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HOUSE OF COMMONS
OFFICIAL REPORT

PARLIAMENTARY DEBATES

(HANSARD)

Tuesday 12 July 2022

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The House met at half-past Eleven o'clock

PRAYERS

[Mr Speaker *in the Chair*]

Oral Answers to Questions

BUSINESS, ENERGY AND INDUSTRIAL STRATEGY

The Secretary of State was asked—

Photonics Industry

1. **Anthony Mangnall** (Totnes) (Con): What recent steps his Department has taken to help support the photonics industry. [R] [901015]

The Secretary of State for Business, Energy and Industrial Strategy (Kwasi Kwarteng): My hon. Friend will be aware that photonics is one of the seven technology families highlighted in the innovation strategy with the absolute intention of showing and developing its domestic potential and the exports possibilities.

Anthony Mangnall: I thank the Secretary of State for his response, but he will know that photonics is completely undervalued across the United Kingdom and that south Devon is home to a large contingent of the photonics sector. With that in mind, can I invite him or presumably his successor, if I am allowed to say that, to the iMAPS—International Microelectronics Assembly and Packaging Society—conference on 18 October to safeguard and flag up the photonics sector?

Kwasi Kwarteng: My hon. Friend will appreciate that in the current circumstances 18 October is a very long time away, but of course I will do my best to attend that conference.

Carol Monaghan (Glasgow North West) (SNP): As chairman of the all-party parliamentary group on photonics and quantum, I am well aware of the huge success of the UK photonics sector, but its future depends on a thriving semiconductor industry based here in the UK. The UK has that capability, but we need the semiconductor strategy. Could the Secretary of State update the House on when we can expect to see that strategy?

Kwasi Kwarteng: By a curious anomaly, the semiconductor strategy is fully owned by the Department for Digital, Culture, Media and Sport, so that question could be directed to it, but I am grateful that the hon. Member has acknowledged the booming sector here in the UK.

Energy Price Cap: Living Standards

2. **Martyn Day** (Linlithgow and East Falkirk) (SNP): What recent discussions he has had with Cabinet colleagues on the potential impact of increases in the energy price cap on living standards. [901016]

The Secretary of State for Business, Energy and Industrial Strategy (Kwasi Kwarteng): We talk in Cabinet about the cost of living and the price cap all the time. The hon. Member will know that decisions on the level of the price cap are for Ofgem, but it is something we are constantly talking about in Cabinet.

Martyn Day: MoneySavingExpert's Martin Lewis has asked a great question over social media:

"The energy price cap's predicted to rise 64% in Oct taking a typical bill to £3,244/yr; & rise again in Jan to £500/yr more than when May's help package was announced. What'll u do to avoid this & when?"

How would the Secretary of State answer that question?

Kwasi Kwarteng: The hon. Member will know that the various parts are moving in the Government, but I am sure there will be the customary statement or Budget in November from my right hon. Friend the Chancellor of the Exchequer, and I am sure there will be some interesting measures there to deal with that particular question.

Sir Christopher Chope (Christchurch) (Con): Will my right hon. Friend explain how people who live in park homes are going to be able to benefit from the £400 donation from the energy price cap?

Kwasi Kwarteng: I am very pleased to tell my hon. Friend that we recognise the difficulty there. There was a loophole, but we are in the process of consultation about how to deal with that particular issue.

Mr Speaker: I call the SNP spokesperson.

Stephen Flynn (Aberdeen South) (SNP): I am afraid the Secretary of State just does not get it. As we now know, by the end of the year fuel bills are going to increase by an amount greater than the financial support that has been put in place by his Government. One third of someone's state pension is going to be required just to pay their electricity and gas bills, so I have a simple question, which I will repeat again: what are they going to do about it?

Kwasi Kwarteng: We have already announced, in the course of the past few months, £37 billion-worth of cost of living support measures this year. I have also mentioned that there will be a Budget in November, when I am sure there will be an update on this very issue.

Stephen Flynn: So nothing new, but let us face the reality as outlined by the abrdn Financial Fairness Trust just in the last couple of days: one in six households in the UK are now in "serious financial difficulties"—a number higher than throughout the entire pandemic—while inflation is sky-high, energy bills are sky-high, fuel bills are sky-high, clothing bills are sky-high, food bills are sky-high, wages are stagnating and we have the lowest growth in the entire G20, bar Russia. Britain is broken, isn't it?

Kwasi Kwarteng: I am not going to take any lectures from the hon. Gentleman about economic management when his core policy is to separate from the UK, which will have a devastating economic impact on people in Scotland. I am not going to take any lessons from him, thank you very much.

Oil and Gas Sector

3. **Fay Jones** (Brecon and Radnorshire) (Con): What recent steps his Department has taken to help support the oil and gas sector. [901017]

The Minister for Energy, Clean Growth and Climate Change (Greg Hands): The North sea transition deal sets out how the Government are working in partnership with the offshore oil and gas industry to achieve a managed energy transition that leaves nobody behind.

Fay Jones: I thank my right hon. Friend for that answer, but 66% of my constituents live off the gas grid and rely on heating oil deliveries to heat their home—obviously not in these temperatures today—and I am extremely worried about oil deliveries in the winter. Has my right hon. Friend got his eye on these constituents, who comprise a huge part of rural Britain?

Greg Hands: My hon. Friend is absolutely right. Wales is the part of the UK with the highest percentage of those off the gas grid, and I know that her rural part of Wales is therefore likely to be among the areas most affected by the rise in the price of heating oil. We have made sure that those off the gas grid but on the electricity grid will benefit from the £400 energy bill rebate. We have also put £1.1 billion into the home upgrade grant to provide energy efficiency and clean heating upgrades to support lower-income households living off the main gas grid. Obviously, we are continuing to monitor the situation extremely closely, particularly for the most vulnerable, most rural constituents such as my hon. Friend's.

Caroline Lucas (Brighton, Pavilion) (Green): The UK already has the lowest tax take anywhere in the world from an offshore oil and gas regime, so it is perverse that the Government's new investment allowance will essentially incentivise yet more oil and gas exploration at a time when we know that we absolutely need to leave fossil fuels in the ground. Given that the Secretary of State himself has said that it will take up to a decade to extract sufficient volumes from fracking, will he undertake to speak to his Treasury colleagues and make sure that fracking at the very least is excluded from this perverse investment allowance?

Greg Hands: I must say I find the Green party's attitude to these issues bizarre: it seems to be resolutely against any oil and gas extraction in this country, which could only mean it would be in favour of imports, and those imports would be higher priced, more volatile, likely to be from more dangerous parts of the world, and come with higher embedded emissions. The embedded emissions of liquified natural gas are about 2.5 times higher than the emissions from the gas we get from the UK continental shelf. The hon. Lady describes herself as a Green party politician, but I find her approach distinctly ungreen compared to that of this Conservative Government.

Research and Development Spending

4. **Henry Smith** (Crawley) (Con): What recent steps his Department has taken to help increase the level of research and development spending. [901018]

19. **Chris Clarkson** (Heywood and Middleton) (Con): What recent steps his Department has taken to help increase the level of research and development spending. [901036]

The Minister for Energy, Clean Growth and Climate Change (Greg Hands): We are providing the fastest ever sustained uplift in R&D funding, reaching £20 billion per annum by 2024-25. If association to Horizon Europe is not possible in good time to make the most of that programme, we will take forward a bold and ambitious package of UK alternatives.

Henry Smith: This country has been world-leading in its covid-19 vaccination programme and so much more in our pharmaceutical industries as well as the health sector. Can the Minister say a little more about what specific research and development investment will go into pharmaceuticals and the health sector? I would particularly like to mention cancer services and Alector oncology in my constituency which is expanding.

Greg Hands: My hon. Friend has always been a passionate advocate and defender of business in the Crawley constituency, specifically R&D projects and innovation, and I am glad he mentioned Alector and others, as they are important companies in his constituency. We continue to support investment in R&D through a vibrant research and innovation system that attracts private sector investment and drives up productivity across the UK, including in Crawley.

Chris Clarkson: We are on the cusp of a green energy revolution with hydrogen, modular nuclear and now fusion in the mix. What steps is the Department taking to ensure British innovation is in the vanguard of that revolution, thus ensuring our long-term energy security?

Greg Hands: My hon. Friend is always on the front foot on low-carbon energy and innovation in Heywood and Middleton. He will know that the Government's flagship £1 billion net zero innovation portfolio is making those important investments in hydrogen, advanced nuclear technologies and so on. On fusion, we are investing £700 million in research facilities and programmes over the next three years. My hon. Friend will also know that the energy security Bill we published last week includes launch pads for both hydrogen and nuclear fusion.

Mr Barry Sheerman (Huddersfield) (Lab/Co-op): That was the very first mention of hydrogen this morning. Does the Minister agree that there is such potential in hydrogen energy? We can already buy heavy goods vehicles and trucks that are hydrogen driven, and a network of hydrogen filling stations is being opened at the moment across our country. If he does agree, why does he not put more research money into hydrogen for every kind of energy use?

Greg Hands: We are 14 minutes into Question Time; I do not think that is too bad for the first mention of hydrogen. I realise that on the periodic table, it is No. 1—right at the top left—but that does not mean that it always has to be the first thing mentioned at Question Time.

The amount of money and resources going into hydrogen remains extremely strong. It is a really important part of the net zero innovation portfolio. Just over the past few months, I have been to the Whitelee wind farm just south of Glasgow to see the new hydrogen production facility there. That facility is going to do exactly what the hon. Gentleman wants us to do: provide hydrogen for vehicles, particularly buses. The whole of the Glasgow bus fleet and, indeed, the whole of the Glasgow dustcart fleet will be fuelled by hydrogen from that wind farm.

Dan Jarvis (Barnsley Central) (Lab): We need to increase investment in R&D; we also need to think carefully about where we spend it. In South Yorkshire we have some outstanding translational research institutions—the Advanced Manufacturing Research Centre and the Advanced Wellbeing Research Centre—in two outstanding universities. I know that the Secretary of State is supportive, but will the Minister pledge to work carefully with the Mayor and partners in our region so that we can unlock the huge potential in South Yorkshire?

Greg Hands: The answer is yes. We always welcome Mayors with a constructive attitude to working with the Government. If I am not mistaken, I have a meeting with the hon. Gentleman's colleagues next week. A delegation is coming to see me, led by—I think—the hon. Member for Sheffield Central (Paul Blomfield). It might be a different part of Sheffield; the Chair of the Select Committee on Levelling Up, Housing and Communities, the hon. Member for Sheffield South East (Mr Betts), is the Member I am thinking of.

Mr Speaker: Can I suggest that the Minister reminds Ministers in the other place that they are responsible to MPs in this House as well, and that they should meet with them? I hope that will be a clear message to the Lords.

I call Chi Onwurah, the Labour spokesperson.

Chi Onwurah (Newcastle upon Tyne Central) (Lab): Despite being critical to our world-beating research and a Conservative manifesto commitment, Britain's participation in the world's biggest science funding programme, Horizon Europe, is in peril. Before resigning, the then science Minister, the hon. Member for Mid Norfolk (George Freeman), took to Twitter to lobby the new Chancellor for funding for his plan B, but the Chancellor was busy trying to get the Prime Minister he had just accepted a job from to leave his job. Now, although the former science Minister has asked for his job back, the still in place, though disgraced, Prime Minister is too busy nobbling those going for his job to fill the science job. It is total chaos. Science deserves better, doesn't it?

Greg Hands: I thought that was a rather convoluted question, if you do not mind my saying so, Mr Speaker.

We in the UK Government are absolutely committed to getting a good deal for UK science, whether through association with Horizon Europe or through our plan B Horizon plan, which is also a fully funded approach to making sure that UK science does not lose out. Perhaps the hon. Lady might welcome the big boost in R&D spending in this country, with the most sustained uplift, from £15 billion today to £20 billion in two years' time—a 33% increase in just two years.

Fuel Market: Review

5. **Laura Farris** (Newbury) (Con): What recent discussions his Department has had with the Competition and Markets Authority on its review of the fuel market. [901020]

The Minister for Energy, Clean Growth and Climate Change (Greg Hands): On 11 June, my right hon. Friend the Business Secretary asked the Competition and Markets Authority to conduct an urgent review of the market for petrol and diesel. The CMA published its response on 8 July and has opened a market study into the fuel market, as my right hon. Friend requested.

Laura Farris: I thank my right hon. Friend for that answer. I know he has been working with the CMA on this issue, and I have read with interest its report on the discrepancy between the price of crude oil and wholesale prices. However, prices at the pumps in West Berkshire are still very high. My constituency is a rural one where people are completely reliant on their cars, so could my right hon. Friend provide an update as to when my constituents can expect to see better value at the petrol pumps?

Greg Hands: I pay tribute to my hon. Friend and other colleagues for leading the campaign and for pointing out some of the discrepancies in the market. I am delighted that the CMA is now carrying out a study. It found that rural fuel prices were consistently higher than those in urban areas, which is definitely worth a further market probe, so I urge her as a campaign leader and other colleagues to submit views and evidence to the CMA as it carries out its market study. One thing that was clear is that in the view of the CMA the duty cut put forward by the Government earlier this year was passed on to retailers.

