be safe for people to work there. If we want a metaphor for the unfitness of our current politics and of everything we have delivered for our society, there, in a nutshell—or in a glass-shelled office—is that metaphor.

11.38 am

Baroness Andrews (Lab): My Lords, I am grateful to the House for allowing me to speak in the gap. The noble Lord, Lord Crisp, will know how important and timely I think the Bill is because we have worked for many years on related issues. Looking back at the report that we in the Select Committee produced in 2016, *Building Better Places*, it is that emphasis on places that comes through in his very important Bill today. As the noble Lord, Lord Best, said, unless we

emphasise the building of places in their context, unless we get buildings and homes right, we will not be able to get the whole environment right.

We have wasted more than a decade. I hope the House will forgive me if I refer to the policy that the last Labour Government introduced in 2009 of lifetime homes and lifetime neighbourhoods, from which there is a direct trajectory to all the things we have discussed today, including lifetime homes standards, which we wanted to be mandatory within a matter of years. We were looking at regulation by 2013, but of course, that was wiped out by the coalition Government. We are now nowhere nearer mandatory standards for lifetime homes, yet in order to make the noble Lord’s Bill a reality we absolutely have to have mandatory standards to drive permanent, sustainable changes in the quality and design of buildings, which would make it possible for older people to live and age in place. That is what we have all been aiming at for the past decade.

We are slightly nearer it because the social care White Paper, for example, brings for the first time a proper, explicit emphasis on integrating housing and commits money to it in relation to social care. Of course, it is also in relation to discharge and the crisis we are having, which we see every day now. We absolutely need to do that as quickly as we can.

The second point I want to make—I hope I will take only three minutes—is that not only have we gone backwards because we have failed to address the reality of what is required to enforce standards and get developers to deliver them, but we have also gone backwards on the adaptability of buildings. The loss of Care & Repair England, for example, with the wonderful work that Sue Adams did there over so many decades, is a terrible one. We no longer have the momentum and discipline to ensure that we have those sorts of provisions at a local level, which can make all the difference to providing adaptable homes—not just new homes but homes that people can live in and cope with.

This is particularly important for older people and if we are to get any movement into encouraging older people to downsize, so that we can free up homes as a whole-systems approach to providing affordable and accessible homes for younger people. This is all part of the system and the Bill fits in so clearly and so importantly with that. I hope that the Government see the opportunity—as well as the set-up—here to support the Bill and, when we begin Committee I hope we will have a raft of amendments to strengthen the Bill and make it more enforceable, deliverable and workable.

11.41 am

Baroness Brinton (LD) [V]: My Lords, I declare my interests as vice-chair of the All-Party Group on Fire Safety and Rescue. I am also disabled. I congratulate the noble Lord, Lord Crisp, on securing the Second Reading of this important Bill and on his long-term work to achieve improvement in the standards of homes. I thank Habinteg, the TPCA and the Library for their helpful briefings. I also echo the thanks of the noble Baroness, Lady Bennett, to the usual channels for this Bill immediately following my noble friend Lord Foster’s Bill on the safety of electrical installations,

[BARONESS BRINTON]

as there is absolutely an overlap. It was a pleasure to hear the informed contribution of the noble Lord, Lord Young, on this Bill, given his expertise over many years, while the noble Lord, Lord Best, reminded us of the work of the Lords Select Committee examining quality standards in housing, and said that poor standards affect health.

The Bill places a duty on the Secretary of State to secure the health, safety, well-being and convenience of people in their homes. The noble Lord, Lord Blunkett, spoke of the overarching strategic importance of getting this right. I particularly like the definition in the Bill of the healthy homes principles, which must be adhered to and which begin with fire safety and lifetime standards. My noble friend Lady Walmsley outlined their importance and the difficulties that leaseholders currently face. I support her call for these standards for existing homes and for affordability. I agree with my noble friend Lord Shipley that the role of the healthy homes commissioner would ensure that the issue of building healthy homes became part of the vital cycle of the long overdue improvement of building and safety standards.

The noble Lord, Lord Crisp, was right to say that there is an intimate relationship between housing and health, and that there are wider benefits to communities and society where homes are built with the foundation stones of health, safety and well-being. The noble Baroness, Lady Prashar, reminded us that healthy homes should be an imperative.

My noble friend Lord Shipley mentioned homes being built on industrial estates with no light. In my home town, Watford, in 2019, a light industrial unit—well, not much more than a shed—was given consent on appeal for conversion into 15 flats, of which seven would have had no windows at all. After the public outcry, not least by the council, which had refused it, the Secretary of State overruled the planning inspector. The right reverend Prelate was right to say that the current focus on the volume of building has overtaken size needs and having basic, healthy homes. We must continue to build new homes, but they must be safe and healthy. It can be done affordably but requires building companies to change their model of building fast and building small.

My noble friend Lord Stunell reminded us that reforms in building regulations are long overdue. The Grenfell inquiry, and especially Dame Judith Hackitt's review, have said that this reform is urgent. She talked about the need for streamlining; this Bill could reduce the nightmare complexity and bureaucracy of the maze of our current, separate, planning and building regulations systems.

Healthy homes need to be suitable for those of us who are disabled—there is very little disabled accommodation available—and for those with less mobility, as is increasingly common as we all get older. We know that the Government are currently consulting on changes to Part M of the building regulations to raise accessibility standards for new homes in England. These proposals to raise the standard for category 2, often referred to as the accessible and adaptable standard in the lifetime homes standard, are vital. The noble

Baroness, Lady Andrews, reminded us of the need for this and of the loss of Care & Repair, which was so short-sighted. The Bill tries to make that link between the broader, strategic principles of healthy living and the practical ones relating to planning regulations.

Accessible housing means homes and neighbourhoods that are designed and built for everyone but are especially beneficial to disabled and older people. In practice, this means simple and cheap things such as not having steps up to a front door, making doorways very slightly wider and having more room to move around in a bathroom. New houses could easily be built with bathrooms that can be converted into wet rooms when necessary in later life, if people cannot get into baths. It also means homes that are future-proofed and sustainable, and can be adapted to suit people's needs as they age, with things from installing grab rails to the potential for a level-access shower, as I have mentioned. This is vital at a time when social care is under real stress. As demographics change, this will only increase.

While there is a very practical point about not having more and more care homes, most people receiving social care would actually prefer it in their own homes and not to have to move into a care home. Surely it makes sense to require new homes to be built to that accessible and adaptable standard, which would ensure that people across their life-course can live more healthy and independent lives. Raising the minimum standard will provide a level policy playing field and the certainty that developers want, enabling them to build homes that meet the future needs of disabled and older people.

This Government have repeatedly said that their aims for reform of building and safety regulations are a priority but, at a time when progress seems to have stalled yet again, this Bill provides a real opportunity for fundamental change. There is no reason why any new homes should undermine the health of their residents. I hope that the Government will look favourably on the Bill.

11.48 am

Baroness Hayman of Ullock (Lab): My Lords, I thank the noble Lord, Lord Crisp, for bringing his Bill before us today and for his extremely thorough and excellent instruction, which was helpful to all noble Lords. As others have done, I thank the noble Lord, Lord Greenhalgh, for his work in this area. It has been a pleasure to shadow him and I wish him well on the Back Benches.

We support the Bill because we believe it is important for the Government to build a new wave of affordable, healthy homes where families can settle with a real sense of security. As we have heard, healthy homes are beneficial not just for those who live in them but for the country as a whole. The noble Lord, Lord Crisp, talked in his introduction about the intimate relationship between housing and health. According to the Good Homes Alliance, old and inefficient housing causes an estimated £1.4 billion to £2 billion in additional annual NHS costs.

It is thus disappointing that there seems to be a reluctance by the Government to improve the quality of homes. They have also failed to give councils the

powers to deliver landlord licensing and ensure that all homes are up to a sufficient quality. The noble Lord, Lord Stunell, expressed surprise that there is not already a statutory duty for this. It is not just surprising but quite shocking that developers can continue to get away with building substandard housing.

The English Housing Survey estimates that 23% of private rented homes in 2019 did not meet the decent homes standard—that is over 1 million homes. This compares with only 18% of owner-occupied homes and 12% of social rented homes, so there is a particular problem in the private rented sector. I wonder whether the Minister has had the opportunity to familiarise herself with the report published yesterday by the Centre for Cities think tank, which was mentioned by the noble Baroness, Lady Bennett of Manor Castle. The report concluded that the cost of living crisis has widened the north/south divide in England and Wales by 30%, which is a shocking figure.

One area of particular concern was the fact that older, less well-insulated housing stock contributes to much higher energy costs for people who live in those homes. One example in the report was that the annual energy bills in Burnley, where 70% of homes have an energy-efficiency rating below band C, averaged £1,272. This can be compared with Milton Keynes, where 50% of homes have high energy-efficiency ratings and annual bills were £889 on average. Therefore, the worse a home is insulated, the more it costs to heat it. Clearly, energy efficiency needs to be an urgent government priority.

The noble Baroness, Lady Walmsley, mentioned the importance of insulation, and she is absolutely right. The noble Lord, Lord Best, brought us his huge experience from the Select Committee and the Affordable Housing Commission, and shared many of his findings, one of which was fuel poverty and its impact. I ask the Minister: how do the Government plan to tackle this increasing equality divide and level up, as they keep promising us? More broadly, the Government's housing and planning policy still seems pretty disorganised, to say the least. A report in January from the House of Lords Built Environment Committee on meeting housing demand found that the Government's delays over planning reforms and uncertainty over the future of the planning system had created

“a chilling effect on house-building”.

The noble Lords, Lord Shipley and Lord Young of Cookham, both talked about planning and brought their experience of this to the debate. My noble friend Lord Blunkett spoke about the importance of getting this right. There are nearly 1 million more people now in private rented homes than when the Conservatives came to power in 2010. Too many are stuck in a system with no power to challenge rogue landlords, with no savings to get on the housing ladder and in housing that falls well below acceptable standards.

The proposals in the levelling-up Bill do not do anything to ensure that affordable and healthy housing is built to the high standards that we have heard in this debate and which need to be the norm. We also need people to live in mixed developments. The right reverend Prelate the Bishop of Ely talked about the importance of quality and not just quantity; this is one area where

we have got it wrong over the last few decades. We need to build more homes, but, as we have heard in the debate, standards really matter. This debate has brought a huge amount of experience and expertise that your Lordships' House can offer the Government in order to develop this Bill. I urge the Minister to put her full support behind the Bill and to work with the noble Lord, Lord Crisp. We strongly support this Bill and urge the Government to do the same.

11.53 am

Baroness Bloomfield of Hinton Waldrist (Con): My Lords, I thank the noble Lord, Lord Crisp, for sponsoring this Private Member's Bill. We have had a very interesting, wide-ranging and meaty debate. I too am sorry that my noble friend Lord Greenhalgh is not here on this occasion to answer; his knowledge in this area far surpasses mine, but I will do my best to respond to noble Lords. I acknowledge that the noble Lord, Lord Crisp, and many other noble Lords are quite right to emphasise the link between health, healthy living, homes and places; the inequalities in this sector have been highlighted in his and other noble Lords' contributions.

The Government oppose this Bill, not because they take issue with the premise of noble Lords' arguments, but rather because they believe that the problems highlighted in the Bill are already being dealt with via alternative policy routes. Delivering homes in places that support healthy and safe lifestyles is a key element of the planning system. Many of the proposed healthy homes principles are already covered by the National Planning Policy Framework, which sets out the Government's planning policies for England and how these should be applied. The NPPF must be taken into account by local authorities in the preparation of their development plans, and it is a material consideration in planning decisions. The purpose of the planning system is clear: to contribute to the achievement of sustainable development.

Our National Planning Policy Framework sets out three overarching objectives to achieve sustainable development: economic and, in particular, social and environmental. The social objective focuses on supporting strong, vibrant and healthy communities by fostering well-designed, beautiful and safe places with accessible services and open spaces. More specifically, the framework is clear that planning policies and decisions should aim to achieve healthy, inclusive and safe places. This should support healthy lifestyles, especially where this would address identified local health and well-being needs. We are intending to review the NPPF to support the programme of changes to the planning system. This will provide an opportunity to ensure that the NPPF contributes to sustainable development as fully as possible.

To ensure that sustainable development is pursued positively, the presumption in favour of sustainable development is at the heart of the framework. This means that all plans should promote sustainable patterns of growth to meet local need, align growth and infrastructure, improve the environment, mitigate climate

[BARONESS BLOOMFIELD OF HINTON WALDRIST] change and adapt to its effects. It also means that planning applications which accord with an up-to-date plan should be approved.

Transport should also be considered from the earliest stages of plan-making and development proposals, so that opportunities to promote walking, cycling and public transport use are identified and pursued. Significant development should be focused on locations which are, or can be made, sustainable through limiting the need to travel and offering a genuine choice of transport modes.

In addition, open spaces can provide health, well-being and recreational benefits to people living and working nearby; they have an ecological value and make an important contribution to green infrastructure. Planning policies should be based on robust and up-to-date assessments of the need for open space and opportunities for new provision. Local plans should seek to accommodate this.

I will speak only briefly on building safety because it did not form a major part of today's debate and noble Lords will already be aware, from the Building Safety Act and other statutory instruments, of the amount of work the Government are doing in this area. The noble Baroness, Lady Brinton, focused particularly on this issue. The Government are clear that there must be a strong regulatory regime in place to ensure that buildings are built and maintained safely. As the noble Baroness knows, and other noble Lords will agree, the Government are implementing the majority of the recommendations in the 2018 Hackitt review through the Building Safety Act. In particular, the Act sets out a clear pathway on how high-rise buildings should be designed, constructed, maintained and managed, while ensuring that residents have a stronger voice in the system. The Act also establishes two new regulators: the building safety regulator and the national regulator for construction products.

I turn to building standards. Health and safety in buildings is a founding principle of the Building Safety Act, which underpins building regulations. Building regulations in England set requirements for a range of matters relating to the health and well-being of people in their homes. The regulations also set requirements for issues raised in the Bill, such as security and energy efficiency. We have recently reviewed and updated building regulations standards for ventilation in homes and introduced a new requirement to reduce the risk of overheating. The highest fabric standards we set as part of the 2021 uplift will markedly increase the energy efficiency of new homes. This will help households to minimise their energy bills and to make homes warmer and more comfortable. The building regulations also contain requirements for ensuring that new buildings are made secure against unauthorised access.

