

Vol. 833
No. 215



Tuesday
17 October 2023

PARLIAMENTARY DEBATES
(HANSARD)

HOUSE OF LORDS

OFFICIAL REPORT

ORDER OF BUSINESS

Oaths and Affirmations	105
Questions	
Climate Financing	105
General Medical Council: Internal Guidance	109
Cultural Education Plan	112
Education: Advanced British Standard	115
Prison Capacity	
<i>Statement</i>	118
Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) (Amendment) Regulations 2023	
<i>Motion to Approve</i>	133
Retained EU Law (Revocation and Reform) Act 2023 (Revocation and Sunset Disapplication) Regulations 2023	
<i>Motion to Approve</i>	143
Core School Budget Allocations	
<i>Commons Urgent Question</i>	149
Organization for Security and Co-operation in Europe	
<i>Question for Short Debate</i>	152
Western Balkans: Dayton Peace Agreement	
<i>Question for Short Debate</i>	164
Transport: Zero-emission Vehicles, Drivers and HS2	
<i>Statement</i>	185

Lords wishing to be supplied with these Daily Reports should give notice to this effect to the Printed Paper Office.

No proofs of Daily Reports are provided. Corrections for the bound volume which Lords wish to suggest to the report of their speeches should be clearly indicated in a copy of the Daily Report, which, with the column numbers concerned shown on the front cover, should be sent to the Editor of Debates, House of Lords, within 14 days of the date of the Daily Report.

*This issue of the Official Report is also available on the Internet at
<https://hansard.parliament.uk/lords/2023-10-17>*

The abbreviation [V] after a Member's name indicates that they contributed by video call.

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

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

No party affiliation is given for Members serving the House in a formal capacity or for the Lords spiritual.

© Parliamentary Copyright House of Lords 2023,
*this publication may be reproduced under the terms of the Open Parliament licence,
which is published at www.parliament.uk/site-information/copyright/.*

House of Lords

Tuesday 17 October 2023

2.30 pm

Prayers—read by the Lord Bishop of Sheffield.

Oaths and Affirmations

2.36 pm

Lord de Clifford and Lord Meston took the oath, following the by-election under Standing Order 9, and signed an undertaking to abide by the Code of Conduct.

Climate Financing Question

2.38 pm

Asked by **Lord Oates**

To ask His Majesty's Government what discussions they have had with international counterparts about the commitment of delivering \$100 billion of climate financing made at COP 26, and when they expect it to be met.

Lord Oates (LD): My Lords, I beg leave to ask the Question standing in my name on the Order Paper and in doing so I declare my interest as chair of the APPG for Africa's inquiry into just energy transition.

The Parliamentary Under-Secretary of State, Department for Energy Security and Net Zero (Lord Callanan) (Con): My Lords, the UK COP 26 presidency published a delivery plan with other contributors showing that we would meet the \$100 billion goal in 2023. At the Petersburg dialogue this May, developing countries confirmed that we are on track. We have worked with the Canadian and German Governments to publish an open letter at the UN General Assembly explaining upcoming milestones. The UK and other contributors are working with the OECD on a report by COP 28 on progress with regard to COP 21.

Lord Oates (LD): I welcome the Minister's Answer. Does he agree that the \$100 billion target is just a fraction of what is needed? The capital requirement for just energy transition in Africa alone is estimated to be around \$2 trillion to \$3 trillion, yet the \$100 billion target has been consistently missed in the past. Can the Minister tell the House what plans there are to make up past shortfalls, including the UK's contribution, and what is the Government's strategy to crowd in the additional private capital that will be so critical in meeting the challenges of energy transition and climate change?

Lord Callanan (Con): The noble Lord makes some very good points. He may not have had the chance to see it yet, but we published a WMS this morning with details on our progress towards meeting the \$100 billion

target—so his question is very well timed. He makes a good point that, while government finance will be important, of course private finance is equally important, including in the UK and developing countries, towards meeting these goals.

Baroness Sugg (Con): My Lords, women and girls are disproportionately impacted by climate change. A recent report from the UNFPA highlighted that rising temperatures have been linked to poorer maternal health and that extreme weather events are exacerbating inequalities because of the disruption to health services, including the loss of access to contraception. Does the Minister recognise this and will he also acknowledge that women are part of the solution, particularly when it comes to mitigation and adaptation? How are the Government ensuring that their climate finance properly addresses the needs of women and girls?

Lord Callanan (Con): I know that my noble friend is a powerful advocate for women and girls, both in this House and in the work she did in government. She is of course absolutely right. The FCDO's international women and girls strategy sets out our commitment to increase the proportion of our international climate finance that will be gender-marked and to integrate gender and social inclusion objectives into our climate finance programmes and strategies.

Lord Watts (Lab): My Lords, all these measures will come to nothing unless we control the population of the world. What are the Government doing to help achieve that aim? Will they publish figures on their successes or failures?

Lord Callanan (Con): The noble Lord asks a good question, which is slightly beyond the remit of the original Question. I point him to the answer that I just gave to my noble friend: empowering women and girls, giving them more control over their own reproductive rights, is very important in this area.

Lord Howell of Guildford (Con): My Lords, I see that Janet Yellen, the American Treasury Secretary, estimates that it will take around \$81 trillion—I repeat, \$81 trillion—to get anywhere near the Paris targets by 2050. So, are we in the right ballpark at all in talking about £100 billion? If we are, is there not a need to concentrate on the gigantic coal burning of China, which is still around 1,000 times ours, as well as the huge coal burning of India and America? These account for 60% of the world's emissions increases; is this not where the money should go?

Lord Callanan (Con): My noble friend of course makes an important point. My reaction is that it is at least a start. Given the financial pressures on many developing countries, it is important to start the financing process. The £100 billion will be a commitment and will help many poorer parts of the world. He is also right that we need to work with China and the US to drive down their coal emissions. I am delighted that, in this country, coal will be completely gone from our power system by next year.

Baroness Boycott (CB): My Lords, Britain has been very proud of its leadership position on climate change—something that has taken a bit of a dent in the last few weeks due to some of the rollbacks on climate change targets. Specifically, the CCC last week published an assessment of the Government’s recent net-zero announcements, stating that they

“were not accompanied by estimates of their effect on future emissions, nor evidence to back the Government’s assurance that the UK’s targets will still be met”.

Will the Minister commit now to publish the evidence for Members to scrutinise?

Lord Callanan (Con): I must disagree with the noble Baroness. There has not been any rollback on the Government’s targets. There is a legally binding commitment, which we will maintain, and of course we have a number of legally binding carbon budgets, which we will also maintain. We are adamant that we are on track to meet all of them.

Lord Teverson (LD): My Lords, I very much welcome the Minister’s confirmation of the UK’s role in international finance on climate change, but money is not the only thing. Technological transfer and transfer of expertise are equally important. Will the Minister tell us what the UK Government are doing to ensure the transfer of expertise and technology that we have in the UK, particularly in areas where we lead, such as offshore wind and other technologies? Are we working strongly to transfer that to economies in the south who can use it even more than we can?

Lord Callanan (Con): The noble Lord is absolutely right. We are world leaders in many technological developments. Offshore wind is one example, floating offshore wind would be another, and a third would be the deployment of solar technology, which could be immensely valuable in many parts of the developing world. We share expertise through the good offices of the Foreign Office as much as we possibly can.

The Lord Bishop of Sheffield: My Lords—

Baroness Jones of Moulsecoomb (GP): Green! Oh, sorry.

The Lord Bishop of Sheffield: My Lords, it is reassuring to hear that the Government are confident of meeting the commitments made at COP 26 in relation to climate finance for adaptation and mitigation. Are the Government equally confident that commitments made at COP 27 in relation to the loss and damage fund will be not only met but made fully operational?

Lord Callanan (Con): As far as I know, we are fully committed to meeting those targets. We are very proud of our record and all the progress that we have made, including at least £3 billion on mitigating, protecting and restoring nature. We are on track to meet all our commitments.

Lord Lennie (Lab): According to the International Institute for Sustainable Development, over \$1 trillion of public money has been poured into fossil-fuel subsidies

since COP 26, mainly in response to the war in Ukraine. This eclipses tenfold the climate finance initiatives made at COP 26. Do the Government accept that this lack of long-term thinking about energy efficiency, onshore wind and solar has left us vulnerable to these outside forces?

Lord Callanan (Con): I do not agree with the noble Lord. We have an extremely good record on energy efficiency. To take one of his examples, we have improved the number of properties that are EPC band C or above from 14% when we came into office up to nearly 50% now. Obviously, we need to make a lot more progress. We are spending £6.5 billion in this Parliament on energy efficiency and have already committed another £6 billion from 2025. We are doing extremely well in this area.

Baroness Bennett of Manor Castle (GP): My Lords, the Minister may be aware that last week, coinciding with the IMF meeting on reform priorities for tackling debt, groups including Extinction Rebellion, Debt for Climate and Debt Justice were outside the Bank of England highlighting the \$7.9 trillion in climate reparations that are due to the global south from the global north. He may also be aware that debt is preventing climate action in the global south: five times the amount of money is going on debt repayments than is going on climate action. Are the Government at the forefront of leading on action to deal with this debt crisis in the global south?

Lord Callanan (Con): We are proud of our record on helping the global south to relieve its debts. We have one of the largest programmes of international aid alongside our programmes on international climate finance. Of course, there is always much to be done, but we can be very proud of the record that this country maintains.

Lord Naseby (Con): My noble friend rightly mentions developing countries. He will well know that the emphasis that he gives is much appreciated. Within that, is he aware of the parlous state of the small islands and the worry that they have about their future? Is he prepared to make a commitment today that they in particular will continue to be a priority for His Majesty’s Government?

Lord Callanan (Con): Of course I can give that commitment to my noble friend.

Baroness Hayman (CB): My Lords, I declare my interests as set out in the register. Reform of the international financial order is going to be high on the agenda for COP 28. Do the Government support that reform and, in particular, the measures set out in the Bridgetown agenda?

Lord Callanan (Con): The Government are interested in the conversations that are taking place on that. I cannot give the noble Baroness the commitment that she requires but I will come back to her in writing with the detail on that.

General Medical Council: Internal Guidance *Question*

2.49 pm

Asked by Baroness Hayter of Kentish Town

To ask His Majesty's Government what discussion they have held with the General Medical Council on its removal of the words "mother" and "women" from its internal guidance for pregnant or menopausal staff, and whether this reflects advice to doctors as to how to treat and describe patients.

The Parliamentary Under-Secretary of State, Department of Health and Social Care (Lord Markham) (Con): The Government have not had any discussions with the General Medical Council on its internal guidance for pregnant or menopausal staff. The GMC is independent from the Government and its internal guidance is produced for its staff. It is not for doctors registered with the GMC. The Government are clear that biological sex matters and that there are different health needs between the sexes. Removing language around biological sex has the potential for unintended and adverse health consequences.

Baroness Hayter of Kentish Town (Lab): I do not think that Answer is quite satisfactory and I am sorry that the Minister used the words "pregnant staff" rather than "pregnant women". Maybe the GMC lost out on medical lessons, where they would have learned that men produce sperm. We produce eggs and when they are fertilised in our wombs, we give birth and become mothers. When that is over, it is us who go through the menopause. The GMC has a statutory duty; it is the register of all the doctors who work in the NHS and it has a duty to maintain public confidence. I wonder how many mothers would have confidence in a doctor who thinks that men can have babies. The Minister should engage with the GMC and I ask him to do so, because although its internal guidance may have upset some of us, it regulates doctors and the language it uses matters in how it oversees, trains and interviews them. I hope the Government will take this a little more seriously.

Lord Markham (Con): I can definitely confirm that we are taking it very seriously. The Secretary of State was clear in his speech at the recent party conference that it is vital that we recognise the importance of the different biological health needs. That means being clear about describing a woman as a woman. I apologise: the noble Baroness was quite right to pick me up on that point, but we are very clear that biological sex is absolutely vital in addressing people's health needs. It is clear that we are addressing women as women and men as men.

Baroness Gohir (CB): My Lords, under the Government's watch there have been attempts to erase the word "woman" in various government departments and public bodies. One example is the NHS Race & Health Observatory, which the Government fund. I wrote to it last year and it said that it would address my concerns. What assurances

can the Government give that all incidents anywhere where they have oversight have been addressed? Are there any central mechanisms where the public and staff can share concerns, because it is not feasible to report concerns to a line manager when it could result in bullying? Us women will not be erased.

Lord Markham (Con): I absolutely agree. That is why, as I say, we could not be firmer in saying we want to make sure it is very clear in the NHS Constitution that we are referring to women as women—that has to be the absolute primary descriptor—and men as men. We could not be clearer on that, and I am very happy to take that up across government as well.

Lord Cormack (Con): My Lords—

Lord Sandhurst (Con): My Lords—

Baroness Williams of Trafford (Con): My Lords, my noble friends should come to a gentlemen's agreement on who is going first.

Lord Cormack (Con): My Lords—

Lord Sandhurst (Con): My Lords—

Noble Lords: Oh!

Lord Cormack (Con): I am most grateful. Would my noble friend on the Front Bench take the opportunity to pay tribute to the heroism—I use the word deliberately—of JK Rowling and those like her who have spoken out so passionately and so often? What the noble Baroness, Lady Hayter, said, we should all echo to the rafters.

Lord Markham (Con): I completely agree. I believe that, more than anything in society, we have to be tolerant of people and their ability to have free speech and express their views freely. I think we have all seen circumstances where people feel intimidated in expressing what they feel is right, particularly in this circumstance of stating clearly when a woman is a woman and when a man is a man.

Baroness Butler-Sloss (CB): My Lords, I am very proud to be a grandmother as well as a mother. Will the Minister in fact talk to the GMC?

Lord Markham (Con): Yes, I am very happy to do that and to make clear the feelings of this House.

Baroness Burt of Solihull (LD): My Lords, I welcome the Minister's comments on the GMC and endorse its independent role. I commend its wish to treat all patients with dignity and respect. Even though there are only a relatively tiny number of trans men giving birth each year, they all matter and they all deserve to be treated with respect and dignity. If he can, will the Minister tell the House how both women born as women and trans men are to be treated with equal respect, without offending either group?

Lord Markham (Con): People should always be treated with respect. That is why we are quite clear that the primary descriptor in this circumstance should be “woman”. However, in a few cases it has also been clear that a secondary descriptor is “people with a cervix”. It is quite clear that we are talking about a woman as a woman. By the way, that is very important for people with English as second language, so they understand very clearly that a woman is a woman. For completeness, in those cases where there might be a change of sex, we are being very clear that it is for everyone with a cervix.

Lord Winston (Lab): My Lords, I intend no disrespect to anybody, but in view of the fact that the GMC has a really important role in regulating language, particularly for overseas graduates who come to Britain, can the Minister tell me how many male members of the GMC have given birth to a child? If he cannot tell me, maybe he would be good enough to send me a letter.

Lord Markham (Con): I am very willing to hazard a guess that it is zero, but I will happily follow that up in writing with the exact number.

Lord Patel (CB): My Lords, I do not intend to be frivolous. I have looked after thousands of mothers during their pregnancies; it has been a great privilege to do so. Terms like “mother” and “women” should not be removed from any guidance, GMC or not. I have spoken to the GMC and expressed my discomfort at its removal of the words “mother” and “women”. Of course, I recognise the transgender issues. I also recognise therefore that those who may not consider themselves women could have children, but that does not remove the importance of motherhood. Being a mother is more than that; it is about motherhood and the responsibilities and what mothers contribute to children. I regret that the GMC has decided to remove these words.

Lord Markham (Con): I think the noble Lord makes the point very well. I do not think I have anything to add, apart from basic agreement.

Lord Sandhurst (Con): My Lords, the GMC may be independent but it is a creature of statute and should remember that. Parliament can change its statutes at any time. Are we to anticipate that, if the doctors’ regulator—this creature of statute—refers to its female staff, by which I mean women, as chest feeders or people with cervixes, the Minister will make it plain that this language from the medical regulator is unacceptable?

Lord Markham (Con): I am quite happy, as mentioned previously, to talk to the GMC about its use of language, the importance of the use of correct language and the clear feelings of all of us in the House today about women who are women and mothers, and men who are male and fathers. I will leave it to the GMC as to how it deals with staff matters, but I will be very clear on medical issues and the belief of all of us here in this House.

Baroness Symons of Vernham Dean (Lab): My Lords, can the Minister tell the House how many men there are on the GMC and how many women?

Lord Markham (Con): I will need to reply in writing on that.

Baroness Hussein-Ece (LD): My Lords, clear, unambiguous language in healthcare messaging saves lives. I was disturbed to read that one-third of women who are eligible for cervical screening are not coming forward. Can the Minister explain why NHS UK has not used the word “women” when it comes to cervical screening, yet for men’s conditions, the word “men” is used?

Lord Markham (Con): The noble Baroness is absolutely correct, which is why we have made sure that that language is made clear. The most important thing about the whole debate is people’s health needs. Absolutely as the noble Baroness said, the vital thing is that every woman understands that it is important that she has cervical screening from time to time. In all of the communications, it is clear that we mean “her” in that instance. Obviously, in circumstances for men, we are clear where we mean “men”. So I completely agree with the noble Baroness: the health needs are paramount, and that requires clear language.

Cultural Education Plan

Question

3 pm

Asked by **Baroness Fleet**

To ask His Majesty’s Government what progress has been made on the development of their cultural education plan.

Baroness Fleet (Con): In begging leave to ask the Question standing in my name on the Order Paper, I declare my interests as the chair of the national plan for music education.

The Parliamentary Under-Secretary of State, Department for Education (Baroness Barran) (Con): My Lords, progress is continuing with the cultural education plan. Since May, the Department for Education and the Department for Culture, Media and Sport have conducted extensive engagement with external stakeholders across the education and cultural sectors—a comprehensive series of nearly 50 events. We also appointed an expert advisory panel in July 2023, chaired by the noble Baroness, Lady Bull. Both the panel and the stakeholder engagement are helping to inform the development of the plan and its emerging proposals.

Baroness Fleet (Con): My Lords, I thank my noble friend the Minister for that Answer. Cultural education, like music education, is delivered not just in schools but by partnerships with cultural, voluntary and faith organisations and the third sector. Can my noble friend say how the plan will address the current lack of infrastructure to signpost opportunities and broker these connections? Music education has dedicated music hubs to do this; what resources will the Government put in place to fulfil this same function, in terms of education, for other art forms and disciplines?

Baroness Barran (Con): I thank my noble friend for her question. Obviously, she will understand that I cannot pre-empt the decisions and recommendations on the cultural education plan, but I absolutely agree with her about the importance of partnerships. I understand that the expert panel is looking at examples of good practice, of exactly the type that my noble friend set out, but also the barriers to implementing them, including in relation to infrastructure.

The Earl of Clancarty (CB): My Lords—

Lord Bird (CB): My Lords, would the Government agree with me when I say—

Noble Lords: Order!

Lord Bird (CB): I do not understand.

Baroness Williams of Trafford (Con): My Lords, let me explain to the noble Lord. Again, could the noble Lords in question come to a gentlemen's agreement on who speaks first?

Lord Bird (CB): Do the Government agree with me that one of the best ways of emptying our prisons is by investing in our youngsters who go wrong and using art and culture to bring about social transformation in their lives? I am a living embodiment of that: if it was not for culture in my early years, I would not be here.

Baroness Barran (Con): The noble Lord speaks with great authority on this. I absolutely agree with him that art and culture, as well as other extracurricular activities such as sport and other opportunities, are critical for young people at risk of offending or in prison.

Baroness Wilcox of Newport (Lab): My Lords, the number of creative studies teachers is on the decline in England: between 2011 and 2022, there was a 20% drop in drama teachers, 15% in music and 11% in art. The Government are still missing targets for recruitment to combat this decline. The impact is that fewer students are studying creative subjects, limiting children's creativity and risking future talent pipelines for our creative industries. Notwithstanding the answer the noble Baroness gave to my question yesterday, what are the Government doing now to improve the picture for creative education in schools?

Baroness Barran (Con): Well, unfortunately, my recognition of the noble Baroness's figures has not changed since yesterday. My understanding is that, since 2014-15, the number of qualified music teachers has risen from around 89% to an average of about 95% in the last couple of years. Similarly, for art and design, 96.5% of lessons are taught by teachers with post-A-level qualifications. However, since yesterday I can share with the House that there will be a new survey on extracurricular music uptake, which will be published later this year, which shows much higher levels of participation in June 2023 in relation to singing and instrument lessons, access to live music

performances and participation by children in live music performances. So the Government are not talking about it—the Government are delivering.

Lord Storey (LD): We welcome this cultural education plan, and we have every confidence in the noble Baroness, Lady Bull. Of course, cultural education is not just about learning—it has to be about seeing, doing and having the opportunity to visit art galleries and museums, listening to concerts, going to theatres and seeing heritage. But, of course, children and young people from poor families really struggle to make that happen. How do we go about that?

Baroness Barran (Con): I am grateful to the noble Lord for his question, because the focus of the cultural education plan is to tackle those disparities in opportunity and to promote more access for children in areas of significant deprivation, making sure that children have good cultural experiences in school but also outside school.

The Earl of Clancarty (CB): My Lords, the plan has highly laudable aims, but does the Minister not appreciate that the national curriculum and accountability measures being out of scope, as the terms of reference clearly state, is supremely unhelpful, if a major goal is universal access to the arts in schools, since this in effect limits the solution before the inquiry even gets under way?

Baroness Barran (Con): I simply do not accept the noble Earl's assertion. I will make two points. First, the knowledge-rich curriculum, which this Government have delivered, gives a foundation for children to exercise their creativity. Secondly, in all my visits to schools, of which I make many around the country, I see them doing extraordinary things, offering children all sorts of cultural opportunities across drama, the arts and music.

Viscount Stansgate (Lab): My Lords—

Baroness Uddin (Non-Aff): My Lords, there is no gentlemen's agreement on this side, so I am going to keep standing. This is another plan with which I am not very familiar. Will the Minister ensure that the plan embeds this country's rich heritage, which enriches our children's understanding, knowledge and respect for history, which has been talked about? It created the anti-slavery movement and the movements against colonisation and apartheid, which has resulted in this country becoming a beacon of multiculturalism.

Baroness Barran (Con): The plan is quite clear that cultural education has an important social value, helping children recognise the value and richness of the different communities that make up our great nation.

Lord Mendoza (Con): My Lords, I refer to my interests in the register, particularly as chairman of Historic England. Following on from the noble Baroness, we know that heritage education as a part of cultural education has an enormous impact on young lives, particularly in building community and a sense of civic pride, providing an avenue for skills and jobs. I am

[LORD MENDOZA]

concerned that the cultural education plan may not include its fair share of emphasis on heritage. Can my noble friend the Minister provide some reassurance that heritage will be taken very seriously, as the cultural education plan develops?

Baroness Barran (Con): I take this opportunity to congratulate my noble friend on his appointment as chair of Historic England, and also to reassure him that we absolutely agree about the importance of heritage. On the panel, we have one of the teachers from the heritage schools programme, Ashley Bartlett, a history teacher from Leicester; Robert Peal from the West London Free School also brings expertise in this area.

Viscount Stansgate (Lab): My Lords, has any progress been made in discussions or negotiations with our European neighbours to enable youth orchestras once again to tour throughout Europe? It is a tragedy that this has been brought to an end. Can the Minister give some hope that it might be reversed and reintroduced?

Baroness Barran (Con): I understand the noble Viscount's concerns about our youth orchestras. I will need to co-ordinate with and talk to my colleagues in DCMS, but I am happy to write to him with an answer.

Education: Advanced British Standard *Question*

3.10 pm

Asked by Baroness Twycross

To ask His Majesty's Government what are their plans to replace A-levels and T-levels with the Advanced British Standard.

The Parliamentary Under-Secretary of State, Department for Education (Baroness Barran) (Con): My Lords, the advanced British standard will bring together the best of A-levels and T-levels, remove the artificial choice between academic and technical pathways, and raise the attainment floor for all students. Students will receive more high-quality teaching time, continue to build maths and English capability, and develop a wider knowledge base that will enhance their career opportunities. This is a long-term reform which will need careful development and consultation.

Baroness Twycross (Lab): My Lords, at the Conservative Party conference the Prime Minister had the opportunity to announce real change for our schools. He could have spoken about fixing crumbling schools, recruiting and retaining teachers currently leaving en masse, and sorting out the widening attainment gap, soaring absence levels and missing mental health support. Nothing we heard will tackle these issues affecting pupils now or provide the staff we need to teach now, let alone in a decade's time. What are the Government doing this financial year to provide the buildings, teaching and support this generation of children so desperately needs?

Baroness Barran (Con): I cannot accept the assertion of the noble Baroness. The Government are doing a great deal on teacher recruitment, and these programmes, starting now, will also address the attainment gap. We will pay up to £6,000 a year tax free to teachers of key STEM and technical shortage subjects in the first five years of their career and to those working in disadvantaged schools, addressing recruitment and attainment. Critically, we will spend £150 million each year to support those who do not pass their maths GCSE at 16 to gain these qualifications by the time they get to 19.

Lord Foulkes of Cumnock (Lab Co-op): My Lords, since this is the advanced British standard, can the Minister confirm that it will be available for schools in Scotland, as the A-level exam is at the moment? What discussions have there been with the Scottish Government?

Baroness Barran (Con): As I said in my Answer, there will need to be extensive consultation, but we hope to work closely with the Scottish Parliament on this.

Baroness Garden of Frognal (LD): My Lords, A-levels and T-levels should never be the only options for 16 year-olds. There are many highly talented, creative and practical students with work-based skills which are essential for the economy. Can the Minister reassure us that BTEC vocational qualifications will continue to be available to ensure that these students get their work accredited?

Baroness Barran (Con): I am afraid that I cannot reassure the noble Baroness of that. She will be aware that we have carried out extensive reform of our qualifications and will know that, as of August 2022, we had removed 5,500 qualifications with low or no enrolments. However, we still have the most complicated and duplicative landscape of qualifications in this area—at least 7,000 available qualifications—which we will address through our reform programme.

Lord Hampton (CB): My Lords, as ever, I declare my interest as a secondary school teacher. The Minister said that the ABS will develop maths and English capabilities. For anybody who has just guided their son through the maths GCSE and maths A-level—as I have, rather badly—are we saying that the maths GCSE is not good enough? Surely that is enough maths for anybody.

Baroness Barran (Con): I do not think that it is enough maths for everybody. As the House knows, we are an outlier in the G7 in not requiring maths to 18. We have made tremendous progress with our maths hubs and teaching for mastery pro approach. We can see that in Ofsted's recent report on school maths, which described how a

“resounding, positive shift in mathematics education has taken place in primary schools”.

We are determined to invest more in maths and give every child the opportunity to succeed in maths.

Lord Lucas (Con): My Lords, I very much welcome the Government's interest in broadening the curriculum at age 18. Has the Minister had indications from universities that they are willing to broaden their admittance criteria too, so that students who follow a varied programme across the subjects are not disadvantaged relative to those who have followed a much narrower curriculum? Will she also ensure that, where children have to learn maths or English to 18, which they might naturally not wish to do, it is maths and English for which they will find a use in their lives and not maths and English which is directed towards getting into university?