Angus Brendan MacNeil (Na h-Eileanan an Iar) (SNP): The CMA would be greatly helped in the energy and fuel market, and especially in the production of hydrogen, by fairness in the TNUoS—Transmission Network Use of System—charges for transmission costs in the electricity networks. When will Scottish renewables producers stop paying £7.36 per MWh for transmission, when producers in independent EU countries pay about 46p per MWh—a difference of 16 times affecting the production of hydrogen, an important fuel?

Greg Hands: It is good to be back on hydrogen again. The hon. Gentleman will reflect, I am sure, on the answers I gave earlier on the success of hydrogen, particularly in Scotland. I will say two things in answer to his question on transmission charges. First, as he knows, transmission charges are a matter for Ofgem. Secondly, Scottish consumers benefit from transmission charges compared to consumers in the rest of the United Kingdom. He may wish to reflect on all the pros and cons of the policy he appears to be proposing.

Energy Price Rises

6. **Rachel Hopkins** (Luton South) (Lab): What assessment he has made of the impact of the rise in energy prices on (a) households and (b) businesses. [901021]

The Minister for Energy, Clean Growth and Climate Change (Greg Hands): The Government recognise the impact that increasing energy prices are having on households, which is why we are providing £37 billion in support for consumers this year alone. The Government are in regular contact with business groups and suppliers to explore ways to protect businesses.

Rachel Hopkins: Citizens Advice Luton has seen a 119% increase in local people saying they cannot afford their energy bills after April's price increase, even after cutting back on other essential spending. I heard the Secretary of State say that the issue is talked about constantly in Cabinet, but does the Minister recognise that the energy price cap increase later this year will push even more families into poverty and hardship?

Greg Hands: I completely agree with the hon. Lady in her analysis of the underlying issue: the big rise in global energy prices over the past 12 months. That is exactly why we are taking the action we are taking: £37 billion-worth of support for consumers and bill payers over the course of this year. That is a massive amount of Government support going into ensuring that people get the support they need to be able to pay those bills in the coming months.

Peter Aldous (Waveney) (Con): I am grateful to my right hon. Friend for outlining those measures. I sense it will be a very bleak winter; the energy price cap will play a role, but it would help if it were augmented by a social tariff. Will he advise on whether there have been any discussions in Government about the introduction of such a tariff?

Greg Hands: I thank my hon. Friend for that thoughtful question. Obviously, all these things are under review, but I remind him that we replaced the social tariff with other support schemes for bill payers under the coalition. That remains our position, but we—both the Department and the Treasury, and indeed, the whole Government—study these positions and issues very closely indeed.

Tim Farron (Westmorland and Lonsdale) (LD): It is very clear that the rising price of heating people's homes will be devastating and go well beyond anything the Government have done to help households so far. For people living off-mains who are reliant on heating oil, for example—19,000 households in Cumbria alone—there is no cap whatever. They have seen their prices more than double over the past 12 months. What will the Minister do to ensure people in rural communities like mine are not hit even harder than the majority?

Greg Hands: As the hon. Gentleman knows, we reflected on this issue in an earlier question. The Government are providing support for those who are off the gas grid. For example, those who pay an electricity bill will qualify for the £400 reduction this year. We have also put £1.1 billion into the home upgrade grant, on top of the £2.5 billion already deployed, to make sure vulnerable households, which could well include some of his constituents, are able to profit from the energy measures being put forward by the Government. His question on the price cap is a reasonable question to put. The information I have directly from the trade body UKIFDA—the UK and Ireland Fuel Distributors Association—is that a price cap would be extremely difficult for its members, the people in the retail market for heating oil, because it becomes very difficult for a small business to hedge. However, it is something I discuss with MPs, the industry and the trade body regularly to see what more can be done, and the situation is under constant review.

Katherine Fletcher: One thing we can do to bring energy prices down is have an absolutely massive expansion of renewable offshore energy, whether that is tidal or wind. Last week, I met National Grid, which will use Penwortham on the Ribble estuary coast as the point to onshore a lot of the electricity that helps to get our fuel bills down. Does the Minister welcome the fact that National Grid has seen the opportunity of Penwortham, and does he agree that we just need to make sure that the environment and the natural Ribble estuary are protected as the cables and the energy come forward?

Greg Hands: I thank my hon. Friend for her question and her constant very good and strong engagement on behalf of her Ribble valley constituents. Renewable energy is, of course, part of the solution. That is why we announced the allocation round for the latest auction of renewable energy last week. It was the most successful ever, with 10.8 GW of renewable energy coming to this country through the contracts for difference mechanism. It has been a huge success, and I welcome my hon. Friend's interest.

Mr Speaker: I call the shadow Minister.

Dr Alan Whitehead (Southampton, Test) (Lab): The Minister knows that, at present, all retail electricity supplies—whether they derive from more expensive gas or cheaper renewables—are charged as though they had all come from gas. He also knows how to decouple prices coming into the retail market, so that domestic and business customers can enjoy considerable reductions in their energy bills by getting the direct benefit of renewable prices. Why is he not legislating to do so?

Greg Hands: The shadow Minister raises an interesting and good point about how the UK electricity market is structured. That is one reason why we have launched the REMA—review of electricity market arrangements—process and why we are taking action in the Energy Bill on aspects of the domestic energy system that will yield real gains for consumers, such as the onshore distribution and transmission network, so that there will be more competition in the network. There will be other measures in the Bill, which I very much hope that he and the other Opposition Front Benchers will support in due course.

Low-carbon Technologies

7. **Ruth Edwards** (Rushcliffe) (Con): What steps his Department is taking to help support the creation of new low-carbon technologies. [901022]

The Parliamentary Under-Secretary of State for Business, Energy and Industrial Strategy (Jane Hunt): Low-carbon technologies are fundamental to meeting our net zero target and securing our energy supply. The Government have set out their ambition to invest up to £22 billion in research and development by 2026-27. Our £1 billion net zero innovation portfolio is accelerating the commercialisation of innovative low-carbon technologies, systems and processes in the power, buildings and industrial sectors.

Ruth Edwards: I thank the Minister for her answer and welcome her to her place. May I bring to her attention the excellent bid from Uniper for carbon capture and storage technology to be built into its new energy from waste plant at Ratcliffe-on-Soar, which sits in the heart of the east midlands freeport? Does my hon. Friend agree that the UK's first inland CCS facility, creating a carbon-negative and fully sustainable waste treatment solution, is worthy of investment through phase 2 of the carbon capture, utilisation and storage fund?

Jane Hunt: I commend my right hon. Friend—*[Interruption.]* Sorry, I commend my hon. Friend—it is only a matter of time—for working incredibly hard not only in Rushcliffe, but to promote the freeport for the whole of the east midlands. She is doing an incredible job. We are committed to deploying CCUS, including from energy from waste plants. We will announce the projects to proceed to the next stage of the track 1 CCUS process in due course.

Mr Speaker: I call Liz Saville Roberts.

Liz Saville Roberts (Dwyfor Meirionnydd) (PC): Diolch yn fawr iawn, Llefarydd. I welcome the Minister to her place.

The lack of grid capacity in Wales is a chronic problem, stalling both onshore and offshore low-carbon developments. National Grid's pathway to 2030 proposes a new connection between north and south Wales. Will the Minister commit to working with the Welsh Government to set a precondition for any development of sufficient capacity to ensure that local, small-scale energy projects can access the grid at low cost?

Jane Hunt: We always work to ensure adequate capacity. Perhaps the right hon. Member could meet National Grid to talk about that, but if she would like to come back to me on the point when she has done so, I will be happy to meet her.

Mr Speaker: I call the shadow Minister.

Kerry McCarthy (Bristol East) (Lab): I welcome the Minister to her post. We all agree that supporting investment in new low-carbon technologies is an important part of reaching net zero—well, most of us do. In the past week, one of the candidates for Prime Minister has said that

"we need to suspend the all-consuming desire to achieve net zero by 2050."

Another claims that it was

"wrong of us to set a target"

for net zero. The frontrunner spent two years at the Treasury blocking additional climate spend. It is all well and good for the Minister to talk about the need for investment, but how can we, and more importantly the investors out there, have any confidence that it will continue?

Jane Hunt: It is clearly in our manifesto that we are completely committed to net zero. I will not be commenting further on any leadership elections.

Satellites and Space Exports

9. **Richard Graham** (Gloucester) (Con): What recent progress his Department has made on increasing the number of (a) satellite launches and (b) space-related exports. [R] [901025]

Mr Speaker: Who wants to take Question 9?

The Parliamentary Under-Secretary of State for Business, Energy and Industrial Strategy (Jane Hunt): I will, Mr Speaker.

We have funded a range of industry projects to establish vertical launch services from Scotland and support horizontal launch from Cornwall, with the UK's first launch on track for later this year. We are supporting the growth of UK space exports through targeted campaigns matching UK companies with new large customers globally; through our new Export Academy, which upskills first-time exporters; and through establishing new and innovative international partnerships.

Richard Graham: I congratulate the Minister on her appointment, and on taking this question on an exciting growth sector for UK tech. Although our satellite capabilities are well known, the ability to launch satellites is something new indeed. There is considerable demand for satellites from countries in south-east Asia that wish to take advantage of the ability to map and plan their agriculture better and to research and better protect against severe weather issues, as well as getting valuable marine and fishing information. Can my hon. Friend confirm how we will know how much capacity is available for our partners in south-east Asia and elsewhere abroad? When will it be available?

Jane Hunt: It is indeed an exciting opportunity. Delivering our planned launches from Cornwall and Scotland will allow the UK to establish itself as a leader in the growing global launch market. It will ensure that the UK is attractive to companies around the world that seek to launch satellites that meet our regulatory standards. UK Space Agency-led international partnership programmes in 2018 explored how UK satellite technology could be used in the Philippines, Indonesia, Malaysia and Vietnam; I am pleased to say that a number of opportunities were identified.

Rare Earth Metals

11. **Mr Richard Holden** (North West Durham) (Con): What recent steps his Department has taken to increase the supply of rare earth metals while maintaining high environmental standards. [901027]

The Secretary of State for Business, Energy and Industrial Strategy (Kwasi Kwarteng): We are absolutely focused on critical minerals. I am delighted to say that we will publish a critical minerals strategy, which I personally commissioned and have a personal interest in as Secretary of State.

Mr Holden: China has been hoovering up rare earth metals around the world, and obviously other parts of the world have far worse environmental standards for extraction than the UK, but rare earth metals are vital to Nissan in Sunderland, where many of my constituents work, and to Britishvolt, which is just up the road. I thank the Department for the extra money that has been provided recently, with £1 million for Northern Lithium and Weardale Lithium in my constituency to look at this, but what more can the Government do to really help deliver the UK production of vital rare earth metals?

Kwasi Kwarteng: My hon. Friend is absolutely right to focus on that necessity. The Critical Minerals Intelligence Centre was launched only last week and is looking at precisely the question that he raises. In respect of Nissan and Britishvolt, he will know that we landed those investments only last year. We are looking very closely at how we can secure the supply chain here in the UK.

Mr Speaker: I call the shadow Minister, Bill Esterson.

Bill Esterson (Sefton Central) (Lab): Rare earth minerals are essential to our economy, not least in low-carbon sectors and in defence. The Japanese Government developed their rare minerals plan as long ago as 2010, in response to a blockade by China. I know the UK Government say that they will publish a critical materials strategy in the autumn, but if other countries have been building resilience since 2010, what confidence can we have that this Government will develop an effective strategy for our economy and our national security when, as the Secretary of State has just admitted, they have only just woken up to the scale of the risks that we face?

Kwasi Kwarteng: I think the hon. Gentleman does the Government a disservice. Obviously Japan was focused on security of supply, given its immediate exposure to China. Where we have come in is in bringing together, for instance, the United States and Canada: officials in Canada whom I speak to are looking at our critical minerals strategy with great interest, and we are very much leading the way in the Five Eyes.

Community-owned Energy Projects

13. **Geraint Davies** (Swansea West) (Lab/Co-op): What recent steps his Department has taken to help support the growth of community-owned energy projects. [901029]

The Minister for Energy, Clean Growth and Climate Change (Greg Hands): We encourage community energy groups to work closely with local authorities to support the development of projects through UK-wide growth funding.

Geraint Davies: The Minister knows that community-owned local energy projects will be critical to delivering net zero and national security, and are often best delivered by co-operatives. However, he should also know that the minimum tariff paid by the big suppliers to the small suppliers is often too low to make many smaller suppliers viable. Will he look into that minimum tariff, and also work with the Co-operative party to support and fund the launch of new locally owned community energy projects?

Greg Hands: I should be happy to have a look at those tariffs, but I do not think that this would prevent us from supporting community energy projects as a Government. We have a very good track record in that regard, through previous funds and through, for example, the towns fund, run by the Department for Levelling Up, Housing and Communities, which has just awarded more than £23.6 million to Glastonbury Town Council. The projects involved include the Glastonbury clean energy project, whose purpose is investment in renewable energy generation and low-carbon transport infrastructure. There is a great deal going on in this space, but I am happy to look at the tariff question in particular.

Online Products: Safety

14. **Yvonne Fovargue** (Makerfield) (Lab): When he will bring forward a consultation on the safety of products that are sold online. [901031]

The Secretary of State for Business, Energy and Industrial Strategy (Kwasi Kwarteng): As the hon. Lady should know, a consultation, which includes proposals to take further steps to address unsafe products sold online, is being finalised, and the consultation paper will be published later this year.