We have clear plans for ensuring that new homes meet the highest levels of energy efficiency. From 2025, the future homes standard will ensure that new homes will be future-proofed for net zero, with low-carbon heat and high levels of energy efficiency. In response to the noble Lord, Lord Stunell, while the zero-carbon homes policy proposed changes to the energy performance

standards of new homes, it also included a carbon offsetting scheme, allowable solutions, to enable homes to become zero carbon. Consumers would not have benefited from allowable solutions as this would not necessarily have increased the energy efficiency of their homes, or indeed reduced their energy bills.

The future homes standard is a major improvement on this policy because it will deliver homes that are genuinely zero-carbon ready. The future homes standard will deliver carbon reductions through the fabric and building services in a home, rather than relying on wider carbon offsetting. This footprint will continue to reduce over time as the electricity grid decarbonises. In the interim, we have tightened energy standards, including for insulation, for new homes by 30%. As well as improving the energy efficiency in the short term, these improvements will ensure that construction professionals and supply chains are working to higher specifications in readiness for the 2025 future homes standard.

In addition to the policies I have mentioned, the National Planning Policy Framework is also clear that a key aspect of sustainable development is good design and that the creation of high-quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. In July 2021 we issued revisions to the framework which place greater emphasis on beauty, place-making and good design to create better places in which to live and work.

The framework also contains national policy relating to many of the aims of this Bill. In particular, it asks that planning policies and decisions should: ensure that developments will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development; accommodate green spaces; support local facilities and transport networks; create places that are safe, inclusive and accessible; and promote health and well-being for existing and future users.

My noble friend Lord Young stressed that two objectives of the Bill relate to natural light and year-round thermal comfort. The *National Design Guide* and *National Model Design Code* illustrate how well-designed places can achieve this in practice.

On liveable space in new homes, the Government believe that ensuring a good standard and quality of internal space is vital to achieving well-designed and healthy homes for all. National planning policy includes a nationally described space standard, which means that councils have the option to set minimum space standards for new homes in their area.

The noble Baroness, Lady Walmsley, touched on staircases, and I am sure that she knows the action the Government have been taking on staircase safety. They have now put in motion a review of *Approved Document K*, which is the statutory guidance for building regulations dealing with protection from falling, collision and impact. The review focuses primarily on Section 1, which considers the safety of stairs, ladders and ramps. This review will run in parallel with the review already under way of *Approved Document M*, which looks at accessibility. This review will consult on raising the safety level of staircases to that achieved by meeting British Standard 5395-1, on staircases.

The *National Design Guide* reminds local councils that the quality of internal space needs careful consideration in higher density developments, particularly for family accommodation. I was, like many noble Lords, appalled to hear of buildings being adapted into flats with no natural light. The guide also places importance on access, privacy, daylight and external amenity space. I hope this relates to some of the “S”s that the right reverend Prelate mentioned in his contribution.

The noble Lord, Lord Best, mentioned the housing for older people task force. Further details on panel membership and the scope of the task force will be confirmed in due course. The noble Lord also mentioned the Commission on Creating Healthy Cities. The Government welcome its report and we are going to look closely at its recommendations as we take forward our work on levelling up, including the reforms set out in the Levelling-up and Regeneration Bill. A full review of the National Planning Policy Framework is also likely to be required in due course to reflect our wider changes to the planning system, subject to decisions on how they will be taken forward. Any changes to the NPPF will be subject to a full public consultation, which will provide an opportunity to submit comments on the proposals.

The noble Baronesses, Lady Bennett of Manor Castle and Lady Hayman of Ullock, both mentioned the Centre for Cities think tank. I am afraid that I have not seen this report yet. I will make sure to bring it to the attention of the department and will definitely look at it myself as well.

To conclude, although the Government support the Bill’s objectives of ensuring that homes across the country are healthy—indeed, our *Levelling Up* White Paper has set out our mission to reduce the number of non-decent homes in the private rented sector—we believe that, because of our existing laws and measures, the Bill is unnecessary. We therefore oppose it, but this has very little to do with the costs that the noble Baroness, Lady Bennett, mentioned.

12.05 pm

Lord Crisp (CB): My Lords, this has been a very impressive debate, showing the deep experience of people from all sides of this House. There is an overall message in all this about learning from the past and thinking about the future.

I will just pick up a few of the themes that people have mentioned before replying to the Minister. I cannot possibly do justice to what has been said but I will start, if I may, with the noble Lord, Lord Young of Cookham, and his deep experience. He made very practical points about how this covers more than one department and the difficulties that creates for effective policy and implementation, and the need to think about how we can get at least some of this adopted through existing powers. I will come back to that. I am grateful to him for his support and for the presumed support of his ancestor, Hilton Young, on this matter.

I am very grateful to everyone who has spoken and to the noble Lord, Lord Blunkett, for talking about his personal experience. One theme I took from what he said was liberating people; houses are the foundation

for liberating people to be all that they can be. The noble Lord, Lord Stunell, gave me one quotation that I will remember this debate for. He said, I think, that we are building homes that are deliberately substandard. I did not know that there is a policy to that effect, but that is obviously what he has found in his wide experience in this field. The noble Lord also stressed the importance of having safe and affordable houses, which is a theme that others have picked up as well.

My noble friend Lady Prashar talked about how thoughtlessly we sometimes make changes in housing, without considering the wider implications. This is one of the points about systems and systems-thinking that so many others have raised. I was grateful to the right reverend Prelate the Bishop of Ely for drawing attention to the tension between the rush to build houses, and quality and standards. Rushing to build poor houses leads to major problems in the longer term. The noble Lord, Lord Shipley, stressed the healthy homes principles and some of the outrageous results—only some—of permitted development rights and their implications throughout the country.

My noble friend Lord Best talked strongly about the welcome commission that he has chaired, and its wisdom. I think your Lordships’ House will be coming back to the links between health, housing and place, and the important issues that come together there. I was also struck by the noble Baroness, Lady Walmsley, saying that we should not expect our homes to kill to us. That seems to me to be a pretty basic point. Another point that the noble Baroness made strongly was that we need to make the links between the healthy homes principles and other policies that are already in the Government’s agenda.

I very much welcomed the comments from the noble Baroness, Lady Bennett of Manor Castle, about system thinking and how we need to see this right the way through, understand the big picture and not just make marginal changes here that have knock-on effects elsewhere. I also welcomed her points about costs and benefits. While there are relatively low costs, in percentage terms, there are very substantial benefits in the longer term.

I was also very grateful to the noble Baroness, Lady Brinton, for her comments about what it means for disabled people and about making sure we future-proof our homes. Finally, I thank the noble Baroness, Lady Hayman, who drew out the points about additional costs and brought us back to the north-south divide, the importance of levelling up and how this fits together. This Bill is fundamentally about bringing together a whole lot of issues around the foundation of people having a decent life in our society.

I turn to the Minister’s response. I simply do not agree that these issues are all covered by current government policy. I was not necessarily surprised and therefore not necessarily disappointed by her remarks, and she will not be surprised or disappointed by mine. Before I try to take this argument much further, one of the fundamental points here is that quite a lot of what the Government have been doing has been proffering guidance and not making it mandatory. I noticed that a number of noble Lords around the Chamber talked about the importance of having some mandatory

[LORD CRISP]
standards. The noble Baroness, Lady Andrews, who I missed out in my run-around just then, made the point precisely that we need some mandatory things because, when they are in guidance, the good people do them and the bad people do not. We see the results of both the good—and there is some fantastic stuff happening in the country—and the bad.

I will take the advice of the noble Lord, Lord Young of Cookham, and look for opportunities for this in current legislation. I will look to follow up a conversation I have been having with the noble Lord, Lord Greenhalgh, for whose time on this I am grateful, and look for opportunities to discuss the issues with the noble Baroness and the Government more generally. I will also look for opportunities for the levelling-up Bill to produce some of the aspects of this Bill. Indeed, it has been suggested to me that while this Bill has only four pages, the levelling-up Bill has 140, so perhaps we should have an amendment to include this as a schedule to that Bill.

Noble Lords: Hear, hear.

Lord Crisp (CB): I am delighted to know that many noble Lords think that is a good idea. We will not forget this Bill even if we do not achieve a Committee in the House of Lords on it. Once again, I am extremely grateful to everyone for their support.

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

Ballot Secrecy Bill [HL] *Second Reading*

12.13 pm

Moved by Lord Hayward

That the Bill be now read a second time.

Lord Hayward (Con): My Lords, on 18 July 1872, almost exactly 150 years ago to the day, what is now known as the Ballot Act received Royal Assent. On 15 August 1872, 150 years ago bar one month, a secret ballot was used for the first time in Pontefract in a by-election, which the Liberals won.

The Ballot Act presumed very clearly that people should have the right to vote in secret without being accompanied or intimidated in the way they vote. What we have now, unfortunately, is something called family voting. This has been a matter of discussion for a number of years and it sounds wonderfully friendly, but friendly it is not. It is a form of intimidation of people, usually females, when they are casting their vote, because somebody else is accompanying them to the polling booth. It is a very difficult situation for polling station officers and presiding officers to control, because on many occasions, as all noble Lords will recognise, the presiding officer is a female, and if they approach a male saying, “You should not be there”, they feel intimidated. I shall refer to that in a minute.

The issue of family voting has been a subject for discussion for about a decade. The Electoral Commission has looked at this and provided guidance in one form or another to polling station officers, the police and others in an effort to ensure that there is no accompanying family voting in any form whatever. But it is not a problem that is going away. This is an issue that the Electoral Commission has repeatedly addressed and attempted to resolve by giving more and more guidance. It has been around for a decade. Last autumn I wrote to the Electoral Commission and the Met and asked them what they were going to do in relation to family voting. In January I received the normal assurances: it is being tackled; there is training available; we will deal with it with presiding officers and the police. The Minister wrote to the Electoral Commission and the Metropolitan Police, and in early April received exactly the same response: it was all being dealt with. So it would be reasonable to presume that it was not a problem, but the Democracy Volunteers report, to which I will refer in a few moments, identified that it is still a very serious problem indeed.

As I have identified, this is essentially a problem of men standing alongside women and telling them how to vote, or female presiding officers not having the confidence to challenge the men. When I raised this on a television programme recently, a lady from Harrow wrote to me that she had complained because she had witnessed this family voting happening. When the presiding officer, a female, went to the male concerned and he refused to respond, the presiding officer had no other force of law on which she could act.

Democracy Volunteers, an excellent organisation, has produced its report on the most recent local elections. It did surveys right across the country, and I quote from its report:

“Our team of observers saw several challenges to the electoral process ... focused around the challenge of family voting ... Our team saw family voting in 25% of all the polling stations we observed.”

That is not just polling stations in Tower Hamlets—one knows that that is where all the attention has been. In Newham, 36% of polling stations were observed to have this problem at some stage. Lewisham and Croydon had 35%. All these are worse than Tower Hamlets, which was more than 30%, but in Northern Ireland—showing that this is a national problem—family voting took place in an almost unbelievable 42% of polling stations observed.

So, what is the current state? Efforts have been made—I referred to the training that has been undertaken—but when you raise the subject, you tend to get three basic replies. One is that the law already covers this issue. This is the response I got from the officials. If it does cover the issue, why does the Electoral Commission guidance not identify that there is a specific offence in law? Secondly, it seems to be viewed as just a Tower Hamlets problem. Even if it were, that would be bad enough, but I have just cited cases across the country and it has been running for a decade. The decade for which people have been looking at it is crucial, because the other response one gets is, “We will aim for consistent and effective enforcement”. The only thing that is consistent is the ineffective enforcement, as shown by the figures from Democracy Volunteers.

I specifically asked the Electoral Commission on 20 April 2022 whether it is

“against the law, except in specific circumstances to be present, or attempt to be present, in a polling booth while another person is casting their vote”.

Shaun McNally, the new chief executive, responded with great clarity to my question on 22 April, saying that

“there is no offence in law ... as you have described ... it would represent a breach of polling procedure”.

We therefore have a direct conflict between what officials in the department and the Electoral Commission are saying. You cannot have effective action if the law is unclear. When there is clear law, the guidance and the actions available to the polling station staff and police will be clearer.

I have had very good conversations with the Electoral Commission in the last few weeks. I put on the record my thanks to Mr McNally and his staff for their assistance on this. They have now agreed to seek counsel’s opinion on their interpretation of the law. This is enormously helpful. Mr McNally has even offered that I should be involved in drafting the inquiry to counsel. If counsel’s opinion says that the Electoral Commission is correct, my Bill is necessary and the guidance could be changed to emphasise the breach of law. If counsel’s opinion says that the officials’ interpretation is correct, the guidance can be changed without any change to the law and be much more emphatic. We await counsel’s opinion, but in the meantime I beg to move.

12.22 pm

Lord Kennedy of Southwark (Lab Co-op): My Lords, I congratulate the noble Lord, Lord Hayward, on securing his Private Member’s Bill and getting it so early in the ballot. I was not so successful but my Bill got out of the traps yesterday, so we are well away too. Many of us in this House have stood for elections, won them and lost them, and I am sure that we are all democrats. We need to ensure that all our elections are free from abuse, intimidation and fraud. It is just wrong that people can have their opinions stolen from them and that people act in an illegal manner.

This is a small Bill—only one clause—but it is really important, for the reasons the noble Lord has outlined. It is a small amendment to the Representation of the People Act 1983 to help deal with intimidation at polling stations. In many cases, we know it happens only in specific areas; it is not a problem everywhere in the country, generally speaking, but we can all pinpoint areas where there can be problems. Having said that, I hope that, when we get a new Prime Minister, they will look at the whole issue of our electoral law, which desperately needs some revamping and bringing up to date. I have been asking for this for many years; I am always told that it is coming soon, but it never arrives. I hope it will happen. The noble Lord, Lord Hayward, was absolutely right about the Ballot Act 1872. Before that, intimidation, abuse and all sorts of dreadful practices were commonplace.

Lutfur Rahman was elected mayor of Tower Hamlets in 2014 but then found guilty of corrupt practices and, quite rightly, disqualified. It is a matter of great regret

that he was able to return and get elected this May. Most people found guilty of corrupt practices would disappear, never to be seen again. Sadly, at the end of his ban, he has reappeared and got himself elected again, which is very worrying.