Baroness Barran (Con): The way we are thinking about this programme—I stress again that we need to consult extensively on the detail of it—is that it will offer children much more breadth and time, including a third more teaching time. That means that we can keep around 90% of the content of the current A-level for those going down an academic route and follow the occupational standards for those going down a technical or vocational route. The aim of the programme is to give children much greater choice so that they will still be able to access the same three-year degrees if university is their preferred option but also be well equipped for further technical education or the workplace.

Baroness McIntosh of Hudnall (Lab): My Lords, the Minister, in her initial Answer to my noble friend on the Front Bench, referred to the necessity for extensive consultation before the new qualifications can be properly embedded. I am sure she will agree that the burden of changing the arrangements for post-16 education will fall hugely on schools, and particularly on school leaders. Can she tell the House how extensively those people will be consulted? Without wishing to be disrespectful, how much notice will be taken of what they say?

Baroness Barran (Con): I am slightly surprised by the noble Baroness's last remark. This programme clearly cannot work without the buy-in, understanding and support of school leaderships, so it would be a short-sighted Government who did not pay attention to their reflections on this. I am also slightly surprised by the noble Baroness's hesitancy, because this approach was in the Labour manifesto of 2010 and recommended by the Times Education Commission.

Lord Addington (LD): My Lords, I remind the House of my declared interests. Those with special educational needs, particularly dyslexia and dyscalculia, will clearly be put under a lot more pressure by this approach. When will the Government publish a plan to make sure that these people are not excluded from reaching an A-level standard or put under extra pressure? When can we relate it to the rest of the curriculum, or will we change the law so that you are allowed to exclude people and discriminate against them?

Baroness Barran (Con): Clearly, we will not do the latter. It is incredibly important that we design this in such a way that we have the right offer for children with special educational needs and disabilities, those

who have been in local authority care and those who have come from particularly disadvantaged homes. That is a clear commitment from the Government.

Lord Mackenzie of Framwellgate (Non-Affl): Perhaps the noble Baroness can help me. My wife is Polish, and she read in the newspapers recently that Polish is being offered at secondary school level, alongside Latin, as a second language. She was very surprised, and said, having been taught Latin as well as Polish at school, that Polish is more difficult to learn than Latin and just about as useful, which surprised me. Could the noble Baroness advise me on how I should respond?

Baroness Barran (Con): Maybe it would make sense to talk to the school in question to understand its decision to offer Polish.

Prison Capacity *Statement*

3.20 pm

The Parliamentary Under-Secretary of State, Ministry of Justice (Lord Bellamy) (Con): My Lords, I will respectfully repeat the Statement made yesterday in another place by my right honourable friend the Lord Chancellor:

“The first duty of any Government is to keep their people safe, and that is why those who pose a danger to society must be locked up. This Government are categorical that the worst offenders should be locked away for as long as it takes to protect the public. We have increased the sentences for offences including knife crime, causing death by dangerous driving—now a maximum of life imprisonment—and causing or allowing the death of a child. We have ended automatic halfway release for serious sexual and violent offenders, so they will serve two-thirds of their sentence behind bars and, in the most dangerous cases, all of their sentence behind bars. We are changing the law to make whole-life sentences the default for the most heinous types of murder, so that for society's most depraved killers, life means life and murderers end their days in prison.

Today, I can announce that we will be going further. We will legislate so that rapists, as well as those convicted of equivalent sexual offences, will serve the entirety of the custodial term handed down to them by the courts. A 15-year custodial term will mean 15 years behind bars.

There are inaccurate reports in the media, claiming that judges have been told not to send rapists to prison. Let me be categorical: this is untrue. Sentencing is a matter for the judiciary acting impartially and in accordance with the rule of law. It is a fact that under this Government the most serious and dangerous offenders are being locked away for longer. In the case of rapists, average sentences are nearly a third longer than in 2010. This is the right thing to do to keep the public safe.

To continue to put the worst offenders away for longer, we must use prisons better, so that there are always sufficient spaces to lock up the most dangerous criminals. We must reform the justice system so that it

[LORD BELLAMY]

keeps the worst of society behind bars, rehabilitates offenders who will be let out and gives the least serious, lowest-risk offenders a path away from a life of crime. That matters, because intelligent reform means less crime.

I have been candid from the moment I took on this role that our custodial estate is under pressure. Today, the prison population in England and Wales is greater than it has ever been—nearly double the level it was three decades ago. That is not principally because of the growth in the sentenced population: instead, it is the remand population, principally made up of unconvicted prisoners awaiting trial, which has surged in recent years, from 9,000 in 2019 to over 15,000 in 2023. That is more than 6,000 more people in our prisons, out of a total of around 88,000. Why is that? It is because in the white heat of the pandemic we took the right and principled decision not to jettison hundreds of years of British history and abandon the jury trial system. We did not do that because the jury trial system is the bedrock of our freedoms. But, because of Covid restrictions, that inevitably meant that the flow of trials slowed and, in turn, the remand population grew. This growth was exacerbated by industrial action last year. In addition, the recall population is also significantly higher than in 2018, partly because we are rightly ensuring that offenders who do not comply with their licence conditions are returned to prison.

This Government have taken unprecedented steps to meet this demand. We are building 20,000 modern rehabilitative prison places—the largest prison-building programme since the Victorian era. By doubling up cells where it is safe to do so, speeding up the deportation of foreign national offenders and delaying non-essential maintenance projects to bring cells back into use, we have freed up an extra 2,600 places since September last year alone. On top of this, we have continued to roll out hundreds of rapid deployment cells at prison sites. Altogether, we have been bringing on capacity at a rate of more than 100 places a week—the fastest rate in living memory, and possibly in 100 years.

We are going further. Today, I can announce up to £400 million for more prison places, enough for over 800 new cells. When we legislate to keep rapists behind bars for the whole of their custodial term, I will ensure that commencement is dependent on there being sufficient prison capacity. There is already an obligation to lay before both Houses of Parliament a report as to the way I have discharged my general duty in relation to the courts. To ensure public confidence, a new annual statement of prison capacity will be laid before both Houses. It will include a clear statement of current prison capacity, future demand, the range of system costs that would be incurred under different scenarios and our forward pipeline of prison build. That will bring transparency to our plans and will set out the progress that is being made. I have also already commissioned urgent work, to conclude before the end of the year, to identify new sites for us to purchase. This is backed by a down payment of up to £30 million in funding to acquire land in 2024 and launch the planning process.

We must do whatever it takes to make sure that there are always enough prison places to lock up the most dangerous offenders to keep the British people safe, to ensure that criminals can be brought to justice,

and to maintain safety and decency in the prison estate. We have decided to use the power in Section 248 of the Criminal Justice Act 2003 to allow the Prison Service to move some lower-level offenders out of prison on to licence up to 18 days before their automatic release date.

Let me be clear: this will not apply to anyone serving a life sentence, anyone serving an extended determinate sentence, anyone serving a sentence for an offence of particular concern, anyone convicted of a serious violence offence, anyone convicted of terrorism or anyone convicted of a sex offence. This new power will be used only for a limited period and only in targeted areas. Every offender will be placed under strict licence conditions that provide a step down from custody to living in the community. This may include: first, being made to wear an electronic tag when needed to manage them safely; secondly, a condition not to contact a named individual, directly or indirectly; thirdly, having to live at an address approved by the probation officer; fourthly, attending appointments; and fifthly, a condition not to enter certain areas, such as particular postcodes. Breach of these conditions could lead to the offender being recalled to custody for the entire second half of their sentence.

This will be overseen by the Probation Service—a Probation Service into which we have injected £155 million a year to recruit staff to bring down case loads and deliver better supervision of offenders in the community. In addition, the HMPPS leadership will retain discretion to decide on further exemptions from release on advice of governors where concerns remain. Let me make it clear that this is a temporary operational measure to relieve immediate pressure contributed to by remand.

If we are to protect the public and reduce crime, we need to go further to use our prisons better. At the heart of the long-term plan for prison reform that I am announcing today is a simple mission: cut crime. To deliver that, there are three things we need to do. First, we need to ensure that the most dangerous offenders are locked up for longer, away from the public and unable to commit crime. Secondly, we need to ensure that prisons are geared to help offenders turn away from crime, to change their ways and to become contributing members of society. Thirdly, we need to ensure that more low-level offenders get the tough community sentences that the evidence shows cut reoffending and therefore cut crime.

To put that last point another way, prisons should not ruin the redeemable. It is clear that, all too often, the circumstances that lead to an initial offence are exacerbated by a short stint in prison, with offenders losing their homes, breaking contact with key support networks and, crucially, meeting others inside prison who steer them in the wrong direction. When they are released just a short time later, they all too often reoffend, fuelled by addiction or mental health issues that cannot possibly be addressed effectively in such a short space of time. The fact is that over 50% of people who leave prison after serving less than 12 months go on to commit further crimes. The figure is 58% for those who serve sentences of six months or less. However, the reoffending figure for those who are on suspended sentence orders with conditions is 22%.

Meanwhile, the cost of this is £47,000 per year per prisoner. The taxpayer should not be forking out for a system that risks further criminalising offenders and trapping them in a merry-go-round of short sentences, so this Government are determined to grasp the nettle and deliver a better approach. We will legislate for a presumption that custodial sentences of less than 12 months in prison will be suspended and offenders will be punished in the community instead, repaying their debt within communities, cleaning up our neighbourhoods and scrubbing graffiti off walls. We can do this more intelligently with modern solutions for a digital age.

I can announce today that we are doubling the number of GPS tags available to the courts, to ensure that offenders can be monitored, to track that they are going to work and to ensure that their freedom is curtailed in the evenings and at weekends, with robust curfews of up to 20 hours a day. We will make maximum use of new technologies such as alcohol monitoring tags. This will enable us to strengthen and expand successful step-down programmes such as home detention curfews, which we will keep under active review. If offenders breach the terms of their curfew or other requirement of their suspended custodial sentence, or commit another offence, they can be hauled back before the court and forced to serve that sentence in prison.

What we are not doing is getting rid of short sentences altogether. I know from my time as a prosecutor that sometimes that is the right and just option. Prolific offenders who are unable or unwilling to comply with community orders or other orders of the court must know that their actions have consequences, and they will continue to feel the full force of our justice system. Building on our *Anti-Social Behaviour Action Plan*, the Home Secretary and I are looking at what more we can do to punish those so-called lower-level offenders who are a blight on our communities. For some offenders, the proper sanction is, I am afraid, the clang of the prison gate.

We will also remove foreign offenders who should not be in the UK taking up space in our prisons at vast expense to the taxpayer. There are over 10,000 foreign nationals in our prisons. It cannot be right that some of them are sitting in prison when they could otherwise be removed from our country. That is why we will extend the early removal scheme so that we have the power to remove foreign criminals up to 18 months before they are due to be released—up from 12 months now—getting them out of the country early and no longer costing taxpayers a small fortune.

To support that, more caseworkers will be deployed to speed up removals, and the Home Office will also look at measures to do more to remove foreign nationals accused of less serious crimes more quickly. We will continue to strike new prisoner transfer deals like the one agreed with Albania, ensuring that criminals from overseas serve their time at home rather than in Britain. We will bring forward legislation to enable prisoners to be held in prisons overseas—an approach taken by Belgium, Norway and Denmark in recent years.

More must be done to stop people spending long periods waiting in prison for their trials. As I have set out, there are now more than 15,000 defendants on remand in our prisons. Remand decisions are properly

for independent judges, but we will consider whether to extend the discount to encourage people to plead guilty at the first opportunity. When more offenders plead guilty, that saves time in the courts and cuts the number of people in our prisons on remand. Most importantly, it saves victims the ordeal of giving evidence in court.

We will also review the use of recall for offenders on release who infringe the terms of their licence. It is right that ex-prisoners who commit new crimes or serious breaches while on licence should be returned to prison. We want to ensure that the system is working effectively to mitigate any risk posed by offenders while not having people in prison on recall longer than necessary.

I turn to IPPs. We will take decisive action to address sentences of imprisonment for public protection. We put a stop to these discredited sentences a decade ago, but there remain around 3,000 IPP prisoners in custody despite their original tariff expiring years ago. IPPs are a stain on our justice system, so I am looking at options to curtail the licence period to restore greater proportionality to IPP sentences in line with recommendation 8 of the Justice Select Committee's report, and I will come back to the House on that in due course. This will not compromise public safety. Those found by the Parole Board to pose a risk to the public will not be released.

In conclusion, as I have set out, we are taking decisive action to make our prisons work better in the long term. We are building more prison places than at any time since Disraeli was speaking from this Dispatch Box. We are rolling out hundreds of rapid deployment cells across the country to increase immediate capacity. We are going further and faster than ever before to remove foreign criminals from our prisons.

To govern is to choose. We choose to lock up the most dangerous criminals for longer to protect victims and their families. We choose to reform the justice system so that criminals who can otherwise be forced into taking the right path are not trapped in a cycle of criminality. This is the right long-term plan for our justice system, and I commend this Statement to the House”.

3.36 pm

Lord Ponsonby of Shulbrede (Lab): I thank the noble and learned Lord for repeating yesterday's Statement. In broad terms, the Government aspire to increase the time spent in prison for some serious offenders and to reduce the chances of a prison sentence for less serious offenders. The Lord Chancellor put forward this package of proposals to address the immediate and entirely predicted crisis in our prison estate; it is full because of the mismanagement of the current Government over their whole period in office.

The Government's mismanagement goes beyond the prison estate to the Probation Service. There has been a substantial decline in courts sentencing with community and suspended sentence orders over the past 10 years: they have halved in 10 years, and that is because of sentencers' lack of trust in the robustness of community orders. We in the Labour Party support an increased use of community orders, but they require

[LORD PONSONBY OF SHULBREDE]
experienced probation staff in post, properly organised, with challenging community work and genuine community rehabilitation initiatives for them to work effectively.

The Government's approach to the Probation Service has had a direct impact on the crisis and the overcrowding in the prison estate. We support the use of more sophisticated tagging, GPS and other more specialised tags, but they are no better than the experience and professionalism of the people and organisations that manage and monitor them. Can the Minister assure me that the Probation Service will form an integral partner in the monitoring and assessment of the effectiveness of tags?

Talking as a magistrate and sentencer, I can tell the noble and learned Lord that I very rarely sentence an offender of previous good character to prison. Far more often, the offender has a history of community sentences that have failed for one reason or another; therefore, the sentencer feels that there is no choice but to give a custodial sentence, sometimes a relatively short one, to mark both the seriousness of the offence and the lack of impact of previous community orders. Therefore, I fear the changes proposed by the Lord Chancellor will have relatively little impact.

On Thursday, I will be speaking at the conference of the National Association of Probation Officers, which represents the profession which has been under siege by the current Government. Will the Minister explain how the proposals in this Statement will rebuild the Probation Service so that pressure can be taken off the prison estate?

There has been much comment in the press in recent days about the advice to judges to delay sentences to mitigate prison overcrowding. My understanding is that this applies to Crown Court cases where an offender has been found guilty or pleaded guilty and has been given bail by the judge pending a sentencing report from probation. My question to the Minister is how long this delay is going to be. Will it be weeks or months? The Lord Chancellor has said it will apply only to less serious offenders, but we are dealing with Crown Court matters and these, by their very nature, are more serious. What guarantee can the Minister give that no sexual offenders or violent offenders will be walking our streets as a result of this delay? Will victims of these offenders be informed of the delay to sentencing?

I now turn to the Government's programme to build new prisons. HMP Five Wells came on stream last year, and a second new prison is expected to come on stream relatively soon. When might we expect it to be active? A further three new prisons are stuck in the planning process: when might these other three prisons expect to come on stream? Multiple timetables have been published: where are we in this process?

On top of this, HMPPS is adding portakabins to the existing prison estate. I understand these are actually quite popular with prisoners because they have en suite facilities, but they add complexity and manpower requirements to the prison officers required to run the prison. How much will these portakabins mitigate the capacity issue in our prison estate?

We are also being told that the Lord Chancellor is looking at renting overseas prison capacity to mitigate the current crisis. How much will this cost, and how

will this contribute to offender rehabilitation, where contact with family and friends is seen as being of primary importance to reduce the chances of reoffending on release?

On the deportation of foreign national offenders, last year the Government managed to deport 2,958 foreign national offenders. This is less than a third of the total number in our prisons and around half the annual number before the Covid pandemic. Why should the public believe the Government when they claim they can get a grip on the number of foreign national offenders in our prisons, when they have failed to do so until now? What difference will bringing forward deportation of foreign national offenders by six months make to the prison population, and by when?

I now turn to extradition. Earlier this year, I asked a Written Question about some German courts refusing to extradite prisoners to the UK because of concerns about the state of British prisons. On 30 May, the noble Lord, Lord Sharpe, answered my Question and wrote that while HMG does not comment on extradition requests, they do respond to requests for assurances from foreign states in relation to the matters I raised in my Question. Since then, there have been a number of further articles in the press where both German and Irish courts have refused extradition requests on the basis of the state of British prisons. This is a quality issue, not a capacity issue. Can the Minister comment on the assurances which his department gives to foreign states that our prisons are indeed fit, decent and suitable to receive extradited prisoners?

There is a lot of detail in the Statement. I have commented on some but not all elements of it. The necessity for this Statement is a culmination of systemic long-term underinvestment over many years. I cannot help thinking that the recently appointed Lord Chancellor has received something of a hospital pass in taking on his new role. The noble Lord opposite is in the same situation too. Can I ask the noble Lord about any consultation on their proposals and the timetable for bringing them in?

Lord Marks of Henley-on-Thames (LD): My Lords, I welcome this Statement, in part at least, and I thank the Minister for making the time to discuss it with me yesterday. However, we profoundly regret the circumstances in which it came to be made.

At last, the Government recognise the disgraceful state of our prisons—with a current population of 88,000 and only 500-odd places unfilled across the estate and with serious overcrowding within that population. It is not all down to Covid, more remand and recall prisoners and industrial action. Indeed, the Statement itself points out that the prison population in England and Wales has nearly doubled over three decades. That is made worse by serious understaffing, dismal morale and, in consequence, a failure to recruit and retain enough prison staff.

Some of these measures we have long been calling for. We welcome the presumption against damaging short sentences, which are shown to be hopelessly ineffective, with sky-high reconviction rates and no chance of addressing mental health and addiction issues or training or preparation for employment. We welcome

recognition of the need to concentrate on rehabilitation and reform and greater use of community and suspended sentences, but these must be supported, as the noble Lord, Lord Ponsonby, said, by probation and community services that are fully resourced and in overall operation.

However, much of this Statement just sets out panic measures from a panicked Government who have simply run out of prison space, despite all the warnings: doubling up in already overcrowded cells; the so-called “rapid deployment cells”, which the noble Lord, Lord Ponsonby, called portakabins—read “makeshift prefab temporary cells” with, importantly, no extra supporting services; cancelling maintenance projects that are essential to improve squalid conditions; and indiscriminate 18-day early release determined by the location where the prisoner is serving, not the prisoner’s suitability. Even worse, we are still resorting to using police cells, which are totally unsuitable for housing prisoners.

This Statement talks of giving the least serious, low-risk offenders a

“path away from a life of crime”.

However, all prison sentences should offer that—and to extend the metaphor, such a path needs to be properly planned, well supported and fully paid for, not just hurriedly hacked out of the undergrowth, to find a way out of a mess.

The long-term prison building plan is now way behind schedule, so I ask the Minister some questions about the Government’s plans for the medium term. Given that sentence inflation is in part fuelled by government policy, do they have other plans to reverse the inexorable rise in the prison population? What proposals do they have to cut the backlog in the courts to reduce the overload from remand prisoners? What exactly is proposed for an urgent end to the disgraceful extended incarceration of IPP prisoners? What changes are proposed to target recall—to moderate its use, which is often unmerited and should be specific and only used when needed? How do the Government propose to avoid shuffling prisoners around the prison estate to fill every available space, without regard for prisoner needs and welfare—in particular, the need for contact with their families and communities before release?

More importantly, what greater resources are proposed for the probation services so that community sentences work? The Statement claims credit for a past increase in funding but says nothing about the extra funding that will be needed to meet the increased demand resulting from these measures.

Lord Bellamy (Con): My Lords, I will deal as best I can with the points made. Hospital pass or not, the Government have to deal with the situation in which they find themselves. On the question of how we got here, the Government have embarked on the largest prison-building programme since Victorian times. To answer the specific questions, I say that Five Wells is open, Fosse Way has recently been opened, Millsike is under construction and I think three other prisons are currently embroiled in the planning process. However, we have spent £1.3 billion on prison construction and at some point the society in which we live has to ask itself, “How much money? Where is the balance to be struck between prison building and other approaches?”

In addition to the various measures I mentioned, including the so-called portakabins or rapid deployment cells, which have proved an important means of ameliorating conditions in some prisons, the Government have taken quite a number of actions and we have done our utmost to keep the available capacity to meet the need, despite the unprecedented pressure arising mainly from the remand population, without which I do not think we would have the problem that we have. Therefore I respectfully defend the Government’s record in this regard.

As regards the very important question of the Probation Service, which both noble Lords raised, it has needed additional resources and, frankly, a degree of rebuilding in the last years, which the Government have been doing their best to do. We are expending an additional £155 million a year on the Probation Service, and I am told that we have exceeded the recruitment target in each of the last three years and recruited 4,000 trainee probation officers over the last three years. Of course, recruiting a trainee probation officer does not mean you immediately have a fully fledged, experienced probation officer at hand to take on very difficult tasks. I accept that from this House, which very much knows what it is talking about, but the Government are in the process of strengthening and rebuilding the Probation Service, which—to answer the question I think from the noble Lord, Lord Ponsonby—will indeed be, and has to be, an integral partner in the new programme.

As the noble Lord pointed out, there will still be cases where there is no alternative to a short sentence of less than 12 months, in which case the presumption is rebutted. Let us hope that, in recalibrating and reorientating the culture, that really is the last resort and that the number of short sentences declines dramatically. The figures speak for themselves, with 55% reoffending on short sentences but only 22% reoffending on suspended sentences with proper conditions that are properly enforced and calibrated to that particular offender. Those are striking facts. The Government’s hope and intention is that we move towards the latter from the former. I venture to suggest that noble Lords would not disagree with the general direction of travel that I have tried to convey.

As to the question of the delay in sentencing that was reported last week, this announcement came from the judiciary. It is indeed up to the judiciary to deal with sentencing, but I anticipate that the need for any delay in sentencing will diminish fairly rapidly after our intermediate step relating to the early release from custody subject to licence, so that we can get back to normal management and the courts no longer have to worry about whether there is sufficient prison capacity. I hope that becomes a temporary problem and is no longer of concern.

As regards foreign national offenders, I cannot give the noble Lord an exact estimate of what difference the change in the period from six months to 18 months will make. We also need to uprate the Home Office team that deals with this and reorganise the relevant procedures, but it should result in at least some numbers, which I am not able to clarify. I can do further research and write to him if that would be useful. If you can imagine 10,000 out of 88,000, that is a very substantial

[LORD BELLAMY]

number of foreign national offenders in our system. We should be able to do something effective to reduce that pressure, not least with agreements such as that with Albania for prisoners to serve their sentences in their home jails.

As far as the extradition cases are concerned, I am obviously not able to comment on any specific cases, whether from Germany, Ireland or elsewhere. I respectfully disagree with the idea that there is a difference between a quality issue and a capacity issue because I think capacity and quality are intertwined, especially if there is a problem with overcrowding et cetera, but the Government's position is that our prisons are fit and decent from the point of view of our request to extradite persons to this country, and I anticipate that these reforms will enable us further to reinforce the fitness and decency of the prison estate in this country.

As far as the noble Lord, Lord Marks, is concerned, again no Government would have wished to be in this position, but we have to deal with it as it is. The measures that the Government have taken on employment and rehabilitation, which include, as I think I have said on previous occasions, employment boards in each prison with local employers—there is more or less a jobcentre in Berwyn prison in Wales—the provision of 12 weeks' accommodation and the digital passport with a bank account, a national insurance number and so forth, have led to a substantial improvement in rehabilitation and a drop in the reoffending rate from about 32% a few years ago to just under 25% now, which is some progress in very difficult circumstances bearing in mind the kinds of prisoners one is dealing with.

We will come back to IPP. In the medium term let us progress with these reforms and keep them under review. We will now be reporting to Parliament annually, so that will give a new and more transparent opportunity to develop and share the problems, which I venture to suggest are problems that we ought to share rather than problems that are of—shall I say?—a party-political nature.

3.59 pm

Lord Wigley (PC): Is the Minister aware of the very serious problems concerning the recruitment and retention of staff at HMP Berwyn, at Wrexham, one of the newest prisons and the second largest in Europe? It is reported that the staff will not stay because working conditions are intolerable. What are the Government going to do to remedy this?

Lord Bellamy (Con): My Lords, I am not in a position today to comment specifically on Berwyn. I had understood that there are many aspects of Berwyn that have been outstandingly successful. I will write to the noble Lord with more detail in response to his question.

Lord Bradley (Lab): My Lords, I declare my interest as chair of NHS England's non-custodial advisory board. I welcome the plan to significantly reduce short-term sentences and replace them with community sentences. Currently, a rollout of community sentences with mental health treatment orders is under way across the country into every court. However, to give

further confidence to the judiciary, will the Minister ensure that there is a significant increase in capacity not only in the Probation Service, about which we have heard, but in mental health provision, both primary and secondary, as well as alcohol and substance misuse services, to ensure that people can successfully complete their community sentence?

Lord Bellamy (Con): My Lords, it is undoubtedly the case that there are many offenders in the criminal justice system who have severe mental health problems. I very much welcome the noble Lord's reference to the national programme in relation to mental health treatments and I fully agree that this is a matter to which we need to pay the closest attention. I will certainly discuss with colleagues in the DHSC how we increase capacity to give judges the necessary confidence.

Lord Bourne of Aberystwyth (Con): My Lords, my noble and learned friend is to be congratulated on a very wide-ranging Statement. I have two very short questions to put, if I may. One relates to the prison building programme. My noble and learned friend referred to 20,000 additional places. Has there been any slippage on provision of those places, perhaps partly as a result of the Covid pandemic? I would be very grateful if he could provide some detail of when those places will come on board.

Secondly, my noble and learned friend quite rightly stressed the importance of strict sentencing with regard to crimes of violence and where there is a danger to the public. In relation to rehabilitation, which he also rightly emphasised as being important, provision by the courts of community service orders—which are the main vehicle for delivering that—has slipped by more than half in the last 15 years. What are the Government doing to make sure that that level of use increases over the coming months and years?