Yvonne Fovargue: Unsuspecting and cash-strapped consumers are being peddled recalled white goods, unsafe devices claiming to save energy, and dangerous toys. Online marketplaces are a hotbed for unsafe products, as has been evidenced time and again by investigations carried out by Electrical Safety First and other organisations. What steps are the Government are taking to address the safety risks that consumers face when shopping on these platforms?

Kwasi Kwarteng: As the hon. Lady will know, the Office for Product Safety and Standards leads a national programme of regulatory action to look at precisely those risks. In 2021, for example, 12,500 products were removed from supply as a direct result of OPSS intervention.

Mr Robin Walker (Worcester) (Con): My late constituent Bethany Shipsey was tragically killed after consuming just a small amount of the lethal explosive precursor dinitrophenol—DNP—which is sometimes wrongly marketed as a slimming or bodybuilding product. May I ask my right hon. Friend for a meeting to discuss this tragedy, and how we can take steps to crack down on the overseas suppliers who are selling this deadly substance into the UK online?

Kwasi Kwarteng: I should be happy to meet my hon. Friend, who did excellent work at the Department for Education.

Mr Speaker: Unlike Lord Callanan, who does not meet people.

Sir Edward Leigh is not here, so I call Gavin Newlands.

Energy Price Cap: Living Standards

16. **Gavin Newlands** (Paisley and Renfrewshire North) (SNP): What recent discussions he has had with Cabinet colleagues on the potential impact of increases in the energy price cap on living standards. [901033]

The Secretary of State for Business, Energy and Industrial Strategy (Kwasi Kwarteng): We have talked about energy prices. We have an energy price cap, and we have it because it protects consumers from being exposed to the wild gyration of prices—and that is what it has been doing.

Gavin Newlands: I thank the Secretary of State for that answer, whatever that was.

More than a fifth of my constituents already live in fuel poverty, despite the best efforts of the Scottish Government and local agencies investing heavily in energy efficiency measures. The £400 announced by the previous Chancellor is totally inadequate given that we hear the price cap is to rise by a further £500. What action will the Secretary of State, and what is left of his Government, be taking to change the energy market fundamentally in order to ensure that no one in this country is left to choose between heating and eating?

Kwasi Kwarteng: I made the point about the price cap because wholesale gas prices have gone up 20 times and the price cap is protecting vulnerable people who are eligible for it, just as some in the House have remarked that people relying on off-gas grid heating are not protected by it. In relation to the substance of the hon. Gentleman's question, we are looking at energy market reform to decouple the marginal cost—the cost that people pay—from the actual cost of generation, which is much more based on renewables.

Climate Change Progress Report

17. **John Mc Nally** (Falkirk) (SNP): If he will make an assessment of the implications for his policies of the report by the Climate Change Committee, "2022 Progress Report to Parliament", published on 29 June 2022. [901034]

The Minister for Energy, Clean Growth and Climate Change (Greg Hands): As required by the Climate Change Act 2008, the Government will respond later this year to the committee's report and will provide an annual update on the delivery progress of the net zero strategy.

John Mc Nally: I thank the Minister for that answer. However, less than a year on from COP26, it is scary watching the Government rolling back climate policies. The Climate Change Committee has said:

"Tangible progress is lagging the policy ambition".

Examples include cutting support for electric vehicles, a levy incentivising only oil exploration and prime ministerial contenders planning to suspend green levies. Why is the Secretary of State's party determined to inflict damage on our common home, this planet, at this critical time?

Greg Hands: Can I just correct the hon. Gentleman on one thing? The Climate Change Committee's report was actually full of praise for the Government on electric vehicles and on what we are doing on electricity decarbonisation. On his wider point, this Government have a fantastic record of action on climate, thanks to the COP26 President, my right hon. Friend the Member for Reading West (Alok Sharma). At the start of the year, 30% of global GDP was signed up to net zero targets. That is now 90%, and the UK is leading the way with our own net zero strategy, published just before COP last year.

UK Nuclear Power

20. **Andrew Bridgen** (North West Leicestershire) (Con): What steps he is taking to deliver new and advanced nuclear power in the UK. [901037]

The Secretary of State for Business, Energy and Industrial Strategy (Kwasi Kwarteng): My hon. Friend will have noticed that we are fully committed to the nuclear power industry and, unlike the Opposition, we are looking to develop nuclear power because it is an essential component of decarbonised, stable, firm power.

Andrew Bridgen: I thank my right hon. Friend for that reassurance. I have long spoken up for modular nuclear technology, not only for the baseload it can supply to our energy production but for the jobs and prosperity it can provide for the city of Derby and the north of England. Does he agree that while we wait for this modular nuclear technology to come online, it is also important that we invest in fracking, because short-term energy security has never been more important than it is currently?

Kwasi Kwarteng: My hon. Friend will know that I asked the British Geological Survey to look at fracking, and we will be coming out with a statement on its findings shortly.

Richard Graham (Gloucester) (Con) *rose—*

Mr Speaker: Richard Graham, you have had a question.

Richard Graham: I've got another one.

Mr Speaker: You can't have one! I hate to say it to you, but how long have you been here?

Energy Price Rises

21. **Paul Blomfield** (Sheffield Central) (Lab): What assessment he has made of the impact of the rise in energy prices on (a) households and (b) businesses. [901038]

The Minister for Energy, Clean Growth and Climate Change (Greg Hands): The Government recognise the impact that increasing energy prices are having on households. That is why we are providing £15 billion in additional support to the £22 billion we announced previously. The Government are in regular contact with business groups and suppliers to explore ways to protect businesses.

Paul Blomfield: The finance director of Thessco, a successful Sheffield alloy manufacturer, has told me that the company's electricity bill has increased by more than 300% and its gas bill by more than 400%. It does not qualify for help under the energy intensive industries compensation scheme simply because its raw materials are precious metals. The previous Industry Minister acknowledged this in a letter to me but hoped that, despite not helping, the scheme did

"demonstrate an intent to try to help".

Extraordinary. Does the Minister agree that small and medium-sized enterprises such as Thessco do not need demonstrations of intent and that they need practical support to avoid being crushed by rising energy bills?

Greg Hands: The Government absolutely recognise the challenge being faced by businesses and consumers in relation to the rise in global energy prices. It may be that the business in question qualifies for other things, such as the energy intensive industries exemption scheme, and I will have a look at that, but what is certain is that it will qualify for the business rates relief—totalling £7 billion over the next five years—and the annual investment allowance, which increases from £200,000 to £1 million over the course of this year, as well as some of the other really important measures the Government have put in place to support businesses at this difficult time.

Business Supply Chains

22. **Mohammad Yasin** (Bedford) (Lab): What recent steps his Department has taken to help support business supply chains. [901039]

The Parliamentary Under-Secretary of State for Business, Energy and Industrial Strategy (Jane Hunt): We continue to monitor supply chain pressures, such as the Russian invasion of Ukraine, to ensure business resilience. The Government engage regularly with UK businesses and industry to understand the impact of this and other global events on our supply chains.

Mohammad Yasin: Whether it is shortages in medicines, shortages in building materials or empty spaces on supermarket shelves, my constituents are still finding stock shortages everywhere. Retailers say this is the worst supply chain crisis they can remember, with no sign of the problem easing soon. What is the Minister doing now to help businesses through this and to mitigate the impact of spiralling inflation?

Jane Hunt: Of course, these are global issues, but the Government have taken decisive action to ease pressures on supply chains, such as by managing peak demand at the end of last year, including by expanding and streamlining testing for heavy goods vehicle drivers to enable an extra 50,000 tests per year. So things are being done.

Topical Questions

T1. [901005] **Sir Christopher Chope** (Christchurch) (Con): If he will make a statement on his departmental responsibilities.

The Secretary of State for Business, Energy and Industrial Strategy (Kwasi Kwarteng): My Department remains relentlessly focused on energy security for the winter, and I have met many business groups, business people and energy suppliers over the last few days. Only last week, to protect our people from costly bills, we published the Energy Bill, and I am pleased that last week's fourth round of the contracts for difference scheme was the most successful ever. It secured almost 11 GW across a range of clean technologies, including offshore wind, onshore wind, solar and, for the first time ever, floating offshore wind and tidal stream. This will help to boost our energy security for many years to come.

Sir Christopher Chope: In thanking my right hon. Friend for that answer, may I say that his answer to my earlier question will have been of little comfort to more than 100,000 households living in park homes? The Government are apparently still working on how to deal with this issue, but meanwhile those households fear they will miss out while those with second homes benefit more than twice, so can he guarantee that each of those households will get £400 in cash, as an energy bill rebate, whether it be in the form of a voucher, a direct payment or whatever? They need to know now that they will get the £400.

Kwasi Kwarteng: My hon. Friend has very successfully asked the same question twice, which is fair enough, and I will give him the same answer. We have had the consultation, and we will come up with a response that ensures his constituents get a fair deal on this issue.

Mr Speaker: I call the shadow Secretary of State, Jonathan Reynolds.

Jonathan Reynolds (Stalybridge and Hyde) (Lab/Co-op): In the last 12 years, this country has had a referendum on its membership of the European Union, a referendum on the continued existence of the UK and four general elections, and now we are about to have our fourth Prime Minister. In that time, business investment in the UK has fallen to the lowest level in the G7. Does the Secretary of State accept that one reason for that is the lack of political stability under the Conservative party?

Kwasi Kwarteng: I will take no lessons in political stability from the hon. Gentleman, who stood on a platform to elect a neo-Marxist as Prime Minister of this country. That would have been a catastrophic disaster for business investment and, indeed, for our economic prospects.

Jonathan Reynolds: If the right hon. Gentleman wants to be the next Chancellor, he will have to do better than that.

Let us look at an area where he should have taken a lesson from us. Earlier in the year, we said it would be a mistake for this Government to increase national insurance. With inflation and energy bills rising for businesses, we said it was wrong for the Government to add to that burden in a way no other major economy was doing. It seems that Conservative contenders are now lining up to disown the tax rise they voted for just a few months ago. Does he agree with his colleagues that the Government got this badly wrong?

Kwasi Kwarteng: People will understand that the increase in the national insurance contribution was precisely to pay for the NHS backlog and for ongoing health and social care costs. In that context, it made sense.

T3. [901007] **Peter Aldous** (Waveney) (Con): As my right hon. Friend has indicated, we had the very good news last week that ScottishPower Renewables had been successful in the contract for difference auction for its East Anglia Three offshore wind project. I would be grateful if he would outline what else is being done to provide certainty over future CfD auctions, which will allow offshore wind developers to invest more in order to meet the Government's 2030 target and bring more jobs to coastal communities such as those in Waveney?

Kwasi Kwarteng: My hon. Friend will appreciate that when he first came into the House we did not have any auctions and then for about six years we had an auction every other year. It was very much my intention as Secretary of State to introduce an annual auction, and I am pleased to say we have done so. It has given much more security and visibility to the supply chain, which was one reason why I introduced it.

T2. [901006] **Chris Stephens** (Glasgow South West) (SNP): More than 150 seafarers on P&O's Cairnryan to Larne services were covered by the national minimum wage when the company callously sacked the remaining seafarers in March. The Government's nine-point plan makes great play of enforcing the national minimum wage on international ferry routes but fails to ensure that collectively bargained terms and conditions for crew will be imposed on P&O to lift pay and conditions. So will the Secretary of State take steps to ensure that P&O can no longer undercut rival operators from Cairnryan, thus returning jobs to local crew and protecting maritime jobs and skills?

Kwasi Kwarteng: I have talked about this issue with my right hon. Friend the Transport Secretary, and we are looking at ways in which egregious action can be mitigated.

T7. [901012] **John Lamont** (Berwickshire, Roxburgh and Selkirk) (Con): Torness power station provides excellent jobs in my constituency and low-carbon power across the UK. Have the UK Government made any progress in convincing the SNP Government of the importance of nuclear power to our future energy needs?

The Minister for Energy, Clean Growth and Climate Change (Greg Hands): I have raised this issue continually. I have been in Scotland six times in this role in the past nine months and I have raised the issue repeatedly with the SNP—with Scottish Government Ministers and in this House. They have an incredible disregard for Scotland's incredible nuclear past. The workers at Torness have taken great pride in providing reliable, zero-carbon energy since 1988, and it is scandalous that the SNP and its representatives here in Westminster want to end Scotland's brilliant nuclear tradition, which we know has really served the whole of the UK, particularly my hon. Friend's constituents.

T4. [901008] **Steve McCabe** (Birmingham, Selly Oak) (Lab): When do the Government hope to respond to last week's West Midlands Combined Authority plan for growth and, in particular, its urgent calls to support the electric vehicle industry by securing a gigafactory at Coventry, the roll-out of electric vehicle infrastructure and support for supply chain transition and diversification?

Kwasi Kwarteng: The hon. Gentleman will appreciate that I have been to Coventry many times to discuss this issue and that we have landed gigafactories in Sunderland. There were none when I became Secretary of State and we now have two, and we are working all the time to land more of them here in the UK.