I am also conscious of some of the reports of people being told, “You must vote for Lutfur Rahman” in that Tower Hamlets election in 2014. The BBC did a report into corrupt practices and found that there were issues at up to a third of polling stations. As the noble Lord, Lord Hayward, said, 85% of people affected were women, which is absolutely dreadful. It is appalling that this can be going on in our democracy today. One of the people the BBC interviewed was a guy called Azmal Hussain, who said that he had been intimidated and his vehicle damaged. That is absolutely appalling.

The noble Lord, Lord Hayward, also mentioned the Electoral Commission, of which I used to be a member. It is a great body that does lots of good work, but the noble Lord made that point about guidance—it is guidance; it is not actually written down in legislation. That is one of the problems we have here and why this Bill is so important. We cannot just leave it to the commission to issue guidance. We need actual Acts of Parliament where these things are outlawed, because at the moment it is ambiguous and unclear, and people can interpret the guidance in all sorts of different ways. That is the problem.

We need this Bill. I hope the Minister will give a positive response to it when he speaks, because I think it is important and necessary. I again congratulate the noble Lord, Lord Hayward, on his Bill, and I look forward to supporting it. As I said on an earlier Bill, I hope that we do not get any amendments to it, because we want to get it off to the House of Commons quickly with no useful amendments, no matter how good they are. The Bill itself deals with the problem, and we should let it get to the House of Commons as quickly as we can.

12.26 pm

Lord Rennard (LD): My Lords, the provisions in this Bill were debated during the passage of the Elections Act earlier this year, and the principles behind it have our strong support.

As the noble Lords, Lord Hayward and Lord Kennedy, both said, it was 150 years ago that the Ballot Act 1872 first required parliamentary and local government elections in the UK to be conducted by secret ballot. Prior to that legislation, tenants feared eviction if they did not vote as their landlord would have wished; small retailers feared that they could not vote against the wishes of their bigger customers and risk losing business; and with no spending limits yet in place, candidates could bribe voters and check that they had voted as they had agreed. The principle of the secret ballot had been a key aim of the Chartists, and it is an essential democratic principle—but it can be undermined, and this Bill addresses concerns about polling stations.

However, my major concern about ballot secrecy is not with polling stations but with postal votes. The system is too open to abuse. In the Rochdale constituency in the 2010 general election, several hundred postal votes were submitted on which the “X” next to the

[LORD RENNARD]

name of the Liberal Democrat candidate Paul Rowen, the Member since 2005, was either crossed out or tippexed out, and the ballot papers then showed crosses next to the name of the Labour candidate. I do not seek to make a party-political point but just to demonstrate how postal voting can breach principles of secrecy.

Too often, a family may fill in their ballots at the same time under the watchful eye of someone acting as the head of the household—if they do fill it in themselves. It was because of concerns such as these that I led the opposition to a move by the Labour Government in 2004 to abolish polling stations and make voting in four English regions in the local and European elections that year by postal ballot only. Some Members of the House may remember that we sent that proposal back to the Commons about five times before Conservative Peers eventually backed down and let the measure go through. The eventual outcry meant that the pilots were never rolled out. I hope that the Labour Front Bench will note that Conservative Peers at that point were not at all reticent when they were in opposition about blocking measures they considered to be an abuse of democratic principles.

The need for the measures in this Bill has been questioned by government Ministers, but there is an obvious lack of clarity on the issue because, as the noble Lord, Lord Hayward, said, advice from Ministers and the Electoral Commission has differed. It is not satisfactory to say that the practice of family voting is already illegal, because the practice is not uncommon and is not always prevented.

A visible police presence at polling stations is a critical part of preventing electoral fraud, but even where police are present, so-called family voting still occurs. As has been said, the Democracy Volunteers organisation witnessed this practice taking place in about a quarter of the polling stations it observed in the London Borough of Tower Hamlets in May this year. It says that it is a national problem, not just one confined to Tower Hamlets.

The question I hope the Minister will address is: if the practice is already illegal and the Bill unnecessary, why is it sometimes so prevalent? The Electoral Commission guidance for polling stations makes no reference to the practice being against the law. Perhaps the QC's opinion will confirm the illegality of the practice and the Electoral Commission guidance will be changed to reflect this. Presiding officers and the police will then be more able to prevent it. Unless and until we have that clarity, the Bill is necessary.

I pay tribute to the noble Lord, Lord Hayward, for his tenacity in pursuing this issue. I close by saying that it is 29 years to the month since I was overseeing my party's campaign in the Christchurch parliamentary by-election, which prevented his return to the other place. He may not have thanked me at the time, but the result eventually enabled him to play a distinguished role in this Chamber and for us to become good friends on opposing Benches. On this measure, we agree.

12.31 pm

Viscount Waverley (CB): My Lords, I apologise to the House for speaking—briefly—in the gap, but there is more to this Private Member's Bill than immediately

meets the eye. I speak in support of the essential need for the UK always to strive for gold standards, with clarity in guidance essential in these processes.

Also, what we do in this country is noted globally. If I may borrow the words of the noble Baroness, Lady Hayman, from her intervention on the previous Bill, standards really matter. There are messages for the Commonwealth and OSCE countries that we should be encouraging to adopt this very important measure.

12.32 pm

Viscount Stansgate (Lab): My Lords, I am also taking advantage of the gap to make a brief contribution. The Chartist demand for a secret ballot was one of the essential ingredients of today's modern democracy and it is, as has been mentioned, 150 years since the Secret Ballot Act was passed, which is a bedrock of our system. I listened carefully to the noble Lord, Lord Hayward, in his introduction to the Bill and, although I am cautious about changing the law in this area, I appreciate the point he makes about the need for clarity. Therefore, I give the Bill a cautious Second Reading welcome, but some issues need to be considered further in Committee, and I shall mention just one or two.

The phrase in subsection (1)(b), "intention of influencing" will need further probing. I, like many noble Lords, have been in polling stations over many years. At what stage might it be considered in the mind of a presiding officer that someone is positioning themselves too close with the intention of influencing someone's casting of a ballot? We do not want our polling stations full of police. They routinely go round to check that everything is all right, but we want to make sure that polling stations are not changed in a way that would render the business of voting less straightforward.

I also welcome subsection (3) about the Bill not applying to people under the age of 18, for a very simple reason. I may not be the only person in this Chamber who has taken their children to vote when they were younger. It was 30 years ago this year that I took my daughter to vote. I think it must have influenced her, because no less than 15 years' later, she was selected as the youngest parliamentary candidate of either party—I was amazed. It instils in every young person a respect for the ballot process, and that is an important safeguard. No one taking their children in to enable them to see them voting is doing anything wrong.

I will leave my remarks there. As I said, there are one or two things that are worth exploring in Committee, but on balance I am here to vote in favour of the Second Reading.

12.35 pm

Baroness Uddin (Non-Afl): My Lords, I thank noble Lords for enabling me to say something in the gap. I welcome the clarity sought by the noble Lord, Lord Hayward, in seeking to make sure that the law applies fully and that people understand their obligations in the process of casting their ballot.

I will make two points. Every time the issue of secret ballots or women being influenced to vote or being under duress comes up, Tower Hamlets is the very first borough that is mentioned. I always take deep offence at that, primarily on the basis that not all women are under duress to vote—not even 25%, in my experience. I have been knocking on doors on behalf of the Labour Party as a member of that party for more than four decades. I remember, even at the age of 18, trying to knock on doors where there were women to try to influence them on behalf of the Labour Party to say that if they were not going to come out to vote and they did not understand, I was sure that their husband, their fathers or their families would inform them of how to vote. The practice has occurred over a number of decades, as has been said by all noble Lords. However, I deeply object to the assumption that this is about some women—Bangladeshi or Muslim—who maybe do not have sufficient understanding of the electoral system. For me, these women, who are voting in vast numbers, are maybe in the second or third generation, and I do not believe that that is the case.

This time, I went around a number of voting stations in particular. It is a fact that Lutfur Rahman has returned with a democratic mandate, and we ought to remember that. Not all things reported in the media to groups that are looking for issues with an agenda may be truthful. We have to be very careful. I agree wholly with the noble Viscount, Lord Stansgate, that we have to be incredibly careful about suggesting that there is an intention to influence and what the rationales are.

My final point is that, as the mother of a son with disabilities, I have often gone into the booth with my son, and I have always been stopped by polling officers. I have never seen them being intimidated either by me or my husband when my husband has accompanied him. We ought to be very careful when the assumption is that a group of women is particularly prone to be influenced by a certain group of men because they have no voice. I state on record that the women of Tower Hamlets have an absolute right to vote in whoever they want and that not all of them are under duress. We ought to be very careful when we legislate on the assumption that some groups of women have no voice. The very fact we suggest this means that we assume that there is no voice and that they have no ability to make their own mind up on whom they wish to have as their representative.

12.39 pm

Baroness Hayman of Ullock (Lab): My Lords, I thank the noble Lord, Lord Hayward, for introducing his Bill on this issue. We have had quite a lively discussion around it. Obviously, it creates new offences for individuals who accompany a voter to a polling booth or who position themselves nearby with the intention of influencing that voter. It was good that the noble Viscount, Lord Waverley, picked up on this issue of how standards matter. Of course, they matter in so many areas, and in fact none is more important than in voting and ensuring that our voting systems in this country are absolutely of the highest quality.

Family voting was previously raised during the passage of the Elections Act, and the noble Lord made very serious points during that debate. It is good that he has picked them up again in this Bill. We have heard examples today from the noble Lord, Lord Hayward, himself, and from my noble friend Lord Kennedy, of abuse and corrupt practices in the current system. There has also been discussion about the importance of clarity from the Government on what exactly the current law is and the current guidance is. I have seen the information from the Electoral Commission and, as the noble Lord Hayward, said, it is a bit confusing and contradictory at times. It needs to be absolutely crystal clear, and that is where the importance of this Bill comes in; it creates absolute clarity as to what is acceptable and what is not.

Labour will not oppose the Bill; we will support it because we want to support steps to eliminate voter fraud. I pay tribute to the noble Baroness, Lady Uddin, for the points that she made; it is very important to bring that perspective to the debate.

I would like to draw attention to consideration for those with accessibility issues and people who may need assistance to vote—the noble Baroness, Lady Uddin, talked about her disabled son. We know that the Electoral Commission has been looking at how to improve the situation for disabled people, people who find it difficult to vote and people with sight problems—again, we discussed this during the then Elections Bill—so that they have full independence when they are voting. That is something we need to think about when we are looking at this Bill as well.

To conclude, we support the Bill. We need to make sure that we have good, strong laws and an understanding of exactly what is acceptable when people go to vote in a polling station. We give this Bill our support.

12.42 pm

The Earl of Courtown (Con): My Lords, I join other noble Lords in thanking my noble friend for his passion and expertise in electoral matters, and for continuing to draw attention to this important topic. I hope to continue engaging with him and the Electoral Commission further on this area. The proposals in this Bill and the debate we have had so far today have been tremendously interesting, and I am grateful for the contributions of all noble Lords.

The Government are committed to safeguarding our democracy against those who would seek to harm it. The Elections Act 2022, as mentioned by noble Lords, which received Royal Assent recently, is a testament to that, and we are hard at work implementing the various measures contained within it.

I have noted the serious allegations made in the Democracy Volunteers report into the 2022 local elections, as mentioned by my noble friend Lord Hayward. It will come as no surprise that I fully share my noble friend's concerns on the issue of coercive behaviour—including that which is known as family voting—taking place in our elections. The Government take these matters extremely seriously and we welcome debate and discussion on proposals for changes that seek to prevent such offences taking place. Let me be clear: it is completely unacceptable for anyone's vote to be

[THE EARL OF COURTOWN]
influenced or pressured inside a polling station. Protecting the secrecy of the ballot is of the utmost importance to the health of our democracy.

I am pleased to note that a number of the measures in the Elections Act will strengthen our democratic processes in this very area. We will be expanding secrecy laws to provide the same protections to postal voters as they would have when completing their ballot in a polling station, as mentioned by the noble Lord, Lord Rennard. In addition, the Government have updated the existing offence of undue influence. The offence, as provided in the Representation of the People Act 1983, protects electors and proxies from malicious interference when casting their vote. The Government have clarified “undue influence” to make the offence easier for the police, prosecutors and the courts to interpret and enforce. The revised offence also has a broader scope in relation to intimidation and covers any act intended to intimidate a person to vote in a particular way or refrain from voting, or to otherwise impede the free exercise of their right to vote. This will include acts of intimidation around a polling station.

More broadly, I am pleased to note the introduction of a number of other measures to strengthen electoral security, perhaps most noticeably the new requirement for photographic identification at the polling station, which will go a great way to securing our elections against fraud.

I turn to the Bill before us. The measures proposed are interesting and merit consideration. The Government are still assessing these proposals, including their impacts, ramifications and suitability in the light of the new provisions of the Elections Act and the secondary legislation that flows from it, and with regard to the strategy and policy statement for the Electoral Commission’s remit. We will confirm our position in due course as the Bill progresses to Committee—and of course I have noted the general support for this Bill from all corners of the House. Part of the consideration should be whether we need a new offence or whether the existing provisions in the Representation of the People Act should be enforced more rigorously, as mentioned by my noble friend Lord Hayward and the noble Lord, Lord Rennard. We look forward to continuing discussions with my noble friend to that end.

12.46 pm

Lord Hayward (Con): My Lords, this has been a brief debate but the broad sense of support for this Bill has been striking. As the noble Lord, Lord Kennedy, said, it is a small Bill in terms of the number of clauses involved but covers such an important issue. I welcome the comments that have been made on all sides of the House; I wish that the noble Lord, Lord Rennard, had not reminded me of at least one summer past, but I thank him for the comments that ensued thereafter. I will not go through in detail what each person said. As far as I am concerned, the message was absolutely clear from all sides, as the Minister indicated, that there is a need for clarity, consistency and an effective approach in the polling station.

I note the comments from the noble Baroness, Lady Uddin. During my contribution, I specifically made the point that, although the concentration had

been on Tower Hamlets, the highest level of offence in relation to family voting, as observed by Democracy Volunteers—if one takes it as an offence—was in Northern Ireland, and was also higher in other boroughs in London. It is a national problem that I am trying to address.

I see the noble Baroness wishes to intervene. I am not sure whether I am allowed to take interventions at this stage—I am seeking guidance—but I will keep my comments brief in the circumstances.

Baroness Uddin (Non-Affl): I just want to say thank you. I did not want to mention that because of the time, but I am relieved to hear that it is a national issue.

Lord Hayward (Con): That is the important matter. This has been regarded as a one-borough problem and there have been problems in Tower Hamlets during elections—I am not going to be drawn down that path at this stage—but I am trying to deal here with one specific, nationwide problem.