Lord Bellamy (Con): My Lords, there has been some slippage in the prison building programme, mainly as a result of difficulties with planning. As the Lord Chancellor indicated in the Statement, there is a renewed push to find new sites and reinvigorate that programme. I am afraid that I cannot give the noble Lord any specific dates but, as the Statement indicates, it is very much part of the general package. As far as rehabilitation and the decline in community service orders over the last 10 or 15 years are concerned, that may well be connected to the problems that we have had in the Probation Service. I would not presume to say either way but, as I ventured to suggest a moment ago, we are doing our best to restore the Probation Service to its detailed place within the system. A renewed Probation Service will be an integral part of the new programme; the service is currently reconsidering its orientation and the deployment of its resources to support the Statement that the Government have just made.

Baroness Butler-Sloss (CB): My Lords, I welcome what the Minister has said, so long as it is actually carried out; implementation seems to me to be the most important part. On dealing with often persistent but not particularly serious crimes by drink and drug

addicts, have the Government thought of building, or creating, residential places for these offenders, along with a probation order, so that if they do not comply with it, they would go to prison?

Lord Bellamy (Con): My Lords, I would need notice of that question. I will write to the noble and learned Baroness with respect to the place of residential places in the criminal justice system. Certainly, the focus on dealing with alcohol and, indeed, drugs is very much on the Government's mind at the moment. One development in GPS tagging is that you can use it for alcohol detection as well—that is a further arrow in the quiver, as it were, to deal with this problem—but the noble and learned Baroness's question is entirely apposite, as always.

The Lord Bishop of Sheffield: My Lords, nine days ago it was my privilege to lead Sunday worship at HMP Doncaster, where I was reminded by the chaplain that many faith communities and charities do excellent work supporting newly released prisoners as they resettle into their communities, with a demonstrably positive impact on reoffending rates. What more can be done to support such projects?

Lord Bellamy (Con): The Government very much welcome the contribution that local agencies and other organisations make towards rehabilitation and will continue to take advantage of all the opportunities that arise. If I may trouble your Lordships anecdotally for a moment, I met a man the other day who had been a remand prisoner in Winchester prison. He had been acquitted, so he was free. I asked, "What was your experience in Winchester prison?" He said, "I did very well, actually, because I was able to take the IT course that they offered. I can now do an Excel spreadsheet and a Word document, and I regard it as having been a positive experience". So it is not all doom and gloom.

Lord Farmer (Con): My Lords, I welcome the Statement, which avoids the trap of penal populism and combines proportionality with pragmatism. However, its three crime prevention strategies are all downriver. Can the Minister explain what the Government are doing to prevent crime before people offend in the first place, especially in the area of strengthening families—a quarter of our prison population were in local authority care—and reducing father absence, since 70% of young offenders grew up in lone-parent families? Lastly, how are the Government ensuring that families of prisoners get the help they need in the community in order to reduce intergenerational crime? Some 60% of children of convicted parents go on to offend themselves.

Lord Bellamy (Con): My Lords, as always, my noble friend makes a powerful point about the importance of families, both in avoiding crime in the first place and in supporting criminals who later return to the community. The Government's general approach to supporting families is very much at the centre of our wider view of this particular landscape, particularly through the DfE's Supporting Families programme, the family hubs, family courts and particularly the FDACs. The noble Lord's points are well taken and will certainly be borne in mind as we continue.

Lord Dholakia (LD): My Lords, the Minister rightly draws attention to the remand prisoner population, which is considerably high in this country. Has he looked at the international dimension and asked himself the simple question: why is it possible for countries such as Germany to regulate their remand population while we are looking at sky-high figures? First, does he agree that less use of remand in prison would have a tremendous impact on our prison population? Surely the courts should send to prison only those whose offending makes any other course unacceptable. Secondly, those who are sent to prison should not stay there any longer than necessary.

Lord Bellamy (Con): I am not in a position to draw any comparison with Germany or any other country. However, I am bound to say that we need to learn as much as we can from the experience of other countries, so I take the noble Lord's point on that. I fully agree that no one should be in prison for a moment longer than they need to be.

Baroness Watkins of Tavistock (CB): My Lords, there appears to be a significant disparity between the fines levied on people who broke the Covid regulations, particularly for people under 30. Many of them have yet to complete paying their fine. Can the Minister indicate whether His Majesty's Government will consider an amnesty for unpaid fines, and possibly a rebate for those over £1,000, in order to ensure that no one is imprisoned for the non-payment of fines, further increasing the population in prison?

Lord Bellamy (Con): My Lords, as your Lordships will understand, I cannot comment on particular cases in which fines for Covid infringements have been levied, nor am I in a position to say that the Government are considering any amnesty in relation to any such fines.

Lord McLoughlin (Con): My Lords, one of the figures that I found most disturbing in my noble and learned friend's Statement was the increase in prisoners on remand, from 9,000 to 15,000. Bearing in mind the cost of keeping somebody in prison before they have been convicted, what action are the Government taking to bring these very disturbing figures under control and get them down substantially?

Lord Bellamy (Con): The main effort in getting remand numbers down is to do everything possible to accelerate the process in the Crown Court. We have recruited over 1,000 new judges and increased legal aid. We are doing our very best to progress those cases through. As to whether particular prisoners are on remand in the first place, as distinct from being on bail, that is a decision for the judiciary.

Lord Swire (Con): My Lords, in answer to a Written Question of mine, my noble and learned friend the Minister said on 27 March:

"As of 31 December ... there were 9,797 Foreign National Offenders".

[LORD SWIRE]

He has announced today that that figure has now increased to be nearer 10,000, so I very much welcome his determination to do something about this. It should be said that in the 12 years between 2010 and 2022, 22,707 foreign national offenders were returned, which is a pretty slow rate. Does the Minister not agree that there needs to be a cross-departmental task force to deal with the return of foreign national offenders and address issues such as translators in jails, the countries of origin and particularly the legal profession, which has so often thwarted attempts to repatriate some of these prisoners?

Lord Bellamy (Con): My Lords, I fully agree that there needs to be close interdepartmental co-operation in dealing with this difficult issue.

Baroness Hamwee (LD): My Lords, there are many reasons why community sentences may be far preferable to custody, but they do not come without cost. They are more complex than

“cleaning up our neighbourhoods and scrubbing graffiti off walls”, in the words of the Statement. I think the Minister agrees that services for treatments to address the mental health and addiction problems of many offenders, generally provided by the third sector, must be properly resourced, widely available and centred on each individual. The Justice and Home Affairs Committee of your Lordships’ House, which I chair, has heard evidence of their underfunding alongside the overloading of the Probation Service, which is very reliant on inexperienced staff. Can I urge the Minister and the MoJ to have consultation with the treatment providers? I commend to him the quite detailed written and oral evidence which has been given to our committee.

Lord Bellamy (Con): My Lords, I am sure the evidence before and the conclusions of the committee will be borne well in mind.

Lord Hogan-Howe (CB): My Lords, although I support the Government’s general bid, which is to reduce the prison population—it is too high, as the noble Lord, Lord Dholakia, said, and we could probably be safer even if some people were let out of prison—I do not think that the Statement is entirely persuasive in a couple of areas. First, it did not give an impact assessment of the compound effect of the Government’s measures. What will the prison population be in 12 months if all these measures are implemented effectively? The second thing that worries me is about the group of people who will now have to serve the full term of their prison sentence, some of which we can entirely understand. If you extend that list, how do those in the Prison Service easily do their job? They have to have some hope that the people who they are trying to control could have a shorter sentence if they behave well. If that list grows, what happens is that people who are in prison have no incentive to behave well and the only people who can control them are the prison officers, which makes a difficult life even more difficult.

My final point is that I do not entirely agree with the Minister’s analysis of the growth in the prison population. Covid has certainly played a role, but the

prison population was accelerating well before Covid. The two aggravating factors have been the sentencing guidelines—which are always inflated and never reduced, because there is no public clamour for less sentencing, even if it is not effective—and the parole conditions. Those are the two things that have caused the prison population to expand. I am afraid that, if we carry on at the rate we are, it can only get worse. Although the Sentencing Guidelines Council is not a government-backed issue, it is something that they can affect.

Lord Bellamy (Con): My Lords, I will take the last point first. Clearly, sentencing guidelines ought to be kept under constant review. At some point, as I said earlier, the whole approach to prison and its alternatives needs to be rethought, and perhaps fairly fundamentally. The whole debate on how much we spend on building prison capacity and how much we spend on support in the community is one that we should have together; the Government do not disagree with that.

On the noble Lord’s question about what effect these measures will have, I cannot give him any immediate figures. The short-term measures should certainly manage the short-term problem; the longer-term measures will, over time, I hope, reduce the prison population. As to it making life more difficult for some because of an increase in the number of longer sentences, I think that is an operational matter that HMPPS will, I hope, be well-equipped to deal with.

Lord Marlesford (Con): My Lords, I am sure the Government are right in thinking that the expansion of community service is a very cost-effective way of reducing the prison population. The problem is in its implementation. It needs a great deal more vigour and rigour, but above all else imagination. I suggest that the Government set up an inquiry to look at world practices of community services, so that we learn from what is done throughout the world and have something much more imaginative than there is at the moment. It is not, as another noble Lord said, a matter of picking up litter. There is such scope for community service, and we are not scratching the surface.

Lord Bellamy (Con): My Lords, I am sure that a comparative study of the kind my noble friend mentions would certainly be a valuable exercise. I remember some years ago the former Lord Chief Justice, the noble and learned Lord, Lord Phillips of Worth Matravers, went on a community service course. He pretended he was a convicted solicitor and turned up on a Saturday morning with other people. I think he came away somewhat perplexed by the complexity of organising community service. You need quite a lot of intensive resources, and, as the noble Baroness pointed out a moment ago, it is quite expensive and difficult to do. Everybody thinks it is a good thing, but how we deliver it is for further discussion.

Baroness Burt of Solihull (LD): My Lords, in the spirit of helpfulness, I wonder if I can help the Minister with his overcrowding problem. As the Statement said, there remain about 3,000 prisoners who have been sentenced to indeterminate sentences—a sentence that was abolished over 10 years ago. The Minister’s

announcement in the Statement that there will be a cutting of the licence period for IPPs—a recommendation of the Justice Committee—is very welcome. Could the Minister cut the numbers on the prison estate much further if he implemented the main recommendation of the Justice Committee report to resentence those 3,000 people who are suffering the daily torture of uncertainty, not knowing when their prison sentence will end? Could the Minister look at that during the Victims and Prisoners Bill?

Lord Bellamy (Con): My Lords, it is the Government's position, as I have set out, that the resentencing exercise is not the answer. All the prisoners of which we speak are there because the Parole Board deems them unsafe for release. The Lord Chancellor's Statement mentions the possibility of some fairly drastic reforms to the licence period. I am sure we will return to that, and to the point of the noble Baroness, in more detail when the Victims and Prisoners Bill reaches this House.

Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) (Amendment) Regulations 2023

Motion to Approve

4.19 pm

Moved by Baroness Swinburne

That the draft Regulations laid before the House on 20 July be approved.

Relevant document: 51st Report from the Secondary Legislation Scrutiny Committee

Baroness Swinburne (Con): My Lords, these regulations were laid before the House on 20 July 2023. They amend the town and country planning regulations of 2012 and deliver on our commitment to increase planning application fees by 35% for major applications and 25% for all other applications. Significantly, they also introduce an annual inflation-related increase so that fees do not lose their value in the future. The measures in the regulations will provide much-needed additional income to local authorities, and we expect them to invest this additional income in their planning services to improve the speed and quality of their decision-making.

I will start by providing some context and background to these regulations. We last increased planning fees in January 2018. Over the last five years, the costs and demands on local planning authority budgets have increased. Currently, the income from planning fees does not cover the cost to local planning authorities of determining the applications. The cost of the planning application service is around £675 million annually, but, overall, there is a funding shortfall of approximately £225 million. The burden of this funding shortfall is currently borne by the general taxpayer.

It is therefore vital that we increase planning fees to reduce this funding shortfall and to create greater financial sustainability for local planning authorities. With our fee increase, local planning authorities will

be able to use the additional income to procure more resources and therefore provide an improved service to applicants. This will benefit householders, businesses and developers, and ultimately all of us, as the economy grows and more homes are built.

We consulted on proposals for a fee increase in February this year. Respondents were generally supportive of our proposals, recognising the need to boost the funds available to local planning authorities, particularly if this leads to improvements in their planning performance.

I now turn to the detail of the regulations. First, they introduce a national fee increase of 35% for those major applications and 25% for all other applications. This means that householder applications will increase by 25%, from £206 to £258. The maximum fee for the largest and most complex applications will rise by 35%, from the current £300,000 to £405,000. The regulations also introduce an annual inflation-related increase in fees from 1 April 2025. The increase will be at the rate of the consumer price index from the previous September, capped to a maximum of 10%. This new measure will ensure that fees do not lose their value in future, and it has been widely supported by the sector.

In addition, the regulations remove the existing fee exemption, which allows applicants, in certain circumstances, to submit a second application without paying a fee. This is commonly known as the “free go”. By removing this exemption, local planning authorities will now be able to charge for repeat applications, which are a known demand on resources.

In order to encourage faster decision-making for non-major applications, these regulations also reduce the planning guarantee period for non-major applications from the current 26 weeks to 16 weeks. This means that, in most cases, if non-major applications are not determined after those 16 weeks and no extension has been agreed, the applicant would be entitled to a full refund of their planning application fee.

Finally, the regulations introduce a new prior approval fee of £120 for the permitted development right for development by the Crown on a closed defence site. This permitted development right was introduced through an amendment to the general permitted development order in December 2021 and requires that a fee be paid for prior approval applications by the Crown.

Overall, our estimate is that in the first year this fee increase will raise an additional £65 million for local planning authorities. However, these regulations do not require this fee income to be formally ring-fenced, as there is already a requirement, through primary legislation, for planning fees to be used for the function of determining planning applications.

We have been very clear that local planning authorities should use the income from planning fees to fund their planning service. This will allow them to build their capability and capacity and improve their performance. I recognise that some may consider that, during times of economic pressures for businesses and householders, we should not be increasing planning fees. However, in light of the clear funding shortfall that exists, it seems right that applicants should contribute more to the costs of local planning authorities in delivering their planning service.

[BARONESS SWINBURNE]

An increase of 35% for major applications and 25% for all other applications represents a proportionate approach, which provides much-needed additional income for local planning authorities while not unfairly introducing disproportionately high fee increases for householders and small businesses, who may be more sensitive to charges than other groups. We estimate that in most cases the cost of the planning application is less than 1% of the overall development cost.

I understand that others may consider that the fee increase does not go far enough to address the shortfall that exists in local planning authorities and that local planning authorities should be able to set their own fees. As I have mentioned, the proposed fee level represents a proportionate approach that provides additional income for local planning authorities without introducing disproportionately high costs for applicants at a time when we want to support new housing and economic growth. To achieve a suitable balance, we are therefore providing £24 million of additional funding through our capacity and capability programme to provide direct support now and create upskilling opportunities for those already in the sector. The Government do not believe that enabling local authorities to set their own fees is the way to answer resourcing issues; nor do we believe that it would create an incentive to tackle inefficiencies.

Local planning authorities already have the power to set their own fees for additional planning services, including planning performance agreements for major developments. Having different fees between local authorities also creates uncertainty and unfairness for applicants and, if set too high, could risk unintended consequences by discouraging development coming forward. A national fee increase will, however, provide an immediate benefit to all local planning authorities and much-needed clarity and consistency for all applicants.

To summarise, these regulations will provide a boost to local planning authorities, generating additional income that will allow them to invest in their planning services and improve their performance. With a more sustainable financial income, they will, we hope, be able to budget with more confidence and build their capability and capacity.

Lord Lansley (Con): My Lords, I shall speak briefly on the Motion to approve this regulation. I welcome it and support it. I remind the House of my registered interest as chair of the Cambridgeshire Development Forum. A number of people in the development community to whom I have spoken thoroughly endorse the view that local planning authorities are underresourced and that there is a need to secure additional resources for them. They welcome the fact that there is to be a significant increase in planning fees, but also that there is to be an annual indexation. I think that gives some certainty to developers, as well as confidence to local authorities.

My noble friend described the proposals very well and referred to some of the issues. I will pick up on three of those issues, and I would be grateful if she would either respond to them or perhaps even take some of them back to the department for further work.

First is the question of ring-fencing. In government, we have been resistant to the idea that local authorities should be too constrained in how they spend their money but, as my noble friend said, the provision of these fees to local authorities for development management purposes is in statute. However, since there is a significant gap, presently of £225 million, between the cost of planning services and the revenue from planning fees, there is a risk that, as planning fees and the resulting income are increased, local authorities may take the opportunity to reduce the subsidy they presently give to planning services. That is neither in our interests nor what this planning fee increase is intended to secure.

4.30 pm

As illustrated in the impact assessment, through monitoring and evaluation of this, the department has an opportunity to see in the data returns from local government whether an increase in income from planning fees is leading to an increase in expenditure on development management. That is what we are looking for. I hope the department would take action if local authorities used the increase in income to reduce their subsidy and we did not see the improvement in service that we are looking for. Through the digitisation in the levelling-up Bill, which is in the other place at the moment, and the efforts being made to require local authorities to undertake their work expeditiously by reducing the planning guarantee, which is very welcome, I hope we see an improvement in those services.

My second point is about the so-called “free go”. I am not sure that many developers understood—certainly, I could not find much evidence for it—the proposition that any significant number of them used the mechanism of a second application, with no fee being charged, to escape the cost or complexity of an original application. I am not sure I understand why it is thought that they would do this to any great extent, but let us say for the sake of argument that, as this goes ahead, we should at least look at the consequences. Arguably, one consequence will be that, where a new fee is to be charged on a new application, if there is a problem—maybe quite a modest one—with the original application, instead of withdrawing the application and making a new one, the developer might seek to persist with the original one and, if necessary, go to appeal. We should check very carefully whether this leads to a reduction in the number of withdrawn and new applications but an increase in the number of appeals, because that does not help developers, the Planning Inspectorate or local planning authorities.

Thirdly, I ask the department to continue working positively with the development community on developing planning performance agreements and service level agreements with other statutory consultees. If we are to move forward on major developments, we need them not only to be resourced, and for developers to understand and accept that, but for developers to feel that they have to respond on a timely basis with a service level that can be relied on. Planning performance agreements can do that. There have been problems—I will continue to correspond with my noble friend the Minister and my noble friend Lady Scott of Bybrook about these issues and make some suggestions about how we can improve PPAs—but we should not confine PPAs just to local planning authorities.

There should also be service level agreements, for example, with highways authorities and others because they are central to the process. Highways authorities look at this planning fee increase and say, “It’s all very well for local planning authorities, but we don’t get anything out of that”. Service level agreements and planning performance agreements could well encompass some financial compensation for other statutory consultees if they do their job according to a service level agreement, but it needs to be very clear what the statutory bodies are being committed to and that there will be sanctions and, if necessary, the return of fees if it is not complied with, just as the planning guarantee does for local planning authorities.

All told, I am very glad to have the opportunity to welcome these government regulations.

Baroness Pinnock (LD): My Lords, I remind the House of my relevant interests as a councillor and a vice-president of the Local Government Association. I thank the noble Baroness, Lady Swinburne, for her detailed explanation of the content and purpose of the changes proposed to planning fees. She obviously thought that at least someone in the Chamber today would raise the fundamental concerns about full cost recovery; I will raise that issue because it is vital that it be considered.

There are two big issues of principle to raise, the first of which is why planning fees are set nationally for England. We have spent many months in this Chamber discussing levelling up, and part of that was a discussion about devolution to local areas of England. Surely, if we are serious about devolution, one aspect would be to devolve responsibility to set fees and charges for planning locally, as indeed it is, I think, for nearly every other fee and charge that a local authority can levy. The Government worry that varying fees will lead to inconsistencies across the country, but that is the very essence of devolution: that local fees are set according to the area in which they are made and the area a council represents. I suspect that there must be varying costs to planning applications—for instance, in London boroughs compared to some other parts of the country where costs are not as high.

My second major concern is the failure of these proposals to enable full cost recovery. The Government’s own assessment estimates that, currently, council tax payers are subsidising the planning service to the tune of £225 million a year. For me, it is totally unacceptable that council tax payers, who are often very hard pressed, are funding, for example, major developers who are making vast annual profits. The cost of a planning fee against the total cost of even a so-called minor development is very small as a proportion of the total, so surely full cost recovery must be not only fair but justified in not requiring council tax payers to subsidise developers. These regulations provide the opportunity to remedy that unacceptable situation, so perhaps the noble Baroness can think again about not enabling full cost recovery.

The noble Lord, Lord Lansley, said that he hopes that the increase in fees will not lead to a reduction in local authority subsidy for the planning service. I have to disagree with him, because I think the whole purpose of a rise in fees is to reduce the subsidy paid by council tax payers for the service. Otherwise, we should have

full cost recovery, because many local authorities are on the verge of issuing Section 114 notices, which indicate that they have run out of sufficient money to run services as a whole in their areas.

Only today, I received an email on behalf of London Councils saying that it estimates that its councils will run short by £500 million in order to provide statutory services. Given that that is replicated across the country, it seems totally wrong for councils to take money from their budgets to subsidise planning development when they are making cuts to children’s services and adult social care. I urge the Minister to go back to the department and suggest that full cost recovery would be a better way forward.

On the details of the proposals, of course, given what I have just said, I welcome the increase in fees, which is better than nothing. However, the Government’s own estimate is that the proposal to increase fees by 35% for majors and 25% for all others will transfer £65 million of costs to planning applicants but will still leave a shortfall of £125 million of subsidy for local planning authorities. I could not reconcile the figures in the Explanatory Memorandum for the regulations, so perhaps the Minister can do that for me. There is a current shortfall of £225 million and a fee increase of £65 million, and yet apparently a resulting shortfall of £125 million. Those figures do not add up, so something must not have been provided in the Explanatory Memorandum.

Lord Lansley (Con): Is it not to do with the removal of the “free go”, which I think is worth about £25 million in itself? However, the other changes, not just the fee changes, are the reason.

Baroness Pinnock (LD): I thank the noble Lord; that probably is the explanation. However, it would be good to hear the Minister to confirm that.

The issue I still have is that if we do not have full cost recovery, local planning authorities will not be able to appoint all the planning officers that they need to provide an efficient and effective service. We know that the Local Government Association and other professional bodies have indicated that 58% of councils overall and 83% of county councils have trouble filling planning posts, and the RTPI reckons that one in 10 planning posts are currently not filled. Therefore, unless the fees are increased more than is proposed here, that challenge will remain, which will then lead to a less efficient and effective planning service. I hope the Minister will be able to respond to that, because it is at the heart of what is proposed today.

The other significant issue I have is with the way the planning guarantee works in practice. Of course, it is right to have a requirement to fulfil confirmation of planning applications in a timely way, but the starting point of a planning guarantee is that an application is “valid”. This can mean that the applicant has supplied the relevant information, but it does not mean that the content of the information is of the necessary standard. Herein lies the problem.

4.45 pm

I have personally seen major applications that have done a cut and paste job—for instance, on a traffic assessment—from another application in another part

[BARONESS PINNOCK]

of the country and put it into a major planning application; it was a commercial planning application, as it so happened. It was therefore valid in the sense that a traffic assessment had been included, but the content of that traffic assessment or any other part of the planning application had to be resubmitted because it was failing in what it should have done. If the planning guarantee is to be meaningful, it must surely be a requirement not only that an applicant fulfils the tick-box of having put in all the relevant parts of an application but that the content of those elements of a planning application are fulfilled properly. Again, I would like to hear from the Minister how that can be resolved, because some applicants play games with the planning process and game the service in that way.

I support annual indexation. That is a positive move by the Government which I welcome. It does, however, set in stone the subsidy from local authorities to the local planning service, and that has to change, because it will mean that council tax payers are subsidising the service for ever.

The only other point I wish to make is about the removal of the “free go”. That is a good move, and I am pleased that the Government are doing it. Again, there was a bit of gaming going on by some planning applicants to put in an application as a trial, see what happened and put in a free go when they thought they knew which direction of travel would be acceptable. So that is right. If we are going to have an efficient and effective planning service, the requirement on the applicants as well as those determining the application has to be of a level playing field of honesty and trust. With that, I look forward to what the Minister has to say and urge her to think again on full cost recovery.

Lord Khan of Burnley (Lab): My Lords, as stated, this instrument increases planning fees to address the funding shortfall in the planning application service. The new fees will increase by 35% for major applications and 25% for all other applications. The instrument also adds an annual inflation indexation of fees from 1 April 2025. We on these Benches have previously called for increases in planning fees, so we broadly support these measures. The Government have stated that these increases will not be enough to address the funding shortfall—as we have just heard—which local authorities must pay for from their other budgets.

It is vital that there is a clear plan of how local planning authorities can improve their planning services as a result of the increase in fees. Housebuilders of all sizes and in every part of the country are experiencing significant delays in the planning process, principally because of a lack of staff and resources at local planning authorities. The situation is particularly challenging for SME builders, as outlined in the recent Home Builders Federation survey. Of the respondents, 76% cited a lack of resources in local planning authorities as a major constraint. This is supported by the results of the 2022 Local Government Association workforce survey, which found that almost six in 10 councils—58%—struggle to recruit planning officers and 36% have problems retaining them. In 2009, approximately 85% of planning decisions were made within statutory time limits and without performance agreements, but by 2021 this figure had fallen to 49%. This trend is concerning.

The Government have allowed planning permissions to collapse to the lowest on record and, by the time of the next general election, new home completions are forecast to have dropped to as little as 160,000 per year. Meanwhile, two-thirds of local planning authorities do not have an up-to-date local plan, with this number set to fall even lower as councils pause plans due to the chaos. Without urgent action, we face a generation locked out of home ownership. Already since 2010 there are half a million fewer young home owners. Meanwhile, millions are stuck in expensive, poor-quality and insecure rented housing.

On these Benches, our vision is an immediate blitz of planning reform delivered in our first days and weeks in office to rescue the housing system from the chaos of the Government. We want to enhance local communities’ power and their voice over how housing is built to best service local people, while challenging those who question whether homes that people need should be built at all. We need to work with local authorities to quickly draw up and agree local plans that have stalled, recruiting hundreds of extra planners in a sprint to agree new plans, as announced by the shadow Chancellor. We will also strengthen requirements to approve new homes in areas that do not have an up-to-date plan and will intervene to approve new homes in poorly performing areas, including using call-in powers in the most extreme cases. The Government’s consultation received 495 responses. What steps has the department taken to ensure that these are representative opinions of the sector? The regulations mean that if there is deflation, the fee will not be adjusted. Does the Minister expect that there could be an exemption to this in extraordinary circumstances?

Can I press the Minister in relation to not ring-fencing budgets, a point mentioned by the noble Lord, Lord Lansley? The Local Government Association has highlighted that local planning authorities have “borne the brunt of budget cuts since 2010”.

The noble Baroness, Lady Pinnock, mentioned Section 114 notices being issued by some authorities recently. The department states that the national planning fee rise “will increase resources for local planning authorities to determine planning applications in good time”.

This increase in local planning resources is not guaranteed, however. Without ring-fencing the additional revenue, local authorities may spend it in other policy areas, a concern outlined by the British Property Federation. How will the Government monitor this and alleviate the concerns of utilising the increased fees in other statutory services, given the desperate funding situation of so many councils? Finally, the 2020 White Paper *Planning for the Future* promised a comprehensive resources and skills strategy for the planning sector, but the Government have no plan to increase performance and there has been no strategy.