T9. [901014] **Julian Sturdy** (York Outer) (Con): Given the changing ministerial personnel, will the Government reassure us of their ongoing commitment to generate growth to beat living cost pressures through backing science and technology projects such as BioYorkshire in my constituency, which has already brought some 40 new high-skilled jobs to the constituency with the relocation of Azotic Technologies?

Greg Hands: My hon. Friend is a consistent champion for his York constituents, and I assure him that we remain committed to delivering on the fastest sustained uplift in research and development funding, reaching £20 billion per annum in just two years' time, from £15 billion today. That is a huge uplift, and of course we are going to make sure that all parts of the UK benefit from it. I am sure that part of that will be in and around York.

T5. [901010] **Alan Brown** (Kilmarnock and Loudoun) (SNP): Last week, I asked the Secretary of State about support for pumped storage hydro, and he let the cat out of the bag when he responded:

"It should be stressed that this is a very specific technology to Scotland."

That was a disgraceful comment. It probably explains why Scotland has been overlooked for carbon capture and storage and excluded from the hydrogen village trials. But we do have the highest grid charges in the whole of Europe and we have contributed £400 billion in oil and gas revenue. Scotland is getting exploited, not supported. Is not that the case?

Kwasi Kwarteng: That is absolute nonsense. My answer to the hon. Gentleman's specific question was that pumped storage hydro was something that was particular in Scotland—it was something that happened in Scotland. But as for this general remark about us not supporting Scottish energy, the SNP is the party that has turned its back on Scottish nuclear, which employs huge numbers of people. The SNP has completely abandoned nuclear, it does not care about the jobs, and it does not care about industry in its own country.

George Freeman (Mid Norfolk) (Con): I had looked forward to being in the box, but as they say, them's the breaks. I take the opportunity to thank the Secretary of State, my private office and the team in the Department for their support in the past year. Does the Secretary of State agree that whoever wins this fabulous festival of talent, it is essential that we put science, technology and innovation at the very heart of our economy—perhaps even with a Cabinet Minister for it?

Kwasi Kwarteng: I think it is absolutely essential. I am sure that my right hon. Friend would agree when I say that he was an excellent Science Minister, and I am delighted to see him take an interest in our affairs from where he is seated. I look forward to his ongoing contribution to our science and technology agenda in the course of this Parliament.

T8. [901013] **Munira Wilson** (Twickenham) (LD): An ambitious nationwide insulation programme is absolutely essential to meeting our net zero target, although I note this morning that the hon. Member for Saffron Walden (Kemi Badenoch) has described that goal as "unilateral economic disarmament". If she and others hoping to be Prime Minister had attended Sir Patrick Vallance's

alarming briefing yesterday on the climate crisis, she would have understood how important it was to reduce household emissions. So will the Secretary of State create jobs, cut bills and slash emissions by investing in insulation?

Greg Hands: That is exactly what we are doing. We have committed £6.6 billion over the course of this Parliament. The local authority delivery scheme, £787 million; the home upgrade grants, £950 million; the social housing decarbonisation fund, over £800 million. These are real, big pieces of taxpayers' money going into energy efficiency, and it is coming at a good time, when people need it most.

Dame Nia Griffith (Llanelli) (Lab): The Government's energy security strategy acknowledges that onshore wind is one of the cheapest forms of renewable power but, shockingly, proposes no wholesale changes to planning regulations for onshore wind in England. But we in Wales stand ready to help. What funding will the Minister provide for further research and development into producing greater efficiency in grid transmission, and will the Minister now commit to significant investment in the national grid in Wales?

Greg Hands: The hon. Lady will have studied the evidence that I gave to the Welsh Affairs Committee a couple of months ago on the national grid in Wales. When it comes to ensuring that we are equipped in renewable energy, we have just announced the results of last week's contract for difference auction. I remind her that when she was a supporter of the last Labour Government, only 7% of our electricity was generated from renewables. It is now 43%.

Jo Churchill (Bury St Edmunds) (Con): The east has offshore wind and nuclear to give the nation. London wants its power. Why should Bury St Edmunds, and the broader Suffolk, Norfolk and Essex, have 50-metre pylons tearing across its countryside? Up north, we have routed it under the sea. We in the east want a fair consultation. My right hon. Friend has listened to us; please listen to us again to get to the right answer.

Greg Hands: I thank my hon. Friend for her question. She is right that I have met East Anglia MPs to discuss this matter—it has been impressed on me across more than 20 constituencies—and I am sure that I will have further engagements with her. I continue to work with National Grid as part of its processes to ensure that her constituents get the best possible deal.

Gareth Thomas (Harrow West) (Lab/Co-op): The Competition and Markets Authority recently concluded that a lack of competition in key parts of the economy was leading to higher mark-ups from already profitable firms. In short, inflation was being caused in part because Ministers were not doing enough to ensure effective competition across those key bits of the economy. What is the Secretary of State doing about that?

Kwasi Kwarteng: The new CMA chair, Marcus Bokkerink, was confirmed by the Business, Energy and Industrial Strategy Committee. He and I are working very closely to see how we can improve the performance of the CMA, to make sure that consumers get a better deal.

James Cartlidge (South Suffolk) (Con): Further to the question from my hon. Friend the Member for Bury St Edmunds (Jo Churchill), the fact is that National Grid is committing to 800 miles of undersea cabling to protect countryside in Scotland and the north of England from new pylons, but to only 80 miles off East Anglia, even though we produce so much offshore wind. Why are our constituents not going to get a fairer share?

Greg Hands: My hon. Friend and I have met to discuss this issue at least three times, and he continues to be a champion for his constituents. I know he is doing a lot of constituency meetings on this. I will continue to engage and make sure that National Grid also engages with him constantly.

Valerie Vaz (Walsall South) (Lab): The Minister knows that 115 Horizon Europe grants were cancelled last week. Will he commit to ensuring that that money is given to our excellent scientists, just as the previous, excellent, science Minister would have done?

Kwasi Kwarteng: I am pleased to announce that we have, in the first instance, committed to Horizon, but we also have a plan B—an alternative that will ensure that all the money we have put into Horizon is retained in the UK. That is exactly what I am discussing with the Chancellor of the Exchequer.

Mr John Whittingdale (Maldon) (Con): I strongly endorse the remarks made by my hon. Friends the Members for Bury St Edmunds (Jo Churchill) and for South Suffolk (James Cartlidge), but may I raise a separate issue with the Secretary of State: the deep concern felt across the creative industries about the proposal in the consultation about relaxing the copyright exception for artificial intelligence? I spoke to the Minister's predecessor, my right hon. Friend the Member for Kingswood (Chris Skidmore), who was sympathetic and said he would look into it. May I ask that the new Minister also looks into it and makes sure that we protect one of our most important industries?

Kwasi Kwarteng: My right hon. Friend is absolutely right. He knows that I am in constant talks with officials in the Department for Digital, Culture, Media and Sport and my right hon. Friend the Secretary of State for that Department to make sure that we have a reasonable response to this danger, which he very ably highlights.

Stephanie Peacock (Barnsley East) (Lab): I am grateful to the Minister for meeting me to discuss the mineworkers' pension scheme. I know, after speaking to him last week, that it has been referred to the Treasury for a decision. Given that that decision needs to be made before the House rises next week, may I urge him to chase it up, please?

Greg Hands: I am happy to have further conversations with Treasury Ministers. As the hon. Lady knows, the Government's position on the core issue remains unchanged, but I will ensure that the specific, additional issue she has raised is put again to Her Majesty's Treasury.

Richard Graham (Gloucester) (Con): Thank you for giving me a second chance, Mr Speaker. May I congratulate the Secretary of State and the Energy Minister on last week's first ever ringfenced marine energy renewables auction? This is a landmark moment for the UK in

generating our own domestic green energy from some of the world's fiercest tides. When will my right hon. Friend be able to announce another ringfenced pot for marine energy?

Kwasi Kwarteng: During my time as the Energy Minister, my hon. Friend lobbied hard and consistently on this subject, and I am pleased to say that through my successors as Energy Minister and with me as Secretary of State, we have finally delivered. I pay tribute to my hon. Friend for his work to secure that.

John Cryer (Leyton and Wanstead) (Lab): What discussions has the Secretary of State had with local authorities and other Departments about what seems to be a threat to the future of community swimming pools from rising energy bills? Swim UK, the Royal Life Saving Society and other organisations have said that, potentially, hundreds of pools face closure.

Greg Hands: I am happy to examine this issue as a former employee of a swimming pool. In 1985, I worked for six months at a German swimming pool, Sommerbad Kreuzberg, which I am happy to read into *Hansard* for all the staff who still work there. The hon. Gentleman knows that we have provided support for businesses at this difficult time through grants, business rates relief and other reliefs, and we will continue to engage with those facing challenges in relation to energy bills.

Points of Order

12.34 pm

Debbie Abrahams (Oldham East and Saddleworth) (Lab): On a point of order, Mr Speaker. I would be grateful for your advice on how to get a satisfactory response from the Secretary of State for Work and Pensions concerning new data from her Department, published last week, which shows that 140 deaths of vulnerable claimants have been investigated since 2019—and these are only the deaths that we know about. It is a scandal that the bereaved families are not made aware of or involved in these investigations, and that we are denied data on the true scale of the deaths. Can you suggest why the Secretary of State is refusing to hold a public inquiry, and what I can do to hold her to account and get one?

Mr Speaker: The hon. Lady has been here long enough to know that I am not responsible for the actions of the Secretary of State. I know, too, that she has put her comments on record, and I hope that those on the Government Front Bench have taken them on board. I am sure that she will also pursue the other avenues that are available to her.

Imran Hussain (Bradford East) (Lab): On a point of order, Mr Speaker. In recent weeks, I have tabled numerous written parliamentary questions on a range of topics, including, the minimum wage for seafarers, a statutory code on fire and rehire, ethnicity pay gap reporting, umbrella companies, and the now vanished employment Bill only for Ministers to tell me that the Bills, drafts, consultations and responses that they have long promised will be published in "due course". Yet in "due course" never arrives and it appears to be nothing more than a phrase that Ministers use to kick plans into the long grass. May I seek your guidance, Mr Speaker, on what actions are open to me to ensure that the Government provide a proper response on when publications will be made available, or do I assume that this Government will only care about fighting to protect and uphold the rights of working people in "due course"?

Mr Speaker: I am grateful to the hon. Member for giving me notice of his point of order. As he knows, I am not responsible for ministerial answers, but he has put his views on record, and I trust that they will be conveyed to the Ministers in the Department for Business, Energy and Industrial Strategy. Members, from whichever party and on whichever side of the House they sit, should rightly have their questions answered as early as possible. There is no excuse. We have been through the excuse of covid. We may have a bit of a crisis in Government, but Members should have their letters and questions answered. I do not care from which side of the House they come, this is about respect to this House and respect to the elected Members. I am sure that some of the Ministers who may now be on the Back Benches will also want their questions answered in the future, so, please, take this on board. Do not disrespect the Members of this House. Keep me informed of what goes on.

Mr Barry Sheerman (Huddersfield) (Lab/Co-op): On a point of order, Mr Speaker, and I think you will be particularly interested in this one. You will know, because I informed you and others in the House, that, over the past few days, I have been wearing a very sophisticated air quality monitor. I have to say that the quality of the air in this Chamber is very polluted—well above World Health Organisation standards—but in other parts of the House, where our staff are working, it is twice as bad. It is a seriously polluted atmosphere that we are asking our employees on this estate to work in. We have the summer recess coming up, so may I ask you, Mr Speaker, to see whether something can be done—both in the short term and then in the longer term—to protect the people who work in this Parliament?

Mr Speaker: I know that the hon. Member has been here longer than anybody I can think of in the Chamber at the moment. He knows the best avenues available to him, and I know that he will already be penning his letter to Sir Charles Walker and the Administration Committee, and I am sure that they will seriously take on board his findings.

Alex Cunningham (Stockton North) (Lab): On a point of order, Mr Speaker. At Department for Work and Pensions questions yesterday, the Secretary of State challenged the figures that I used about child poverty, asking that I advise where I got them from. That struck me as rather odd, because I got those statistics from her own Department. Today, we hear from the North East Child Poverty Commission that the north-east has overtaken London in terms of having the highest rate of child poverty in the UK, at 38%, up from 37% the previous year—that is 11 children in a classroom of 30.

In 2020-21, the north-east continues to see a longer-term trend, with the region experiencing by far the steepest increases in child poverty in the UK in recent years. One third of the north-east's parliamentary constituencies now have a child poverty rate of 40% or above.

I wonder whether you, Mr Speaker, have heard from the Secretary of State about whether she has since managed to read her own statistics, and if she plans a statement on the worsening of child poverty in my region?

Mr Speaker: As the hon. Gentleman knows, I am not responsible for the Minister's answers, nor would I wish to be. I thank him for letting me know that he was going to ask the question. I have had no notice of any statement coming forward on the subject he mentions but, as I say, he has certainly put it on record and I know that people will be listening on the Government side. I am sure that, in future, those points can be corrected if the hon. Gentleman is right. He has put forward the stats and he has put forward his case. I am sure they will be checked and the House will ensure that we have the right record of statistics going forward.

Mr David Davis (Haltemprice and Howden) (Con): On a point of order, Mr Speaker. We now have a caretaker Government who have given themselves a self-denying ordinance not to do anything controversial or change policy in any way. Today we have before us, with Report just coming up, an extraordinarily controversial piece of legislation that really should wait for the new, appropriate Government to deal with it in the future. Is there any mechanism whereby this House can delay the Report stage before us today until later in the year, when it can be dealt with properly?