This appears to have the support of all sides of the House. I note the comments from the noble Viscount, Lord Stansgate, on clarity, and I particularly welcome my noble friend the Minister’s response that he wants to continue to engage and review the position as this Bill progresses. I commend the Bill to the House.

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

Heritage Railways and Tramways (Voluntary Work) Bill [HL] *Second Reading*

12.50 pm

Moved by Lord Faulkner of Worcester

That the Bill be now read a second time.

Lord Faulkner of Worcester (Lab): My Lords, I remind the House of the unpaid interest I declare on the register as president of the Heritage Railway Association. I should say that I am the sponsor of the HRA’s young volunteer of the year award and co-chair of the Heritage Rail APPG.

Britain’s heritage railways generate more than £600 million a year for the UK economy and are critical to the tourism economy of many areas. They attract more than 30 million visitors a year, directly employ 4,000 people and are supported by more than 22,000 volunteers. The Bill is about those volunteers and its purpose is to correct an anomaly that was created by an Act of Parliament passed in 1920. That Act was full of good intentions and reflected the mood of idealism that pervaded the immediate aftermath of the First World War. Various international conventions were drawn up which sought to restrict the employment of women, young persons and children then employed in a variety of potentially hazardous industries. The content of these conventions was incorporated into United Kingdom law by the Employment of Women,

Young Persons, and Children Act 1920. One of the principal provisions of that Act was the prohibition of young persons and children undertaking employment in certain specified industrial undertakings. The definition of “industrial undertaking” included the construction, maintenance and operation of a railway or tramway, and a child was defined as any individual not over compulsory school age.

In moving the Second Reading in your Lordships’ House of what was to become the Act of 1920, Lord Onslow—your Lordships will recall that we had one of his descendants as a Member of our House until relatively recently—observed that:

“The acceptance of these Conventions makes little practical difference as regards employment in this country.”—[*Official Report*, 9/12/1920; col. 3.]

This was because of the advanced state of social legislation in the United Kingdom at the time, but it was nevertheless clearly an enlightened and praiseworthy landmark in acknowledging the need to safeguard the vulnerable in our society.

However, in the period after the ending of the Second World War, the circumstances which had led to the 1920 Act had radically changed. In the transport field, many railway branch lines were closing, and tramways had almost entirely disappeared from the country. This led to moves on the part of many rail devotees to take steps to preserve some of these lines to provide future generations with something of the experience that their forebears enjoyed in travelling to work or school by these means, and so the concept of heritage railways and tramways was born, a concept wholly absent from the minds of the legislators of 1920. Often operated on an entirely voluntary basis, there are now more than 170 such lines offering rides to passengers, and this development has done much to encourage local employment and tourism.

It has also done much to draw the attention of children and young persons to the possibility of participating in these activities and possibly seeking a career on the national railways in due course. Apart from engaging young minds in these pursuits, rather than in other less socially useful activities, it is of course to the benefit of heritage sector rail operators to foster this interest as they think about who is to come after them in running their railways.

However, this is where the Act of 1920 presents a stumbling block, given its prohibition of the employment of children. Some of your Lordships may think that “employment” in this context just means paid employment. Unfortunately, that is not the case. Leading counsel has advised that the true meaning of the word when used in the Act extends to work in a voluntary capacity, so no individual under the age of 16 may perform any such activity on a preserved railway or tramway. It is the removal of this constraint that is the object of this Bill.

In 2018, the All-Party Group on Heritage Rail carried out an inquiry on young people and heritage railways, which was chaired by the noble Baroness, Lady Morgan of Cotes, then the Member of Parliament for Loughborough. She cannot be with us today, but she asked me to say that she strongly supports this Bill. Her introduction to the APPG’s report said:

“This report shows the important role of heritage railways in education and the training of young people, not just in the technical aspects of railways, but in life skills as well. It is a symmetrical relationship as young people benefit greatly from working on heritage railways, while the future of heritage railways is greatly dependent on the young people they attract.”

The group took evidence from Her Majesty’s Railway Inspectorate, which indicated that the interests of young people would be far better protected by risk assessment under the railways’ safety management procedures, rather than by relying on outdated legislation enacted for another purpose. This would ensure that proper consideration was given to competence, capability and fatigue, rather than just setting an arbitrary age limit.

I turn to the express provisions in the Bill. Clause 1 would remove the restriction on children working on a heritage railway or tramway by allowing them to undertake voluntary work on such lines. It maintains the embargo on their taking up paid employment on lines of this nature, and the standard legal safety and safeguarding requirements will continue to apply. Clause 2 is an interpretation provision, in which, in Clause 2(a), “heritage railway” and “heritage tramway” adopt the definition of those terms in the enforcing authority regulations of 2006, which stipulate that “heritage railway” means a railway which is operated to

“preserve, recreate or simulate railways of the past”

or to

“demonstrate or operate historical or special types of motive power or rolling stock”,

and which is

“exclusively or primarily used for tourist, educational or recreational purposes.”

There is a comparable definition for heritage tramways. Clause 2(b) defines voluntary work as an activity carried out unpaid, apart from any travel or other out-of-pocket expenses, on a heritage railway or tramway, with the aim of benefiting that body. Finally, in Clause 2(c), the expression “young person” is given

“the same meaning as ‘child’ in section 558 of the Education Act 1996 save that the person concerned must have attained the age of 12 years”.

This has been identified as the optimum age at which the person, if he or she has gained an interest in the subject, is less likely thereafter to lose that interest. Clause 3 is the routine provisions relating to extent of application and commencement, and the Short Title of the Bill.

This short and, I hope, uncontentious Bill, aims to correct an anomaly which was never foreseen when Parliament passed the Employment of Women, Young Persons, and Children Act 1920. Preventing young people from volunteering on heritage railways was clearly not intended by Parliament when the Act was passed. The principal issue for heritage railways is that it is precisely between the ages of 14 and 16 that interests among young people are highest. If they cannot participate then, they tend to follow other outlets, such as football or computer games, and they miss out on one of life’s rich experiences, as well as being lost to the sector.

The 1920 Act does not apply across the voluntary sector but only to activities considered to be industrial undertakings. The Act was primarily concerned with

[LORD FAULKNER OF WORCESTER]

safety risks for children working in factories and mines in those days, and safeguarding was not specifically addressed in the legislation. Awareness of this is much higher now and heritage railways generally have safeguarding policies in place to ensure the safety of young people volunteering with them.

I hope that your Lordships will agree and give this Bill a speedy passage. I look forward particularly to the Minister's reply. I hope that she will agree to convene a meeting of representatives from the heritage railway sectors, her department and other departments, to see whether we can find a way through, either by adopting the Bill or by some other means. I beg to move.

1 pm

Lord Berkeley (Lab): My Lords, I support this Bill, which my noble friend Lord Faulkner of Worcester so ably described. He has covered so much of the background and the need for the Bill. It is a really important small piece of legislation.

I declare an interest as patron of the Helston Railway in Cornwall, which is one of the shortest heritage railways. It is a very good example of the need to have volunteers of all ages. It runs without any paid staff whatever, like some other heritage railways do, as it is quite small. I was there a couple of months ago and my friends there were telling me about the difficulty of recruiting young people, which my noble friend's Bill tries to change, before they get interested in things that older teenagers get interested in. As my noble friend says, this would give young people an interest in what we might call the industrial undertaking. It is really important that they learn the importance of such businesses—whether it is the business side, taking locomotives to bits or making sure the track is safe—in a safe environment before they have to make choices later in their school or college career.

My noble friend said that there had been some discussion with the Office of Rail and Road on this. I questioned my friends on the Helston Railway about what the Office of Rail and Road does. I have had meetings with it myself, on this and other lines. Its role is to make sure that the whole operation is safe—which it has to be, of course. It is so easy for people, particularly volunteers, to cut corners and think it will be all right, and then there is an accident—I hope not a serious one. The railways have to ensure that all their documentation and procedures are up to date and absolutely suitable for whatever they are operating on. I pay tribute to the people in the ORR who operate in this field. They certainly operate with a light touch, but they also can come down like a tonne of bricks if they need to. That gives confidence to the people, largely volunteers, who run a railway that they could safely welcome younger volunteers, as my noble friend proposes.

The problem is that some of the people who drive the trains or do the infrastructure are getting on a bit. Very few people now remember how to drive a steam train. I am told that some of the younger visitors to these tourist attractions are as interested in the first generation of diesel as they are in steam. We can all

have different views on that, but that is what some of the current visitors want and that is fine. The key is to be able to start at a young age, with as many people as possible getting interested in this so that they can carry on, perhaps for all their working life—although they might have to go away and work somewhere else. It is very important that the option is there to start something that is really exciting for a 10 or 12 year-old before they go off and do other things.

It is very easy to say that there are many other things to do in a town or city, but many of these heritage lines are in the countryside, where there is not much alternative work. I live in Cornwall, and some of the young people in the villages would love to work on this railway. It would give them something to do and give them a great interest—one they could keep for ever.

The Office of Rail and Road has more or less said that it will turn a blind eye but that if something goes wrong, it could always fall back on legislation. That is not a position that any voluntary organisation would want to get into.

I follow my noble friend's request to the Minister as to whether there is an answer to the statement made in June 2019 by the noble Lord, Lord Ashton of Hyde, who was the Minister for Civil Society, hoping that the Government would actually come up with a solution to this issue and that, whatever is done

“in a paid or voluntary capacity ... that is not incompatible with young people volunteering on a heritage railway.”—[*Official Report*, 5/6/19; col. 169.]

He made that statement three years ago now. Perhaps the Minister will have had time to think about it and come back with a positive answer.

1.06 pm

Lord Jones of Cheltenham (LD) [V]: My Lords, I thank the noble Lord, Lord Faulkner of Worcester, for introducing the Bill and for his superb explanation of why it is needed.

When I was a young trainspotter, uncles and aunts often asked, “What do you want to be when you grow up, young man?” The answer was always, “A train driver”, and I had many friends who felt the same way. None of us achieved it because, by the time we had grown up, steam trains had been replaced by diesel locomotives, which somehow did not present the same drama.

Some of the most interesting people you can meet are old steam engine drivers. They know how to make these things work, maintain the correct quantity of coal, build up the appropriate level of steam and charge through the countryside leaving a trail of smoke behind them. They tell stories of near misses, when perhaps someone had missed a signal and they had to slam on the brakes to come to a juddering halt before they rammied into another train on the line. They know what it was like to plough their way through blizzards, trying to keep to a timetable. They are an outstanding generation of dedicated and skilled people. Sadly, as time goes by, fewer and fewer of them are still around, but fortunately many have passed on their skills to volunteers on the network of heritage railways around the country. That network needs to recruit the

next generation of steam engine enthusiasts, which is what the Bill from the noble Lord, Lord Faulkner, is about.

The career progression for a volunteer on heritage railways is the same as it was in the golden age of steam. You start as a cleaner, getting to know the locomotives, the engine parts and the drivers. After a couple of years you may become a fireman, and then eventually a driver. It is very structured. A volunteer on the Swanage Railway says: "It's lovely to work on these really elegant old heritage machines. They've all got their quirks; even engines of the same class behave in different ways. You have to learn to know what they like and what they don't want".

Heritage railways across the UK attract millions of visitors and passengers a year, but the shortage of young volunteer drivers is worrying the industry. The Swanage Railway in Dorset has 42 drivers, the oldest of whom is 79 and the youngest 27. As the older ones step down from the footplate for the last time, there is a dearth of younger people ready to jump in. The shortage means that the railway draws in people from far and wide. One driver comes to Swanage from the east Midlands; another travels all the way from Preston. The Bill would enable and encourage interested young people to get involved with their own heritage railway.

Why do people volunteer? There are two main attractions: the locomotives themselves and the people. Everyone appreciates a steam engine and the engineering side of it, but the other half is the people. The railway is one big family. The beauty of it is that there are so many different jobs in one organisation: the drivers, the people in the booking office, and those in maintenance and catering. You get to know people across other railways as well.

The noble Lord, Lord Faulkner, is very involved with the Gloucestershire Warwickshire Steam Railway—my heritage railway—and the Sapperton tunnel, which is featured in one of the Edward Marston books in the *Railway Detective* series. Looking at its website, GWSR currently has vacancies for volunteers in many departments, including carriage and wagon maintenance; safety and first aid; the trust's information centre and promotions; estates management; the model railway at Winchcombe; railway catering services for the cafes at Winchcombe and Broadway stations and the buffet bars on trains; retail, or helping to run the shop at Toddington; special events, including the special Santa trains in December; and the Toddington Narrow Gauge Railway. Many of these voluntary positions can be a starting point for the young people at whom this Bill is aimed. I wish this Bill well in encouraging more young people to get involved in our heritage railways across the United Kingdom.

1.10 pm

The Earl of Shrewsbury (Con): My Lords, I congratulate the noble Lord, Lord Faulkner of Worcester, on securing his Second Reading debate today, and for giving me the opportunity to put on a tie for the first time in six weeks, with my arm in a sling—quite a difficult one.

I support the noble Lord's Bill, and I shall be very brief in doing so. I am a Staffordshire man born and bred, and I declare an interest as a deputy lieutenant

of that county. That is why I am speaking: close to where I live on the edge of the Staffordshire Moorlands, we have a fine example of a heritage railway. The Churnet Valley Railway is a preserved standard gauge heritage railway, originally opened in 1849, which runs from Leekbrook to Froghall in north Staffordshire. A further branch line runs to Cauldon Lowe, where it used to service my former quarries at Cauldon. I believe that that line is one of the earliest light freight lines still in existence in the UK.

The Churnet Valley Railway is a vibrant and popular tourist attraction; I have taken my grandchildren on it many times. It is a truly magical attraction running through a beautiful hidden valley. Originally, it went to my former old family home, Alton Towers, in what is known as the Rhineland of England. But this excellent and spectacular railway, preserving a sizeable chunk of north Staffordshire's rich history, would not exist if it were not for the volunteers who run it and make it happen. They are all great enthusiasts, and I congratulate them. However, such ventures must be able to attract the younger generation, both boys and girls, as enthusiastic volunteers to be trained up in a wide variety of skills if the railway is to have a vibrant future.

Finally, I make a small plea to my noble friend on the Front Bench. These railways rely on a supply of coal to drive their steam engines. Would she please try to ensure that coal will still be able to be sourced from the South Wales Coalfield for this purpose?