There is a clear lack of government planning to support local authority planning. I look forward to the Minister’s response.

Baroness Swinburne (Con): My Lords, I thank noble Lords for their thoughtful contributions. If they can bear with me, I have a lot of inserts and Box notes which I have been handed, so this may not sound like a closing speech. I will endeavour to answer the questions rather than to sound too eloquent.

I covered ring-fencing in my opening remarks, but I should be clear on why we are not saying that this additional income generated should be ring-fenced: it is because it is in primary legislation. There is a requirement for planning fees to be used by the local authorities to perform the function of determining planning applications. That is already in primary law so it does not need to be restated here in a different format. As there is no surplus on planning fee income, logically there is no overspend that could be used to cross-subsidise other services. We therefore do not believe that this has to be ring-fenced.

However, I agree that, having made clear to all local planning authorities that they are expected to retain the income from planning fees for direct investment in their planning services, we should reiterate this expectation after the regulations are made. Indeed, I hope to have reassurance in writing from my department that we will monitor how these fees are generated and used.

I come to the issue of whether performance will be enhanced and how it will be monitored. In return for increasing planning fees, we expect local authorities to invest more in their planning services and deliver better performance. The fee increase provides the opportunity for authorities to consider how they might use that additional income to improve their performance and whether they are resourcing their planning application service adequately. We need to see them assessing this for themselves.

We are also developing a new framework that will measure that performance across a wider set of criteria to ensure that local authorities are delivering on all fronts, for all users of the system. That is really important. I am sure that the department and certainly the noble Baroness, Lady Scott, will welcome the involvement of the noble Lord, Lord Lansley, and his thoughts on how to develop service level agreements further.

A “free go” was mentioned by many noble Lords. We recognise that a free go has a significant resource impact for local planning authorities. Therefore, if applicants still want to arrange an extension, they can, but they cannot have a free go. I hope that has a positive impact on planning departments’ ability to resource planning efficiently.

I know that planning authorities setting their own fees is controversial. There are some who believe that they should be able to set their own fees, at an appropriate level. However, as I mentioned in my opening remarks, there is also a risk that fee variation between areas could dissuade home owners and small developers from undertaking development. It could introduce unpredictability at a time when we need developers to accelerate the number of homes they are building and to support economic growth. I am sure that that objective is supported across the House. A national fee increase ensures that all planning authorities can benefit, so we consider that to be the appropriate measure in the meantime.

Why do fees not cover the full cost of that planning application service to local planning authorities? It is fair to say that we want to proceed in a measured way. It is important that we provide additional resourcing to local authorities without disproportionately impacting businesses and householders. If we were to set full cost

recovery now, we could see a substantial rise in some fees that could adversely impact potential developments. I reassure the noble Baroness, Lady Pinnock, and others who mentioned this that we intend to undertake a wider review of the actual cost of processing different types of applications, as the proposed planning reforms are implemented and the savings, particularly from digitisation, are realised. In future, we might see fees relate more directly to the cost of the service itself.

The noble Baroness, Lady Pinnock, is correct that there is a difference in the numbers that I mentioned in opening. Between the £225 million deficit and the £65 million new funding being raised, there is a difference of £160 million. As was mentioned by the noble Lord, Lord Lansley, there are measures that will make an impact on that, including the free go.

I also draw your Lordships’ attention to the fact that local planning authorities are, we believe, under-resourced, but there are ways in which we are addressing this. Staffing issues and efficiencies were mentioned. We have developed a comprehensive planning, capacity and capability programme, which provides the direct support that is needed now and upskilling opportunities for existing planners, while developing the future pipeline into the profession. As part of this, we have also launched a new £24 million planning skills delivery fund; this will directly support local authorities to help clear the backlogs of planning applications and to address skills gaps. We have also announced an additional £13.5 million to stand up a new super-squad of experts to support local planning authorities to assess specialist resources to accelerate the delivery of homes and development, starting with the activities in Cambridge with which the noble Lord, Lord Lansley, is familiar.

Baroness Pinnock (LD): I thank the Minister very much for giving that detailed explanation. Is she willing to put it into a note for Members, so that we can see exactly how it will all add up?

Baroness Swinburne (Con): Absolutely. I am sure that my team in the Box and back in their offices are monitoring this very closely to make sure that I am not saying anything I should not.

We monitor the financial health of all local authorities on a regular basis, using a wide range of data as well as extensive engagement with those local authorities. We stand ready to speak to any council that has concerns about its ability to manage its finances and the pressures that planning is putting on them.

In conclusion, I reiterate that we believe it is vital that we have a well-resourced, effective and efficient local planning service, and the House seems to agree with that. The measures in these regulations support this ambition by providing much-needed additional resources for local planning authorities. The Government are clear that the income from planning application fees should be used by local authorities to provide a high-performing planning service. This is essential to deliver the homes and economic growth that our country needs.

Motion agreed.

Retained EU Law (Revocation and Reform) Act 2023 (Revocation and Sunset Disapplication) Regulations 2023

Motion to Approve

5.01 pm

Moved by Lord Offord of Garvel

That the draft Regulations laid before the House on 4 September be approved.

Relevant document: 52nd Report from the Secondary Legislation Scrutiny Committee. Special attention drawn to the instrument.

The Parliamentary Under-Secretary of State, Department for Business and Trade and Scotland Office (Lord Offord of Garvel) (Con): As Minister for the Department for Business and Trade, I am glad to be leading this debate. As my noble friend Lord Callanan promised several times, we are committed to ensuring that the appropriate level of parliamentary scrutiny is applied to all SIs utilising the powers in the retained EU law Act. I am pleased to commence today's debate just as we commence our ambitious REUL reform programme.

I thank the SLSC for its report on this instrument. We have acknowledged the committee's recommendations and have now revised the Explanatory Memorandum, adding a link to the line-by-line explainer into the document.

This instrument will revoke a further 93 pieces of retained EU law found to be obsolete or inoperable. This continues the work already begun by the retained EU law Act in tidying up and bringing further clarity to the statute book. Indeed, one of the key purposes of the retained EU law Act was to bring legislative clarity. Redundant retained EU law remaining on the statute book only causes unnecessary complication and confusion.

It is the duty of all responsible Governments to make our law as clear and accessible as possible, and therefore we must continue to identify REUL that is redundant or inoperable and ensure its removal from the statute book. This instrument is another step forward in that work.

These regulations will also preserve seven pieces of retained EU law that are on the REUL Act's schedule for revocation at the end of 2023. Further analysis of the legislation listed in Schedule 1 to the REUL Act by UK government departments has established that these seven pieces of REUL must be preserved to maintain the current policy position for one of a number of reasons.

There are, for instance, plans to reform legislation in the area of merchant shipping, but until that reform process has been completed, there is a need for legislative continuity, for which reason one piece of REUL is being preserved. Three pieces of legislation have been identified by the Northern Ireland Civil Service as requiring preservation because their revocation would represent a policy change that cannot be agreed in the regrettable ongoing absence of an Executive. These three instruments are preserved for Northern Ireland only, while the four instruments identified by UK government departments will be preserved to the extent that they apply across the United Kingdom.

This SI represents a further step in the Government's programme of retained EU law reform. We have already set out a range of ambitious reform plans, including on working time reporting requirements and streamlining the rulebook for wine. We will continue to use the powers in the retained EU law Act between now and June 2026 to reform and replace unnecessary regulations, providing regular updates to Parliament on our progress. The reform agenda is a crucial part of this Government's agenda. We are committed to ensuring that REUL is reformed to be fit for the UK, reducing unnecessary burdens on businesses and helping them grow, while also reducing costs for businesses and consumers. I assure the House that this SI is just the beginning. I commend the regulations to the House.

Lord Hope of Craighead (CB): My Lords, the Minister has said that the work is just beginning, and I understand that there is an enormous amount of work still to do. Can he give us any impression of the amount of work that has been done by the devolved Administrations, who have obligations to perform under this statute as well as the UK Government?

Contemplating Part 1, I wonder whether there is anything else that needs to be attended to, bearing in mind that the power being exercised in Part 1 expires at the end of this month. Time is short and the pieces of legislation listed are the product of oversight. It is nice to see that being corrected, but is there a risk that something else may be discovered, and is there time to unravel the situation enough to cure the problems that might emerge?

Otherwise, I think the work done is to be commended. It is good to see that the Act is being put into operation in the way the Minister has described.

Lord Hacking (Lab): My Lords, are your Lordships not being given a quite impossible task today? I have made a rough count, and in Part 2 of Schedule 2 there are 56 Council decisions or regulations that are sought to be revoked. The Minister describes it in general terms, saying they are to be revoked because they are redundant, obsolete or inoperable, but we do not know the reasons behind these revocations; we have not had the opportunity properly to examine whether we agree that they should take place.

I will ask the Minister one simple question, referring to Part 1 of Schedule 2. The first measure to be revoked in its entirety is the Alcoholic Liquor (Amendment of Units of Measurement) Order 1992. The restriction on the use of alcohol seems to be something of importance. Will the Minister kindly tell us precisely why that particular legislation is sought to be revoked?

Baroness Suttie (LD): My Lords, I thank the Minister for his explanation of these regulations. I agree with the Secondary Legislation Scrutiny Committee when it said in its short report that these regulations are an "eclectic" list of items to be reinstated and revoked. As the noble Lord, Lord Hacking, just said, it includes all sorts of things, including alcohol regulations. It covers a variety of departments, including the Northern Ireland Office; as the Minister said, it is deeply to be regretted that the Northern Ireland Civil Service, rather than a

functioning Executive, had to make the decision to reinstate the three pieces of legislation relevant to Northern Ireland.

I also agree with the Secondary Legislation Scrutiny Committee and the noble Lord, Lord Hacking, that the Explanatory Memorandum is insufficiently detailed, stating merely, as it does, that the laws in question are either redundant or no longer effective. It is to be welcomed that, as the Minister said, there is now a direct link in the Explanatory Memorandum to the more detailed analysis, but it is important that these things are clear and easily accessible to the public, as well as to parliamentarians in this House and the other place.

The Government promised consultation and expert input on REUL reforms. Can the Minister update us on how departments are taking that commitment forward, including in the regulations we are looking at? The Minister will know that there are particular concerns regarding lack of consultation and progress on nutrient pollution and air quality. Can he update us on possible timescales and consultation processes for these two areas? Can he also say how the Government intend to approach assessing and mitigating the risks of changes to case law, which is so important for environmental protection?

My final comment is perhaps more for your Lordships' House than for the Minister, but this secondary legislation from the original Retained EU Law (Revocation and Reform) Act is a very good example of where there should be post-legislative scrutiny within the usual framework for carrying out a PLS inquiry. There are important lessons to be learned for the future about the provision of effective parliamentary scrutiny and consultation with experts, which did not happen in the case of the original Act in the haste to get Brexit done and to get it on the statute book.

Lord Leong (Lab): My Lords, I thank the Minister for the overview and explanation of this statutory instrument. In this first use of the powers in the retained EU law Act, the tidying-up exercise involves the exercise of the Section 1 power to disapply the sunset and the Section 14 power to revoke 93 pieces of retained EU law that no longer have any legal effect for whatever reason.

First, on the use of the Section 1 power, the Government have identified four pieces of legislation that never should have been included in the revocation schedule. This is extremely concerning. These instruments—two concerning the use of copper, one concerning merchant shipping regulations and one providing the legal vires to inform Northern Ireland and Gibraltar counterparts of the outcome of roadworthiness inspections—may not be the most significant pieces of legislation we have but they each play an important legal role.

Without the cross-party efforts of the House in improving the Act, these instruments would almost certainly have been lost at the end of the year, given that the further analysis required to spot these errors would have needed to take place on thousands, not hundreds, of instruments. Do the Government now accept that their initial unnecessarily reckless approach, borne out of internal party politics, was undoubtedly the wrong one?

Schedule 1 to the Act contained 587 instruments to be revoked at the end of 2023, to the extent specified there. I am sure the Government were 100% confident in this list when it was first drafted. We are now much closer to the end of the year and its looming deadline. Does the Minister seriously expect us to believe that now he really is confident that the revocation of the instruments on that list will not have any legal impact? Is the analysis that found the four errors I mentioned still ongoing or has it concluded?

The instrument also retains three pieces of legislation for Northern Ireland only relating to information provision and promotion measures concerning agricultural products. This again sounds somewhat minor, but their revocation would have represented a policy change, which would require agreement by Ministers in a non-functioning Executive. I am sure the whole House can see the constitutional risk, so is there any risk that proceeding as we are now will lead to such a situation? I assume that the Northern Ireland Civil Service will be examining this legislation continuously until and probably after it is revoked. If the Minister could share what he has been told by it on this matter, it would be very much appreciated.

5.15 pm

Lastly, a further 93 pieces of retained EU law will be revoked using Section 14 powers. With the end of the year in sight, this is a remarkably small number, standing in stark contrast to how much would have been revoked by default under the Government's initial approach. Does the Minister envisage that there will be further additions before the end of the year? Could he possibly enlighten us further on the general process that has taken place to identify this legislation? Given the lack of legal impact, can the Minister share any assessment that has been made on the wider impact, such as easier understanding for businesses and consumers? Has any assessment been made of how this adds up against the resources being put towards this exercise?

I turn to divergence. To avoid the economic costs of divergence, we should continue to stay close to EU regulatory standards. We co-created many of these club rules through negotiation processes where we could put the case for British businesses during the decades we were full members of the club. Now that we are no longer members, we of course no longer have a say in any regulations that are introduced and will come into effect in the future. However, British businesses will still need to abide by these new rules if they wish to trade within the EU. Uncertainty and ambivalence do not encourage investment and lack of investment in turn reduces capacity for economic growth. With public investment well below the G7 average and business investment at the bottom of the league, what assessments have the Government made to reverse this trend?

Sadly, we are not really surveying sunlit uplands. Instead, we find ourselves caught between a rock and a hard place, trying to square the circle, crossing our fingers and hoping for the best no matter how much we tinker around the edges.

To return to the legislation, I suspect there will be many more instances of tidying up as we adjust to our new surroundings and relationship. I am looking forward to being issued with a new broom.

Lord Offord of Garvel (Con): I thank noble Lords for their contributions to this debate, which has obviously had a lot of airtime in this House. I turn to some of the points raised. The noble and learned Lord, Lord Hope of Craighead, made many contributions to the Act. The point about the devolved Administrations is well made, in particular in relation to the Scottish and Welsh consents that are required for this, both of which have now been received. The timing of this is that it has to be through these Houses by 31 October, with limited time to seek agreement with the devolved Governments, but these agreements have now been sought and given by the Welsh Government and the Scottish Government. This completes the suite of amendments in this parliamentary time, so this is going on the statute book. We will then go forward in the new Session of Parliament as the need arises, as and when reform is required and as and when revocation is required. As far as this process is concerned, the devolved Governments have been consulted properly.

In relation to some of the specifics, and there are a lot of specifics with 93 Bills being dealt with here, I take the very specific point raised by the noble Lord, Lord Hacking, on alcohol, as one point of many. With all these laws one can access the GOV.UK website where there is a line-by-line explainer for each one. This particular one is the Alcoholic Liquor Duties Act 1979. It restricts the carrying on of certain other trades by a distiller or rectifier within three kilometres of a distillery or rectifying house. Prior to August 1992 that restriction was within two miles. This legislation is now inoperative as it amends provisions that were revoked in 1979.

It is an example of quite a lot of Acts that were on the statute book and have indeed been updated, not least the Companies Act, revoking previous Acts. This is literally a tidying-up exercise. It falls within the remit of REUL, and is one of the benefits of the wider process that we are going through.

I turn to the general principle on which the noble Baroness, Lady Suttie, has requested further detail. It is clearly to do with the fact that this comes across all departments, and all departments are required to give their views. In fact, taking the 93 revocations, we already have 11 departments contributing to that. The Government have already reformed or revoked over 1,000 pieces of REUL. In addition to the list of 587 in the REUL Act, we have the Financial Services and Markets Act 2023 and the Procurement Bill, which will repeal around 500. All told, this comes to more than 2,000 revocations and reforms already completed or under way, of the original estimate of 6,000—this work is well under way.

Baroness Young of Old Scone (Lab): I thank the Minister for giving way. He highlights an issue that was absolutely centre stage during the REUL Bill discussions: that this is a very complicated situation with a lot of pieces of legislation. It is very heavily dependent on individual departments spotting the right things and not forgetting things that should be retained or got rid of. The original dashboard is not much help in that, quite frankly; it should be the common hymn sheet that we are all singing from.

With that in mind, would it not be advisable in future, if further statutory instruments come forward, that there is more general consultation in advance of the statutory instrument being laid, because by that time it is too late? Apart from that, most people could not find the explainer; it was not terrifically visible—you had to work hard to get your hands on it. I just think it is too risky.

With this vast range of legislation—which has to be scrutinised and decisions made on whether it is “snog, marry, avoid”, as I typified it in the last debate—it would be better to have lots of eyes focusing on it in the form of a public consultation; it could be very brief, just to make sure that we do not drop any balls as this goes through. It is very nice for the Government to say that they have looked at all this and it is undoable, no longer required or obsolete, but, if we cannot have proper scrutiny, we have only their word for that.

Lord Offord of Garvel (Con): I thank the noble Baroness for her contribution. This is a complicated area—there is no question about it. The dashboard is continually updated and has just been updated again. There is, therefore, full transparency on this matter, but, as was referenced by the noble Lord, Lord Hacking, one can go through each one of these and their detail each time, and there is no question that it is a complicated process. However, we have embarked upon the process and it is under way, and I think the revision that we came to is sensible and pragmatic.

I point out that, at the end of the day, with these revisions, we are talking about the preservation of four out of 587. I would say that that is a pretty good result, looking back to see that the original assessment was correct. During the debate—and in particular regarding the amendment in the name of the noble and learned Lord, Lord Hope of Craighead—assurances were given that this process would be done in full consultation with the House. Within those protections, we now have a road map.

I turn to the final point raised by the noble Lord, Lord Leong, in relation to the overall process around the issue of leaving the EU. There were two points in particular. First, on the Northern Ireland Civil Service, we all regret the fact that there is no Executive in place at the moment, but, again, this is referring to only three situations. There is constant dialogue with the Northern Ireland Civil Service, and that is working well, so we can continue the process as is. However, we all hope that the Executive will come back into being as soon as possible.

Secondly, on the issue of divergence, there is no concept of divergence for its own sake. There is to be no diminution in our trading standards, our employment law standards or how we feel about the environment and so on within these rules, but we have the opportunity to modernise, revoke, get rid and tidy up, and that major process is going ahead. On the face of it, with the Brexit deal that we did, we have a free trade agreement with Europe and we continue to trade strongly with Europe. There is no diminution in our business ability effectively to trade with Europe, and I do not envisage that that will be the case. This is part of an ongoing process that will now run through in the normal course of business through each parliamentary Session,

where government departments will, as a matter of the ordinary course of business, review these laws and regulations and, when required, they will come back to the House by means of the SI process.

With that, I believe I have addressed all the questions posed by noble Lords. I hope I can look forward to the House's commendation of the regulations.

Motion agreed.

Core School Budget Allocations *Commons Urgent Question*

5.26 pm

The Parliamentary Under-Secretary of State, Department for Education (Baroness Barran) (Con): My Lords, with the leave of the House, I shall repeat in the form of a Statement the Answer given by my right honourable friend the Minister for Schools to an Urgent Question in the other place earlier today. The Statement is as follows:

“As the Government confirmed in a Written Ministerial Statement yesterday, the Department for Education has corrected an error in the notional allocations of the schools national funding formula for 2024-25. Those allocations were originally published and notified to the House on 17 July 2023. However, the department has subsequently uncovered an error made by officials during the initial calculations of the national funding formula. Specifically, there was an error processing forecast pupil numbers, which meant that the overall cost of the core schools budget for 2024-25 would be 0.62% greater than allocated. The department therefore issued new NFF allocations on 6 October this year to rectify that error as quickly as possible.

The Permanent Secretary has apologised for the error in writing to both the chair of the Education Committee and the Secretary of State. The Secretary of State has instructed the Permanent Secretary to conduct a formal review of the quality assurance process surrounding the calculation and quality assurance of the NFF, with external and independent scrutiny. Peter Wyman CBE, the chair of the Institute of Chartered Accountants in England and Wales, will lead the review. Improvements have already been identified to ensure that similar mistakes are not repeated.

I reassure the House that the error does not affect the overall level of school funding, which remains at £59.6 billion for 2024-25. The Government are continuing to deliver in full the core schools budget, which includes funding for mainstream schools and for high needs. As I said, it will remain at £59.6 billion in 2024-25, the highest ever in history in real terms and in cash terms. That is a percentage increase of 3.2% compared with 2023-24. Through the schools national funding formula, average funding is £5,300 per primary school pupil and £6,830 per secondary school pupil in 2024-25, up from £5,200 and £6,720 respectively in 2023-24.

Schools have not yet received their 2024-25 funding, so the correction of this error does not mean adjusting any funding that schools have already received. Likewise, the error will not impact on the publication of the dedicated schools grant in December, or on when schools will receive their final allocations for 2024-25.

The 2024-25 high-needs national funding formula allocations, which fund provision for children with complex special educational needs and disabilities, are also unaffected by this error, as are other funding streams outside the NFF, including the teachers' pay additional grant announced in the summer.

I would also clarify that the recalculation of the NFF for 2024-25 does not affect the affordability of the 2023 teachers' pay award. There has been no change to the funding that was promised as part of the pay settlement in July and which the unions agreed meant that the pay award was properly funded. The Government recognise that the correction of the NFF error will be difficult for local authorities and frustrating for some school leaders, which is why the department has rectified the error as quickly as possible. The department is working closely with school stakeholders, including unions, to communicate this change and support schools and local authorities.”

5.31 pm

Baroness Twycross (Lab): My Lords, this is yet another example of the Government failing on education. As with RAAC, there was a delay in notifying school leaders; the error was identified in September, but heads were not notified until October. Can the Minister tell the House about how the error was identified, the timeline and decisions on the communication of this to schools and families? It is also clear that the Government know that the correction of the national funding formula will be tough for local authorities and frustrating for some school leaders. How will the department assist head teachers to deal with the additional stress and pressure this may cause, as the error will affect staffing decisions, judgments about school purchases and additional support available to pupils?

Baroness Barran (Con): I do not accept that the Government delayed action either in relation to RAAC or in this case. In relation to RAAC, when we had new information that came to us as a department, we took the only responsible decision that any Minister could take, which was to take urgent action to ensure that no one was at risk. That was exactly what we did, and we are working closely with schools to resolve the challenges they face as a result. The reason for the error was a mistake in the coding of pupil numbers. Normally, it takes about six weeks to go through that process. We obviously needed to do a thorough quality assurance to make sure that the revised numbers were correct. We did that in four weeks and then there was no delay in announcing it.

Lord Storey (LD): My Lords, the Minister will know through her visits to schools that school budgets are stretched to breaking point. Head teachers are telling me, and no doubt telling the Minister, that day in and day out they are struggling to make ends meet. The average primary school will receive £12,000 less than the average secondary school and £57,000 less than was expected. Schools will have planned their budgets for 2024-25; that is the critical point. Does the Minister think that commitments made back in July to the House should be honoured and the original national funding formula rates should stand?

Baroness Barran (Con): We understand that this has a clear impact on schools and on local authorities in particular. That is why we are working through this closely with local authorities. But to be clear, they make their final allocations once they have the definitive pupil numbers, which were published on 5 October. The earlier publication of this data allows them to do initial planning, but no definitive allocations would have been made ahead of the publication of the projected pupil numbers. We are honouring the initial commitment, which was £59.6 billion. Over three years, that is a 20% increase in funding for school budgets, with a tilting of that increase towards some of the most disadvantaged areas in the country. It would obviously be irresponsible to increase funding based on an error by officials. There is a very rigorous process, as the noble Lord knows, for approving funding and we cannot sidestep it in a situation like this.

Baroness Blower (Lab): My Lords, I listened carefully to the Statement and the Minister's response, so I wonder if she can answer two specific questions. First, the department has committed to undertake an investigation, so when will that investigation be commenced? Secondly, might the department decide at the end of that investigation, as it has done in previous, recent years, to keep the per-pupil funding as announced in July? In response to my noble friend on the Front Bench, the Minister talked about the overall spending but the issue with the recalculation of pupils is that the per-pupil funding is now lower. The department has in previous years honoured the allocation at per-pupil level rather than the global total so, after the investigation, might the department have the opportunity to reconsider and honour the per-pupil level of funding?

Baroness Barran (Con): The noble Baroness needs to forgive me, but I am not familiar with the instances to which she refers. I am not aware of anywhere that there has been an error made by officials and the per-pupil figure was honoured, which would require finding, as I understand it, an additional £370 million. I do not think that is likely. I do not have an exact timeline for the investigation but, clearly, we want to get clarity on this as quickly as possible. We are absolutely committed to publishing the lessons learned from that.

Lord Addington (LD): My Lords, can the Minister give us some idea of where the lack of spending, shall we say, is affecting the structure of a school? I remind the House once again of my interests in special educational needs. Is it in the capacity to identify those with hidden disabilities? Some 80% of the population who are dyslexic are not identified at school, or throughout their lives. Are we going to find out that there is less capacity there? Will there be less capacity in things such as sport, or art and drama, because we are not undertaking the training? Where will there be some reduction in capacity in schools, because there clearly is going to be some?

Baroness Barran (Con): I think the noble Lord will accept that schools have significant autonomy over their budgets, and therefore it would not be appropriate for me to speculate on where they will make the savings to meet the shortfall.

Lord Berkeley of Knighton (CB): My Lords, I was heartened to hear the Minister say that areas where there is deprivation will be especially considered. Could she say a little more about how those areas are identified? Are there already criteria that have established which they are and what they need?

Baroness Barran (Con): There are areas of the country which, for historic reasons, have had lower than average per-pupil funding: the north-east, the north-west and Yorkshire and Humber, to give some examples. Conversely, inner London has historically had the highest per-pupil funding. That increase for inner London has been protected, but it means that those regions that I mentioned, and others, will attract above-average increases in per-pupil funding, which has been part of our strategy to ensure that the allocation of funding is fair.

Baroness Blower (Lab): My Lords, given that we have time remaining, may I ask the Minister if she has a view on how the lower per-pupil funding allocation—at least £43 per pupil—is likely to impact on the mental health work in schools, particularly those wrestling with incredible child poverty?

Baroness Barran (Con): I can only repeat what I said to the noble Lord, Lord Addington. Each school, as the noble Baroness well knows, has a deep understanding of the needs of their school community and is best placed to make the decision on where to prioritise spending, including the adjustments that, sadly, have to be made.

Lord Addington (LD): Given that we still have time, following that answer, could the Minister give me an idea of what will not be cut? When will the planning be honoured? If we know that, we will have an idea of what is vulnerable.