Mr Speaker: The right hon. Gentleman is another Member who has been here a very long time and knows I am not responsible for the business of the House. I am sure he will take the matter up in different ways and through different avenues. As we all know, he does not give up quite so easily, even though he knows I have not got the power.

Pets (Microchips)

Motion for leave to bring in a Bill (Standing Order No. 23)

12.41 pm

James Daly (Bury North) (Con): I beg to move,

That leave be given to bring in a Bill to make provision regarding pets with microchips; and for connected purposes.

This is the third time I have stood up to present this Bill—make of that what you will, Mr Speaker—but we keep going. I also stand here because of an important member of my family: not my wife Joanne or my two sons, who are in the Public Gallery today, but my black Labrador Bertie, who at the moment is happily in doggy day care in Bury. He is a much-loved member of my family. This is a Bill for pet owners and pet lovers who value their pet cats and dogs as members of their family.

My Pets (Microchips) Bill aims to bring into law two campaigns that are due to the efforts of others—Tuk's law and Gizmo's law. Gizmo's law is a campaign that emanates from my own Bury North constituency, hence the reason I am proud to stand here. I pay tribute to Helena Abrahams, Wendy Andrew and the whole team at Gizmo's Legacy, who have done an incredible job. Tuk's law is a four-year campaign by Sue Williams and Dawn Ashley. It has been an honour to work with Sue and Dawn over a number of years on this matter, with the great assistance of Dominic Dyer.

What is my Bill about? Tuk's law is a campaign to create a new law that would mean that veterinary surgeons would be legally required to scan for rescue back-up contact details on microchips and confirm that the owner of the animal is actually the person presenting the animal, prior to euthanasia, if the animal can be treated. The campaign highlights an issue that I was horrified by when I first became aware of it. We have a pandemic in this country of healthy dogs being taken to vets and put down or euthanised without any reference to their ownership or having their microchip scanned.

What is rescue back-up? It is registration on a microchip. Rescue organisations and breeders register their details on the original database as a secondary contact as part of the adoption contract or bill of sale. In times of vulnerability, the secondary contact is there to prevent the animal being unnecessarily euthanised and to alert the veterinarian that an alternate is in place. Tuk's law calls for two things: first, to establish legal ownership, and secondly, for a legal requirement on the veterinary surgeon to scan for a rescue back-up.

As we speak today, there is no legal requirement for vets to do that, but there should not be unfair criticism of the veterinary profession. During the time I have been presenting these Bills to the House, a voluntary code of conduct has been entered into by the Royal College of Veterinary Surgeons. I am extremely grateful for the step it has taken, but the problem remains. Euthanasia remains solely at the discretion of a veterinarian and is not a legal requirement. Animals can still be subjected to unsubstantiated accusations of health or behaviour issues and there is no obligation to seek verification or alternative options to euthanasia. With rising veterinarian and insurance costs, economic euthanasia is likely to rise in the near future, and the

[James Daly]

rescues' and breeders' commitment to the safety of their animals' long-term needs has to be acknowledged and should be acted on in all circumstances.

The rescue back-up provision allows time for comprehensive assessments, healthcare checks and rehoming support, and guarantees that any life-ending decision is based on the animal's best interests, with all facts and alternative options known. For any dog owner in this place, the idea that our animal, as a healthy animal, could be taken and euthanised without our consent, for whatever reason, and without a second option being sought, is something that legislation needs to remedy. This campaign is backed by of thousands of people throughout the country.

As I said, Gizmo's law is a proud Bury North campaign. Gizmo's law is about the other end of the life spectrum. It is about cats that are sadly deceased. All too often in hon. Members' constituencies and boroughs throughout this country, if a cat is sadly involved in an accident or dies by whatever means, if the local authority is called in, the step that is generally taken is to put that animal, without reference to the owner and without microchipping it, into landfill. That is not acceptable. Cats are part of our families—part of who we are. I know you would completely agree with that, Mr Speaker.

Gizmo's law is a fully funded campaign where each local authority in the country will be provided with a scanner and legally required to bag the cat that has been killed in tragic circumstances, to record where it was found, and to scan the microchip and search the six databases that are open to cats that have been microchipped. That would allow cat owners to be reunited with their much-loved pet. If an animal is part of your family, it does not matter which stage of its life it is at—you want to know what has happened to it.

That requirement is not greatly bureaucratic or time-consuming. It is cost-neutral. It is simply asking local authorities to scan a microchip and to contact owners. There truly cannot be anything unreasonable about that. Sadly, however, I have numerous examples of councils throughout the country that simply ignore this, and the cat is thrown into landfill with the owner knowing nothing more about it.

This is about the Berties; it is about all the cats; it is about everyone who views animals as having as much right as any other member of the family. This is a passionate campaign. I have the honour to stand here but I go back to Helena, Wendy, Sue and Dawn—to all those people who every single day are going out loving, protecting and caring for their animals.

This is hopefully a matter that the Government can take further. If the Minister were given an opportunity, he would talk about the consultation on the issue that closed in May. The Government are taking positive steps in respect of looking at the issue of microchipping. I am incredibly grateful for the work of Ministers throughout the period I have been trying to persuade them of the merits of this legislation. It is part of a conversation that will hopefully bring Tuk's law and Gizmo's law into statute.

Mr Speaker: Can I just say that Attlee is fully supportive of what you are trying to do?

Question put and agreed to.

Ordered,

That James Daly, Mark Eastwood, Jim Shannon, Saqib Bhatti, Sir Gavin Williamson, Anthony Mangnall, Mark Logan, Aaron Bell, Jake Berry, Damien Moore, Nickie Aiken and Paul Bristow present the Bill.

James Daly accordingly presented the Bill.

Bill read the First time; to be read a Second time on Friday 28 October, and to be printed (Bill 139).

ONLINE SAFETY BILL: PROGRAMME (NO. 2)

Ordered,

That the Order of 19 April 2022 in the last Session of Parliament (Online Safety Bill: Programme) be varied as follows:

(1) Paragraphs (4) and (5) of the Order shall be omitted.

(2) Proceedings on Consideration and Third Reading shall be taken in two days in accordance with the following provisions of this Order.

(3) Proceedings on Consideration—

(a) shall be taken on each of those days in the order shown in the first column of the following Table, and

(b) shall (so far as not previously concluded) be brought to a conclusion at the times specified in the second column of the Table.

Proceedings	**Time for conclusion of proceedings**
First day	
New clauses and new Schedules relating to, and amendments to, Part 1, Part 2 and Chapters 1 to 4, 6 and 7 of Part 3 (except amendments relating to the repeal of Part 4B of the Communications Act 2003)	4.30 pm on the first day
New clauses and new Schedules relating to, and amendments to, Chapter 5 of Part 3, Part 4, Part 5, Part 6, clauses 160 to 162 and Schedule 15, clauses 163 to 171, clauses 176 to 182, and Part 12 (except amendments relating to the repeal of Part 4B of the Communications Act 2003)	7.00 pm on the first day
Second day	
New clauses, new Schedules and amendments relating to the repeal of Part 4B of the Communications Act 2003, and remaining proceedings on Consideration	6.00 pm on the second day

(4) Proceedings on Third Reading shall be taken on the second day and shall (so far as not previously concluded) be brought to a conclusion at the moment of interruption on the second day.—*(Damian Collins.)*

Online Safety Bill

DAY 1

Consideration of Bill, as amended in the Public Bill Committee

[Relevant Documents: Report of the Joint Committee on the Draft Online Safety Bill, Session 2021-22: Draft Online Safety Bill, HC 609, and the Government Response, CP 640; Letter from the Minister for Tech and the Digital Economy to the Chair of the Joint Committee on Human Rights relating to the Online Safety Bill, dated 16 June 2022; Letter from the Chair of the Joint Committee on Human Rights to the Secretary of State for Digital, Culture, Media and Sport relating to the Online Safety Bill, dated 19 May 2022; First Report of the Digital, Cultural, Media and Sport Committee, Amending the Online Safety Bill, HC 271]

New Clause 19

DUTIES TO PROTECT NEWS PUBLISHER CONTENT

(1) This section sets out the duties to protect news publisher content which apply in relation to Category 1 services.

(2) Subject to subsections (4), (5) and (8), a duty, in relation to a service, to take the steps set out in subsection (3) before—

(a) taking action in relation to content present on the service that is news publisher content, or

(b) taking action against a user who is a recognised news publisher.

(3) The steps referred to in subsection (2) are—

(a) to give the recognised news publisher in question a notification which—

(i) specifies the action that the provider is considering taking,

(ii) gives reasons for that proposed action by reference to each relevant provision of the terms of service,

(iii) where the proposed action relates to news publisher content that is also journalistic content, explains how the provider took the importance of the free expression of journalistic content into account when deciding on the proposed action, and

(iv) specifies a reasonable period within which the recognised news publisher may make representations,

(b) to consider any representations that are made, and

(c) to notify the recognised news publisher of the decision and the reasons for it (addressing any representations made).

(4) If a provider of a service reasonably considers that the provider would incur criminal or civil liability in relation to news publisher content present on the service if it were not taken down swiftly, the provider may take down that content without having taken the steps set out in subsection (3).

(5) A provider of a service may also take down news publisher content present on the service without having taken the steps set out in subsection (3) if that content amounts to a relevant offence (see section 52 and also subsection (10) of this section).

(6) Subject to subsection (8), if a provider takes action in relation to news publisher content or against a recognised news publisher without having taken the steps set out in subsection (3), a duty to take the steps set out in subsection (7).

(7) The steps referred to in subsection (6) are—

(a) to swiftly notify the recognised news publisher in question of the action taken, giving the provider's justification for not having first taken the steps set out in subsection (3),

(b) to specify a reasonable period within which the recognised news publisher may request that the action is reversed, and

(c) if a request is made as mentioned in paragraph (b)—

(i) to consider the request and whether the steps set out in subsection (3) should have been taken prior to the action being taken,

(ii) if the provider concludes that those steps should have been taken, to swiftly reverse the action, and

(iii) to notify the recognised news publisher of the decision and the reasons for it (addressing any reasons accompanying the request for reversal of the action).

(8) If a recognised news publisher has been banned from using a service (and the ban is still in force), the provider of the service may take action in relation to news publisher content present on the service which was generated or originally published or broadcast by the recognised news publisher without complying with the duties set out in this section.

(9) For the purposes of subsection (2)(a), a provider is not to be regarded as taking action in relation to news publisher content in the following circumstances—

(a) a provider takes action in relation to content which is not news publisher content, that action affects related news publisher content, the grounds for the action only relate to the content which is not news publisher content, and it is not technically feasible for the action only to relate to the content which is not news publisher content;

(b) a provider takes action against a user, and that action affects news publisher content that has been uploaded to or shared on the service by the user.

(10) Section (Providers' judgements about the status of content) (providers' judgements about the status of content) applies in relation to judgements by providers about whether news publisher content amounts to a relevant offence as it applies in relation to judgements about whether content is illegal content.

(11) OFCOM's guidance under section (Guidance about illegal content judgements) (guidance about illegal content judgements) must include guidance about the matters dealt with in section (Providers' judgements about the status of content) as that section applies by reason of subsection (10).

(12) Any provision of the terms of service has effect subject to this section.

(13) In this section—

(a) references to "news publisher content" are to content that is news publisher content in relation to the service in question;

(b) references to "taking action" in relation to content are to—

(i) taking down content,

(ii) restricting users' access to content, or

(iii) taking other action in relation to content (for example, adding warning labels to content);

(c) references to "taking action" against a person are to giving a warning to a person, or suspending or banning a person from using a service, or in any way restricting a person's ability to use a service.

(14) Taking any step set out in subsection (3) or (7) does not count as "taking action" for the purposes of this section.

(15) See—

section 16 for the meaning of "journalistic content";

section 49 for the meaning of "news publisher content";

section 50 for the meaning of "recognised news publisher"."—*(Damian Collins.)*

Member's explanatory statement

This new clause requires providers to notify a recognised news publisher and provide a right to make representations before taking action in relation to news publisher content or against the publisher (except in certain circumstances), and to notify a recognised news publisher after action is taken without that process being followed and provide an opportunity for the publisher to request that the action is reversed.

Brought up, and read the First time.

12.51 pm

The Parliamentary Under-Secretary of State for Digital, Culture, Media and Sport (Damian Collins): I beg to move, That the clause be read a Second time.

Mr Speaker: With this it will be convenient to discuss the following:

New clause 2—*Secretary of State's powers to suggest modifications to a code of practice—*

"(1) The Secretary of State may on receipt of a code write within one month of that day to OFCOM with reasoned, evidence-based suggestions for modifying the code.

(2) OFCOM shall have due regard to the Secretary of State's letter and must reply to the Secretary of State within one month of receipt.

(3) The Secretary of State may only write to OFCOM twice under this section for each code.

(4) The Secretary of State and OFCOM shall publish their letters as soon as reasonably possible after transmission, having made any reasonable redactions for public safety and national security.

(5) If the draft of a code of practice contains modifications made following changes arising from correspondence under this section, the affirmative procedure applies."