Therefore, I am delighted strongly to support the noble Lord's Bill, and I wish him a fair head of steam in his endeavours to steer it through the parliamentary process.

1.13 pm

Lord Snape (Lab): My Lords, I, too, endorse the sentiments that have already been expressed from both sides of the House in support of my noble friend's Bill, and I congratulate him on his persistence in bringing it back before us. When the Minister replies, I hope she will go further than before and, rather than promising action at some time in the future, she will give us a specific response.

The Bill addresses Section 1 of the Employment of Women, Young Persons, and Children Act 1920, which states:

"No child shall be employed in any industrial undertaking".

Like most of my generation, I did some work before I left school, delivering newspapers and working on a milk round as a 13 or 14 year-old. Of course, I was not covered by the 1920 Act, but on reflection, having spent some years working on the railway, I can say that leaping on and off an electric milk float in the 1950s was possibly more dangerous to a schoolboy than any action I have taken since as a railwayman. I hope that this long-term historical anomaly which referred to "industrial" jobs will not prevent the Minister giving us a satisfactory reply this afternoon.

There are many heritage railways in this country. At the last count, it was said that many of them depended almost entirely on voluntary labour and, of course, they do attract young people. There are few sights more moving than that of a steam locomotive. Those of us of a certain generation, of course, do not necessarily share the enthusiasts' love of a steam locomotive. As a

[LORD SNAPE]

former goods guard in the 1960s I have to say that, when travelling tender-first on a clapped out “Austerity” at 4 am, the romance of steam escaped me from time to time. But to see locomotives these days, restored and brought back to life in the way that many heritage railways have done, is a moving and inspiring sight. Depriving our young people of the opportunity to work on a heritage railway because of this somewhat outdated Act is an issue that this House should do something about.

It is a fact that the hundreds of heritage railways in this country employ many thousands of people. Although we are assured by the Office of Rail and Road that the 1920 Act has never been used to prevent young people working on heritage railways, there is still the thought that that Act lurks in the background. In the event of an unfortunate accident, that 1920 Act may well be invoked by an insurance company in relation to a claim. I hope that we can get a proper response from the Minister and that my noble friend’s Bill, well merited as it is, will perhaps receive a better response than it has in the past.

1.16 pm

Baroness Wilcox of Newport (Lab): My Lords, I am grateful for the opportunity to contribute to this debate but, before I begin, I beg leave from your Lordships to mention another aspect of heritage that I had the great pleasure of engaging in yesterday evening, back home in Newport—in Caerleon in fact. The organisation BCA’37, run entirely by volunteers, ensures that the history of the Basque child refugees who came to Britain in 1937 during the Spanish Civil War is recorded and preserved. Caerleon has strong links to the organisation, as 30 children were placed in Pendragon House.

We have a series of events this week, with people from the Basque country joining us in south Wales to celebrate the 85th anniversary of the people of the UK, with no British Government support, welcoming 4,000 children—just one boatload—into the country. They were subsequently supported by volunteers and voluntary funds, and I am proudly wearing the badge that all the children wore as they came into the country. This exemplifies how volunteers are so important to our society. I was privileged to be part of that event last night, with colleagues from the Welsh Government and our Westminster representatives.

I add my congratulations to those already expressed to my noble friend Lord Faulkner of Worcester on bringing forward his Bill and on the instrumental role he has played in establishing the APPG on Heritage Rail, ensuring it becomes an active and meaningful parliamentary group on behalf of heritage railways, in line with his work as president of the Heritage Railway Association. The world movement began in Britain in 1951 when a group of enthusiasts, led by, among others, the author and co-founder of the Inland Waterways Association, Tom Rolt, saved the narrow-gauge Talyllyn Railway in mid-Wales from almost certain closure. The Talyllyn project was the first railway preservation scheme in the world; since then, the movement has gone from strength to strength in Britain. Clearly, I am proud that it began in Wales.

Today, the number of preserved or heritage railways in Britain runs well into three figures, thanks to the work of dedicated volunteers and paid staff. They provide a memorable attraction for around 13 million visitors per year, who take 18.6 million journeys covering 130 million miles, contributing about £400 million to the economy. Wales is lucky to be able to claim ownership of a very good number of these, including the Pontypool and Blaenavon Railway, just up the road from Newport on the edge of the Brecon Beacons. That has been a wonderful re-addition to our area and would not have been possible without an awful lot of hard work from volunteers, who have undertaken numerous projects to improve the visitor experience.

I have enjoyed many a trip from Furnace Sidings to Big Pit, where I take my own visitors to see this amazing Welsh coal mine that pays tribute to the heritage of our industrial past, where people such as my dear late stepfather toiled underground to build the wealth of our nations. I am sure this story of heritage railways is being replicated across the UK.

It is therefore concerning that the 2018 report on young persons’ involvement in heritage railways from the APPG on Heritage Rail, which my noble friend Lord Faulkner of Worcester chairs, found that the number of young, under-18 volunteers is only around 5%, that the number of young female volunteers is extremely small at 1% and that the outdated legislation in the form of the Employment of Women, Young Persons, and Children Act 1920 has become a significant constraint on recruiting young volunteers under 16. It is an indirect consequence, as so many things can be. The Office of Rail and Road has been helpful in confirming that it had no intention of enforcing the Act and provided clear guidance on how to approach the management of young people engaged in railway activities. Either way, as the report says:

“This not only prevents them benefiting from the experiences their parents and grandparents had, but risks losing them altogether to railways, as they find another outlet for their interests”—

as other noble Lords have mentioned—

“at a crucial stage in their lives and when exploring future employment.”

When the report was debated in 2019, my noble friend Lord Rosser said of my noble friend Lord Faulkner:

“When he becomes involved ... he becomes involved big time, and he has a very impressive success rate in achieving and delivering the desired objectives.”—[*Official Report*, 5/6/19; col. 165.]

And here we are again, as my noble friend would have expected. I have little doubt that achieving and delivering the desired objectives will eventually be managed, whether it is through this Bill or by the Government’s hand. In this case, the objectives are twofold, with the ultimate goal being to encourage the engagement of young people with heritage railways, but a step in that direction would be to ensure that a law which predates heritage railways does not indirectly stop young people being able legally to volunteer on them. As we have heard during the debate, the Government committed to progressing this matter in a safe way, so I look forward to the Minister updating us on that. I can understand that there have been slightly more pressing issues at hand over the last three years—and over the

last three weeks—but I hope the Government have given some thought to this. After all, they have made a commitment.

As keen as we all are to encourage youth volunteers, my caveat is that it is important that it is done safely. I am particularly keen to hear from the Minister what assessment has been made since that debate on any possible risks. I urge the Government to cease prevaricating any further and enable this barrier to be lifted.

1.23 pm

The Parliamentary Under-Secretary of State, Foreign, Commonwealth and Development Office and Department for Work and Pensions (Baroness Stedman-Scott) (Con): My Lords, I am grateful to the noble Lord, Lord Faulkner, for bringing to the House this important debate, which I believe he has tried to secure since 2017. I congratulate him on his tenacity. The Government think that it is important to recognise and support the valuable opportunities that young people have through volunteering. I stress that modern health and safety legislation does not prevent children and young people volunteering on heritage railways or tramways, which I believe is a great experience for all involved. Also, the noble Lords, Lord Faulkner and Lord Jones, referred to the difference these activities make to the local economies in which they are based.

However, it is important that such activities are carried out in a safe way, with employers, organisers and those supervising the activities making sure that any risks are properly controlled. The Health and Safety Executive requires duty holders to demonstrate that they understand any potential hazards that may come to young people when volunteering. Those hazards should be set out in the duty holders' risk assessments, along with the steps they have taken to minimise them. To increase compliance levels in managing risks, the Health and Safety Executive uses a range of regulatory actions, from influencing behaviours across whole industry sectors to targeted interventions on particular sectors and activities. The Health and Safety Executive will continue to hold to account those duty holders who fail in their responsibilities to protect workers through proportionate enforcement action. Because the Health and Safety Executive takes a proportionate, evidence-based approach, the Government are convinced that modern health and safety legislation does not prevent children and young people from volunteering on heritage railways and that there is no reason to amend or repeal current legislation.

The law protecting children in the UK is a complex area, and this Bill touches on not only health and safety protections but also child labour laws and local authority by-laws. These are all devolved matters in Northern Ireland, and this Bill would impose changes there too. To repeal or amend the Employment of Women, Young Persons, and Children Act 1920 may initially seem the best course of action; however, this involves a level of complexity and risk that makes it undesirable and unnecessary. This would still leave legislation owned by the Department for Education—the Children and Young Persons Act 1933—in place which limits young volunteers to undertaking light work only. In addition, many local authorities have by-laws under the 1920 Act which contain prohibitions on

types of work that are not suitable for young people. Repealing the Act could have unintended consequences across a number of sectors.

The Government's view is that there is no need to introduce additional legislation to ensure young people can volunteer on heritage railways. The Health and Safety Executive has policy responsibility for the 1920 Act, but in the case of heritage railways the Office of Rail and Road is the enforcing authority. Previously, both the Health and Safety Executive and the Office of Rail and Road considered what powers they have and how they would be applied in the case of young people volunteering on a heritage railway. Both regulators have reconfirmed that they would not enforce the 1920 Act solely to prevent children and young people from volunteering on heritage railways. The 1920 Act has never been used for this purpose.

A point worth emphasising is that modern health and safety legislation already applies to the activities of children and young people volunteering and requires a risk assessment approach to managing their health and safety. So, if there was evidence of poor supervision, exposure to risk or danger, the Health and Safety Executive and/or the Office of Rail and Road would take action under health and safety legislation, not the 1920 Act.

I think the noble Lords, Lord Berkeley and Lord Jones, stressed very well the importance of young people having exposure to heritage railways, because it can inspire them in subjects they want to study and in careers they want to take, and we should make sure that opportunity is available to them. So, the Government support volunteers and volunteering. Volunteering can be a rewarding experience for young people and allows them to gain new skills, meet new people and make a difference in their communities.

I would like to recognise the noble Lord, Lord Faulkner, and the Heritage Railway Association for the important work they do in preserving this part of our nation's cultural and industrial heritage, as well as for the opportunities that they and their members provide for children and young people on our heritage railways and tramways. My noble friend Lord Shrewsbury mentioned that he had put on a tie today, which is a major achievement, for this Bill, so we should recognise that. I would also ask your Lordships to take a look at the tie of the noble Lord, Lord Faulkner, which is absolutely fit for today and a great credit to him to promote his field of work.

I live literally yards away from the line that goes from Tenterden through to Bodiam on the steam railway. On a really great day, when the wind is blowing in the right direction, I can smell the steam when I am sitting in my garden—it is that close. It is very evocative and encouraging. I have gone on Thomas the Tank Engine, gone there for Sunday lunch and gone on the Santa special many times. The difference that it makes to young people and the economy is terrific. The young volunteers on that railway line thrive on their activities.

The noble Lord, Lord Berkeley, mentioned the point made by the noble Lord, Lord Ashton, about trying to find a solution. I will come on to that later because I will make a definite commitment with a definite timetable.

[BARONESS STEDMAN-SCOTT]

The UK is a true pioneer in the history of railway, nurturing and benefiting from the talents of Brunel and Stephenson, among others. We are rightly proud of this legacy and must ensure that the next generation is endowed with the skills and passion to protect it. Volunteering is vital for the future sustainability of the heritage rail sector, with approximately 22,000 people giving their time and expertise to support heritage steam organisations across the country. We know from the All-Party Parliamentary Group on Heritage Rail's 2018 report, *Young People and Heritage Railways*, that almost 800 under-16s successfully volunteer without intervention from regulators.

This shows that modern health and safety legislation works. There is supporting guidance freely available, and the Health and Safety Executive and the Office of Rail and Road have previously offered—and are still willing—to work with the Heritage Railway Association to update their guidance for its members; to set out what tasks would be suitable for children and young people to perform on the railways; and to give heritage railway and tramway operators the assurance they require to be able to offer safe and appropriate volunteering opportunities.

As has been said, this is an ongoing issue, with a meeting between the noble Lord, Lord Faulkner, and my noble friends Lord Ashton and Lady Buscombe to discuss it further planned for the autumn of 2019. I understand that, unfortunately, diaries did not align, for which I apologise; I am grateful to the noble Baroness, Lady Wilcox, for pointing out that the past three years have not been easy. Anyway, we must move this on and end the delay in resolving this matter. I make a commitment that officials from the Health and Safety Executive and the Office of Rail and Road, with support from DCMS—I am prepared to join that meeting—will offer to meet the noble Lord, Lord Faulkner, to discuss this issue further, particularly how the HRA guidance can be amended to better support managing the health and safety risks for young volunteers.

The noble Earl, Lord Shrewsbury, mentioned coal. The Government appreciate the unique importance of the heritage steam industry both in promoting the UK's rich industrial heritage and for the wider visitor economy. We acknowledge the difficult circumstances facing the heritage steam sector at this time in light of the rising cost of coal on international commodity markets, due in part to the Russia-Ukraine conflict. We are in regular communication with the heritage rail sector to explore how we may be able to assist, including ministerial engagement with the Heritage Rail Association. However, ultimately, we view the decision on where to source coal for use in heritage steam and other industries as a private matter for the companies involved.

The noble Lord, Lord Snape, referred to insurance. The detail of each railway's insurance policies is a matter between the insurer and the heritage railway operator. However, in 2018, the All-Party Parliamentary Group on Heritage Rail heard from a witness representing the insurance industry that the 1920 Act would not make any difference to the cost or cover of insurance.

The noble Baroness, Lady Wilcox, asked why children are prevented from volunteering on heritage railways. As I have said, the Government support volunteering

and recognise the benefits for all those involved. They are not limiting the opportunities for children to safely volunteer on heritage railways.

In conclusion, the Bill tabled by the noble Lord, Lord Faulkner, seeks to allow children to gain valuable experience volunteering on heritage railways and tramways. The Government support this aim. However, we believe that the current framework does just that: existing modern health and safety laws allow children and young people to volunteer on heritage railways, while protecting their education and health and safety. Nothing would be gained from a change to legislation when other, simpler and more effective options are available. The existing framework is fair and effective, which is why the Government do not believe that the Bill is necessary. Nevertheless, the Government are committed to working with the noble Lord, Lord Faulkner, and all interested parties to achieve a solution; we will meet in the autumn when the House returns.