Baroness Barran (Con): First, I do not accept that we are not honouring our commitment; it was £59.6 billion, and we are honouring that. It is important to have that on the record. The noble Lord will be relieved to know that, as I mentioned in the initial Answer, the high-needs budget for children with special educational needs and disabilities is not affected by this.

Organization for Security and Co-operation in Europe *Question for Short Debate*

5.40 pm

Asked by Lord Smith of Hindhead

To ask His Majesty's Government what assessment they have made of the current state of the Organization for Security and Co-operation in Europe; and what steps they are taking to secure its future.

Lord Smith of Hindhead (Con): My Lords, with a 10-minute speaking time, I barely know what to do with myself, having been disciplined over many years to only ever speak for about five minutes.

I start by declaring my interest as a full member of the OSCE parliamentary assembly. I have enjoyed this position for almost two years, having taken the place previously filled by the noble Lord, Lord Bowness, who I thank for initiating this important and timely Question for Short Debate. Sadly, the noble Lord is unable to attend your Lordships' House today. I hope that in the years ahead, I can emulate the service to and support of the OSCE parliamentary assembly which the noble Lord gave over 16 years as a member of the UK delegation, culminating in his role as president. I am pleased to say that I have already started to follow in his footsteps by being appointed chair of the drafting committee—although I do not think there was a particularly long list of eager candidates for that role—and entering the world of soft diplomacy.

This debate relates more to the ambassador-level OSCE permanent council, which is responsible for governing the day-to-day operational work of the OSCE and for regular political consultations between the meetings of the ministerial council, rather than the OSCE parliamentary assembly, which is made up of parliamentarians from the 57 participating states. The purpose of the parliamentary assembly is to act as a forum for interparliamentary dialogue. While it can adopt resolutions and recommendations, it is important to note that it has no decision-making power over OSCE executive institutions.

The other important point to note is that the OSCE itself, the world's largest security body, stretching from Vancouver to Vladivostok, has no legal powers. The OSCE founding documents, the Helsinki Final Act 1975 and the Paris charter of 1990 are statements of political intent and do not have the legal status of international treaties. OSCE bodies can therefore issue recommendations to participating states, but those resolutions have no legal force. Therein lies the fundamental difficulty with an organisation which is undoubtedly a force for good but has recently become paralysed in its decision-making process as a result of the need for unanimous agreement. However, I pay tribute to the current officers and members of the secretariat, who have worked hard to keep OSCE issues in the public domain.

The mandate of the current chair of the OSCE, Mr Osmani, North Macedonia's Foreign Minister, is coming to an end. The only candidate to take over this position is Estonia's Foreign Minister, who has been vetoed by Russia and Belarus, leaving the OSCE unable to elect a new chair. Despite offers of help, I understand, from Austria and Kazakhstan, there is no current answer to this deadlock. Of course, it is in Russia's interests to make the OSCE dysfunctional. Russia has also refused to co-operate with the organisation or to contribute to its budget this year. However, Russian delegates attended the OSCE parliamentary assembly meeting held in Vienna in February this year and are expected to be present at the OSCE's autumn meeting in Armenia next month.

I do not think it is an over-exaggeration to say that the OSCE is in the biggest crisis of its almost 50-year history. There does not appear to be any clear or easy solution to a problem created by both Russian aggression and what can only be described as a dated and ineffectual constitution—a Cold War relic which contains no creative solutions due to its consensus minus one

agreement requirement, which has created institutional gridlock. The OSCE wants the doors open for all dialogue, but not with the right of sabotage.

The sadness of this crisis is that some of the OSCE's operations and work in, for example, deploying election observation missions, combating human trafficking, promoting media freedom and development, helping to train police and judiciary, border management, refugees, arms control, conflict resolution and democratisation, will be lost in the event of questions being unanswered over the organisation's purpose.

This follows the successful formation last year of the European Political Community, the EPC, a body that includes many OSCE member countries, other than the USA and Canada, but which excludes the obstructive presence of Russia and Belarus. I ask my noble friend the Minister whether the UK Government will take a lead in seeking a solution for the future of the OSCE, finding a way forward for Helsinki +50 in 2025.

The agendas of Governments are, of course, preoccupied with the terrible events in the Middle East and Ukraine, but there will always be something which seems more important than the OSCE. If we are not careful, we will lose something which does so much good but largely unnoticed work. If the OSCE's influence drains away, I fear that all the work I have mentioned will wither on the vine. Smaller states will not have the will or resources to keep the organisation going. It will fall to the major players—the US, the EU and, I hope, the UK—to ensure that action is taken.

5.46 pm

Lord Dubs (Lab): My Lords, I am delighted to follow the noble Lord, Lord Smith, and welcome the fact he initiated this debate. The noble Lord, Lord Bowness, was a member of the OSCE parliamentary assembly for quite a number of years and was held in incredibly high regard by parliamentarians from a range of countries. He really enhanced this country's reputation because of the high regard in which he was held. I am not saying the noble Lord, Lord Smith, will not emulate that, but he has not had as long a go at it as the noble Lord, Lord Bowness. I saw the way noble Lord, Lord Bowness, handled things and was respected; it was quite a nice thing for this country that we had somebody who was so well regarded.

My experience is primarily of the parliamentary assembly, with a membership of 57 countries. I will say a little about the OSCE and the parliamentary assembly, then look at the difficulties we are facing because of the Russian invasion of Ukraine and its consequences.

I have one criticism. The OSCE as a body does a lot of good work. The parliamentary assembly, which also does good work, does not link closely with the OSCE. I think the two should be brought more closely together. This is a matter of the management of the OSCE and the parliamentary assembly. It would be healthier if we could scrutinise the work of the OSCE in rather more detail than we normally can in the parliamentary assembly. This difficulty has bedevilled the organisation for some time; I am sure it can be solved. Given the United Kingdom's generous contributions

[LORD DUBS]

to the work of the OSCE—I understand they were generous—we have some influence and ought to be able to do something about it.

I will say a little about how the parliamentary assembly is working, and then I will get on to the position of Russia. There are three plenary assemblies of the parliamentary assembly. I do not understand where this has come from, but by convention the British delegation only goes to two: Vienna in the spring and the main assembly in the summer. We tend not to go to the autumn assembly, unless you are the leader of the delegation or serving on a committee that is meeting at the same time, which occasionally happens. It is a little odd that we do not attend the third. I do not think we got to this position because of cost, but it is certainly a little odd. We have to explain to our fellow parliamentarians from other countries why we will not be at the plenary, when they are all going.

I have a criticism of the way in which the parliamentary assembly works. It is meant to be an assembly of parliamentarians, and we understand what that means, but, in some countries, parliamentarians see themselves not as independent people who give their voice to the issues but as people who put forward the views of their own Government. They do not seem to have any independence of mind or attitude, whereas parliamentarians from the British, German, Canadian, French and American delegations, and from most of western Europe, all feel that we should contribute as parliamentarians.

I remember there was a resolution some years ago—I cannot remember whether it was about Kyrgyzstan, Kazakhstan or wherever—and the ambassador of that country asked to come and see me. We had a cup of coffee, and he demanded that we oppose the resolution. I said, “First of all, you and I have never met and you come here only when you want me to oppose something on the order paper. That is not quite the way to behave. We are totally independent. With due respect, I do not think you, an ambassador, should tell British parliamentarians how they should vote. We are independent of government—we are independent of the British Government and we are certainly independent of your Government”, and he disappeared. I hope I did not cause him too much upset—I did not mean to, but it was a bit of cheek, frankly. But that was some years ago, and it has not happened since then.

Inevitably—but still unhelpfully—we find that, from time to time, whatever the topic of debate at a plenary, the old arguments are always brought forward; for example, the tension between Armenia and Azerbaijan. That has been going for a long time—long before the present crisis in Nagorno-Karabakh—but it tends to come in whatever the ostensible topic of the debate is, as do arguments about Cyprus, Greece and Turkey. We cannot do anything about that. If parliamentarians feel extremely strongly about those issues—in some cases, their Governments obviously feel extremely strongly—I understand why they give voice to this. We are used to parliamentarians being independent, and it is a bit unusual that it does not always work that way.

I am most honoured to be a member of the OSCE Parliamentary Assembly migration committee—it is a mouthful—which has parliamentarians from about

15 countries and debates issues to do with refugees and migration. We get a different perspective there from what we get here simply because of the nature of the membership of the committee. There is an excellent clerk, Farimah Daftary, who keeps it going brilliantly and provides excellent briefings. Frankly, to me, it is as useful as anything that I have done on the parliamentary assembly.

The other issue mentioned in the noble Lord’s introduction is election monitoring. This is important because, although we do not identify many examples of blatant fraud or cheating, the fact that there is an international monitoring force keeps the thing a bit cleaner than it would otherwise be. The trouble is that there are other issues that you cannot spot on the day, such as whether the media have given the opposition parties in any country a fair chance in the run-up to the election. These can be highlighted by the OSCE itself, which looks at this over the longer term.

Election monitoring is a fascinating process. I remember going to eastern Turkey, Serbia and the United States, and one gets an insight into the country in question that one would not get on a normal parliamentary visit. It is fascinating to go to obscure parts of the country to visit polling stations and see how it all operates. If it helps to keep the elections respectable and clean, it is a good thing. Sometimes, we have to be careful not to tell them what to do. We are tempted to because we have seen some of the issues in our own elections and want to say, “Please don’t do it like that”. We have to keep clear of that: we are there to monitor.

Normally, they welcome us. There was an issue in the United States where, in some parts of the country, they did not want us to go into polling stations. In any case, because of the voting machines, it is a bit different: one does not have to watch how they deal with bits of paper. A lot of the accountability, particularly in countries where all the counting is done at individual polling stations, involves recording how many ballot papers they got and then making sure that they have accounted for them with votes cast and surplus ballot papers returned. I observed an election in Serbia where there were four elections on the same day, including for the President, a mayor and members of the assembly. The ballot papers were slightly different in colour only, and confusion was therefore possible—but it got sorted. With a bit more thought beforehand, they could have avoided this by having clearly distinguishable ballot papers. Every voter had to go in and sign for each of the four ballot papers, and, if the number of signatures did not tally with the number of ballot papers issued, there was a problem. Of course, in the rush of an election day, it did not always work out, but it was an interesting experience.

On Russia’s and Belarus’s membership, it is a tragedy that the work of the OSCE itself and the parliamentary assembly is being hampered, handicapped and made much more difficult by the Russians’ attitude, aided by Belarus. As the noble Lord said, we have the “minus one” formula and cannot just expel the Russians because if two countries oppose anything, we are stymied, even if the other 55 countries want it. I hope that will not be a reason for stopping the OSCE; we should keep going, because the Russian invasion and what

Russia is doing in Ukraine will surely not last for ever, and it would be a pity if an international organisation and initiative that has so much potential—it stretches from the United States and Canada right through into the former Soviet republics—were to stop. So I hope that the Government will see the OSCE as something positive and go on supporting its work.

5.57 pm

Lord Teverson (LD): My Lords, I thank the noble Lord, Lord Smith, for his introduction and the noble Lord, Lord Dubs, for recounting what goes on in these parliamentary assemblies. I am a member of the UK-EU parliamentary assembly, set up under the trade and co-operation agreement, and I often feel that there is a lack of feedback to our own Parliament—here and the other place—when these assemblies take place. Although that is not a matter to concern the Minister, it is maybe for the House authorities to consider how to have better feedback on how these parliamentary assemblies work.

I am not a great expert on the OSCE, but I wanted to take part in this debate because it is important and I am interested to understand from the Minister how the UK Government look upon the organisation, as it moves into the future. I have to admit that my interest came from when, some 50 years ago, the Helsinki Final Act was made. Even in those days, I took a great interest in international relations, and it seemed to me that that Act was a major step forward not just for the Cold War and a dialogue between the two sides but for the first steps of liberation of the citizens whose freedom was contained by the Soviet empire at that time.

Although that may not have been the actual factor that caused the fall of the Soviet empire and the liberation of those eastern and central European and Baltic states, as well as central Asia, it was an important step towards that. But all the good work that the organisation has been doing on elections and human rights has clearly become very difficult since the invasion of Ukraine, first in 2014 and, latterly and particularly, last year. Because of that, and in the ways that the noble Lord, Lord Smith, explained very well, there has been paralysis inside the organisation—very much as the Arctic Council, further north, has found it very difficult to operate a consensus organisation, as the OSCE is, and cannot now operate properly.

From my point of view on European security, I hope that, although the OSCE is very much now constrained, it will survive and we can manage to keep it working, despite the problem over the Estonian presidency and the budget. I hope that we can optimistically look forward to better days for liberal democracy in Europe so that the organisation can fulfil its much broader functions in future. I may be a little too optimistic about that.

I was very pleased that the noble Lord, Lord Smith of Hindhead, brought up the European Political Community. That was my major question for the Minister—first, to congratulate the Government on getting fully involved in President Macron's grand design last year in Prague. There have been two further meetings in Moldova and—maybe not so successfully—in Granada. This is a way forward; there are only 44 members, obviously not with North America or

central Asia. I am very interested to understand how the Government see that the European Political Community should move forward on a defence dialogue for Europe and for our liberal democracies in the West and Europe. How could that organisation move forward, and how can we ensure that the OSCE itself does not grind to a complete halt due to the intransigence of Russia and Belarus? I would be very interested to hear how we can be optimistic and move forward this agenda of European security in a more substantial way—not least because of the potential challenges of the next American general election, given that we do not know what sort of European security regime we will have in future.

6.02 pm

Lord Alderdice (LD): My Lords, I too thank the noble Lord, Lord Smith of Hindhead, for introducing this debate so helpfully. Like him and the noble Lord, Lord Dubs, I pay tribute to the noble Lord, Lord Bowness. He and I came into your Lordships' House in the same year, 1996, and I have always found him a most effective and courteous gentleman. He has done our country proud in the work that he has done in the OSCE and elsewhere.

After 9/11, I was invited to get involved with the World Federation of Scientists, because it had divided over how to respond to 9/11, with western scientists saying that it was their responsibility to use their scientific acumen to defeat al-Qaeda and eastern scientists saying that we must use our intellectual abilities to understand why we had the emergence of al-Qaeda and the terrible events of 9/11. This was notable, because the World Federation of Scientists had come together in the early 1970s because a number of nuclear physicists from the East and the West—from opposite sides in the Cold War—had become increasingly concerned that the use of their science in the cause of war rather than in the cause of peace threatened global survival. They shared their research, first of all with each other, across those divisions, then with their paymasters—the generals and politicians—to demonstrate to them that a nuclear war would destroy not just our side but all of us.

This contributed to an increasing appetite for engagement across the deepest divisions of our world at that time, between the United States and the USSR. Not because they agreed but precisely because they disagreed, it was necessary to find a way in which they could represent their disagreement without it leading to nuclear war. It was that kind of concern that led to the establishment of the CSCE and, ultimately, the OSCE. The Russians made a proposition for their own reasons, and the United States was mature enough to look beyond the Russian intent and see the possibility that this could take us all into a better place. The Helsinki Final Act of 1975 and the further developments have already been mentioned. The key was the acceptance that, in matters of war and peace in our region, we needed a forum where those who disagreed could engage with each other. Therefore, it was a matter of concern to me that in 2004 the scientists who had found that they could come together across the divisions in the early 1970s on the nuclear question were disagreeing on how to address the post-9/11 situation.

[LORD ALDERDICE]

Since then, relationships have deteriorated further, and it seems to have become impossible for western states to retain a sufficient relationship with Russia, for example, to ensure that the forum of the OSCE is maintained—and the organisation, as has already been said, is now in crisis. Interestingly, in the *Economist* of 11 October 2023, just very recently, there is an important article pointing out how American and Chinese scientists are decoupling from each other. The *Economist*, which is always very good at measuring these things, demonstrates how the result of that unhealthy competition is a diminution in our own scientific advances and in achievement—including in the United States, which has been the primary achiever in these matters.

In other words, the problems of the OSCE that have been mentioned are part of a wider and deeper problem of polarisation. For example, the Council of Europe, another body in Europe, has found it impossible to sustain a relationship between East and West, with the expulsion of Russia last year. I appreciate the frustration of trying to engage with those one profoundly disagrees with and disapproves of, but the ramifications of either the collapse of the OSCE or excluding Russia and Belarus, following the Council of Europe example, could be disastrous.

It is tempting to say that this is because of the impossibility of working with Russia, and I am sure that there is a great deal of truth in that. I disagree profoundly with Russia on Ukraine and much else besides. But we must listen, for example, to what the Russian ambassador said at the United Nations Security Council last month, when he complained about the chairs of the United Nations Security Council and the OSCE showing a degree of anti-Russian partiality. I have great sympathy with them but, as a former Speaker in our strictly non-partisan British tradition of Speakers—as distinct from the partisan American tradition of Speakers—I understand how a chair in particular needs to be exquisitely sensitive to any perception of partiality, if such a divided body is to be able to survive and function across the lines of division.

Do His Majesty's Government appreciate that, when we use terms such as

“weaponisation of the consensus principle”,

as was recently done in a report, however accurate that may be, it is important not only to be careful about simply portraying us as the good guys and the others as the bad guys? Rather, we need to see that the problem is that the relationship between our countries is breaking down in a catastrophic way. Allowing a good/bad split will simply result in either the collapse of the organisation, in the case of the OSCE, or it no longer representing both sides and no longer being able to fulfil the function for which it was founded 50 years ago, when it achieved such a great deal. It would simply become a kind of political representation of a military alliance on one side rather than being able to reach across.

Do His Majesty's Government recognise the danger of OSCE collapse and therefore its inability to fulfil its purpose? Do they feel able to do something at a time of profound and deepening global polarisation to reach across the divisions to enable the survival and at least the functioning, if not the thriving, of the OSCE? Can the Minister help us understand what they hope, intend and—we all hope and pray—will be able to do?

6.10 pm

Lord Collins of Highbury (Lab): My Lords, I too thank the noble Lord, Lord Smith, for his introduction to this debate. I also pay tribute to the noble Lord, Lord Bowness, for his consistent and solid work in the parliamentary assembly and in ensuring that we debate these fundamental issues of how the OSCE operates. I was reflecting on how many times I have participated in a debate initiated by the noble Lord. My first was a general discussion about the role of the OSCE in 2012; we had a further one in 2013 on priorities for the Helsinki +40 process; then in March 2017 we had a discussion on the OSCE's role in addressing the conflict in the east of Ukraine and the annexation of Crimea by the Russian Federation. Now, we have a debate in the context of the full-blown invasion of Ukraine and the impact it will have on the organisation.

The theme that has come through in this debate, answering some of the questions that people have raised, is this: the fact that the OSCE included the Russian Federation and a lot of eastern European countries was seen as an important strength. It was a forum that the western powers, and the US in particular, could use to de-escalate dangerous situations. That forum, by necessity, cannot be one to make decisions by majority. It must be a forum for all opinions, as the noble Lord, Lord Alderdice, just said.

However, that does not change the seriousness of the situation we now face. Budget decisions and the election of the chair have been blocked by Moscow. As the noble Lord, Lord Smith, said, the current chair, Osmani, said that Russia's zero-sum game approach has escalated since the start of the war in Ukraine and paralysed the institution. His mandate expires in December and his replacement will require unanimous backing from all OSCE members. I repeat the question of the noble Lord, Lord Alderdice: how do we resolve that? How do we ensure that this is about facilitating something that is not about taking sides but ensuring that a forum for discussion remains?

Mr Osmani has suggested that his office could be extended, but that could still be blocked by Russia. I would be keen to hear from the Minister whether we are in discussions with all our allies to see whether it is possible to break the impasse and ensure that we can continue. Russia has refused to co-operate with the organisation or contribute to its budget this year. According to the news agency Interfax, the speaker of the Russian Duma said in April:

“We should not pay for what we did not take part in”.

This is a real problem.

At the end of the day, we have to face the reality that a lot of the discussions we might wish to have, supporting the continuation of the important work of the OSCE, will not necessarily be possible in the way that they were in the past because of the war in Ukraine. We must recognise that fact. That is why, as noble Lords have mentioned, the establishment of the European Political Community, a 57-member organisation for European strategic discussions initiated by Emmanuel Macron and excluding Russia, might be able to address those security issues that we are all concerned about.

However, that does not take away from the fact that, as my noble friend Lord Dubs said, it is still worth pursuing the principles contained in the original Helsinki declaration and ensuring that the organisation does not completely collapse. We should not forget that there will be a time when we will want a forum where dialogue about the fundamental principles of human rights can take place. I have often said in this Chamber that human rights cannot be left to politicians, parliaments and Governments. The most important element of supporting and defending human rights, and the most important ingredient of a healthy democracy, is often a healthy civil society. I know the Government are committed to that, but I would like to see more of the OSCE Parliamentary Assembly focusing on how we can support civil society, as my noble friend said. The statement issued last month in Vienna by the Irish ambassador, on behalf of all participating states apart from Russia and Belarus, focused on the important element of civil society and the importance of ensuring that human rights are defended and that human rights abuses should be highlighted and exposed.

I hope the Minister can give us some indication of how we will work with our allies to ensure the continuation of the organisation. Obviously, at the moment, the European Union is its biggest contributor, and we need to ensure that that can continue, bearing in mind the European Political Community. I also hope the Minister can respond positively on how we ensure that the work of the parliamentary assembly is enhanced and that, as my noble friend said, we do not restrict ourselves simply to the old debates about which side you are on but discuss how we can support a really healthy civil society as we move forward in Europe.

6.18 pm

Lord Mott (Con): I thank the noble Lord, Lord Bowness, for tabling the debate and all noble Lords for their contributions. My personal thanks go to him, although he sadly cannot be here today, for his years of service with the parliamentary assembly, which we have heard about in this short debate, and his dedication to the OSCE and its principles. I know few others who have done more to advance the principles of multilateralism and to hold us all to the commitments under the Helsinki Final Act.

I also personally thank my noble friend Lord Smith for his important work with the OSCE Parliamentary Assembly over the past two years. Chairing the drafting committee may be one of the drier roles but, as all noble colleagues recognise, it is no less important. I also put on record my thanks to the noble Lord, Lord Dubs, for his work. This Government share noble Lords' concerns about the state of deadlock in the OSCE, and my closing remarks are likely to echo many of the points made already.

The OSCE would not be facing this situation today were it not for Russia's reckless disregard for the rules-based international order. While Russia's behaviours in the OSCE stretch back further than February 2022, there is no doubt that the illegal full-scale invasion of Ukraine has exacerbated an already challenging situation for the organisation.

It is worth noting that the OSCE has never been a club of like-minded states; its predecessor, the Conference on Security and Co-operation in Europe, was established

to facilitate dialogue between adversaries to calm tensions and reduce the threat of mutual destruction. Even during the high-point of East-West relations in the early 1990s, discussions were difficult and debates heated. However, progress was made and, over the decades, the OSCE built up an important body of normative commitments on how states should behave towards each other and their citizens.

Unfortunately, in the last decade and a half, we have seen Russia slowly erode the organisation from within. It forced the closure of the field mission in Georgia, undermined election monitoring and blocked the OSCE's investigation into the deterioration of its own human rights record. In 2021, we saw a ramping up of destabilising behaviours and delaying tactics, culminating in the political deadlock we see today.

While the organisation has been severely tested before, it is now facing its most serious threat in its 48-year history, as many noble Lords mentioned today. In the last 20 months alone, the OSCE's border observation mission, special monitoring mission and project co-ordinator in Ukraine were all disbanded following Russia's refusal to extend their mandates. The mission in Moldova is in question. Failure to agree a budget is starving the organisation and its institutions of much-needed funds. We are facing a potential leadership vacuum as Russia refuses to countenance Estonia's candidacy as chair-in-office in 2024. The four top executive jobs all end this year, with as yet no agreement on their successors, as my noble friend Lord Smith stated earlier.

In each case, Russia weaponised the OSCE's consensus principle, or else has threatened to do so to force its will. The consensus principle—it has always been a defining feature of the organisation and a way of keeping everyone in the tent—has proven a weakness in times of crisis. Unlike the OSCE Parliamentary Assembly, which can operate on a simple majority, there are almost no provisions to allow the OSCE to operate without consensus. On the rare occasions when consensus is not required, progress can usually be blocked by one other participating state—in this case, Russia's accomplice, Belarus. So long as Russia and Belarus prop up each other's bad behaviour, we should be clear-eyed about our chances for reforming the organisation.

However, this does not mean we should give up. Since 2021, the UK, with like-minded partners, has drawn extensively on the toolkit available to shed light on Russia's behaviour and to mitigate the worst of its actions in the organisation. In the months leading up to February 2022, we supported Ukraine's and others' use of the OSCE's risk reduction tools to seek transparency surrounding Russia's build-up of troops on the border and in Crimea. Russia's refusal to engage in that process helped to demonstrate its malign intentions to the world. Following the full-scale invasion, the UK responded swiftly, robustly and in lockstep with our international allies and partners to shore up Ukraine diplomatically, financially and militarily. The OSCE has been a critical part of that effort.

In response to the increasing number of horrific accounts coming out of Ukraine, we, along with others, invoked the OSCE Moscow mechanism to shed much-needed light on human rights violations and war crimes

[LORD MOTT]

being committed. The resulting report was the first by an international organisation into Russian abuses in Ukraine. We later invoked the Moscow mechanism again to document domestic repression in both Russia and Belarus.

After Russia forced the closure of the OSCE's field operations in Ukraine, we, along with 30 like-minded partners, supported a new support programme for Ukraine, committing £1 million and using models of funding to avoid Russian blocking. That has allowed critical reform and humanitarian, environmental and demining efforts to continue despite Russia's destructive efforts. Weekly meetings of the OSCE, including the permanent council, provide a platform to hold Russia to account for its behaviour, including its ongoing and numerous breaches of OSCE commitments. We will continue to use those fora to isolate Russia and counter its disinformation.

In response to the point on Helsinki +50, Russia's current behaviour sadly means that the OSCE will not be able to mark its 50th anniversary as we might have wished, but it is important that we continue to recognise the positive role of the organisation, its achievements over the past five decades and its potential for the coming years. The UK will work with Finland as chair-in-office for 2025 to ensure that the anniversary is marked appropriately. I assure the noble Lord, Lord Alderdice, that the OSCE matters and makes a difference.

Despite the political deadlock, the OSCE is still doing a huge amount of good. It provides a forum to demonstrate our support for Ukraine, in front of Russia, on a weekly basis. As the world's largest regional security organisation, with a uniquely comprehensive approach to security, its impact and influence extends far and wide. At its heart lies a set of core principles and commitments which have governed the reasonable behaviours of countries around the world and underpinned our collective security for nearly five decades. In essence, if the OSCE did not exist, it would very likely have to be recreated.

As my noble friend Lord Smith mentioned, the OSCE's field operations carry out important work on the rule of law, policing reform, counterterrorism and conflict prevention. Its election observation missions deliver great value, as was mentioned earlier. Its human rights work on freedom of the media and minorities is widely admired by all but the most authoritarian of states. Its work on climate impacts, food security, energy and biodiversity helps states to increase their resilience to the climate crisis and bolsters transboundary co-operation. Through events such as its annual human dimension meeting, it provides a valuable opportunity for NGOs and human rights defenders in the post-Soviet space to engage internationally.