New clause 3—*Priority illegal content: violence against women and girls—*

"(1) For the purposes of this Act, any provision applied to priority illegal content should also be applied to any content which—

(a) constitutes,

(b) encourages, or

(c) promotes

(2) 'Violence against women and girls' is defined by Article 3 of the Council of Europe Convention on Preventing Violence Against Women and Domestic Violence ('the Istanbul Convention')."

This new clause applies provisions to priority illegal content to content which constitutes, encourages or promotes violence against women and girls.

New clause 4—*Duty about content advertising or facilitating prostitution: Category 1 and Category 2B services—*

"(1) A provider of a Category 1 or Category 2B service must operate the service so as to—

(a) prevent individuals from encountering content that advertises or facilitates prostitution;

(b) minimise the length of time for which any such content is present;

(c) where the provider is alerted by a person to the presence of such content, or becomes aware of it in any other way, swiftly take down such content.

(2) A provider of a Category 1 or Category 2B service must include clear and accessible provisions in a publicly available statement giving information about any proactive technology used by the service for the purpose of compliance with the duty set out in subsection (1) (including the kind of technology, when it is used, and how it works).

(3) If a person is the provider of more than one Category 1 or Category 2B service, the duties set out in this section apply in relation to each such service.

(4) The duties set out in this section extend only to the design, operation and use of a Category 1 or Category 2B service in the United Kingdom.

(5) For the meaning of 'Category 1 service' and 'Category 2B service', see section 81 (register of categories of services).

(6) For the meaning of 'prostitution', see section 54 of the Sexual Offences Act 2003."

New clause 5—*Duty about content advertising or facilitating prostitution: Category 2A services—*

"(1) A provider of a Category 2A service must operate that service so as to minimise the risk of individuals encountering content which advertises or facilitates prostitution in or via search results of the service.

(2) A provider of a Category 2A service must include clear and accessible provisions in a publicly available statement giving information about any proactive technology used by the service for the purpose of compliance with the duty set out in subsection (1) (including the kind of technology, when it is used, and how it works).

(3) The reference to encountering content which advertises or facilitates prostitution "in or via search results" of a search service does not include a reference to encountering such content as a result of any subsequent interactions with an internet service other than the search service.

(4) If a person is the provider of more than one Category 2A service, the duties set out in this section apply in relation to each such service.

(5) The duties set out in this section extend only to the design, operation and use of a Category 2A service in the United Kingdom.

(6) For the meaning of 'Category 2A service', see section 81 (register of categories of services).

(7) For the meaning of 'prostitution', see section 54 of the Sexual Offences Act 2003."

New clause 6—*Duty about content advertising or facilitating prostitution: internet services providing pornographic content—*

"(1) A provider of an internet service within the scope of section 67 of this Act must operate that service so as to—

(a) prevent individuals from encountering content that advertises or facilitates prostitution;

(b) minimise the length of time for which any such content is present;

(c) where the provider is alerted by a person to the presence of such content, or becomes aware of it in any other way, swiftly take down such content.

(2) A provider of an internet service under this section must include clear and accessible provisions in a publicly available statement giving information about any proactive technology used by the service for the purpose of compliance with the duty set out in subsection (1) (including the kind of technology, when it is used, and how it works).

(3) If a person is the provider of more than one internet service under this section, the duties set out in this section apply in relation to each such service.

(4) For the meaning of 'prostitution', see section 54 of the Sexual Offences Act 2003."

New clause 8—*Duties about advertisements for cosmetic procedures—*

"(1) A provider of a regulated service must operate the service using systems and processes designed to—

(a) prevent individuals from encountering advertisements for cosmetic procedures that do not meet the conditions specified in subsection (3);

(b) minimise the length of time for which any such advertisement is present;

(c) where the provider is alerted by a person to the presence of such an advertisement, or becomes aware of it in any other way, swiftly take it down.

(2) A provider of a regulated service must include clear and accessible provisions in the terms of service giving information about any proactive technology used by the service for the purpose of compliance with the duty set out in subsection (1) (including the kind of technology, when it is used, and how it works).

(3) The conditions under subsection (1)(a) are that the advertisement—

(a) contains a disclaimer as to the health risks of the cosmetic procedure, and

(b) includes a certified service quality indicator.

(4) If a person is the provider or more than one regulated service, the duties set out in this section apply in relation to each such service.

(5) The duties set out in this section extent only to the design, operation and use of a regulated service in the United Kingdom.

(6) For the meaning of 'regulated service', see section 3 ('Regulated service'. 'Part 3 service' etc)."

This new clause would place a duty on all internet service providers regulated by the Bill to prevent individuals from encountering adverts for cosmetic procedures that do not contain a disclaimer as to the health risks of the procedure nor include a certified service quality indicator.

New clause 9—*Content harmful to adults risk assessment duties: regulated search services—*

"(1) This section sets out the duties about risk assessments which apply in relation to all regulated search services.

(2) A duty to carry out a suitable and sufficient priority adults risk assessment at a time set out in, or as provided by Schedule 3.

(3) A duty to take appropriate steps to keep an adults' risk assessment up to date, including when OFCOM make any significant change to a risk profile that relates to services of the kind in question.

(4) Before making any significant change to any aspect of a service's design or operation, a duty to carry out a further suitable and sufficient adult risk assessment relating to the impacts of that proposed change.

(5) An 'adults risk assessment' of a service of a particular kind means an assessment of the following matters, taking into account the risk profile that relates to services of that kind—

(a) the level of risk of individuals who are users of the service encountering each kind of priority content that is harmful to adults (with each kind separately assessed), taking into account (in particular) risks presented by algorithms used by the service, and the way that the service indexes, organises and presents search results;

(b) the level of risk of functionalities of the service facilitating individuals encountering search content that is harmful to adults, identifying and assessing those functionalities that present higher levels of risk;

(c) the nature, and severity, of the harm that might be suffered by individuals from the matters identified in accordance with paragraphs (a) and (b);

(d) how the design and operation of the service (including the business model, governance, use of proactive technology, measures to promote users' media literacy and safe use of the service, and other systems and processes) may reduce or increase the risks identified.

(6) In this section, references to risk profiles are to the risk profiles for the time being published under section 84 which relate to the risk of harm to adults presented by priority content that is harmful to adults.

(7) See also—section 20(2) (records of risk assessments), and Schedule 3 (timing of providers' assessments)."

New clause 10—*Safety Duties Protecting Adults: regulated search services—*

"(1) This section sets out the duties about protecting adults which apply in relation to all regulated search services.

(2) A duty to summarise in the policies of the search service the findings of the most recent adults' risk assessment of a service (including as to levels of risk and as to nature, and severity, of potential harm to adults).

(3) A duty to include provisions in the search service policies specifying, in relation to each kind of priority content that is harmful to adults that is to be treated in a way described in subsection (4), which of those kinds of treatment is to be applied.

(4) The duties set out in subsections (2) and (3) apply across all areas of a service, including the way the search engine is operated and used as well as search content of the service, and (among other things) require the provider of a service to take or use measures in the following areas, if it is proportionate to do so—

(a) regulatory compliance and risk management arrangements,

(b) design of functionalities, algorithms and other features relating to the search engine,

(c) functionalities allowing users to control the content they encounter in search results,

(d) content prioritisation and ranking,

(e) user support measures, and

(f) staff policies and practices.

(5) A duty to explain in the terms of service the provider's response to the risks relating to priority content that is harmful to adults (as identified in the most recent adults' risk assessment of the service), by reference to—

(a) any provisions of the policies included in compliance with the duty set out in subsection (3), and

(b) any other provisions of the terms of service designed to mitigate or manage those risks.

(6) If provisions are included in the policies in compliance with the duty set out in subsection (3), a duty to ensure that those provisions—

(a) are clear and accessible, and

(b) are applied consistently in relation to content which the provider reasonably considers is priority

(NaN) If the provider of a service becomes aware of any non-designated content that is harmful to adults present on the service, a duty to notify OFCOM of—

(a) the kinds of such content identified, and

(b) the incidence of those kinds of content on the service.

(NaN) A duty to ensure that the provisions of the publicly available statement referred to in subsections (5) and (7) are clear and accessible.

(NaN) In this section—

'adults' risk assessment' has the meaning given by section 12;

'non-designated content that is harmful to adults' means content that is harmful to adults other than priority content that is harmful to adults."

New clause 18—*Child user empowerment duties—*

"(1) This section sets out the duties to empower child users which apply in relation to Category 1 services.

(2) A duty to include in a service, to the extent that it is proportionate to do so, features which child users may use or apply if they wish to increase their control over harmful content.

(3) The features referred to in subsection (2) are those which, if used or applied by a user, result in the use by the service of systems or processes designed to—

(a) reduce the likelihood of the user encountering priority content that is harmful, or particular kinds of such content, by means of the service, or

(b) alert the user to the harmful nature of priority content that is harmful that the user may encounter by means of the service.

(4) A duty to ensure that all features included in a service in compliance with the duty set out in subsection (2) are made available to all child users.

(5) A duty to include clear and accessible provisions in the terms of service specifying which features are offered in compliance with the duty set out in subsection (2), and how users may take advantage of them.

(6) A duty to include in a service features which child users may use or apply if they wish to filter out non-verified users.

(7) The features referred to in subsection (6) are those which, if used or applied by a user, result in the use by the service of systems or processes designed to—

(a) prevent non-verified users from interacting with content which that user generates, uploads or shares on the service, and

(b) reduce the likelihood of that user encountering content which non-verified users generate, upload or share on the service.

(8) A duty to include in a service features which child users may use or apply if they wish to only encounter content by users they have approved.

(9) A duty to include in a service features which child users may use or apply if they wish to filter out private messages from—

(a) non-verified users, or

(b) adult users, or

(c) any user other than those on a list approved by the child user.

(10) In determining what is proportionate for the purposes of subsection (2), the following factors, in particular, are relevant—

(a) all the findings of the most recent child risk assessment (including as to levels of risk and as to nature, and severity, of potential harm), and

(b) the size and capacity of the provider of a service.

(11) In this section 'non-verified user' means a user who has not verified their identity to the provider of a service (see section 57(1)).

(12) In this section references to features include references to functionalities and settings."

New clause 24—*Category 1 services: duty not to discriminate, harass or victimise against service users—*

"(1) The following duties apply to all providers of Category 1 services.

(2) A duty not to discriminate, on the grounds of a protected characteristic, against a person wishing to use the service by not providing the service, if the result of not providing the service is to cause harm to that person.

(3) A duty not to discriminate, on the grounds of a protected characteristic, against any user of the service in a way that causes harm to the user—

(a) as to the terms on which the provider provides the service to the user;

(b) by terminating the provision of the service to the user;

(c) by subjecting the user to any other harm.

(4) A duty not to harass, on the grounds of a protected characteristic, a user of the service in a way that causes harm to the user.

(5) A duty not to victimise because of a protected characteristic a person wishing to use the service by not providing the user with the service, if the result of not providing the service is to cause harm to that person.

(6) A duty not to victimise a service user—

(a) as to the terms on which the provider provides the service to the user;

(b) by terminating the provision of the service to the user;

(c) by subjecting the user to any other harm.

(7) In this section—

references to harassing, discriminating or victimising have the same meaning as set out in Part 2 of the Equality Act 2010;

'protected characteristic' means a characteristic listed in section 4 of the Equality Act 2010."

This new clause would place a duty, regulated by Ofcom, on Category 1 service providers not to discriminate, harass or victimise users of their services on the basis of a protected characteristic if doing so would result in them being caused harm. Discrimination, harassment and victimisation, and protected characteristics, have the same meaning as in the Equality Act 2010.

New clause 25—*Report on duties that apply to all internet services likely to be accessed by children—*

"(1) Within 12 months of this Act receiving Royal Assent, the Secretary of State must commission an independent evaluation of the matters under subsection (2) and must lay the report of the evaluation before Parliament.

(2) The evaluation under subsection (1) must consider whether the following duties should be imposed on all providers of services on the internet that are likely to be accessed by children, other than services regulated by this Act—

(a) duties similar to those imposed on regulated services by sections 10 and 25 of this Act to carry out a children's risk assessment, and

(b) duties similar to those imposed on regulated services by sections 11 and 26 of this Act to protect children's online safety."

This new clause would require the Secretary of State to commission an independent evaluation on whether all providers of internet services likely to be accessed by children should be subject to child safety duties and must conduct a children's risk assessment.

New clause 26—*Safety by design—*

"(1) In exercising their functions under this Act—

(a) The Secretary of State, and

(b) OFCOM

must have due regard to the principles in subsections (2)-(3).

(2) The first principle is that providers of regulated services should design those services to prevent harmful content from being disseminated widely, and that this is preferable in the first instance to both—

(a) removing harmful content after it has already been disseminated widely, and

(b) restricting which users can access the service or part of it on the basis that harmful content is likely to disseminate widely on that service.

(4) The second principle is that providers of regulated services should safeguard freedom of expression and participation, including the freedom of expression and participation of children."

This new clause requires the Secretary of State and Ofcom to have due regard to the principle that internet services should be safe by design.

New clause 27—*Publication of risk assessments—*

"Whenever a Category 1 service carries out any risk assessment pursuant to Part 3 of this Act, the service must publish the risk assessment on the service's website."