1.35 pm

Lord Faulkner of Worcester (Lab): My Lords, first, I thank all noble Lords for their excellent contributions to the debate. The heritage railway sector will be gratified to learn how many friends and how much support it has: my noble friend Lord Berkeley spoke about the Helston Railway; the noble Lord, Lord Jones of Cheltenham, visited both the Swanage Railway and the Gloucestershire Warwickshire Steam Railway; the noble Earl, Lord Shrewsbury, went to the Churnet Valley Railway; my noble friend Lady Wilcox of Newport cited the Talyllyn Railway and the Pontypool and Blaenavon Railway; and the Minister referred to the Kent & East Sussex Railway. My noble friend Lord Snape reminded us of the pleasures of being a goods guard on steam railways at 4 am before modernisation took over that part of the railway's operation. He is now, I think, the only former working railwayman in your Lordships' House and, as a result, deserves to be listened to with particular respect.

It is clear that there is general agreement that the 1920 Act must not be used to prevent young people under 16 working as volunteers. The Minister's speech was really interesting, because she said that the provisions of this Bill may not be necessary because the provisions of the 1920 Act will never be applied. However, as more than one speaker—including my noble friends Lord Berkeley and Lord Snape—drew the House's attention to, the Minister did not answer on what will happen should something go wrong involving a youngster working as a volunteer. She referred to insurance but there are other, deeper issues that also need to be looked at. Although I really appreciate her offer to meet representatives from the sector in the autumn—we accept that offer with gratitude and alacrity—we should be looking for stronger guarantees in relation to the 1920 Act than she has been able to give us today, however well-intentioned those have been. I therefore hope that the House will agree to give the Bill a Second Reading as a means of concentrating everyone's minds on this subject. I beg to move that the Bill be now read a second time.

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

Climate and Ecology Bill [HL] Second Reading

1.39 pm

Moved by **Lord Redesdale**

That the Bill be now read a second time.

Lord Redesdale (LD): My Lords, first, I thank the noble Baroness, Lady Bloomfield, for being here today, because I know that, like me, she wanted to be at the parliamentary clay pigeon shooting. Without our excellent skills, I am afraid that the House of Lords is facing defeat. I also thank all those who support the Zero Hour campaign, including the many volunteers, the staff both past and present, and the scientists, lawyers and campaigners who have helped draft and make the case for this Bill.

I had a whole section written about the need to prevent climate change going above 1.5 degrees, but of course, since I wrote it, we have seen the projections for the heat next week. While many years ago we used to argue whether climate change existed and whether it was manmade, we are now looking at the health service suffering the effects of this. I hope that people will take the warnings as seriously as possible, because there could well be deaths due to the high temperatures. I do not think anyone can dispute that this is a climate change-related event and that it will probably take place far more regularly in the future. It certainly highlights the need for this Bill—or the Government's adoption of the targets within it—and shows that this is of growing importance. It shows especially that this is not a radical piece of legislation; it is something that we really need to look at.

There is support across the UK nations to follow the science, increase environmental ambition and continue the national effort we have begun to decarbonise our society and bring about a nature-positive future. That is what this Bill would do. It has nine clauses that will require the UK Government, in partnership with the devolved Administrations and with the backing of the public, to deliver a joined-up, science-led environmental plan. In short, it would set the crucial framework for us to achieve net zero before irreversible tipping points are passed.

Research from the Natural History Museum ranks the UK home nations among the 12 most nature-depleted nations in the world, yet current legislation—the Environment Act—calls for the UK only to halt biodiversity loss. The problem with this is that, as we are already at such an appalling state of natural depletion, simply halting the decline at this point would be disastrous. Wildlife and Countryside Link has reported that the currently proposed long-term targets for wildlife could see nature in a far worse condition in 2042 than today.

This is why Clause 1 in the Climate and Ecology Bill would also impose duties on the UK Government to halt and reverse the UK's

“overall contribution to the degradation and loss of nature in the United Kingdom and overseas by ... increasing the health, abundance, diversity and resilience of species, populations, habitats and ecosystems so that by 2030, and measured against a baseline of 2020, nature is visibly and measurably on the path of recovery”.

This would fulfil the UK's obligation under the United Nations Convention on Biodiversity and its protocols.

Clause 2 would require the Government to “publish and lay before Parliament a strategy ... to achieve the objectives”

set out in Clause 1. This must include interim targets and impose a variety of restrictions, consistent with reducing the UK's carbon dioxide emissions and “restoring and expanding natural ecosystems”.

Clause 3 would require the Government to “procure, by open tender, an expert independent body to establish a Climate and Nature Assembly ... comprising a representative sample of the United Kingdom population.”

The assembly would then

“consider relevant expert advice and publish its recommendations for measures to be included”

in the Government's strategy. I surmise that the Government are not very keen on assemblies. However, they have done great work in bringing together public opinion so that some of the difficult policies we are going to face, including changing people's behaviour, are much more within the public ambit.

Clause 3 would also require the Climate Change Committee, the CCC, and the Joint Nature Conservation Committee to

“review the Assembly's recommendations ... and ... publish a joint proposal for measures to be included in the strategy”.

The Government would then have to include in their strategy

“all recommendations by the Assembly that have the support of 66% or more of its members”,

where the recommendations are also jointly proposed by the CCC and the JNCC.

Clause 4 would impose a duty on the CCC and the JNCC to

“evaluate, monitor and report annually on the implementation of the strategy and on the achievement of the interim targets”.

In addition, the CCC would be required to

“recommend annual emissions budgets for each greenhouse gas for the United Kingdom, Scotland, Wales and Northern Ireland”.

Clause 5 would provide a mechanism through which the devolved assemblies could give their approval to the targets imposed upon them and the strategy created by the UK Government. Scotland, Wales and Northern Ireland are leading the way across many environmental areas, and I pay tribute especially to the proposed Scottish nature restoration target that is currently being consulted on.

Clause 6 would provide for a mechanism through which the UK Parliament could scrutinise the Government's strategy and either approve it or require that it be amended if it is considered insufficient to achieve the objectives set out in Clause 1.

Clause 7 details financial provisions, including that expenditure incurred under or by virtue of the Bill, should it receive Royal Assent, including for the implementation of the strategy, would be paid for out of money received from Parliament. It is important at this point to note that the amount of money we should be spending on climate change mitigation and adaptation will rise considerably if we do not hit our targets, and it is already taxing considerably the resources of the Environment Agency. The money put aside could be seen as expensive, but if we do not start looking at moving to a renewable economy, the price

[LORD REDESDALE]

of gas will cause an enormous amount of hardship in the future, as it has in the present. Of course, every megawatt hour produced by renewable energy reduces our reliance on Russian gas.

Clause 8 details the terms used in the Bill and their interpretation, and Clause 9 provides the commencement and territorial extent of the Bill. It would apply to the whole UK and come into force on the day it received Royal Assent. I beg to move.

1.46 pm

Lord Oates (LD): My Lords, I congratulate my noble friend Lord Redesdale on introducing this important Bill and on his excellent speech in support of it. I was pleased to support the Bill, along with my Liberal Democrat colleagues and members of all parties, in its previous incarnation in the other place, where it was sponsored by Caroline Lucas. I pay tribute to her work and that of Zero Hour, which has been tireless in its advocacy for the Bill.

While Theresa May's Government are to be commended for having adopted the net-zero target for 2050, we are way off implementing the measures needed to achieve it. Moreover, recent government decisions have run directly contrary to the legally binding target that the Government have set. For instance, who can forget Rishi Sunak's decision to slash air passenger duty on the eve of the United Kingdom hosting COP 26 in Glasgow, the Government's plans to license more fossil fuel exploitation in the North Sea and their refusal to end the policy of maximum economic exploitation of North Sea fossil fuels, or the UK's central role in financing global fossil fuel investment?

As Carbon Tracker's recent report highlights, listed fossil fuel companies make up 15% of the value of the London Stock Exchange, making it far more exposed than any other stock exchange in the world. According to Carbon Tracker:

"Only around half of the future 'business as usual' spending by oil & gas companies listed in London was found to be compatible"

with keeping within our 1.5 degrees target. This suggests that London will be landed with trillions of dollars of stranded assets, posing a grave threat to financial stability, not to mention to the future of the earth itself.

As each month passes, the already yawning gap between rhetoric and reality grows ever wider and the consequences of it become ever more terrifying. The Bill would help to bridge that gap by introducing the measures on climate and nature that my noble friend has set out, including restricting net CO₂ emissions between 2020 and 2050 to no more than the UK's proportionate share of the remaining global carbon budget, setting a legally binding target to reduce UK imported emissions and establishing a requirement to halt and reverse the UK's catastrophic biodiversity loss.

I particularly commend the measures in Clause 3 relating to public involvement via a climate and nature assembly. Such deliberative democracy has proved highly effective in many places, such as the Republic of Ireland, where it ensured that public engagement in complex and often highly controversial issues has been taken on board. It is crucial that, in all the complex

decisions we will have to take on climate and nature, there is full engagement with the public in that decision-making process.

This week I had the pleasure of giving a tour of Parliament to my godchildren, Darcy and Kira, who are visiting from Australia. They left Sydney as it faced unprecedented floods and arrived in London as it faced record-breaking temperatures. Around the world, extreme weather events are multiplying. Climate change is not something happening in the future; it is here now, a clear and present danger. It will affect all of us one way or another, but the poorest and the youngest will suffer the most devastating impacts of our inaction. Young people are looking to us to act to safeguard their future, so it is time for us to step up to the plate, take our responsibilities to them seriously and pass this Bill.

1.51 pm

The Lord Bishop of St Albans: My Lords, I too thank the noble Lord, Lord Redesdale, for this Bill. I know he has made many contributions about diversity in the past. I seem to remember that red squirrels are something we have discussed on a number of occasions, and I am glad he still works on that.

This debate is taking place at a crucial moment in our country's battle against climate change. Despite the circumstances that have led to a change of Prime Minister, there was at least genuine confidence in the urgency and seriousness with which he was approaching the issue of climate change—he spoke out on a number of occasions. Therefore, it seems all the more extraordinary that, in the current events going on, we are hearing virtually nothing from candidates who want to be the next Prime Minister about this vital area. It is as if the only thing that matters is taxation. Taxation is important for all sorts of reasons, but where are the prophetic voices speaking about where we must be for the sake of vital future generations?

Within the current cost of living crisis, myopic thinking could trump the urgent need to tackle the reduction in global emissions and reverse biodiversity loss. Ultimately, if we are going to meet our targets, the Government must lead by example and create incentives for people and businesses to reduce their emissions.

By way of comment on this, I am very proud of the example of the strong line that the Church of England has taken on climate change. In February 2020, the General Synod adopted an extraordinarily ambitious programme to go carbon neutral by 2030, and just last week, as we were meeting in York, a road map was officially endorsed to achieve that target. We are hugely aware that this is going to be incredibly costly for all of us if we are going to achieve it. Nevertheless, ambitious targets are galvanising people who in the past paid lip service to it and are now trying to think of what practical steps we need to put in place each year as we try to adapt tens of thousands of historic churches, community halls and vicarages across the nation.

Many organisations, such as the Church, will be taking a proactive approach to try to meet their obligations, but we have to face the fact that others will not be doing that and will take an approach based

on expediency and pressure from the top which will simply see things in financial terms. For that reason, the framework referred to in the Bill would help to bind successive Governments to taking the necessary measures to tackle climate change and restore our natural landscape. Much work is being done on this. Some Members of this House, indeed Members taking part in this debate, worked on the Agriculture Bill and looked at environmental land management schemes and so on, so a lot of work is going on.

I have one main caveat—I may have more as the Bill progresses. I will support this Bill as it goes through the House, but I am concerned that the requirement to reduce greenhouse gases other than carbon dioxide may not have been quite as thought out as it needs to be. We know, for example, that some methane is produced by cattle, but the facts are complex. Since 1996, the total number of cattle in the UK has dropped from around 12 million to just over 9.3 million, whereas over the same period methane levels have consistently increased. Statistics I have seen show that the UK is not even in the top 25 countries globally for its number of cattle. It is urgent that we look at the long-term need for food security and look realistically at the cost to the environment of bringing large amounts of food in from far-distant places in the world. Noble Lords will know that I am president of the Rural Coalition—I should have declared that at the start of my speech.

We need to make sure that we have an evidence-based approach. The danger is that if we simply find ways, for example, to reduce the number of livestock in this country, we might end up importing it at even greater cost to the environment. One urgent thing we need to do is to work with the National Farmers' Union, and others that get the problem, to work out what is really going to address it. I absolutely support the need to reduce our methane output, but hope that we can do it by working with our farmers, not attacking them. Scientific innovations, such as the additives to cow feed, will reduce cow methane emissions significantly. In Australia, seaweed is currently being trialled as a way to change the diet of cows, which could pave the way for tackling climate change in an agriculturally friendly manner.

Incidentally—some of us were involved in a debate on this last week—another important aspect on which a number of us are working with the farming community is preventing nitrate run-off from ammonia into our precious chalk streams. We need to work with people to think about how we produce food and give ourselves food security, as well as to make the reductions that we desperately need and reverse biodiversity loss as we look to the future.

Time is certainly against us in the fight against climate change, which is why, despite my single reservation, I wholeheartedly support the bold framework of this Bill.

1.57 pm

Baroness Boycott (CB): My Lords, I also congratulate the noble Lord, Lord Redesdale, on bringing forward this Bill. I support it and will speak very much in favour of it.

I echo the words of the right reverend Prelate the Bishop of St Albans on the extra health warning that it will be 40 degrees on Monday and Tuesday. They are temperatures that we have never seen, yet we know that the candidates to be Prime Minister have not mentioned this. It feels, yet again, as though parts of Westminster live in a parallel reality to the rest of the world—that makes me really frightened. This Bill is important, necessary and could not come any quicker.

The Bill—uniquely, I think—tackles nature and climate together. As we recognised at COP 26, the climate crisis cannot be solved without solving the nature crisis. Across the board, nature is our best way of mitigating catastrophic climate change. All the worst impacts have been mentioned, such as the flooding at the moment in Australia and drought in my home county of Somerset. I have friends who are not on the mains water; they have two springs, and their family has lived there for generations. They reported to me yesterday that the second spring has dried up; they are now effectively without water. These are unprecedented events which are becoming completely normal. The question of looking after our remaining areas of biodiversity could not be more important.