Most importantly, due to its unique membership, it remains a key forum for addressing relations between the West, Russia and Russia's neighbours, including central Asian states who value the OSCE as a key pillar in their foreign and security policy with the West. When this war comes to an end, the OSCE will contribute to helping implement and reinforce any settlement—politically, operationally and normatively. With an annual budget of €138 million, covering a region of over 1 billion people, the OSCE does all that

at a cost of approximately 12p per year for each citizen. For all those reasons and more, it is worth fighting for. Ministers have committed to preserve and protect the organisation and the principles underpinning it, as evidenced by their regular engagement. I will certainly go away and take up the point made by the noble Lord, Lord Dubs, on regular attendance and closer working, but I can say that two Members of the UK Parliament will attend the meeting taking place this autumn.

On the first day of the invasion, the then Foreign Secretary's first multilateral engagement was at the OSCE, where she denounced Russia's unprovoked and premediated war of aggression against Ukraine. The Foreign Secretary has spoken at the OSCE three times in the past 12 months alone and will attend the ministerial council in November. He and the Minister for Europe regularly speak with the OSCE chair, the North Macedonian Foreign Minister, while my noble friend Lord Ahmad regularly engages with the secretary-general, including representing the Government at last year's OSCE Parliamentary Assembly annual session in Birmingham.

The noble Lord, Lord Collins of Highbury, raised the role of the chair and the work that we need to do. The UK is working incredibly closely with the current North Macedonian chair and like-minded partners to identify a consensus candidate for the 2020-24 chair. As I said earlier, the Foreign Secretary is attending the OSCE ministerial council in November with a view to securing a decision before the end of the year to stave off the leadership crisis.

In regard to human rights and more activity in regard to civic society, that is an important point and I will certainly come back to the noble Lord, Lord Collins, after this debate.

The Government's high-level engagement is matched by senior officials, who regularly raise OSCE matters in security fora.

In response to the noble Lord, Lord Teverson, we are totally committed to the OSCE. There is unity among like-minded countries on the need to do our utmost through innovation, agility and resilience to support the principles and commitments underpinning the organisation and Euro-Atlantic security in the face of Russian assault. We will continue to work with our partners to support the OSCE and to urge Russia to change its approach and engage constructively. I thank noble Lords again for their interest in this important topic.

Western Balkans: Dayton Peace Agreement

Question for Short Debate

6.31 pm

Asked by Baroness Helic

To ask His Majesty's Government what consideration they have given to the security and political situation in the Western Balkans and challenges to the Dayton Peace Agreement within and outside Bosnia and Herzegovina.

Baroness Helic (Con): My Lords, I declare my interest as a vice-chair of the APPG for Bosnia and Herzegovina.

This debate comes at a time of global insecurity: from Ukraine to Sudan, from Kosovo to Nagorno-Karabakh, from Israel and Gaza to the Sahel and the South China Sea, frozen conflicts are all heating up. Collectively we bear some responsibility. We are often too ready to believe that the conflicts will go away, will sort themselves out, that they do not concern us. The tragic situation in Israel and Gaza reminds us that that is not the case; foreign conflicts can quickly become domestic issues. But it is my hope—even though peace and security are based not on hope but on realities on the ground—that as frozen conflicts are reignited one by one, the western Balkans will avoid that fate.

For 30 years, Britain has played an important role in the region, learning some painful lessons in the early 1990s and leading in driving forward progress in the early 2000s, not least through the work of champions of justice and peace such as the late Lord Ashdown, which is carried on now through the expert contribution of the noble and gallant Lord, Lord Peach. Today, as the world is ever more unstable, we must look at our policy in the Balkans and ask: is it working?

For two decades, our policy was predicated on the idea that the prospect of EU membership would be enough to encourage reform and progress and deter warmongering and attempts to redraw borders. But the pull of EU membership has lacked credibility for years and has been undermined by concerted efforts by Moscow to reshape the region and challenge NATO and the EU there. Perhaps, as the EU thinks about the future of Ukraine and Moldova and more actively pursues enlargement in the Balkans, that will change over the long term.

However, we cannot rely on hope: not in Kosovo, with the recent killing of a police officer there by heavily armed Serbian militants, or the injuring of 30 NATO soldiers earlier this year, accompanied by the movement of significant Serbian armed forces units to the border with Kosovo; not in Montenegro, where Russia pursues destabilisation operations, sowing division and seeking to undermine Montenegro's democracy and Euro-Atlantic direction; not in North Macedonia, where Russia has been spreading disinformation, seeking to exploit the Orthodox Church for propaganda purposes, and to prevent the resolution of disputes with Bulgaria which are holding up EU accession; and not in Bosnia and Herzegovina, where separatists work with Moscow and Budapest to weaken the capacity of the Bosnian state and its institutions, seeking to undermine the integrity of the country.

The Dayton peace agreement brought peace to Bosnia and Herzegovina in 1995 through skilful diplomacy, trade-offs, and military pressure on the combatants. Over the last decade, the leadership of the Bosnian entity of Republika Srpska—the entity constructed by the Dayton agreement—has repeatedly sought to pick apart, render irrelevant, and ultimately destroy the peace accords and with them the state of Bosnia and Herzegovina. In the last year alone, RS leaders have passed illegitimate laws seeking to ignore rulings of the constitutional court, created parallel state structures, armed police not for policing but for other scenarios, adopted laws to appropriate state property, and sought to frame the

administrative boundary between the two Bosnian entities as a hard border that can be closed off by barricades and the local police rather than be passed freely like we do here when we pass from Kent to Surrey. Citizens of Bosnia fear that this is preparation for secession.

Most worryingly, in Brussels, Washington and even here in London, at times our western Balkans policy seems to have alarming echoes of the 1990s: a baseless hope that no one would dare or want to challenge the peace, that there is no intention to challenge internationally recognised borders, and that we can find an accommodation with Belgrade if only we concede a little more. Yet, whether in Montenegro, North Macedonia, Kosovo or Bosnia and Herzegovina, there is no evidence that the current Serbian Government, our chosen partner in the region, are committed to being a benign neighbour. President Vučić does not sign up to the agreements that he negotiates, and if he does, they are not implemented. Senior government figures continue to speak about and plan for a “Serbian world” just as Russia speaks and acts on the “Russian world”. Serbia's rearmament speaks even more clearly: procuring planes from Russia, surface-to-air missiles and drones from China and, most recently, up to 1,000 kamikaze drones from Iran, I regret to say that this is not the sign of a Government committed to peace but of one flexing their military capability. I hope the Ministry of Defence has taken note and will review our arms exports to Serbia in view of this development.

The foundation of peace and security is deterrence. Taking on the threat of aggression or violent secession is a crucial prerequisite to creating confidence and the space for political progress. Maintaining and strengthening the deployment of KFOR troops in Kosovo is crucial. I therefore pay tribute to the men and women of our Armed Forces who serve in Kosovo and I commend the Defence Secretary on his quick and decisive action in authorising the recent extra deployment. But a similar level of deterrence is needed in Bosnia and Herzegovina too. My noble friend the Minister knows that I have already called for the UK to rejoin EUFOR. A modest deployment by the UK would have an outsized impact, strengthening the deterrent against attempts to break up the country with violence, and avoiding the need for the larger response that would be required if the situation were to escalate unchecked. EUFOR's mandate is up for renewal at the UN Security Council next month. If Russia, which has used its veto over Bosnia before, blocks it or tries to weaken it yet again, we must be prepared for NATO to step into the role, as it has the legal authority to do under the Dayton peace accords. Whether under EUFOR or NATO, there is a need for more troops and more capable equipment. Bosnia and Herzegovina is almost five times the size of Kosovo and has nearly twice as many citizens, yet EUFOR has only 1,100 troops, about a quarter of the number in KFOR.

Almost 30 years on from Dayton, the focus in Bosnia and Herzegovina should be on political reform: taking the next steps beyond the peace of Dayton to being a prosperous civic democracy. But, so long as the sovereignty and security of Bosnia and Herzegovina are under threat, the space for reform will be severely limited. It is desperately necessary, but without security it will not happen.

[BARONESS HELIC]

In the 1990s, the ex-Yugoslav states were more advanced and richer than the Baltic states. Today, the security provided by NATO membership and the opportunities of the EU have helped the Baltic countries leap ahead of the western Balkans. That is the journey which the region must hope to replicate, but if we do not confront Russian malign influence and backward interference, it will not be possible.

I therefore suggest that His Majesty's Government work actively to agree a new joint strategy with our partners in the United States and the EU to ensure that we represent a united front making clear that there is no space for violence in the Balkans. Together, we can and must send a strong message about the cost for anyone who tries to drag the region back to the 1990s.

We have a choice to make. We can wake up one day to face a serious crisis, an escalation bringing conflict, instability and insecurity into the heart of Europe, or we can invest in a credible deterrent now, recalibrate our diplomacy and work with our allies to reduce the threats of instability to the western Balkans and to our own interests.

6.41 pm

Baroness Goudie (Lab): My Lords, I thank my colleague, the noble Baroness, Lady Helic, for initiating this debate today.

The Dayton accords were signed nearly three decades ago. They were worthy of applause. Because of this important document, a modicum of normality was able to resume in Bosnian life: children returned to school, businesses reopened and families were reunited. Dayton has the shadow of all the lives lost during the Bosnian war looming over it: some 100,000 dead, 2.5 million displaced and between 20,000 and 50,000 women and girls raped. We cannot think about Dayton without thinking of those women and girls whose lives were shattered, and all the lives that were lost.

Thanks to the accords, a whole generation has been able to grow up without the threat of being shot in the street, but that does not mean they are perfect. To this day, Bosnia-Herzegovina remains mired by a series of serious structural and functional problems. Its complex political and administrative power-sharing system lends itself to an environment marred by ethnonationalistic sentiment and political in-fighting. The mechanisms implemented in Bosnia have resulted in gridlocks and tension between ethnic groups because of what the European Commission has called

“Deep political polarisation and disagreement among the main parties”.

The true spirit of Dayton—an agreement that created a consociational democracy based on the notion of co-operative power-sharing—must be protected from rising nationalistic sentiment in Bosnia-Herzegovina. Dayton may need reform, but it cannot be done away with entirely. To do so would be to bend to the likes of Milorad Dodik, leader of Republika Srpska who advocates its independence from Bosnia-Herzegovina.

The Dayton accords contain crucial elements for the building of a Bosnian society based on respect for human rights and the rule of law, and they also require its adherence to the European Convention on Human Rights above all. The political discourse in Bosnia

today is one tarnished by genocide denial and historical revisionism. Attempts are being made to undermine the judgments of the International Criminal Tribunal for the former Yugoslavia, and war criminals are being lauded as heroes. The very ethnic divisions that Dayton sought to heal are creeping their way back into Bosnian society—into their classrooms, their media and their politics.

This situation does not only affect the Bosniaks and Bosnian Serbs living within Bosnia-Herzegovina. We must consider the effects of such profoundly negative ethnic discourse in the heart of eastern Europe. Ethnonationalistic movements tend to have a domino effect on one another, and we must be mindful of the delicate situation many countries find themselves in—I am thinking of Albania and Romania, to name just two. Political representation and minority rights are a problem right now not just in Bosnia-Herzegovina but around the world, and we must think of the precedent set by our action—or inaction.

We saw during the Bosnian war the cost that such highly charged nationalistic sentiments have. The majority of women who were brutally raped as part of the Bosnian Serb policy of ethnic cleansing have still not received justice or reparations for the immense harm done to them. Survivors continue to be ignored and stigmatised, whilst the likes of Dodik glorify the war criminals who committed these very crimes.

Currently, Bosnian society is riddled with poor and ineffective institutions. Investment in infrastructure, education and jobs is, as we know, crucial to curb the tide of disfranchisement we see taking hold, which only paves the way to extremism. The state of fragility in Bosnia-Herzegovina places great threats on the security of women and girls in an area of the world where female bodies have been used as a weapon of war and a way through which ethnonationalist battles can be fought. Conflict and fragility exacerbate existing inequalities within societies and break down social networks, making women more vulnerable to sexual violence and exploitation. The women of Bosnia-Herzegovina have been through this plight before, and do not deserve to have hardship thrust on them a second time.

An effective solution sets a good precedent, and we have the opportunity to stand strong in the face of nationalistic fervour. Investing in women and girls must be seen as the cornerstone of any policy, as it has been proved time and time again that, when the women of a society are allowed to prosper, peace is more likely to last—I can give many examples.

I hope that His Majesty's Government use this opportunity to understand the cost of ethnonationalism in the region of Bosnia-Herzegovina and protect the core principles set out in Dayton—adherence to the protection of human rights and the liberties of the people of Bosnia-Herzegovina. May we remember the cost of western inaction in the early years of the Yugoslav wars.

6.47 pm

Lord Alderdice (LD): My Lords, during a meeting earlier this year in Sarajevo, I stood with some colleagues at the spot where the Archduke Ferdinand was assassinated, triggering a series of events that resulted

in the First World War. It was a moving and troubling reminder of how things can deteriorate quickly and catastrophically. I remember being there in the city many years previously, in 2002—actually, at an event organised by the OSCE, which we were talking about just now, and the Human Rights Committee of the BiH Parliament in Sarajevo.

At that time, my old, much-missed friend Paddy Ashdown was the governor. He was there from 2002 to 2006 and, when he left and came back to London, he gave an important lecture later in 2006 at the LSE. He was able to give a remarkable list of achievements during those years of governorship. It is worth reflecting for a few minutes in this important debate, which we owe to the noble Baroness, Lady Helic, that progress was possible but did not happen without important contributions.

The first of those, of course, was the Dayton agreement itself. I have to say that I have always had some reservations about the process by which it came into being and, indeed, some of the content, but the fact that an agreement is there is important. No agreement or process is perfect, but having an agreement makes it easier to make progress than moving from a context of violent political conflict, and it is there to be worked with, so at least there is something on which to base progress.

The second lesson that I think emerged in listening to him speak was the vital element of leadership. Paddy was a leader. Some might argue, and some in the region argued at the time, that he was a bit authoritarian as a leader. In fact, I remember having a conversation with him when I was criticising another leader and said that he was a control freak, and Paddy said, “Well, what’s wrong with that?”

Of course, in truth, you must be careful about the form of your leadership. However, no progress is possible in such contexts without real leadership, courageous leadership and leadership that will undoubtedly be criticised by some who do not want to see it happening. One of the great dangers of the current crisis-ridden agenda—Russia-Ukraine, Israel-Gaza, China-Taiwan and so much more—is that it is a challenge for the western Balkans to retain European attention, never mind European leadership. It is crucial that we do not allow other pressures to obscure our view of what is happening in the western Balkans and that there is real leadership from outside, as well as hoping for leadership from inside.

Earlier today, a colleague from the region explained to me how there was now profound frustration that the promises of EU membership seemed continually to slip into the future, to the point where many there have no sense that it is ever going to come around. Each time the promise is made of process, it makes people more angry and more frustrated, and so some are turning to Russia and China. The noble Baroness, Lady Helic, outlined very clearly with her particular and personal knowledge of the situation how these many conflicts in the area are re-emerging in a way that is extremely dangerous. She spoke of the western approach being one of baseless optimism that no one wants to return to violent conflict. I am sure that she is right to be concerned about that.

Sadly, however, for some, it may be even more like another comment that Paddy made in that lecture. He recalled going to see the then British Foreign Secretary when the Bosnian war was at its height, in about 1993, and pleading for the intervention which was not to come for nearly two more years and after countless tens of thousands more deaths. His response was, “But they’ve always been like this, Paddy. The best thing to do is build a firebreak around the region and let it burn itself out”. Whatever might be said privately like that, that is no stance for a Government of this country to take.

Whatever the reason, the noble Baroness, Lady Helic, is certainly right to say that simply ignoring the problem and hoping for the best is not enough. Can the Minister not only assure us that the re-emergence of conflict in the western Balkans is something that concerns His Majesty’s Government but let us know what His Majesty’s Government are doing in collaboration with our European colleagues? We certainly cannot do it without collaboration but what is being done with them to pay attention to the deterioration and to do what we can to arrest it?

6.53 pm

The Earl of Sandwich (CB): My Lords, once again, the noble Baroness has tabled an important debate. I thank her sincerely for this opportunity and for bringing such valuable experience to the House. After all, as she said, we were at one time a spearhead of enlargement of the EU and we are now in danger of losing our enthusiasm. Back in 1997, all our political parties had long been agreed that we did not want a small, tidy, wealthy Europe. As an EU member we wanted to reach out to countries still recovering from their Soviet past and hoping to join in a Europe-wide economic recovery. Of course, there were benefits for us in doing that as well.

By then, war had broken out between Serbia and its satellites in former Yugoslavia, and it was clear that we had an urgent new role as peacekeeper and NATO member. This time the policy was called “the responsibility to protect”. Much has been written about R2P and much of it has been written off as outdated. It was only formally adopted in 2005 and it failed in Libya. Nevertheless, it was one of the most important doctrines introduced by the UN and we can all recognise its value at the time of the Bosnia and Kosovo genocides. Criminal tribunals were set up and cases are still ongoing, as the noble Baroness mentioned.

There are many other examples of protection or attempted protection from genocide around the world. The Minister is in a better position than any of us to know how many there are, such as Darfur in Sudan. Unfortunately, we must accept that the UN is no longer capable of reaching out in the way that it did. In the case of the Balkans, only NATO has had the muscle to contain trouble. Do we still have the commitment to R2P in the Balkans? Are we as ready as we were to send troops to Bosnia and Kosovo to prevent the worst happening again? I hope that we are.

The incidents in Kosovo during the last few weeks have certainly justified a swift NATO response, which they got. We can all understand how easy it is for the Serbian president to stir up trouble. He has been doing it for years, with or without Russian advice, following

[THE EARL OF SANDWICH]
 his predecessor—Slobodan Milošević. It used to be called “dirty tricks” but that is too kind a phrase. Serbia took advantage of a very poor decision by Kosovo in May to impose non-Serbian mayors in the north after a turnout of less than 4%. The result was a huge crowd of protesting Serbs, many of them armed, and clashes led to injuries to over 30 fully armed KFOR troops. Then came the incident at the monastery in Banjska last month, when Kosovo confronted about 30 armed Serbs attacking a police post. Three of them and a Kosovar policeman were killed. This seemed to Washington to be part of an insidious and gradual movement of Serbian troops closer to the border, although Serbia denies this and has since withdrawn some. Nevertheless, it was unmistakably a hint of the threat of a Donetsk factor, whereby protection of your kith and kin in another country is a justifiable reason for invasion. Well, it is not—not in any existing international law—but that does not concern Russia.

NATO moved fast during the operation in May, but this was not always the case. The Kosovo war was not anticipated and came as a second barrel after the war in Bosnia and Herzegovina. The Dayton accords did not even mention Kosovo and at least one historian believes that they contributed to the collapse of the Albanian Government and the outbreak of war.

Therefore, what should be the political solution? There is a plan, brokered by Brussels, to give the Serbs more autonomy in Kosovo through an association of Serb-majority municipalities. This was even agreed by the two leaders in Ohrid in March but rejected in May by both of them. Vučić fears that it would assist Kosovo towards full independence, while the Kosovan Prime Minister, Albin Kurti, now sees it as a path to the pattern set by Republika Srpska. The governance arrangements in Bosnia and Herzegovina have been carefully constructed but they are difficult to deal with, as we have heard from the noble Lord, Lord Alderdice, regarding Paddy Ashdown’s efforts.

Brussels will just have to provide more reassurance. The route to peace can only be part of the wider EU-sponsored dialogue alongside Serbia’s application. We were one of the architects of this dialogue. It is harder now, Kosovo being some way behind as a candidate owing to its uncertain status, but it is necessary. The majority of Serbs would like to live comfortable lives as Europeans, whatever border they live behind. That can be the only way forward for both countries. Slow and difficult as it is, we the UK must stay as close as possible to the EU formula, and re-address the balance of troops—as the noble Baroness mentioned.

There are many reasons for stability in the Balkans, migration being one of them. With the Ukraine war dragging on, it has become even more urgent to get the formula right, yet I fear inaction may be the most likely outcome of all.

7 pm

Lord Cormack (Con): My Lords, I thank and congratulate my noble friend Lady Helic. We are very fortunate to have her in your Lordships’ House; she knows more about the subjects we are discussing than anybody else—possibly more than all of us put together—and she has highlighted a situation that we have rather neglected.

Next Tuesday, your Lordships’ House will be full. There will be a debate on the ghastly event that took place in Israel just a little over a week ago. People will quite rightly condemn Hamas, as it is responsible for every spot of blood that has been shed in these awful last two weeks.

As I was listening to my noble friend Lady Helic, I thought back to the early 1990s, some 30 years ago. Had it not been for Paddy Ashdown and a group from his party, Bosnia-Herzegovina would not really have featured, despite the carnage that was occurring there. As we were reminded earlier, mass rapes were occurring there and some 7,500 Muslim men and boys were massacred in Srebrenica. For a time, I was the only member of the government party speaking out and, on occasions, voting with the Liberal Democrats and some others on this. We should have learned that lesson.

We did come in and the Dayton accords came about, but they were more of a truce than a settlement. Although he did not use those words, the noble Lord, Lord Alderdice, made that point a little while ago.

We have to be mindful that there is a real danger in what could be called the soft underbelly of Europe. We live in a world that is in more turmoil and danger than at any time since the Second World War. There is the ghastly invasion of Ukraine, but Mr Putin is not limiting his ambitions to Ukraine.

Just two or three weeks ago, I met an old friend from Bosnia who came to have coffee with me in your Lordships’ House. He made the point that the danger today is, if anything, worse than it was in the early 1990s. Russia is determined on the destabilisation of Europe and the re-creation of a world power similar to the Soviet Union. We have to recognise that and to be prepared.

I have made speeches in your Lordships’ House calling for more defence expenditure; that need is implicit in every remark I make today. We have to recognise that our continent of Europe, which came together and added members in the years after the war—with the creation and signing of the treaty of Rome and the creation of what became the European Union—is in very real danger today. Thank God we had a hopeful sign from Poland on Sunday—an indication that Poland may be going in a more moderate and stable way than it appeared to have been—but we must not lose sight of the danger in the western Balkans.

It is vital that we are prepared to do what we have been doing in the Baltic states. The point was made earlier that there has been a reversal of fortune: 30 years ago, the Baltic states were weak and vulnerable; now the Balkans are. I hope that we see more following Croatia and being admitted to the European Union. I hope NATO will consider what it can do, because we are defending ourselves in coming to the aid of those who are subject to insidious Russian incursion. There is a real danger that, by using Serbia, Russia will totally destabilise and undermine Bosnia-Herzegovina. The breakaway of Republika Srpska is by no means impossible. When my noble friend winds up this debate, I hope he shows a recognition from our Government, which is shared across the House, of just what dangers we face.

One real light in recent days was the cross-party accord. I sat in the Gallery of the other place the other day and heard a statesmanlike Statement from the Prime Minister and an equally statesmanlike statement from the leader of the Opposition. We have to keep together.

7.07 pm

Lord Anderson of Swansea (Lab): My Lords, I join in congratulating the noble Baroness on her choice of subject and her presentation of it. I also join the noble Lords, Lord Alderdice and Lord Cormack, in praising the remarkable contribution of Paddy Ashdown. He was so committed that he bought a house in Bosnia, although it became too dangerous to keep.

I add my own tribute to my noble friend Lord Robertson who, as NATO's Secretary-General, played a positive role, and to the noble Baroness, Lady Ashton, who tried very much to broker a deal between Serbia and Kosovo. So we had some good British contributions.

After the Dayton agreement of 1995 and the mass application of Balkan countries to join the European Union in 2003, I visited the then Greek Foreign Minister Papandreou in his office. He showed me a large map of the region on the wall, pointed out the Balkans and said, "That problem is manageable and should be managed". We have not yet managed it successfully.

We have had some positive developments. Croatia and Slovenia—the more prosperous northern part of the Balkans—have joined the European Union. All the countries, save Bosnia, Serbia and Kosovo, are members of NATO. Both NATO and the EU have similar criteria for human rights, but the problem has not been managed well overall in the past 20-plus years. The extent of the problem was shown graphically in Freedom House's *Nations in Transit*, which was published this year.

The very term "Balkans" is pejorative. Croatia, for example, prefers to be called a part of central Europe—Mittleuropa. It is significant that the Dayton agreement was signed in the USA, brokered by Holbrooke on behalf on the US Government, and designed as an interim agreement until permanent arrangements could be negotiated. The difference, of course, between 1995, Holbrooke and Dayton, and today is that the US is not now prepared fully to join in the process. After Afghanistan and Iraq, the US is largely leaving the problem to the Europeans. Does the Minister agree that any progress by outside forces now largely depends on the European Union?

Serbia was the core country in the former Yugoslavia, and now is central to a resolution of the regional challenges. Yet President Vučić tries to ride two horses; he is close to President Putin, as indeed the country is historically and culturally, and is close also to President Dodik of Republika Srpska. How do the Government view his role? Is it positive or negative? Does he countenance the detachment of Republika Srpska from the federation, which will lead to an unravelling of the Dayton agreement? Does he indeed consider the possible amalgamation of Serbia and Republika Srpska?

Clearly Russia, as has been said by a number of colleagues, is playing a spoiling game, not only in Serbia but in Montenegro, North Macedonia and Kosovo,

where the noble Baroness, Lady Ashton, tried unsuccessfully to broker a deal on the matter. Does the Minister see the hand of Russia in the current disturbances in Kosovo? Has the invasion of Ukraine made Russia less welcome in the region?

Our interests as the UK are engaged, but limited. It surely makes sense for us now to join with the European Union. How closely are our policies aligned? What form does consultation take? I well understand the hesitation of the European Union about membership of the area. Even if Monsieur Michel speaks of the first accessions by 2030, I recently spoke to several MEPs who said that it was really a pipe dream and were very sceptical of that date. The dangers include enlargement fatigue, budgetary problems and the effect on the decision-making process within the European Union.

My conclusion is this: there is no doubt that it is in our interest that the gap pointed out by Papandreou be filled. Equally, there is no doubt of the aspirations of Bosnia and others to be fully part of the western political and defence institutions. The challenge for Bosnia, in particular, is to move beyond aspiration to reach some internal agreement. The disputes include obviously Srebrenica, the high representative's role, and the role of the multi-ethnic constitutional court. Bosnia and Herzegovina has seen a decline recently in democracy and in governance. There is more polarisation in the region. But we see, alas, more possibility of fragmentation. Do the Government see any hopeful signs, especially in Bosnia? Do local politicians recognise that they must change if they are to fulfil their aspirations?

There is a French saying that happy is the country that has no history. Alas, the region has too much history.

7.14 pm

The Earl of Dundee (Con): My Lords, I congratulate my noble friend Lady Helic on the good timing of this debate and on the excellent way in which she has focused and addressed the question.