New clause 38—*End-to-end encryption—*

"Nothing in this Act shall prevent providers of user-to-user services protecting their users' privacy through end-to-end encryption."

Government amendment 57.

Amendment 202, in clause 6, page 5, line 11, at end insert—

"(ba) the duty about pornographic content set out in Schedule [Additional duties on pornographic content]."

This amendment ensures that user-to-user services must meet the new duties set out in NS1.

Government amendments 163, 58, 59 and 60.

Amendment 17, in clause 8, page 7, line 14, at end insert—

"(h) how the service may be used in conjunction with other regulated user-to-user services such that it may—

(i) enable users to encounter illegal content on other regulated user-to-user services, and

(ii) constitute part of a pathway to harm to individuals who are users of the service, in particular in relation to CSEA content."

This amendment would incorporate into the duties a requirement to consider cross-platform risk.

Amendment 15, in clause 8, page 7, line 14, at end insert—

"(5A) The duties set out in this section apply in respect of content which reasonably foreseeably facilitates or aids the discovery or dissemination of CSEA content."

This amendment extends the illegal content risk assessment duties to cover content which could be foreseen to facilitate or aid the discovery or dissemination of CSEA content.

Government amendments 61 and 62.

Amendment 18, page 7, line 30 [Clause 9], at end insert—

"(none) ', including by being directed while on the service towards priority illegal content hosted by a different service;'

This amendment aims to include within companies' safety duties a duty to consider cross-platform risk.

Amendment 16, in clause 9, page 7, line 35, at end insert—

"(d) minimise the presence of content which reasonably foreseeably facilitates or aids the discovery or dissemination of priority illegal content, including CSEA content."

This amendment brings measures to minimise content that may facilitate or aid the discovery of priority illegal content within the scope of the duty to maintain proportionate systems and processes.

Amendment 19, in clause 9, page 7, line 35, at end insert—

"(3A) A duty to collaborate with other companies to take reasonable and proportionate measures to prevent the means by which their services can be used in conjunction with other services to facilitate the encountering or dissemination of priority illegal content, including CSEA content."

This amendment creates a duty to collaborate in cases where there is potential cross-platform risk in relation to priority illegal content and CSEA content.

Government amendments 63 to 67.

Amendment 190, page 10, line 11, in clause 11, at end insert ", and—

(c) mitigate the harm to children caused by habit-forming features of the service by consideration and analysis of how processes (including algorithmic serving of content, the display of other users' approval of posts and notifications) contribute to development of habit-forming behaviour."

This amendment requires services to take or use proportionate measures to mitigate the harm to children caused by habit-forming features of a service.

Government amendments 68 and 69.

Amendment 42, page 11, line 16, in clause 11, at end insert—

"(c) the benefits of the service to children's well-being."

Amendment 151, page 12, line 43, leave out Clause 13.

This amendment seeks to remove Clause 13 from the Bill.

Government amendment 70.

Amendment 48, page 13, line 5, in clause 13, leave out "is to be treated" and insert

"the provider decides to treat"

This amendment would mean that providers would be free to decide how to treat content that has been designated 'legal but harmful' to adults.

Amendment 49, page 13, line 11, in clause 13, at end insert—

'(ca) taking no action;"

This amendment provides that providers would be free to take no action in response to content referred to in subsection (3).

Government amendments 71 and 72.

Amendment 157, page 14, line 11, in clause 14, leave out subsections (6) and (7).

This amendment is consequential to Amendment 156, which would require all users of Category 1 services to be verified.

Government amendments 73, 164, 74 and 165.

Amendment 10, page 16, line 16, in clause 16, leave out from "or" until the end of line 17.

Government amendments 166 and 167.

Amendment 50, page 20, line 21, in clause 19, at end insert—

"(6A) A duty to include clear provision in the terms of service that the provider will not take down, or restrict access to content generated, uploaded or shared by a user save where it reasonably concludes that—

(a) the provider is required to do so pursuant to the provisions of this Act, or

(b) it is otherwise reasonable and proportionate to do so."

This amendment sets out a duty for providers to include in terms of service a commitment not to take down or restrict access to content generated, uploaded or shared by a user except in particular circumstances.

Government amendment 168.

Amendment 51, page 20, line 37, in clause 19, at end insert—

"(10) In any claim for breach of contract brought in relation to the provisions referred to in subsection (7), where the breach is established, the court may make such award by way of compensation as it considers appropriate for the removal of, or restriction of access to, the content in question."

This amendment means that where a claim is made for a breach of the terms of service result from Amendment 50, the court has the power to make compensation as it considers appropriate.

Government amendment 169.

Amendment 47, page 22, line 10, in clause 21, at end insert—

"(ba) the duties about adults' risk assessment duties in section (Content harmful to adult risk assessment duties: regulated search services),

(bb) the safety duties protecting adults in section (Safety duties protecting adults: regulated search services)."

Government amendments 75 to 82.

Amendment 162, page 31, line 19, in clause 31, leave out "significant"

This amendment removes the requirement for there to be a "significant" number of child users, and replaces it with "a number" of child users.

Government amendments 85 to 87.

Amendment 192, page 36, line 31, in clause 37, at end insert—

"(ha) persons whom OFCOM consider to have expertise in matters relating to the Equality Act 2010,"

This amendment requires Ofcom to consult people with expertise on the Equality Act 2010 about codes of practice.

Amendment 44, page 37, line 25, in clause 39, leave out from beginning to the second "the" in line 26.

This amendment will remove the ability of the Secretary of State to block codes of practice being, as soon as practical, laid before the House for its consideration.

Amendment 45, page 38, line 8, leave out Clause 40.

This amendment will remove the ability of the Secretary of State to block codes of practice being, as soon as practical, laid before the House for its consideration.

Amendment 13, page 38, line 12, in clause 40, leave out paragraph (a).

Amendment 46, page 39, line 30, leave out Clause 41.

This amendment will remove the ability of the Secretary of State to block codes of practice being, as soon as practical, laid before the House for its consideration.

Amendment 14, page 39, line 33, in clause 41, leave out subsection (2).

Amendment 21, page 40, line 29, in clause 43, leave out "may require" and insert "may make representations to"

Amendment 22, page 40, line 33, in clause 43, at end insert—

'(2A) OFCOM must have due regard to representations by the Secretary of State under subsection (2)."

Government amendments 88 to 89 and 170 to 172.

Amendment 161, page 45, line 23, in clause 49, leave out paragraph (d).

This amendment removes the exemption for one-to-one live aural communications.

Amendment 188, page 45, line 24, in clause 49, leave out paragraph (e).

This amendment removes the exemption for comments and reviews on provider content.

Government amendments 90 and 173.

Amendment 197, page 47, line 12, in clause 50, after "material" insert

"or special interest news material".

Amendment 11, page 47, line 19, in clause 50, after "has" insert "suitable and sufficient".

Amendment 198, page 47, line 37, in clause 50, leave out the first "is" and insert

"and special interest news material are".

Amendment 199, page 48, line 3, in clause 50, at end insert—

""special interest news material" means material consisting of news or information about a particular pastime, hobby, trade, business, industry or profession."

Amendment 12, page 48, line 7, in clause 50, after "a" insert "suitable and sufficient".

Government amendments 91 to 94.

Amendment 52, page 49, line 13, in clause 52, leave out paragraph (d).

This amendment limits the list of relevant offences to those specifically specified.

Government amendments 95 to 100.

Amendment 20, page 51, line 3, in clause 54, at end insert—

'(2A) Priority content designated under subsection (2) must include—

(a) content that contains public health related misinformation or disinformation, and

(b) misinformation or disinformation that is promulgated by a foreign state."

This amendment would require the Secretary of State's designation of "priority content that is harmful to adults" to include public health-related misinformation or disinformation, and misinformation or disinformation spread by a foreign state.

Amendment 53, page 51, line 47, in clause 55, after "State" insert "reasonably".

This amendment, together with Amendment 54, would mean that the Secretary of State must reasonably consider the risk of harm to each one of an appreciable number of adults before specifying a description of the content.

Amendment 54, page 52, line 1, in clause 55, after "to" insert "each of".

This amendment is linked to Amendment 53.

Amendment 55, page 52, line 12, in clause 55, after "OFCOM" insert

", Parliament and members of the public in a manner the Secretary of State considers appropriate".

This amendment requires the Secretary of State to consult Parliament and the public, as well as Ofcom, in a manner the Secretary of State considers appropriate before making regulations about harmful content.

Government amendments 147 to 149.

Amendment 43, page 177, line 23, in schedule 4, after "ages" insert

", including the benefits of the service to their well-being,"

Amendment 196, page 180, line 9, in schedule 4, at end insert—

Amendment 187, page 186, line 32, in schedule 7, at end insert—

"*Human trafficking*

22A An offence under section 2 of the Modern Slavery Act 2015."

This amendment includes Human Trafficking as a priority offence.

Amendment 211, page 187, line 23, in schedule 7, at end insert—

Government new clause 14.

Government new clause 15.

Government amendments 83 to 84.

Amendment 156, page 53, line 7, in clause 57, leave out subsections (1) and (2) and insert—

'(1) A provider of a Category 1 service must require all adult users of the service to verify their identity in order to access the service.

(2) The verification process—

(a) may be of any kind (and in particular, it need not require documentation to be provided),

(b) must—

(i) be carried out by a third party on behalf of the provider of the Category 1 service,

(ii) ensure that all anonymous users of the Category 1 service cannot be identified by other users, apart from where provided for by section (Duty to ensure anonymity of users)."

This amendment would require all users of Category 1 services to be verified. The verification process would have to be carried out by a third party and to ensure the anonymity of users.

Government amendment 101.

Amendment 193, page 58, line 33, in clause 65, at end insert—

"(ea) persons whom OFCOM consider to have expertise in matters relating to the Equality Act 2010,"

This amendment requires Ofcom to consult people with expertise on the Equality Act 2010 in respect of guidance about transparency reports.

Amendment 203, page 60, line 33, in clause 68, at end insert—

'(2B) A duty to meet the conditions set out in Schedule [Additional duties on pornographic content]."

This amendment ensures that commercial pornographic websites must meet the new duties set out in NS1.

Government amendments 141, 177 to 184, 142 to 145, 185 to 186 and 146.

New schedule 1—Additional duties on pornographic content

"30 All user-to-user services and an internet service which provides regulated provider pornographic content must meet the following conditions for pornographic content and content that includes sexual photographs and films ("relevant content").

The conditions are—

(a) the service must not contain any prohibited material,

(b) the service must review all relevant content before publication.

31 In this Schedule—

"photographs and films" has the same meaning as section 34 of the Criminal Justice and Courts Act 2015 (meaning of "disclose" and "photograph or film")

"prohibited material" has the same meaning as section 368E(3) of the Communications Act 2003 (harmful material)."

The new schedule sets out additional duties for pornographic content which apply to user-to-user services under Part 3 and commercial pornographic websites under Part 5.

Government amendments 150 and 174.

Amendment 191, page 94, line 24, in clause 12, at end insert—

"Section [Category 1 services: duty not to discriminate against, harass or victimise service users] Duty not to discriminate against, harass or victimise

This amendment makes NC24 an enforceable requirement.

Government amendment 131.

Mr Speaker: I welcome the new Minister to the Dispatch Box.

Damian Collins: Thank you, Mr Speaker. I am honoured to have been appointed the Minister responsible for the Online Safety Bill. Having worked on these issues for a number of years, I am well aware of the urgency and importance of this legislation, in particular to protect children and tackle criminal activity online—that is why we are discussing this legislation.

Relative to the point of order from my right hon. Friend the Member for Haltemprice and Howden (Mr Davis), I have the greatest respect for him and his standing in this House, but it feels like we have been discussing this Bill for at least five years. We have had a Green Paper and a White Paper. We had a pre-legislative scrutiny process, which I was honoured to be asked to chair. We have had reports from the Digital, Culture, Media and Sport Committee and from other Select Committees and all-party parliamentary groups of this House. This legislation does not want for scrutiny.

We have also had a highly collaborative and iterative process in the discussion of the Bill. We have had 66 Government acceptances of recommendations made by the Joint Committee on the draft Online Safety Bill. We have had Government amendments in Committee. We are discusssing Government amendments today and we have Government commitments to table amendments in the House of Lords. The Bill has received a huge amount of consultation. It is highly important legislation, and the victims of online crime, online fraud, bullying and harassment want to see us get the Bill into the Lords and on the statute book as quickly as possible.

Sir Jeremy Wright (Kenilworth and Southam) (Con): I warmly welcome my hon. Friend to his position. He will understand that those of us who have followed the Bill in some detail since its inception had some nervousness as to who might be standing at that Dispatch Box today, but we could not be more relieved that it is him. May I pick up on his point about the point of order from our right hon. Friend the Member for Haltemprice and Howden (Mr Davis)? Does he agree that an additional point to add to his list is that, unusually, this legislation has a remarkable amount of cross-party consensus behind its principles? That distinguishes it from some of the other legislation that perhaps we should not consider in these two weeks. I accept there is plenty of detail to be examined but, in principle, this Bill has a lot of support in this place.

Damian Collins: I completely agree with my right hon. and learned Friend. That is why the Bill passed Second Reading without a Division and the Joint Committee produced a unanimous report. I am happy for Members to cast me in the role of poacher turned gamekeeper on the Bill, but looking around the House, there are plenty of gamekeepers turned poachers here today who will ensure we have a lively debate.