Scientists at the Stockholm Resilience Centre have identified nine planetary boundaries that allow a safe operating space for humanity, and climate change is just one of these. We have breached nine of these boundaries, including the limit on freshwater use—I just mentioned my friends in Somerset. Breaching one impacts on the others and risks dangerous, irreversible tipping points. They include, for instance, the Greenland ice sheet. I am sure we have all seen the situation in Italy, where glaciers are now slipping and killing people. This is a tiny fraction of what we are going to see.

In my remaining couple of minutes, I have some questions. We could talk about this subject for a long time. Considering the cascade of benefits that a dietary shift would have in the UK, including, as has been mentioned, improved food security, nature restoration, better public health and a huge boost to rural economies, will the Minister explain why the Government have not adopted the Climate Change Committee's recommendation that we cut meat consumption by 20% by 2030? This would reduce emissions, including of methane, and free up lots of land for restoring ecosystems that absorb and store carbon.

As was mentioned, our Prime Minister, Boris Johnson, stated when he signed the Leaders' Pledge for Nature that we must reverse biodiversity loss and increase finance. He said:

"We must turn these words into action and use them to build momentum, to agree ambitious goals and binding targets."

Will the Minister explain why current legislation does not include the target to not only halt but reverse biodiversity loss by 2030? Our current net zero strategy recognises the importance of nature and the need for land use change but does not offer any transformative policies and it misses some of the opportunities to harness the power of nature. Does the Minister agree that we need joined-up legislation, such as this Bill, to provide a liveable future for our children? I am a member of the Environment and Climate Change Select Committee and we are looking at behaviour

[BARONESS BOYCOTT]

change and taking evidence across departments, across government. It is unbelievably patchy, not joined up and not thought through and there is no central intelligence, as such, or central policy guiding what the ministries are doing.

Finally, when the Office for Environmental Protection published its first report on 12 May 2020, saying that the key UK ecosystems are close to tipping points, the OEP's chief insights officer, Simon Brockington, identified many things, one of which was seabed trawling, which destroys the integrity of ecosystems. He also identified the pollution of farmland and rivers with fertilisers. This issue has been raised in your Lordships' House many times. It is something we could deal with, we have legislation to deal with it, but we underfund organisations such as the OEP and, in the meantime, rivers such as the Wye continue to disintegrate, lose fish and wildlife and, instead of absorbing carbon, become sources of carbon themselves.

2.03 pm

Baroness Bennett of Manor Castle (GP): My Lords, it is a great pleasure to follow the noble Baroness, Lady Boycott, and to thank the noble Lord, Lord Redesdale, for introducing this Bill, which, as the noble Lord, Lord Oates, said, is very similar to one introduced by my honourable friend Caroline Lucas in the other place. I join others in congratulating so many people who have been campaigning so long and hard on this Bill. I remember getting an email from someone in Oxford saying "I just got this leaflet through my door about this Bill. What's it all about? I'm not used to getting leaflets about Bills coming through my door." So, I congratulate everyone who has been working so hard. I say to them that they are making politics what you do, not what you have done to you. I fear that this is a process that does not necessarily work very quickly, but it is crucial.

I will start by talking about rivers, which the noble Baroness, Lady Boycott, just mentioned, because when we talk about the climate and ecological emergency, we often talk very abstractly. I want to be really concrete, and on this Friday afternoon, I will be really kind to noble Lords and those who have joined us and put you all beside a lovely river in Norfolk. The water is flowing, you are under the shade of a lovely big tree and you have your toes in the water. It looks idyllic, but what is actually happening in that river? Let us say that this is on Sunday, when the heatwave that others have referred to has hit. The water is getting warmer and warmer, which means there is less oxygen for the animals that live in it. Once the water temperature gets past 20 degrees centigrade, it is actually hostile to the life of those animals. As the noble Baroness, Lady Boycott, referred to, there are huge, unbearable levels of pollution in that river already, but with the evaporation that comes from the high temperatures, the water disappears, and the pollution becomes even more concentrated. There might be bullhead fish and white-clawed crayfish in that river—both red-listed species.

We need to have joined-up thinking, as the noble Baroness, Lady Boycott, said. The climate and ecological crises, the way we have poisoned our planet with pesticides, artificial fertilisers and all kinds of other

novel entities—all of these things together are making our planet unliveable. This Bill seeks to create a response that is fit for the Anthropocene.

The noble Baroness, Lady Bloomfield, is doing great Sherpa work for a number of departments today, so I do not necessarily expect a response from her to this right now, but I ask her to take it back to Defra. I hope that we will get a response on the National Farmers' Union report, *The Foundation of Food*, out this week, which is focused on the importance of soil and how the government policy of the sustainable farming initiative is simply not doing enough. This picks up the points made by the right reverend Prelate the Bishop of St Albans.

When we think about biodiversity and ecology, we do not really think about soil. We still far too often think about soil as dirt. But a square metre of healthy soil will have hundreds of thousands of small animals in it, and 90% of those species have yet to be named. We do not even understand in any meaningful sense what is there. There will also be kilometres of fungal filaments, and all those systems will be working together in a healthy soil with the plants. The plants will take up to 40% of the energy they create from photosynthesis to feed into those species. It is a whole ecological system. So, the next time you look out of a train window and see a field—level, neat and tidy, ploughed—think about how much has been destroyed by the passage of the plough through that soil. We should also look at the fact that the National Farmers' Union is saying that we need to do much better to protect that life.

Finally, I will briefly consider the really important provision in this Bill for a climate and nature assembly. In terms of deliberative democracy, the climate assembly—which, sadly, was rather disrupted by the arrival of the Covid pandemic, itself related to the global ecological emergency—produced excellent, practical and democratic proposals. If you ask me what we should do about any of the multiple crises facing us now, my answer will always be that we need democracy. The people of the UK know that where we are now is profoundly unsustainable—economically, socially, environmentally, politically and educationally—and they have so many brilliant ideas and plans for ways forward.

I will just mention an excellent report from Natural England, *Facilitating Dynamic and Inclusive Biodiversity Conservation in Britain*, again out this week, which focuses on listening to people and working with communities, using a place-based approach to solve our climate and ecological emergencies. This Bill shows the Government a way forward. Another noble Lord said that maybe the Government do not like the people's assembly approach. I suggest that the Minister talks to the noble Baroness, Lady Barran, because I know that in a different departmental role, she was involved in overseeing those and seeing them work very successfully.

2.09 pm

Baroness Hooper (Con): My Lords, I am grateful for being allowed to speak briefly in the gap. I regard myself as an enthusiastic amateur in this field, and I

realise that many experts have spoken in the debate so far. However, I do have the experience of being vice-chairman of the European Parliament's committee on the environment. That was in the early 1980s, when, for the first time, there was a focus on green issues and the need to take action in this field.

The experts who have outlined in detail all the issues that prompted the noble Lord, Lord Redesdale, to bring the Bill before us are to be thanked and congratulated. I also congratulate the noble Lord on bringing the Bill before us and explaining its provision so clearly.

The severe weather conditions we are experiencing and that we see all around the world leave no doubt as to the urgent need for action. The United Kingdom, as part of the troika preparing for COP 27 in Egypt, has an important role still to play. I put on record my support for the Bill and I hope my noble friend the Minister will be able to give us a very positive push forward.

2.11 pm

Lord Teverson (LD): My Lords, as a number of Members have said, we have a Conservative Party leadership election at the moment that could determine where this country goes on this subject. I have to completely reassure the noble Baroness, Lady Boycott, that two members of that leadership campaign, Mr Sunak and Mr Tugendhat, have signed the Conservative Environment Network's pledge, so maybe we are saved; I do not know. Future policy certainly seems questionable, but we will see where it goes.

One of the things that always happens in debates on the environment is that the Minister, whoever she or he is, reminds us that the UK is a leader on the climate challenge. Actually, it is true to say that we are. We can be proud to a degree as a country that we have had leadership in both Houses and, generally, on all sides of the political spectrum. It is subject on which we have made good progress to some degree.

However, I have two points to make. On climate, we are nowhere near where we need to be to meet our sixth carbon budget. As the Climate Change Committee's report said so well last month, the situation is stark in that we are likely, under the present climate change strategy, to meet one-third of the necessary cut in emissions. We might be lucky to meet another quarter through the current strategy, but some one-third would still not be met.

We have those climate challenges, but the Bill is not just about those. I congratulate my noble friend on introducing it, and I should have declared my interest as chair of the Cornwall and Isles of Scilly Local Nature Partnership. Very relevant to that is the fact that the Bill is also about ecology, ecosystem services and biodiversity. There, we are hardly anywhere at all. I am sure the Minister will remind me, but I think that we have missed 14 out of 16 of our Aichi targets and we are pretty marginal on the other two. There again, not only are we worse than the rest of the globe but that performance is derisory in terms of what we need to do. Although there are targets that are trying to change that and prevent that move backwards on biodiversity by 2030, I see very few signs of us meeting them. As

we have been reminded, the UK is one of the most nature-depleted nations on the planet, so we have huge challenges there. That is why I very much welcome the Bill. It might not be perfect in every way, but it would move us in a direction in which we need to go.

There are real reasons why I like the Bill. One of them, which has been mentioned already, is that it does not treat climate and ecology as separate subjects but brings them together. Areas that overlap both those subjects include nature-based solutions and adaptation, which tackle both these major crises together. I congratulate the people who have written the Bill on that.

I want to follow up the point made by the noble Baroness, Lady Bennett, about the citizens' assembly. I think all of us had high expectations when, in 2019, the House of Commons Select Committees set up the citizens' assembly that met in Birmingham. Unfortunately, as the noble Baroness said, the assembly was disrupted by the Covid pandemic, but it did not grind to a halt. It showed, as many of these assemblies have done, that if you bring together a mixture of citizens across the spectrum, and if they fully understand information that is not biased but practical, then citizens' assemblies, education and the act of going through these issues with individuals and communities make it possible to deliver messages that have practical application to our citizens, and which will make our politicians—who, unlike us, have to be elected—brave. One of the criticisms we always have is that it is great to have targets but if we do not deliver on them, enforce them through legislation or make things happen, we are wasting our time. So I welcome the citizens' assembly; I am not sure how it would work but we could flesh that out to make it possible.

I like the fact that the Bill relates to the earlier COP—I forget the numbers now, but I am thinking of the Paris conference; I am sure my noble friend knows which one it is—which started making real commitments on tackling climate change in future with the 1.5 degree target. The Bill takes its base from there, rather than the strange numbers we have from 1990 and the Climate Change Act, and apports how much carbon is left that we can put into the atmosphere.

Returning to a point made by the right reverend Prelate that has not been mentioned much during the debate, I have always been an advocate of following carbon consumption figures, on which the UK is not as good as it is on carbon production. We have got better and the trend has started to be the same, but we are still far from where we need to be. On imports, whether of animals or whatever, the Bill would make sure that carbon consumption starts to be taken into consideration. The system in the Bill is not pure but through it, we would notice imports, so I welcome it.

This Bill is an important one, and it is a start. I would love it to get into Committee so we could shake it up a bit, but it is absolutely where it needs to be. It concentrates on where this nation needs to aim, and on real leadership for this country on both these agendas.

I have a question for the Minister. We are finally going to have—in December, I think—the biodiversity COP 15, which was originally going to be in China but

[LORD TEVERSON]
is now in Montreal. It is a crucial conference but the run-up to it has not been particularly successful. I would like to understand from the Minister how the British Government view that and what ministerial representation we are going to have there.

I welcome the Bill and hope it will proceed through the House. However, we do not just need legislation; we also need action and implementation to make sure that our aspirations are really met.

2.19 pm

Baroness Blake of Leeds (Lab): My Lords, I add my appreciation to the noble Lord, Lord Redesdale, for the opportunity to take part in this Private Member's Bill, which seeks to tackle an issue that, I am afraid, despite all the warm words and commitments, is being failed by government. I add my concern to that which has been expressed across the House about the silence on net zero and climate emergency issues in the current Conservative leadership debates. It does not bode well for future direction of policy.

It seems appropriate that we are talking about these issues today. There were two items on the "Today" programme this morning on the launch of the British butterfly count, a really important piece of work for us all to take part in, and the stark news just announced that we are heading for a level 4 national emergency heatwave for the first time, predicted for the beginning of next week. As we all know, very sadly, the evidence shows that these extreme weather events are becoming even more frequent as time goes on.

I pay tribute to the many thousands of young people across the country who have done so much to raise the issues concerned and to keep them at the forefront of our debate. I also thank Zero Hour for all its briefings and the information flow that it continues to bring forward. I firmly believe that the climate emergency is the gravest threat facing our country. It will be the British people and future generations who pay the price of government and general failure. Action on climate is also the way to tackle the cost of living crisis and to boost the economy, creating tens of thousands of highly skilled jobs across the whole of the UK.

As the United Nations Intergovernmental Panel on Climate Change has warned, responding to this crisis means

"rapid, far-reaching and unprecedented changes in all aspects of society".

I am afraid that we are simply nowhere near achieving that. For example, the Energy Bill being debated in the House next Tuesday will be the latest way in which the Government are set to let the country and the world down on green energy, blocking cheap power such as onshore wind and solar and refusing to invest for the future, including by cutting domestic energy bills through a national plan for energy efficiency. Where is energy efficiency in that Bill?

The UK is on track to deliver sufficient progress against only eight of 50 new key indicators set out by the Climate Change Committee; 11 are significantly off track. It also warned that the Government have credible plans for only 39% of the emission cuts required

to meet the UK's legally binding carbon budget. This simply is not good enough. What is needed is a joined-up, whole-of-government approach to successfully tackle the interlinked climate and nature crises. So, rather than prescribing specific action, this Bill would instead require the Government to achieve defined targets, including through the development of a strategy for reducing the UK's overall contribution to emissions. Of course, that does not mean that individual considerations are not vital, and I have some questions for the Minister. I am very happy for her to come back to me on these issues, particularly about the steps that the Government are taking towards the same ends.

As this Bill makes clear, net-zero dates are an important marker, but it is the amount of greenhouse gas emissions that we put into the atmosphere that counts. Can the Minister explain how the Government intend to stay within their fair share of the global carbon budget, in order to give us the strongest chance of remaining below safe global temperature rises?

We urgently need to get a full, transparent picture of the entirety of UK greenhouse gas emissions, not just those that take place on UK soil but British import emissions. Could the Minister suggest a timeframe for the inclusion of imported emissions in the UK's emission targets, so that we might finally take responsibility for our full emissions footprint and bring production home to the UK?