It is a very great pleasure to follow the noble Lord, Lord Anderson of Swansea, a much-esteemed former colleague in the Council of Europe parliament in Strasbourg.

Briefly in my remarks today, I will touch on three aspects: how reform of Dayton now presents a positive and realistic opportunity; the necessary framework of actions for a new partnership between Brussels and the United States; and then the long-term benefits to south-east Europe and international security, to which so many of your Lordships have referred.

In 1995, Dayton was a huge triumph. It stopped the war in the former Yugoslavia; it affirmed the continuation of Bosnia-Herzegovina as a sovereign country; its guarantors were obliged to make sure that the decrees were properly respected; it set up the Office of the High Representative to see to this; and the truce, not least, has indeed proved to last.

However, as is increasingly recognised, while an effective stopgap at the time, since the late 1990s, the nature of the Dayton accords has itself been responsible for holding back democracy and economic development in Bosnia-Herzegovina. One measure of this is that it is only just behind Haiti and Venezuela as the country

[THE EARL OF DUNDEE]

with the most severe brain drain in the world. Nearly half the people born there now live in another country and the numbers of those leaving or seeking to do so continue to rise.

Another measure is our own assessment from the beginning that the same arrangements which successfully ended the war, and until they might be revised at the right time, were nevertheless bound to lead to disaster in peace. They would always threaten democracy, since the Dayton architects had to give special rights to “constituent peoples”—Bosnian Croats, Bosnian Serbs and Bosniaks—over the rights of individual citizens. Equally, Dayton would always undermine good decision-making, since it vested more powers in the entities than in the weak central government, consisting of a rotating tripartite presidency and a council of ministers, also divided among the three constituent peoples. In view of these inbuilt restrictions, the Dayton accords would always aid and abet as well, as they have done, a dysfunctional judicial system, a distorted economy and a culture of corruption.

From outside the country, two different attitudes have prevailed. The first is that after the provision of Dayton, it was then up to Bosnia-Herzegovina to sort itself out. Yet recently, the second is that, following the conflict in Ukraine, the West is now sufficiently united and prepared to protect democracy and human rights and should therefore make every effort to do so, particularly in Europe.

That reflects the case for a new partnership between the European Union and the United States, to which my noble friend Lady Helic referred, and the necessary framework for its joint actions. Here, there is growing consensus on a variety of expedients, starting with the need for the European Union Force or EUFOR to redeploy itself more efficiently, as my noble friend has also just urged. It should do so in Brčko district, while utilising in Sarajevo mobile units so that they can move anywhere in the country at short notice. Such redeployments would then give a much clearer sign to the Bosnian Serb leadership that obstruction and separatism will not succeed.

Washington and Brussels must insist that carrying out the judgments of the European Court of Human Rights is essential to reform, as it also already is a precondition for Bosnia-Herzegovina’s membership of the European Union. The high representative should remove officials standing against ECHR rulings, while at the same time protecting media and other independent parties who investigate legal evasion, corruption and police abuse. In so doing he has to use the Bonn powers—his authority to restrict those who deny and seek to undermine legal commitments.

Bosnia-Herzegovina’s neighbouring states must support the United States and European Union agendas for reform. These states include Serbia, a candidate for the European Union, along with Slovenia and Croatia, already full members. Here I declare an interest as current chairman of the All-Party Parliamentary Group on Croatia, as well as, within the United Kingdom, the consul for Croatia in Scotland.

Conversely, Brussels and Washington can back up western Balkan initiatives to forge a regional common market, both as an economic end in itself and as a

facilitator of European Union membership. In that connection the United States International Development Finance Corporation should make use of its new and only office outside the United States, which happens to be in Belgrade, to assist all countries within the western Balkans.

On conditionality, the European Union ought to identify projects inducing reform, yet indicating that receipt of funds in the first place is dependent upon subsequent measures of intended reform not being blocked. Brussels already applies rule of law requirements attached to funds designed to help countries recovering from Covid. Thus, similar conditions should now come to apply to Bosnia-Herzegovina and other parts of the region.

These are just some of the prescribed actions that can improve stability in Bosnia-Herzegovina and the western Balkans. Their delivery should no longer be delayed.

7.21 pm

Lord Browne of Ladyton (Lab): My Lords, the tragic events in Israel and Gaza, consequent on the Palestinian terrorist group Hamas’s unprecedented attack on Israel are, sadly, an appropriately sobering backdrop against which to debate this Question before your Lordships’ House.

Before getting into the substance of my remarks, I pay tribute to the noble Baroness, Lady Helic, whose commitment and depth of expertise both found expression in her characteristically forensic opening speech. I thank her for securing this important and timely—nay, urgent—debate.

I say that the events in the Middle East are an appropriate backdrop because the reaction in Bosnia and Herzegovina to those dreadful events has served to further exemplify the fragility of its own peace. In the city of Mostar, the Palestinian flag is raised above the Old Bridge in the predominantly Bosniak eastern section of the city, while support for Israel is increasingly vociferous in the western, predominantly Croatian, side. The chairwoman of the Council of Ministers, who unequivocally condemned Hamas violence, was publicly rebuked by the chairman of Bosnia and Herzegovina’s tripartite presidency for “carelessly” and “selfishly” failing to explain the historical suffering which, in his view, partially justified the actions of Hamas. These are senior members of a single, fragile polity.

The ease with which divisions on this question can be mapped on to the ethnic and civilisational division within Bosnia and Herzegovina is worrying. It should make us all consider how we can avoid ethnic conflicts in other geopolitical spheres being weaponised as proxies for regional frustrations. In the western Balkans, history—or, perhaps more correctly, historiography—is not an exercise in retrospection but the currency of the present. Russia uses that fact to inflame division, promote anti-western narratives, propagate disinformation and weaken those institutions upon which an often-fragile peace depends.

There are other important factors, too. Both China and Russia used vaccine diplomacy very effectively in the region, exploiting the rocky start to the EU’s vaccination programme. In this context, the fact that

the 2022 Balkan Barometer indicated a 6% decline in support for EU membership across the region should cause us to ask ourselves how successful we have been in counteracting not just Russian disinformation but its more conventional deployment of soft power. Of course, enlargement fatigue does play a large part in this—not necessarily an ebbing of support for EU membership in principle, but a frustration that accession has begun to feel more like a distant mirage than an approaching geopolitical fact. Although we have rather diminished our influence over the EU accession process, I urge our Government, in this regard, to do what they can to narrow the gap between aspiration and reality.

While it is true that Russia's invasion of Ukraine may weaken its capacity to foment division in the Balkans, it is equally true that it has much to gain by so doing. But a weakened Russia may also create problems in the region given the fragile equilibrium which allows peace to continue. The rapidity with which Nagorno-Karabakh receded into history last month was a direct consequence of Russia's inability to project its power into areas where it had previously been decisive. Indeed, Armenia's Prime Minister, just a few weeks before Azerbaijan moved to erase Nagorno-Karabakh, conceded that his country's reliance on Russian military influence for its security was a "strategic mistake". Although no one can expect Russian disengagement from the western Balkans, any change in its ability to project influence that results from the war in Ukraine will also reverberate throughout the region, with unpredictable consequences.

In terms of the long-term constitutional settlement in Bosnia and Herzegovina, the actions of the Bosnian Serb Republic over the last 18 months have been deeply concerning. The Bosnian Republika Srpska has gravitated towards Russia to the extent that the relationship between President Dodik and President Putin now resembles that between a pilot fish and a shark. However, as the noble Baroness, Lady Helic, reminded us, more tangibly we have seen attempts by the Republika Srpska to de-legitimise the Dayton accords altogether; an attempt to formally annex all rivers, forests and agricultural land that fall within its territory; a refusal by the Republika Srpska to recognise the legitimacy of the high representative and any decisions made under the Bonn powers, as well as systematic attacks on press freedom. Given the gridlock that is an inevitable consequence of this hardening of attitudes by the Republika Srpska, it is perhaps no surprise that Freedom House ranks Bosnia and Herzegovina the lowest among all countries in the region in terms of the viability of its democratic institutions and democratic accountability more broadly.

When we think about the Dayton accords, it is worth recognising that while the peace they brought was, in human terms, beyond price, in political terms it has come at a heavy cost. As the Council of Europe's Commissioner for Human Rights acknowledges, the Dayton accords entrenched ethnic divisions and created a governing structure whose complexity renders it vulnerable to the aspirations of ethno-nationalists.

In the time available I have been able to touch on only one or two critical elements in the region. But we know there are tensions in several countries across the region—tensions that require constant attention if

they are not to lead to violence. If we are to ensure that these frozen conflicts remain frozen and not kindled into flame by malicious external actors, the West will have to exert the same, or greater, commitment to the exercise of soft power—and to the projection of force when needed—as that exerted by our strategic adversaries. For the reasons set out by the noble Baroness in her excellent opening speech, if ever there was a time for the international community to rise to this challenge in the western Balkans, it is now.

7.28 pm

Lord Purvis of Tweed (LD): My Lords, I had been reflecting that every other speech after that made by the noble Baroness, Lady Helic, would probably be superfluous, because she set out very clearly the comprehensive warnings that I hope the Minister can reply to in an equally comprehensive way—I am sure he will—but the other contributions to this debate have all been sober and characteristically eloquent.

The noble Baroness set the backcloth to this debate with regard to other conflicts. That allowed me to reflect that at this time last year I was in a village on the Gaza border where 16 people have been murdered over the last two weeks, and over the summer—just a few days before the outbreak of full-scale war in Sudan—I was in Khartoum. Indeed, we are living in a period of conflict and it will require, I hope, a comprehensive response from leading Governments, such as the United Kingdom's, to put peacebuilding at the heart of our forward strategies. This afternoon, I had the opportunity to meet Andrew Mitchell to discuss the Government's proposed White Paper on development—of which the need for peacebuilding should be a central part of the consideration. I declare that I chair the UK board of the peacebuilding charity Search for Common Ground.

The warning that the noble Baroness indicated, as reflected by the noble Lord, Lord Browne—it is a pleasure to follow his contribution—is that frozen conflicts often remain frozen with a degree of complacency and are often ignited with little warning, but the warnings have been heard today. As the noble Earl, Lord Sandwich, indicated, some of the assumptions we made 30 years ago cannot be made today, such as the responsibility to protect and the concept of liberal interventionism, which we thought were being established as part of our collective foreign policies. I contributed to a book on the withdrawal from Afghanistan in which I tried to make the case that there was still going to be the concept of liberal interventionism, but it was incredibly hard to do so.

As my former noble friend, the much-missed Paddy Ashdown, indicated, Dayton was a floor, not a ceiling. As my noble friend Lord Alderdice indicated, he was very open that it could not be a static mechanism: it had to be the basis on which there would be nation-building, and the necessity of having the key characteristics of nation-building was to avoid potential areas of political cleavage. He had a great ability to spot these. I fear that those areas of political cleavage are now well established. As my noble friend Lord Alderdice said so eloquently, without constant leadership and a direction of travel that is understood by the population, there can be vacuums. We know all too well that vacuums can be filled by those who do not have the

[LORD PURVIS OF TWEED]

same good motives that we have. As we have heard from the noble Lord, Lord Cormack, and others, Russia has deliberately sought to fund and promote disinformation, and actively seeks to disrupt good governance. That provides the basis for destabilisation. It wishes to distract our Foreign Office and our parliaments. We cannot allow that to happen.

The Minister knows well that I have been campaigning for the proscription of the Wagner Group. I welcome very warmly the Government's move on that. I would be interested to know, because I have been following concerns that the Wagner Group had been operating in Republika Srpska and active in some of the disinformation and protests that were falsely put forward against the Kosovan leadership, the Government's estimate of the Wagner Group's activities in the area. Is it still active? What would the consequences of the UK proscription be for the Wagner Group in particular? Are we getting traction with other countries following our lead on that? We know that Russia will continue to move on its disruptive policies.

A number of years ago I had the opportunity of visiting the region when the noble Baroness, Lady Helic, and I served on the International Relations Committee. I went back and looked at our report. I quote from it again. The committee's third conclusion was:

"The region still suffers from the legacy of the wars of the 1990s. Some political leaders are pursuing the aims of those wars by different, political and diplomatic, means including calls for redrawing national borders and secessionism. Any such act would be regressive, dangerous and destabilising for the region. Progress cannot be taken for granted".

That still stands. I would be grateful if the Minister could outline the Government's assessment of the area's future stability. What technical support is the UK providing to the Berlin process? What support is the UK offering on technical assistance and on the disruption of organised crime, which is linked with state capture of the state organs there? There continue to be British casualties from organised crime in the Balkans and close to 160 tonnes of cocaine and heroin: according to the National Crime Agency, the largest part of the organised crime gangs producing drugs to be consumed in the UK are from the western Balkans.

These are all interconnected but, as the noble Baroness, Lady Helic, indicated, the area seeks more support. Will the Government think again regarding active participation in EUFOR? It was a sad moment when we withdrew from it. There is an opportunity to rebuild some of those connections and rejoin actively.

We have heard that the area suffers from too much history, and in many respects too many memories, so that, as the noble Earl, Lord Dundee, said, young people wish to leave. I hope that, with the UK's continued support and leadership in certain areas, as requested, we will be able to provide a future so that there is not a vacuum that will be filled by those with the worst motives.

7.35 pm

Lord Collins of Highbury (Lab): My Lords, I too thank the noble Baroness, Lady Helic, for introducing this debate. I also pay tribute to her ongoing work. As the noble Lord, Lord Cormack, said, we are very

lucky to have her in this House and to hear her contributions. We can take pride not only in her work but in our country's vital and historic role in securing peace in the western Balkans, but with that comes a special responsibility to support stability and democracy in the region. The horrors of the past can never be repeated, and together we must hold to account those who aim to destabilise the region's delicate balance.

The April 2022 targeted measures to sanction Milorad Dodik and others who continue to undermine the institutions that are integral to the region's stability are welcome. Dodik's decision to declare rulings of Bosnia's constitutional court, which is defined in the Dayton agreement, as non-applicable was a clear attack on the Dayton peace agreement and the constitution of Bosnia-Herzegovina. What assessment have the Government made of the effectiveness of those sanctions and measures to date? What further plans do they have to work with our partners across the Balkans to exert further diplomatic pressure on those who are determined to undermine the Dayton agreement?

The Minister will know, as he constantly repeats in debates in this House, that the UK's sanctions are the most effective tools at our disposal, but they are effective only when the designations are applied across our international allies. Can he tell us what we are doing to encourage other Governments to reflect those sanctions?

Along with other European partners, we must also continue to press for the full recognition of Kosovo by the international community, as well as for that country to take its place in institutions such as the Council of Europe. I am pleased that the United Kingdom continues to call at the UN for Kosovo's full participation in the international system, but exactly how are we offering political support and leadership for this? How are we engaging others?

As the noble Baroness, Lady Helic, highlighted, September's violence near the village of Banjska was a stark reminder of the dangers of escalation within Kosovo and the importance of peaceful dialogue. The EU-mediated negotiations should receive the UK's full backing. I know that the Prime Minister spoke to President Vučić of Serbia and President Osmani of Kosovo at the European Political Community meeting earlier this month. I ask the Minister for further details on how we are supporting those bilateral meetings. Last week I had the opportunity to have dinner with Albin Kurti. I had a long discussion with him about how we can support social democratic movements in Kosovo and engagement with other multilateral institutions.

I certainly welcome the MoD's deployment to support NATO's Kosovo Force and note the new commitment to providing assistance until 2026. I join other noble Lords in asking what specific additional specialist equipment will be provided.

The noble Baroness, Lady Helic, opened by quoting the words of Lord Ashdown, whom other noble Lords also mentioned. I want to conclude my remarks by quoting his words in 2005, I think, reflecting on the progress in the Balkans. Paddy Ashdown told the *Guardian*:

"The greatest failure is that although we created institutions, we have not created a civil society".

I know from my own work in the area, particularly with the Westminster Foundation for Democracy, how important civil society groups that are not restricted to politicians and Governments are as an important ingredient of a healthy democracy. Will the Minister stress the importance of how we can continue that work? Many noble Lords mentioned what Russia is trying to do. We can counter that effectively and certainly can support civil society. I am sure he will agree that, when national Governments fail to protect the rights of their people, it is almost always civil society which stands in people's defence.

7.41 pm

The Minister of State, Foreign, Commonwealth and Development Office (Lord Ahmad of Wimbledon) (Con):

My Lords, first, I join noble Lords in rightly praising and recognising the expertise and insights that have been brought by my noble friend Lady Helic to this debate and also her continued commitment not just on this issue but on the wider impact of the region and issues of security. My noble friend and I have had extensive discussions and debates on this. I pay tribute to her efforts, which ensure that this is at the forefront of the Government's thinking. In this regard—I will come on to it in a moment—I had a very constructive meeting with the Minister for Armed Forces earlier today, and I will certainly pick up on a couple of my noble friend's suggestions.

The noble Lord, Lord Alderdice, and my noble friend Lord Cormack reminded us of the history of the issues in the Western Balkans. I have said before, and I say again, that I remember visiting Bosnia-Herzegovina right at the start of my professional career, and then we saw Slovenia, then Croatia and Serbia. The war in Bosnia was etched in people's memories. My noble friend Lord Cormack reminded us of the tragedy that remains the legacy of Srebrenica. I am proud that, over many years, the United Kingdom Government have remained one of those Governments who mark that particular event, that tragedy, the genocide that took place against the Bosnian people quite specifically, and it is right that we do so.

I assure noble Lords that the Western Balkans matters to His Majesty's Government. Its security is critical to our security. We want to see all six countries become stable, inclusive and resilient democracies, no longer scarred by the legacy of conflict. My noble friend Lord Dundee made that comment extremely well. We want to see them making progress to Euro-Atlantic integration, which, from the Government's perspective—I am sure noble Lords agree—is the surest route to the security and prosperity that their citizens deserve.

However, as we have seen from recent events, many remain vulnerable from within and from outside their borders. A small handful of powerful people profit from stoking ethno-nationalist sentiment and exploit vulnerabilities within their system for their own ends. Russia was mentioned by the noble Lord, Lord Anderson, and others. It stokes those very flames of division, plays on the local tensions and uses them as a distraction from its illegal war in Ukraine and as a way to obstruct Euro-Atlantic integration. Any return to conflict could spread across the region, with serious political and humanitarian consequences.

Several noble Lords referred to the current conflict in the Middle East and contagion. That is why I, the Foreign Secretary, and, importantly, the Prime Minister, have been engaged in ensuring that when a conflict occurs, particularly in that part of the world, there are lessons to be learned elsewhere so that we contain conflicts, because the danger of them spreading is very real. The Government share the concerns expressed by my noble friend in her opening remarks and others, including the noble Baroness, Lady Goudie, about the growing instability that we are seeing.

Turning to Bosnia-Herzegovina, the president of Republika Srpska, Mr Dodik, is escalating his rhetoric around secession. That is very clear. These threats are accompanied not just by rhetoric alone but by sustained efforts to undermine the legitimacy and authority of the state. In the same way, he continues to confront the high representative, at times almost disabling his impact and effect, whose executive powers represent the greatest challenge to Mr Dodik's ambitions.

I share the sentiments expressed by the noble Lord, Lord Alderdice, as he reflected on the important role of the late, much respected Lord Ashdown. I remember many a discussion on this issue with the noble Lord. The leadership that the noble Lord, Lord Alderdice, mentioned is needed now to be able to engage in a direct manner to ensure that those who seek to divide are challenged quite directly.

Recently, we have seen Mr Dodik sign into force legislation to block decisions by the high representative and by the BiH Constitutional Court in Republika Srpska. This stands in direct contradiction to the constitutional order of Bosnia-Herzegovina as set out in the Dayton accords, a point emphasised by the noble Lord, Lord Browne, and my noble friend Lady Helic. He has also threatened directly to ban the high representative entering Republika Srpska, stating that he would be arrested and deported if he did so. Within Republika Srpska, Mr Dodik continues to tighten his grip on power. Recent legislation has reduced the space for independent media by recriminalising defamation.

The noble Lord, Lord Collins, focused on civil society, and I agree with him totally. The Republika Srpska National Assembly is considering a new law that would prohibit political activity by NGOs which receive foreign funding, with troubling and disabling implications for civil society.

We also see tensions rising in Kosovo following the shocking events of 24 September. We strongly condemn the violent attack against the Kosovo police. I am sure this House's thoughts are with the family, friends and colleagues of the fallen police officer Afrim Bunjaku. It is crucial that the full facts are established and that those responsible face justice.

The noble Lord, Lord Anderson, also talked about the importance of ensuring that we act against Russia. I have already talked about how it is seeking to distract. While it is welcome that the Serbian president has announced reduced numbers of forces near the border, the build-up in the first place sent an unwelcome and destabilising signal. Serbia needs to complete the return of its troops to their usual bases without delay, co-operate fully with the investigation and play its part to disrupt disinformation and inflammatory rhetoric.

[LORD AHMAD OF WIMBLEDON]

Many noble Lords, including the noble Lords, Lord Purvis, Lord Alderdice and Lord Collins, focused on the UK response. I agree about the importance of peacebuilding. The noble Earl, Lord Sandwich, reflected on the inability of the UN today to impose itself in ensuring that peacebuilding plays a role. I have been talking on other matters with the UN leadership, including the Secretary-General, but I assure my noble friend that, in Bosnia-Herzegovina, we are working with international partners to deter further secessionist action from Mr Dodik. Alongside members of the Quint and the Peace Implementation Council, we have been vocal in condemning Mr Dodik's actions and reiterating our firm support for the high representative.

As noble Lords mentioned, Mr Dodik is already subject to UK sanctions, and we will consider designating others who support his drive for secession. On the point made by the noble Lord, Lord Collins, it is a matter of regret that, because of pressures within the European Union, it has not followed suit. That is something that we continue to advocate for because it allows a degree of free rein for Mr Dodik.

I turn to other specific measures we have been taking. At our instigation, the Media Freedom Coalition published a statement expressing its concern at declining media freedom in Bosnia-Herzegovina and at recent legislative changes in Republika Srpska. Over 20 countries have given their support to this statement.

We are also helping to maintain a secure environment by developing the capacity of the Bosnian armed forces; I know that my noble friend Lady Helic is very much focused on that. In addition to bilateral training and donations of equipment, we have contributed £1 million to NATO's defence capacity-building initiative. The presence of EUFOR Operation Althea remains vital to peace and security; the noble Lord, Lord Purvis, focused on this, as did my noble friend. I assure all noble Lords that we will work with allies to see the executive mandate renewed at the UN Security Council in November.

I am aware that my noble friend has written to the Secretary of State for Defence. In my meeting with the Minister for the Armed Forces I raised these issues directly. He assured me that we continue to support security and stability in Bosnia-Herzegovina and our contributions to NATO HQ, to which I have referred. We are keeping the UK position on rejoining EUFOR under review, but we have not yet formally engaged with the EU; as my noble friend is aware, this would require approval from all member states.

However, at the invitation of the Bosnian Government, I can confirm today that next week the UK will be deploying up to 80 personnel from the First Royal Anglian to train alongside the Armed Forces of Bosnia and Herzegovina personnel. I emphasise that this deployment is part of our bilateral defence relationship with Bosnia-Herzegovina, not an operational deployment, but it again sends a strong signal from the UK. The deployment presents a good opportunity for capacity building and developing interoperability between UK and Bosnian forces. I know that the Secretary of State will be writing to my noble friend in response to her letter specifically.

We are taking further steps. Noble Lords mentioned the wider region, Serbia directly, the situation in Kosovo and the need to avoid further escalation. The Prime Minister reinforced this message with both President Vučić of Serbia and President Osmani of Kosovo at the European Political Community on 5 October. This will be key to moving beyond the current situation and finding acceptable solutions. We also continue to make it clear to the Serbian authorities that they need to co-operate fully with Kosovo's investigation, now under way in co-ordination with EULEX, and fully reverse the build-up of troops. We are likewise clear with the Kosovo authorities on the need to communicate positively and effectively with citizens from minority communities.

Our engagement with the Western Balkans is not limited to addressing these immediate concerns. We have a political relationship with all six countries. Ministers from the FCDO have made over a dozen trips to the region since 2021; in the last month alone, the Minister for Europe has visited Montenegro, Bosnia-Herzegovina and Serbia, as well as Croatia and Slovenia. Most recently, my right honourable friend the Foreign Secretary visited Tirana for the Berlin process Foreign Ministers' and leaders' meetings on 6 and 16 October respectively—a key opportunity to engage with the political leadership of all six western Balkan countries.

We engage directly with the provision of troops in support of KFOR. The Prime Minister's Special Envoy, our noble and gallant friend Lord Peach, is frequently in contact with regional Governments. In August, together with the noble and gallant Lord, I attended the Bled Strategic Forum where the future of the Western Balkans was a central theme. I spoke at the Western Balkans breakfast and had bilateral meetings with the deputy Foreign Minister of Bosnia-Herzegovina as well as meeting with the Serbian and Bosnian Foreign Ministers.

There is much happening in this area. My noble friend Lord Dundee focused on some of the economic opportunities. The UK is providing up to £14 billion for major projects through UK Export Finance, as well as looking at the current situation. We are also working with transatlantic partners. I attended an event hosted by Secretary Blinken in New York last month, during which I underlined the need for the international community to use all its tools to put the Western Balkans back on the path towards greater stability and progress.

We are undertaking several other initiatives but, in closing this debate, I assure noble Lords that we are fully committed to ensuring the long-term security, stability, sovereignty and integrity of the different countries of the Western Balkans. We are also aware of the current challenges and those forces that seek to cause further division. The Government are fully committed to the security and stability of that region, and we will continue to focus in this respect by working with our international partners, as my noble friend suggests.

We are also working directly with the Governments of the Western Balkans to build those inclusive, sustainable, democratic societies that have resolved the grievances of so many in the past. We will remain focused in this way on ensuring that the current instability

is replaced by stability and that the current insecurities are dealt with by co-operation. Together, and working together, we can ensure a prosperous future for the citizens of the wider Balkans.

Transport: Zero-emission Vehicles, Drivers and HS2

Statement

The following Statement was made in the House of Commons on Monday 16 October.

“With permission, Mr Deputy Speaker, I wish to make a Statement on how this Government are improving the journeys that matter most to the British public.

Our path to net zero remains ambitious, but we are making that path more proportionate. We are backing Britain’s drivers and slamming the brakes on anti-car policies. Thanks to record government investment, everyday journeys for more people in more places will improve more quickly.

I wish to update the House on three long-term decisions we have made to secure a brighter future, starting with zero-emission vehicles. No one should doubt or play down Britain’s progress on decarbonisation. ‘World leading’ is not an exaggeration. We have cut emissions faster than any G7 country, pledged a decarbonised transport sector by 2050—the first major economy to do so—and today we have laid another world-leading piece of legislation: the zero-emission vehicle mandate. Manufacturers will now meet minimum targets of clean car production, starting with 22% next year and reaching 80% by 2030. It stands to be one of the largest carbon-saving policies across government, and manufacturers are on board. They will deliver a mandate that they helped shape, a product of partnership between this Government and industry that has been not months but years in the making. These targets are now embedded in their forecasts, and that certainty has inspired investment, protected existing jobs and paved the way for new jobs, too. Look at the past few months: BMW, Stellantis and Tata are expanding their electric vehicle operations right across the UK, from Oxford to Merseyside.

However, targets can be missed if Governments fail to take people with them, and we will not make that mistake. So, people will be able to buy new petrol and diesel cars until 2035, aligning the UK with the likes of Canada, Australia and Germany. It is fairer on British consumers, it allows us to grow the used EV market—lowering costs and increasing choice—and it ensures we raise confidence in our charging infrastructure. In fact, public charge points are already up by 43% since last year and set to grow even further thanks to investment from both the Government and private sector.

For many, that is the future, but today, in some parts of the country, drivers are being punished and cars vilified. The Mayor of London’s expansion of the ultra-low emission zone is forcing drivers to sell up or pay hefty daily fines. Overzealous enforcement practices—from yellow box junctions to blanket 20 mph zones—are turning drivers into cash cows for councils. Measures to overly restrict where and when people travel are already being planned in places such as Oxfordshire.

My message to councils is simple: this anti-motorist campaign has run out of road. This Government recognise that cars are not a luxury; they are a lifeline. They are how most people in rural constituencies such as mine access work, education and essential services. That is why, after listening to the concerns of motorists, I have announced a new long-term plan for drivers, with 30 measures that will protect their rights to travel how they want, where they want and when they want.

We will use AI technology to keep traffic flowing. We will build a national parking platform to make it easier to find and pay for a space. We will inject some common sense into enforcement: where 20 mph zones are necessary exceptions with local support, not a blanket norm; where rules are enforced to keep our roads safe, not to line council coffers; and where low-traffic neighbourhoods rely on public support, not on outdated Covid guidance. How many times drivers get from A to B will be their choice, not decided by councils. None of that undermines our investments in public transport, nor in active travel. We are pro public transport, but we will not be anti car. A sustainable transport network needs both, so people can choose to travel in the way that best suits them.

Let me now turn to our decision on HS2. With decades to wait before it arrived and benefits dwindling, it risked crowding out investment in other transport areas and no longer reflected post-pandemic changes in travel. Despite that, some argue that we should have carried on regardless—that a single rail line between a handful of cities and London is more important than millions of everyday journeys around the country. I disagree. The facts have changed, so we are changing our approach. With work well under way, we will finish HS2 between London Euston and the West Midlands. Just last week, I spoke to the Euston Partnership Board on the huge regeneration opportunity that can be unlocked with private investment. However, by stopping HS2 in Birmingham, we can reinvest every penny of the £36 billion saved in transport across the country, in the roads, the local bus services and the regional train links—all those essential daily connections that people rely on.

No region will lose out, receiving either the same, or more, government investment than under HS2. Almost £20 billion will go to the north, with Bradford, ignored under previous proposals, now getting a new station and faster rail connections to Manchester. Northern Powerhouse Rail is now extended to include Hull and Sheffield. A separate £12 billion fund will better connect Liverpool and Manchester, and I have already spoken to the Mayors of Greater Manchester and the Liverpool City Region to kickstart work on that.

West Yorkshire, thanks to £2.5 billion of funding, will finally get its mass transit system built in full. Over 20 road schemes will be delivered, and crucially, we will more than double the transport budgets of northern mayors, benefiting our largest cities and smallest towns.

We are also investing in the Midlands, with almost £10 billion ensuring the Midlands Rail Hub is completed in full, increased mayoral budgets, including £1.5 billion for the new East Midlands city region, and councils—from Stoke on Trent to Lincolnshire—seeing long-term transport funding settlements for the first time.

[LORD AHMAD OF WIMBLEDON]

Finally, the remainder of this transformational investment will be spread across the UK, including: extending the hugely popular £2 bus fare cap, which people will see the benefit of just next month; delivering the Ely junction project and north Wales mainline electrification, benefiting both passengers and freight; and dealing with the menace of potholes, with £8.3 billion in new funding to resurface roads up and down the country. All told, Network North is a new vision for transport—one that creates more winners in more places, one that prioritises people's everyday journeys, and one that drives the growth and jobs that this country needs.

I will finish with this: we will never shirk the long-term decisions to secure this country's future and we will always be guided by the needs of the British people. When the majority want a pragmatic route to net zero, we will back them. When drivers feel unfairly targeted, we will back them. When the public want us to focus on the journeys that matter most to them, we will back them. This Government are delivering on the people's priorities. I commend this Statement to the House."

7.56 pm

Baroness Taylor of Stevenage (Lab): My Lords, this government announcement on the scrapping of HS2 was the cancellation of Europe's largest infrastructure project. The announcement was made outside of Parliament just a few days after we had gone into recess. There is no other way to describe this than that it shows utter contempt for Parliament and for those affected by the decision.

This announcement was made in Manchester about the infrastructure project that was designed to support levelling up for—guess where?—Manchester. That shows contempt for the people of that city. The announcement was made without consultation with the elected mayors and council leaders of any of the areas affected; they too were treated with contempt. The announcement was made in spite of the lives already disrupted by the progress of HS2: the owners of farms, homes and businesses where the hurt and harm had already been done—all of them treated with contempt. The announcement was made in spite of disruption to families and businesses at Euston, who now face the prospect of a black hole where the interchange should have been. They too were treated with contempt.

But the greatest contempt from this Government, in all of this sorry tale, has been their contempt for the British people: a high-speed railway line from London to Manchester that goes to neither central London nor Manchester; a decision taken but denied for days, in spite of the fact that the video recording of the announcement had already been made in Downing Street days before the Prime Minister's visit to Manchester; a list of alternative schemes on which the funding would be spent, which appear to have been cobbled together on the back of a fag packet, and 85% of which were schemes already delivered, some many years ago, non-existent schemes or jack-in-the-box schemes such as Bradford railway station, which pop up every time a Minister needs to make an announcement only to disappoint communities again when they get pushed back inside the box and re-cancelled.

Then, there is the funding wasted. Seriously, the Government must think the people of this country are stupid. I have some questions for the Minister. Exactly when was this decision taken? When was the recording of the announcement made? Why was this not reported to Parliament before our Conference Recess? Why was there no consultation or discussion about the cancellation of this part of HS2 with the mayors and leaders of the areas affected before the announcement was made? How is it now planned to improve the failing, inefficient and overcrowded services on the west coast main line—of which many of us have had very recent experience—and the east-to-west services in the north of the country? How will we restore the confidence of investors and businesses to deliver major infrastructure projects in this country after this debacle?

The cancellation of HS2 at the same time as the Prime Minister is rowing back on climate change commitments and painting himself as the champion of the fossil-fuel car risks undermining not only this country's reputation on green issues but the economic growth, innovation and investment that a move to zero-carbon transport would generate.

Baroness Randerson (LD): My Lords, what a shambles. In their frantic search for a few more votes in order to cling on to power, this Government have abandoned their pretence at leadership on decarbonisation. They have abandoned their pretence to modernise our public transport system along with any claim to care about pedestrian safety or clean air, which is so important for our health and particularly the health of our children. It is important to remember that 20 mph zones are not anti-motorist; they are pro-pedestrian. You are five times more likely to die if hit by a car at 30 mph than at 20 mph. I remind noble Lords that fewer than half of us as a percentage of the total population drive cars, yet almost all of us are pedestrians.

By abandoning targets for electric vehicles, the Government have undermined the automotive industry and deterred new investment. The Statement refers to an increase in the number of charge points, but the huge restriction on that expansion in their number, especially at motorway services, is the capacity of the grid. So what plans do the Government have to expand that capacity?

Of course, HS2 has not been well managed—the current Government have been in charge—and it is costing a great deal. It is not good value for money because the Government have turned it from an ambitious high-speed project into a short-distance shuttle. It is a fact that it costs more per mile to build any form of infrastructure in the UK than in almost any other country in Europe. Rail infrastructure costs are generally twice the amount per mile of those in France. Will the Government hold an inquiry, not just into HS2 and how it came to cost so much and go so badly wrong, but into why we are so bad at building major infrastructure projects that provide value for money?

The Prime Minister announced a list of replacement projects, many of which were just recycled announcements. One of them, the Manchester Metrolink to the airport, has actually been in force for nine years. The Government then said that this was just an illustrative list—"This is

a road”; “This is a railway”—but we did not need that sort of illustration. Can the Minister clarify the status of the wishlist? How and when will final decisions be made?

There was an announcement of £8.3 billion for potholes. We have plenty of potholes, I will give the Government that, but I am suspicious of the amount because it sounds to me like a difficult figure to account for. We might find it difficult to track whether that money has gone fairly across the whole country to the areas that need it most. Can the Minister explain the mechanisms the Government intend to use for the disbursal and spending of that significant amount of money?

The Parliamentary Under-Secretary of State, Department for Transport (Baroness Vere of Norbiton) (Con): I am grateful to both noble Baronesses for their contributions on this incredibly important Statement. It is the case that the Government had to make a difficult decision. The facts have clearly changed, and we needed to change our approach. All noble Lords will know that the situation with business travel is very different nowadays. Leisure travel has increased but business travel did not come back. On the basis of those facts, we had to make some decisions.

In doing so, though, we have repurposed the investments that would have been made in HS2 into a vast array of investments—mostly in the north, I will grant, but then I am often asked about investments in the north. I am delighted that about two-thirds of this investment will go there while much of the rest will go to the Midlands. I am really excited by the various investments that the Government have set out. Many of those were not mentioned by the two noble Baronesses but I will try to work them into my answers because there are many. Neither noble Baroness mentioned buses. We love buses, and we are investing an additional £1 billion in them. That is the sort of thing the noble Baronesses have been pressing me to do for a very long time and we are doing it—but no, there were no thanks for those sorts of things. I will answer their questions, but I will try to get the good news in as I can.

The noble Baroness, Lady Taylor, asked me a number of questions. She will have to forgive me; I am afraid they came out very quickly and I was doing my best to try to follow them, but I will try to answer them. The decision was taken by the Secretary of State the day before the announcement. Obviously, there was a Cabinet meeting on the day of the announcement to discuss the decision and to reach collective agreement, and it was then announced by the Prime Minister. Had that agreement not been reached, the Prime Minister would have been unable to announce the cancellation and the massive investment which is the corollary to the cancellation, and the video would not have been played. I cannot get too excited about a video.

However, I will be clear that this is a decision for the Government. It is a government programme. The Government set the policy direction of HS2, and HS2 Ltd is responsible for the delivery of the railways, so it is a government decision, a national decision. However, as the noble Baroness will know, and I am sure she is delighted to hear, the Government are committed to investing £12 billion to improve the speed and east-west

connectivity between Manchester and Liverpool. For those sorts of things—that vast sum of money that will be invested in east-west connectivity—it is up to local leaders to help us shape that investment. The noble Baroness will also be pleased to know that we have started discussions with the metro mayors and their teams on how we are going to get the best out of that £12 billion.

It is worth talking about delivery. Many of the projects that were in the package are delivered by different people. This is an important aspect to understand: the Government can shape the programme of National Highways and indeed Network Rail but, when it comes to investment, for pretty much everything else we are reliant on local partners, and that is absolutely right. People throw the criticism towards the Government, “Oh, but your list is somehow illustrative”, but of course it is. We are not going to drive a coach and horses through local democracy. In the LLM and MRN projects, not only has funding being topped up for about 70 road schemes, so that they will be funded 100%, but we are doing another round of funding. However, neither of those things can be done without the agreement of the local authority. It is up to the local authority to bring forward projects for consideration for funding, and indeed to develop the business cases. So, for some projects, in five years’ time the noble Baronesses may turn round to me and say, “Baroness Vere, you did not deliver on that project”, but that probably would not be down to the Government. It would be down to the local authority deciding that, for whatever reason, it was not right for their area, and that is fine.

The noble Baroness, Lady Randerson, had a lot of questions that I think I was able to write down. I will try to address as many of them as I can. She somehow accused the Government of scrabbling around for a few more votes. Gosh, that sounded like a Lib Dem by-election candidate campaigning against HS2. The Lib Dem Front Bench must find it very amusing that they campaigned against what was party policy.

The noble Baroness mentioned the issue of low-traffic neighbourhoods and investment in active travel. I am proud of the fact that this Government stand with those who drive cars. Cars are not a luxury; they are a lifeline. However, we are very clear that our investment in active travel will continue. We are clear that 20 mph zones need to have local support. We think that enforcement should be pragmatic—of course it should; that is just rational and reasonable. In our long-term plan for drivers we set out 30 measures that we think will help people travelling around in their cars day to day. As all noble Lords will know, many more people use their cars than use the trains, for example.

The noble Baroness, Lady Randerson, mentioned zero-emission vehicles and that somehow this was very destructive for the industry. I would like to reassure her that we are working closely with the industry and that the manufacturers are on board. We have seen investment in the UK from BMW, Stellantis and Tata, expanding their electric vehicle manufacturing operations. Of course, we have also brought ourselves into line with great nations such as Canada, Australia and Germany. We are not unusual or an outlier in doing this at all; we are just being pragmatic.

[BARONESS VERE OF NORBITON]

I will admit that we need to continue focusing on charging points, and we absolutely are. They have gone up by 43% since last year and continue to go up very quickly indeed. We work closely with the DNOs on making sure that there is grid capacity at motorway service stations and elsewhere, and that continues all across the country.

The noble Baroness mentioned the business case for phase 1 of HS2. I think she referred to it as some sort of shuttle or whatever. I am sorry, but that shuttle she referred to has a BCR of between 1.2 and 1.8, which is very reasonable for such a large infrastructure project. She also asked why it cost more. HS2 is costing more because it goes through some very densely populated areas. There are significant amounts of tunnelling, with six big tunnels in phase 1 alone, and significant environmental mitigations. Of course, if the noble Baroness wants us to remove the environmental mitigations, I am sure it would be much cheaper, but this Government would not do that.

I do not accept that we need an inquiry as to why we are in the situation that we are, because a lot of people scrutinise our major infrastructure projects all the time. The Infrastructure and Projects Authority and all sorts of other people do so, including the Transport Select Committee.

The noble Baroness mentioned the potholes funding, which involves a really important amount of money. It is not only about potholes; it will literally enable local councils to resurface roads, which I know many noble Lords will be able to support. Again, it is being skewed towards the north because this funding goes to where that money would otherwise have been spent. However, there will be £3.3 billion to the north, £2.2 billion to the Midlands and £2.8 billion for the rest of the country over 10 years. That will make a significant difference. It is in addition to the money allocated in the spending review of 2021, and in addition to what the usual expectations from a local council would be. This is new money, and that additional money will make a huge difference to our roads.

8.12 pm

Lord Berkeley (Lab): My Lords, many noble Lords and other people have said to me, “You must feel very pleased that you won and it got cancelled”. I do not look upon it that way at all. I have been campaigning for many years now because the cost of HS2 was ballooning, but my main reason was that I thought it was the wrong project for what was being built. The costs had gone right out of control and the Prime Minister made the right decision. I am sorry that lots of colleagues will disagree with me.

The question we have to ask the Minister, and ourselves, is: what next? The Prime Minister made the commitment to £36 billion being spent on public transport and other things. That is set out in some ways in the *Network North* document. I am very pleased to know that some of my friends in Devon and Cornwall will get a slice of something called Network North—well, that is all right. We have to make sure that this is actually delivered. The most important thing for me is to see the delivery in the hands of people such as the noble Lord, Lord McLoughlin, and his

team opposite. They actually represent the transport people in the Midlands and the north who will be the users of whatever gets done there, to some extent. I hope that devolution will help to support that and that they will be given enough money and decision-making powers to make it work.

My questions to the Minister include one or two urgent ones. What about safeguarding of the land? How much of it will be reduced or removed—and when—in phase 2a, phase 2b west and any other bits that do not get used? What is going to happen to the bit between Birmingham and Old Oak Common or Euston? It could do with a repurpose as a railway, but there are ways of saving money without affecting the effect at all.

My final question is: what is going to happen at Euston? The Statement is clear that there is going to be a development company involved. But then I read something else in the press which said that there is no government money going into this and that if the development company cannot make it work, it will not get built. That is not good news for the people who live around there. I remind the Minister that if the project stopped at Old Oak Common, which I still think is perfectly reasonable, she would save £12 billion, on my figures. Maybe that does not matter and maybe it does. We also need to have a proper design of the tunnels going into Euston, because there is no safe design. We presented one to the Select Committee about 10 years ago. It got rejected by HS2, but it may be worth looking at that again. I am very happy to sit down with the Minister and anybody else to talk about this further.

On this very rare occasion, I support what the Prime Minister has said. Let us make it work in the future.

Baroness Vere of Norbiton (Con): I am very grateful for the noble Lord’s support for the Prime Minister’s decision. I would like to reassure him that another piece of good news, which I have not been able to talk about so far, is the massive increase in CRSTS—the city region sustainable transport settlements. We are adding billions of pounds to the second tranche of this. These are very significant amounts of money. For example, Greater Manchester will get an additional £1 billion. Again, the same is going to the West Midlands. We are adding to the £8.8 billion that we had already said the mayors would get. There will be several billions of pounds; forgive me, I cannot add it all up in time. It is sufficient to really turbo-charge some mass transit schemes. For example, in West Yorkshire we have committed £2.5 billion to fund a mass transit scheme in full. Finally, Leeds and the surrounding areas will have one, which will be amazing. That is a very positive thing. We recognise that devolution to the metro mayors is a good thing.

On safeguarding matters, we recognise that there is an issue with safeguarding and blight. We will be going through the proper legal processes and following them for properties that are no longer needed. For phase 2a, the safeguarding will be formally lifted within weeks. For phase 2b, it will be lifted next summer—the rationale for that is that there will still be some significant rail infrastructure projects in the north, and we need

to make sure that we do not sell land we subsequently need. As the programme is developed, that land will either be sold or kept if it is needed.

On Euston, I am going to have to disagree with the noble Lord. I think that sometimes the private sector can do wonderful things. I refer the noble Lord to Battersea Power Station. If noble Lords have been there, they will know it looks quite remarkable. That attracted £9 billion in private sector investment.

Baroness Humphreys (LD): My Lords, I am sure the noble Baroness can imagine the delight of seasoned north Wales travellers, like myself, when they heard the Prime Minister mention the electrification of the north Wales main line in his conference speech. Can the Minister clarify whether the Prime Minister's commitment to the electrification of the line is a cast-iron commitment or if it was included in his conference speech merely for illustrative purposes, as he now says other schemes were? I may be dubious and cynical, but history teaches us in Wales what happened to the commitment to electrify the Cardiff to Swansea line. If it is a commitment, can the noble Baroness inform us when work on the business case for the project will start?

Baroness Vere of Norbiton (Con): I do not know for sure, but I imagine that work on the business case will have already started. All these projects are at some point in the whole business case process, which, as the noble Baroness will know, is very lengthy. We are very committed to the upgrade of the north Wales line. It is completely due, and it is our ambition to work with Network Rail and other delivery partners to make sure that we do it in the most effective way.

Lord McLoughlin (Con): My Lords, I declare my interest as chairman of Transport for the North. I say to my noble friend that I realise the position she faces defending this decision. For the last 13 years, any Minister standing at the Dispatch Box would have been saying why HS2 was, in fact, the right decision. Big transport infrastructure projects are always incredibly difficult. They are never without controversy and this scheme certainly was not.

I believe that the scheme, as originally designed, was the right one. I find it ironic that I could go from London to Paris, Brussels or Amsterdam on a high-speed train, but I cannot do the same for the great cities of the United Kingdom. It is an argument I made as Secretary of State, and I am not going to deflect from it now. I believe that overall it was the right decision for United Kingdom plc.

However, my noble friend keeps referring to the work that will carry on with the metro mayors. It is a great pity that they were not consulted before this decision was made. I find it rather ironic that, on the Tuesday the Prime Minister was telling us all that he was not going to be rushed into a decision, but then he made it a major part of his conference speech on the Wednesday. I have been involved in prime ministerial conference speeches in the past, and they are not usually put together in the last few hours before delivery.

Can my noble friend tell us now that we are going to get every transport plan we ever wanted because we have freed the schemes and we will see a utopia as far

as transport is concerned? Some of this money seems to be going into revenue rather than capital investment, which is an interesting thing to see eventually on the department's accounts.

This is not going to go away. A lot of people have been affected by this particular scheme and have had things compulsorily purchased for HS2 which are no longer going to be wanted. I do not think we will have heard the last of some of the problems that will be facing us as far as HS2 is concerned over the next 12 or 18 months, or even the next two years. This is something that is going to continue.

Ministers can point to Birmingham and say what HS2 is doing for Birmingham. I am sorry that that is not going to be done for our other great cities. That is a regretful notion that we will come to think and talk about. However, we have to make sure there is greater connectivity between our great northern cities, because there is a potential that is untapped. It needs tapping if the United Kingdom is truly going to be a country of equal opportunities across all of its regions.

That is what I hope will happen over the next few months. A decision has been made, and it does not look like the Official Opposition will say they will reverse it. If they did say that, it might change some of the argument, but they are not doing so yet. That also needs to be borne in mind. The implications of what has been announced will take some time to debate, and it will take time for the full ramifications to become known.

Baroness Vere of Norbiton (Con): I am grateful to my noble friend. I note his reflections and, to be honest, I share his disappointment to some extent, but I accept the decision. He made some valid points about the challenges that still face the HS2 project as a whole, and I agree: there are no major infrastructure projects that do not have significant challenges. But it is heartening to know that the Government are beefing up the governance arrangements of HS2 Ltd. A new chief executive is being recruited, and Sir Jon Thompson, the new chair who took his place in February, is very much involved in the recruitment to make sure that we get the right person to take the project forward.

My noble friend mentioned that there is some switch from capital to revenue—that always makes a Transport Minister excited because we do get much revenue funding in transport—but it is still mostly capital, of course, because we are talking about capital spend. This is an opportunity to mention one other piece of good news that I have not been able to mention to date: the “Get Around for £2” bus fare cap has been extended to the end of December. Again, that is revenue spend, and it is being used by millions of users. It has been really well received, and I am very pleased that we have been able to extend it.

Lord Faulkner of Worcester (Lab): My Lords, I remind the House of my interest as chairman of the Great Western Railway stakeholder board. It is a privilege to follow the noble Lord, Lord McLoughlin, who in the view of many of us was the most outstanding and successful Secretary of State for Transport in the past 12 years. The very good sense with which he spoke in this debate is an indication of why he is regarded with such respect.

[LORD FAULKNER OF WORCESTER]

The noble Lord was absolutely right in all his points. I do not intend to repeat them, but I would like to address the Minister, for whom I feel enormous sympathy because she has defended High Speed 2 day after day from that Dispatch Box and has not been supported by everyone in the House—and certainly not by everyone on the Benches behind her. She has now come along to defend a decision that is, frankly, absolutely indefensible because of the damage it does to the future prospects of the great cities of this country, as the noble Lord, Lord McLoughlin, said.

I have one question, which occurred to me when I heard the Prime Minister's statement and read the documents today: what has happened to Great British Railways? Has it now been completely junked? If so, would it not be honest of the Government to say so? It is not a question of waiting for parliamentary time or using other means of establishing Great British Railways, about which I have written to the Minister. Is it still the Government's intention that there will be a guiding mind and that the decisions about the future of British railways will at last be taken by people who understand how they work?

Baroness Vere of Norbiton (Con): I reassure the noble Lord that it is still the Government's intention that there will be Great British Railways. As I have said previously, it will depend on parliamentary time, but an enormous amount of work is of course going on in the meantime to establish an interim guiding mind to get as many things as we can. There are matters to work through as we develop the guiding mind principle—industrial action obviously being one of them—to give the senior leadership the head space they need to make some significant changes to establish a guiding mind.

Baroness Bennett of Manor Castle (GP): My Lords, freeing roads for people and cyclists and reducing urban road speeds are a public health measure as well as a transport measure. They are a move to benefit small independent businesses in city centres as well as a step towards improved road safety, of course. A review was published in *The Lancet Public Health* journal, gathering research on low-emission schemes from around the world. Five of eight showed a clear reduction in heart and circulatory problems, and none showed a worsening. In Oxford, where Broad Street's parking has been removed and new LTNs have been created, the city-centre footfall has grown by 15%, versus a UK average of 0%, while the shop vacancy rate is 6%, versus 13% in the south of England. Should not decisions about road use and conditions be made locally—as they have been in the Prime Minister's own constituency, where North Yorkshire Council is significantly expanding 20 miles per hour speed limits—rather than be imposed from faraway Westminster?

Baroness Vere of Norbiton (Con): Yes, they absolutely should and, of course, the Government issue guidance for local authorities to make those decisions.

Lord Shipley (LD): What has happened to the money saved from the cancellation two years ago of the eastern leg of HS2 into Yorkshire, linking with the

east coast main line? The Statement refers to a saving of £36 billion by stopping HS2 at Birmingham, of which £20 billion will go to the north. I am not clear from the Statement or from the Network North document what the plans are for the upgrade of the east coast main line, which has been consistently promised but does not appear in these documents. This is an issue of great concern to me, but it may be that the upgrade money is actually identified and the saving the Government have generated in the eastern leg link through Leeds and to the east coast main line is part of the £36 billion. I do not think it is—I think it has already been delivered as a saving—but I do not know where the money has gone. The Minister may like to write to explain that issue.

Baroness Vere of Norbiton (Con): I would certainly like to give more information. My notes say “east coast main line”, but they do not exactly say what that means. It is our intention to continue the work we had planned there, as it is with many of the wider schemes in that area.

The focus of the announcement was very much on the savings from the cancellation of the route to Manchester, because that is much further developed. The Manchester line would have been open by 2041, so we were looking at savings over that period. Looking even further into the distance would really stretch noble Lords' credulity—but over that period up to 2041 we can see the projects coming through. I shall write with further information on the east coast main line.

Baroness Pinnock (LD): My Lords, having just last week travelled by high-speed rail from London to Switzerland, it is shameful to me that the country does not seem able to be part of the great European high-speed rail transit system, especially for those of us who live in the north of the country—although that now includes the south-west and the Midlands. That brings me to the great cities of the north of England: Liverpool, Manchester, Bradford, Leeds, York, Newcastle and Hull. Currently, they are served by the worst performing of all the rail network companies, and the routes are not electrified. Can the Minister give us an absolute guarantee that the trans-Pennine route from Liverpool to Hull and all those other cities will be fully electrified, using capital that has been reallocated to northern transit systems? By fully electrified, I mean including under the Pennine section.

Baroness Vere of Norbiton (Con): What I can say to the noble Baroness is that our plans for the trans-Pennine route upgrade continue, and all the cities she mentioned are ones on which we have a laser-like focus. She mentioned Bradford, which got left out of the IRP. We had to make difficult decisions in the IRP, and we have been able to put that back. We will be looking at routes to Hull and Sheffield. I have already talked about the Manchester to Liverpool investment of £12 billion. As a Government, we recognise that east-west across the north is very poorly served at the moment, and I am very pleased that we are able to make such an investment.

House adjourned at 8.34 pm.