Given the Government's stated ambition ahead of the COP 15 biodiversity summit to halt and reverse biodiversity loss by 2030—a target reflected in this Bill—what plans do the Government have, before the Montreal summit in December, to align domestic policy with international ambition? Surely the Government can do better than simply halting nature's decline. Could the Minister explain why it is seemingly good enough to call on other nations to restore nature while at home we are satisfied with managing its decline?

The Bill incorporates a climate and nature assembly as part of the creation of a joined-up climate and nature strategy to achieve its climate and nature targets. Citizens' assemblies, juries or panels have been proven to work and support political ambitions across the globe. Many agree that the public must be more involved in the just transition we need to become a zero-carbon, nature-positive nation. Perhaps the Minister could set out how the Government mean to meaningfully involve citizens in their decarbonisation plans. If there are no such plans, perhaps she might instead consider raising greater public awareness of the behavioural changes we need to see.

By way of example—and to assist, I hope—when I was leader of Leeds City Council, we declared a climate emergency early in 2019, and were one of the first local authorities to do so. We set up the Leeds Big Climate Conversation, reaching out to all communities across the city, and a citizens' jury. Its extremely constructive recommendations have informed the Leeds Climate Commission's roadmap to net zero as a template for the city's future actions. I think there is a fear of involving the public in this way that we need to get over. It certainly can be done, but the Government need to take more action.

Targets are essential to monitor and measure progress. However, what really counts is delivery and action—both, I am afraid, sadly lacking so far. I urge both this Government and any Government who follow to take this action seriously, and with the urgency so obviously required. This Bill would present a welcome step in that direction, and I am pleased to support its passage through this House today. I look forward with great interest to the Minister's response to all of the points made in the debate today.

2.28 pm

Baroness Bloomfield of Hinton Waldrist (Con): My Lords, I congratulate the noble Lord, Lord Redesdale, on securing the Second Reading of his Private Member's Bill—I fear that the Lords' team in the clay pigeon shooting is firmly doomed.

At the outset, I pay tribute to my officials in the Box, because although they are BEIS officials, this is more of a Defra debate. I am the Whip for both departments, so some of this stuff is familiar to me, but they have been working like Trojans in the background to get me answers on specific points from two departments. It is a marvellous example of the way both departments have been working together at very short notice.

Tackling climate change is of course of the utmost importance to this Government. As many noble Lords, including the noble Lords, Lord Redesdale and Lord Oates, noted, tackling climate change is of particular importance to young people. The Government are committed to being the first to leave the natural environment in a better state than that in which they found it. I also thank the Church for its work on climate and environmental issues, as highlighted by the right reverend Prelate the Bishop of St Albans,

We have already achieved a lot on our road to net zero. Between 1990 and 2019, we grew our economy by more than three-quarters and cut our emissions by 44%, decarbonising faster than any other G7 country. However, I acknowledge that there is still a lot of work to be done and that we cannot do it alone. Worldwide emissions also need addressing urgently; importantly, the leading role we are taking is not just to reduce our emissions but on new industries and exports in tackling climate change around the world.

The UK already has a world-leading emissions reduction framework in place. The Climate Change Act 2008 was the first of its kind and made the UK the first country to introduce a legally binding, long-term emissions reduction target. Last October, we published the *Net Zero Strategy*, building on the Prime Minister's landmark *Ten Point Plan for a Green Industrial Revolution*. It is a cross-economy strategy which keeps us on our path to net zero by 2050. The strategy includes the action we will take to keep us on track for meeting carbon budgets and our 2030 nationally determined contribution.

As the noble Baroness, Lady Blake, said, we must ensure that we reduce our emissions in line with carbon budgets. Last June, the Government set the sixth carbon budget, setting a level representing an approximate 77% reduction in greenhouse gas emissions, including international aviation and shipping, compared to 1990. This bold step demonstrates our continued leading role in tackling climate change. Our domestic target is

consistent with the Paris Agreement temperature goal to limit global warming to well below 2 degrees and pursue efforts towards 1.5 degrees. The sixth carbon budget is another indication of this Government's dedication to Britain's green industrial revolution, positioning the UK as a global leader in the green technologies of the future.

To oversee progress, the Climate Change Act established the Climate Change Committee, an independent statutory body to provide expert advice to government on climate change mitigation and adaptation. As highlighted by the noble Lord, Lord Redesdale, its role in providing such independent expert advice is widely accepted as global best practice. Indeed, our 2050 net-zero target was considered, in line with advice from the Climate Change Committee, the earliest feasible date for achieving net-zero carbon emissions. Our carbon budgets are also in line with the latest science as the level recommended by the Climate Change Committee.

As noble Lords will know, the Government have also brought forward the first Environment Act in over 20 years, with ambitious measures to address the biggest environmental priorities of our age; this includes restoring and enhancing nature, which is of immense importance, as the noble Baroness, Lady Boycott, noted. In England, the Environment Act will drive the long-term action nature needs to recover through legally binding targets, new policy measures, a new environmental enforcement body—the Office for Environmental Protection—and placing environmental principles in domestic law in a consistent and transparent way.

Nature has been in decline for decades, so our target to halt the decline of species by 2030 will be a major challenge. Through this target, we are committing ourselves to an ambitious objective and leading the way internationally by going beyond what is required under the CBD and setting key targets in law. Our recent public consultation included a proposal to reverse this loss by 2042, alongside other proposed targets, including to improve water quality and availability. The noble Baronesses, Lady Boycott and Lady Bennett, referred to those as vital issues, which the Government have rightly seized. The Government have an explicit duty to ensure long-term nature targets are met. Five-yearly interim targets will help the Government stay on track in meeting the long-term targets, similar to the five-year blocks we have already set in our carbon budgets.

The four countries of the United Kingdom have also agreed to develop a new UK biodiversity framework. Our collective intention is that the new framework will set out shared priorities and areas for collaboration across the UK. It will support our collective responses to the global framework of goals and targets expected to be agreed at the Convention on Biological Diversity's 15th Conference of the Parties, COP15. I am pleased to confirm to my noble friend that I received a WhatsApp message from my noble friend Lord Goldsmith saying that he will attend in his capacity as head of the delegation. This is our chance to agree a Paris moment for nature by adopting a high-ambition global biodiversity framework. We have asked the Joint Nature Conservation Committee to advise on and co-ordinate this process, on which discussions are under way.

[BARONESS BLOOMFIELD OF HINTON WALDRIST]

A number of noble Lords, in particular the noble Lord, Lord Teverson, referred to public engagement, which we regard as incredibly important. The Government already track public views on climate change on a regular basis through the BEIS Public Attitudes Tracker, which is published every quarter. It measures public awareness, attitudes and behaviours relating to the department for policies on issues such as energy, consumer rights, artificial intelligence and workers' rights. The survey shows that awareness of the concept of net zero among the public has increased compared with 2020, from 52% to 87%.

We also regularly fund public dialogues, which provide in-depth insight into citizens' views to inform a wide range of policy areas. In recent years, we have run public dialogues on a range of climate and environment issues, such as net zero, heating, transport decarbonisation, hydrogen, food, CCUS, advanced nuclear technologies, energy and the environment. The Government will continue to engage the public on the changes needed to deliver net zero by the 2050 target and to listen to the public's feedback. That is not to diminish the contribution of county councils, such as in Leeds, in running their own public consultations and feeding that information back to, in this case, BEIS.

The support of UK-based companies will be vital in meeting our net-zero target. Recognising the important role of measuring and reporting energy use and carbon data, the Government introduced a new streamlined energy and carbon reporting framework on 1 April 2019. Streamlined energy and carbon reporting is designed to be a light-touch reporting regime that sets out minimum mandatory reporting requirements. The Financial Reporting Council oversees compliance with streamlined energy and carbon reporting disclosures requirements as part of its role. At the same time, it spreads the benefit of measuring and reporting key energy and emissions data, and creates a level playing field where all large or quoted UK organisations are required to report publicly their energy use and emissions.

I turn to the other points made by noble Lords. The noble Baroness, Lady Boycott, asked why we have not adopted the Climate Change Committee's recommendations on diet change. Our policy is to make it as easy as possible for people to shift towards a greener, more sustainable lifestyle while maintaining people's freedom of choice, including on their diet. The Government have no intention of telling people to eat less meat. We recognise that more people are choosing vegan and vegetarian options, and we are working to support sustainable food choices. Supermarkets have already demonstrated significant efforts to market plant-based products. Although food choices can have an impact on greenhouse gas emissions, well-managed livestock also provides benefits, such as supporting biodiversity, protecting the character of the countryside and generating income for rural communities. Our food strategy, published in June, identifies new opportunities to make the food system more sustainable.

In response to the noble Lord, Lord Teverson, the UK follows the agreed international approach for estimating and reporting greenhouse gas emissions under the UN Framework Convention on Climate Change, the Kyoto Protocol and the Paris agreement,

which is for countries to report emissions produced in their territories. All UK domestic and international GHG emissions reduction targets are based on territorial emissions. The UK's independent climate change adviser, the Climate Change Committee, has also recommended that this remains the right basis for the UK's carbon targets. None the less, measuring consumption-based emissions provides helpful insight and supports policy development, enabling us to keep track of our carbon footprint and informing our efforts to reduce it—for example, through our efforts to reduce carbon leakage.

As the noble Baroness, Lady Blake, noted, working with local authorities is of the utmost importance. The Government recognise that local authorities can, and do, play an essential role in driving local climate action, with significant influence on many of the national priorities across energy, housing and transport, which are all needed to achieve net zero. The net-zero strategy sets out our commitments in enabling local areas to deliver net zero. They include setting clearer expectations on how central and local government interact in the delivery of net zero and building on existing engagement with local actors by establishing a local net-zero forum, bringing together national and local government senior officials on a regular basis to discuss policy and delivery options on net zero. We are continuing the local net-zero programme to support all areas with their capability and capacity to meet net zero.

The noble Baroness, Lady Blake, also asked about energy efficiency and the Energy Security Bill. As she will know, the Government are investing more than £6.6 billion over this Parliament to improve energy efficiency and decarbonise heating, and an additional £3.9 billion of new funding to decarbonise heat and buildings, bringing existing government spending to a total of £6.6 billion across the lifetime of this Parliament. We are scaling up our consumer advice and information services to help households understand how to reduce their energy demand effectively—

Lord Teverson (LD): I remind the Minister that the manifesto commitment was for £9.2 billion on energy efficiency.

Baroness Bloomfield of Hinton Waldrist (Con): I thank the noble Lord for his intervention.

We announced a zero rate of VAT over the next five years for the installation of insulation and low-carbon heating.

The Bill would legislate in some areas where we already have a well-developed legislative framework in place and, where we do not, there are sound policy reasons not to adopt them, but I thank the noble Lord for bringing the Bill to the House and enabling this debate. The Government are not convinced that the Bill is the right solution to the matter that has been raised, but I assure the House that the Government continue to press ahead with our world-leading climate and nature goals. We will continue to monitor the situation and to make improvements where needed, as our record has shown.

In closing, I reassure the right reverend Prelate the Bishop of St Albans, on the issue of red squirrels, in which I know the noble Lord, Lord Redesdale, is also

interested. He may have heard this week of the long-awaited research into a chocolate contraceptive paste put into funnels accessible only by grey squirrels, which will prove very effective in keeping down the grey squirrel population.

2.41 pm

Lord Redesdale (LD): My Lords, I thank the Minister for her reply, and I thank her officials. I know that it is very difficult working in two areas, but it has ever been thus—DTI and Defra, then DECC and Defra and now BEIS and Defra—and I have worked with many of them in the past. I also thank so many noble Lords for taking part.

I was absolutely devastated by the Minister's admission that the Government will not take this Bill in its entirety and give it time to take it forward, but I take note of all the reasons given and look forward to going into Committee and, perhaps, moving a couple of amendments to make it more agreeable to the Government taking it forward.

I thank all those who have taken part in the debate for the issues they have raised, including my noble friends Lord Oates and Lord Teverson, who raised the issues of the assembly. I take on board what the Minister said about there being real value in making sure that people understand the issues, because we will need a massive change in behaviour—indeed, this Chamber is quite cold at the moment, considering it is so hot outside, and that has an emission cost; in future, perhaps we will just have to change dress codes in the Chamber.

I thank the right reverend Prelate the Bishop of St Albans. I realise that the Church of England has done a great deal, and there is a role for many faith groups to raise this issue.

On the issue of red squirrels and the trials that the noble Baroness mentioned, the paste has been trialled in my woodland, because I have one of the few remaining populations of red squirrels on account of, over the past few years, the slaughtering of 27,500 grey squirrels in the local environment. The red squirrel is a key species, because it is quite likely that it will go extinct in England in the next couple of years without the work that is being carried out. That is through an invasive species, but climate change is having an effect on that.

The noble Baroness, Lady Boycott, raised the number of the targets that we failed to hit. One good thing that I recently heard is that the Climate Change Committee's net-zero target for enough people to go vegetarian has been exceeded—and more than was expected to reduce the carbon count. I say to the Government that one of the areas that has been missed, especially on the Defra brief, is that permanent pasture can lock more carbon into the soil than trees. We have the issue that, if we are going to plant trees to save carbon, we need to ensure that it is done in the right place and in the right soil.

The noble Baroness, Lady Bennett, raised the fact that her honourable friend in another place Caroline Lucas brought this forward, and it was perhaps churlish of me not to acknowledge in my introductory speech the great deal of work that she has done in this area.

I thank the noble Baroness, Lady Hooper, for taking part from the Conservative Back Benches. It is often the case, especially at this time in the afternoon, that we do not get as many noble Lords from different parties, but she has shown that there is cross-party support, and I know that this is a major issue among many of her noble colleagues.

The noble Baroness, Lady Blake, raised the issue of energy efficiency, which is always underrepresented. I very much hope that her argument about reversing biodiversity loss means that Labour Party policy will be changed, maybe by introducing a clause on reversing biodiversity loss.

I do not think that we can carry on as business as usual, and I very much look forward to bringing this to Committee. The Minister raised the simplified energy and carbon reporting regime, on which I did some work with the Treasury before it was brought in. It is a fabulous way for companies to understand their emissions and what they can do about them. The problem associated with them is that there is no enforcement procedure, which means that a vast number of companies which could do this, and would want to do this, will just ignore it because there is a cost implication. I hope that we could have a discussion with BEIS about this. I hope to bring this back in Committee and beg to move.

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

House adjourned at 2.47 pm.