Mr Speaker: And the other way, as well.

Damian Collins: Exactly. The concept at the heart of this legislation is simple. Tech companies, like those in every other sector, must take appropriate responsibility for the consequences of their business decisions. As they continue to offer their users the latest innovations that enrich our lives, they must consider safety as well as profit. They must treat their users fairly and ensure that the internet remains a place for robust debate. The Bill has benefited from input and scrutiny from right across the House. I pay tribute to my predecessor, my hon. Friend the Member for Croydon South (Chris Philp), who has worked tirelessly on the Bill, not least through 50 hours of Public Bill Committee, and the Bill is better for his input and work.

We have also listened to the work of other Members of the House, including my right hon. and learned Friend the Member for Kenilworth and Southam (Sir Jeremy Wright), the right hon. Member for Barking (Dame Margaret Hodge), my right hon. Friend the Member for Haltemprice and Howden and the Chair of the Select Committee, my hon. Friend the Member for Solihull (Julian Knight), who have all made important contributions to the discussion of the Bill.

We have also listened to those concerned about freedom of expression online. It is worth pausing on that, as there has been a lot of discussion about whether the Bill is censoring legal speech online and much understandable outrage from those who think it is. I asked the same questions when I chaired the Joint Committee on the Bill. This debate does not reflect the actual text of the Bill itself. The Bill does not require platforms to restrict legal speech—let us be absolutely clear about that. It does not give the Government, Ofcom or tech platforms the power to make something illegal online that is legal offline. In fact, if those concerned about the Bill studied it in detail, they would realise that the Bill protects freedom of speech. In particular, the Bill will temper the huge power over public discourse wielded by the big tech companies behind closed doors in California. They are unaccountable for the decisions they make on censoring free speech on a daily basis. Their decisions about what content is allowed will finally be subject to proper transparency requirements.

Dame Maria Miller (Basingstoke) (Con): My hon. Friend did not have the joy of being on the Bill Committee, as I did with my hon. Friend the Member for Croydon South (Chris Philp), who was the Minister at that point. The point that my hon. Friend has just made about free speech is so important for women and girls who are not able to go online because of the violent abuse that they receive, and that has to be taken into account by those who seek to criticise the Bill. We have to make sure that people who currently feel silenced do not feel silenced in future and can participate online in the way that they should be able to do. My hon. Friend is making an excellent point and I welcome him to his position.

Damian Collins: My right hon. Friend is entirely right on that point. The structure of the Bill is very simple. There is a legal priority of harms, and things that are illegal offline will be regulated online at the level of the criminal threshold. There are protections for freedom of speech and there is proper transparency about harmful content, which I will come on to address.

Joanna Cherry (Edinburgh South West) (SNP): Does the Minister agree that, in moderating content, category 1 service providers such as Twitter should be bound by the duties under our domestic law not to discriminate against anyone on the grounds of a protected characteristic? Will he take a look at the amendments I have brought forward today on that point, which I had the opportunity of discussing with his predecessor, who I think was sympathetic?

Damian Collins: The hon. and learned Lady makes a very important point. The legislation sets regulatory thresholds at the criminal law level based on existing offences in law. Many of the points she made are covered by existing public law offences, particularly in regards to discriminating against people based on their protected characteristics. As she well knows, the internet is a reserved matter, so the legal threshold is set at where UK law stands, but where law may differ in Scotland, the police authorities in Scotland can still take action against individuals in breach of the law.

Joanna Cherry: The difficulty is that Twitter claims it is not covered by the Equality Act 2010. I have seen legal correspondence to that effect. I am not talking about the criminal law here. I am talking about Twitter's duty not to discriminate against women, for example, or those who hold gender critical beliefs in its moderation of content. That is the purpose of my amendment today—it would ensure that Twitter and other service providers providing a service in the United Kingdom abide by our domestic law. It is not really a reserved or devolved matter.

Damian Collins: The hon. and learned Lady is right. There are priority offences where the companies, regardless of their terms of service, have to meet their obligations. If something is illegal offline, it is illegal online as well. There are priority areas where the company must proactively look for that. There are also non-priority areas where the company should take action against anything that is an offence in law and meets the criminal threshold online. The job of the regulator is to hold them to account for that. They also have to be transparent in their terms of service as category 1 companies. If they have clear policies against discrimination, which they on the whole all do, they will have to set out what they would do, and the regulator can hold them to account to make sure they do what they say. The regulator cannot make them take down speech that is legal or below a criminal threshold, but they can hold them to account publicly for the decisions they make.

One of the most important aspects of this Bill with regard to the category 1 companies is transparency. At the moment, the platforms make decisions about curating their content—who to take down, who to suppress, who to leave up—but those are their decisions. There is no external scrutiny of what they do or even whether they do what they say they will do. As a point of basic consumer protection law, if companies say in their terms of service that they will do something, they should be held to account for it. What is put on the label also needs to be in the tin and that is what the Bill will do for the internet.

I now want to talk about journalism and the role of the news media in the online world, which is a very important part of this Bill. The Government are committed to defending the invaluable role of a free media. Online safety legislation must protect the vital role of the press in providing people with reliable and accurate sources of information. Companies must therefore put in place protections for journalistic content. User-to-user services will not have to apply their safety duties in part 3 of the Bill to news publishers' content shared on their services. News publishers' content on their own sites will also not be in scope of regulation.

1 pm

New clause 19 and associated amendments introduce a further requirement on category 1 services to notify a recognised news publisher and offer a right of appeal before removing or moderating its content or taking any action against its account. This new provision will reduce the risk of major online platforms taking over-zealous, arbitrary or accidental moderation decisions against news publisher content, which plays an invaluable role in UK democracy and society.

We recognise that there are cases where platforms must be able to remove content without having to provide an appeal, and the new clause has been drafted to ensure that platforms will not be required to provide an appeal before removing content that would give rise to civil or criminal liability to the service itself, or where it amounts to a relevant offence as defined by the Bill. This means that platforms can take down without an appeal content that would count as illegal content under the Bill.

Moreover, in response to some of the concerns raised, in particular by my right hon. and learned Friend the Member for Kenilworth and Southam as well as by other Members, about the danger of creating an inadvertent loophole for bad actors, we have committed to further tightening the definition of "recognised news provider" in the House of Lords to ensure that sanctioned entities, such as RT, cannot benefit from these protections.

As the legislation comes into force, the Government are committed to ensuring that protections for journalism and news publisher content effectively safeguard users' access to such content. We have therefore tabled amendments 167 and 168 to require category 1 companies

to assess the impact of their safety duties on how news publisher and journalistic content are treated when hosted on the service. They must then demonstrate the steps they are taking to mitigate any impact.

In addition, a series of amendments, including new clause 20, will require Ofcom to produce a report assessing the impact of the Online Safety Bill on the availability and treatment of news publisher content and journalistic content on category 1 services. This will include consideration of the impact of new clause 19, and Ofcom must do this within two years of the relevant provisions being commenced.

The Bill already excludes comments sections on news publishers' sites from the Bill's safety duties. These comments are crucial for enabling reader engagement with the news and encouraging public debate, as well as for the sustainability of the news media. We have tabled a series of amendments to strengthen these protections, reflecting the Government's commitment to media freedom. The amendments will create a higher bar for removing the protections in place for comments sections on recognised news publishers' sites by ensuring that these can only be brought into the scope of regulation via primary legislation.

Government amendments 70 and 71 clarify the policy intention of the clause 13 adult safety duties to improve transparency about how providers treat harmful content, rather than incentivise its removal. The changes respond to concerns raised by stakeholders that the drafting did not make it sufficiently clear that providers could choose simply to allow any form of legal content, rather than promote, restrict or remove it, regardless of the harm to users.

This is a really important point that has sometimes been missed in the discussion on the Bill. There are very clear duties relating to illegal harm that companies must proactively identify and mitigate. The transparency requirements for other harmful content are very clear that companies must set out what their policies are. Enforcement action can be taken by the regulator for breach of their policies, but the primary objective is that companies make clear what their policies are. It is not a requirement for companies to remove legal speech if their policies do not allow that.

Dame Margaret Hodge (Barking) (Lab): I welcome the Minister to his position, and it is wonderful to have somebody else who—like the previous Minister, the hon. Member for Croydon South (Chris Philp)—knows what he is talking about. On this issue, which is pretty key, I think it would work if minimum standards were set on the risk assessments that platforms have to make to judge what is legal but harmful content, but at the moment such minimum standards are not in the Bill. Could the Minister comment on that? Otherwise, there is a danger that platforms will set a risk assessment that allows really vile harmful but legal content to carry on appearing on their platform.

Damian Collins: The right hon. Lady makes a very important point. There have to be minimum safety standards, and I think that was also reflected in the report of the Joint Committee, which I chaired. Those minimum legal standards are set where the criminal law is set for these priority legal offences. A company may have higher terms of service—it may operate at a higher level—in which case it will be judged on the operation of its terms of service. However, for priority illegal content, it cannot have a code of practice that is below the legal threshold, and it would be in breach of the provisions if it did. For priority illegal offences, the minimum threshold is set by the law.

Dame Margaret Hodge: I understand that in relation to illegal harmful content, but I am talking about legal but harmful content. I understand that the Joint Committee that the hon. Member chaired recommended that for legal but harmful content, there should be minimum standards against which the platforms would be judged. I may have missed it, but I cannot see that in the Bill.

Damian Collins: The Joint Committee's recommendation was for a restructuring of the Bill, so that rather than having general duty of care responsibilities that were not defined, we defined those responsibilities based on existing areas of law. The core principle behind the Bill is to take things that are illegal offline, and to regulate such things online based on the legal threshold. That is what the Bill does.

In schedule 7, which did not exist in the draft phase, we have written into the Bill a long list of offences in law. I expect that, as this regime is created, the House will insert more regulations and laws into schedule 7 as priority offences in law. Even if an offence in law is not listed in the priority illegal harms schedule, it can still be a non-priority harm, meaning that even if a company does not have to look for evidence of that offence proactively, it still has to act if it is made aware of the offence. I think the law gives us a very wide range of offences, clearly defined against offences in law, where there are clearly understood legal thresholds.

The question is: what is to be done about other content that may be harmful but sits below the threshold? The Government have made it clear that we intend to bring forward amendments that set out clear priorities for companies on the reporting of such harmful content, where we expect the companies to set out what their policies are. That will include setting out clearly their policies on things such as online abuse and harassment, the circulation of real or manufactured intimate images, content promoting self-harm, content promoting eating disorders or legal suicide content—this is content relating to adults—so the companies will have to be transparent on that point.

Chris Philp (Croydon South) (Con): I congratulate the Minister on his appointment, and I look forward to supporting him in his role as he previously supported me in mine. I think he made an important point a minute ago about content that is legal but considered to be harmful. It has been widely misreported in the press that this Bill censors or prohibits such content. As the Minister said a moment ago, it does no such thing. There is no requirement on platforms to censor or remove content that is legal, and amendment 71 to clause 13 makes that expressly clear. Does he agree that reports suggesting that the Bill mandates censorship of legal content are completely inaccurate?

Damian Collins: I am grateful to my hon. Friend, and as I said earlier, he is absolutely right. There is no requirement for platforms to take down legal speech, and they cannot be directed to do so. What we have is a

[Damian Collins]

transparency requirement to set out their policies, with particular regard to some of the offences I mentioned earlier, and a wide schedule of things that are offences in law that are enforced through the Bill itself. This is a very important distinction to make. I said to him on Second Reading that I thought the general term "legal but harmful" had added a lot of confusion to the way the Bill was perceived, because it created the impression that the removal of legal speech could be required by order of the regulator, and that is not the case.

Debbie Abrahams (Oldham East and Saddleworth) (Lab): I congratulate the Minister on his promotion and on his excellent chairmanship of the prelegislative scrutiny Committee, which I also served on. Is he satisfied with the Bill in relation to disinformation? It was concerning that there was only one clause on disinformation, and we know the impact—particularly the democratic impact—that that has on our society at large. Is he satisfied that the Bill will address that?

Damian Collins: It was a pleasure to serve alongside the hon. Lady on the Joint Committee. There are clear new offences relating to knowingly false information that will cause harm. As she will know, that was a Law Commission recommendation; it was not in the draft Bill but it is now in the Bill. The Government have also said that as a consequence of the new National Security Bill, which is going through Parliament, we will bring in a new priority offence relating to disinformation spread by hostile foreign states. As she knows, one of the most common areas for organised disinformation has been at state level. As a consequence of the new national security legislation, that will also be reflected in schedule 7 of this Bill, and that is a welcome change.

The Bill requires all services to take robust action to tackle the spread of illegal content and activity. Providers must proactively reduce the risk on their services of illegal activity and the sharing of illegal content, and they must identify and remove illegal content once it appears on their services. That is a proactive responsibility. We have tabled several interrelated amendments to reinforce the principle that companies must take a safety-by-design approach to managing the risk of illegal content and activity on their services. These amendments require platforms to assess the risk of their services being used to commit, or to facilitate the commission of, a priority offence and then to design and operate their services to mitigate that risk. This will ensure that companies put in place preventive measures to mitigate a broad spectrum of factors that enable illegal activity, rather than focusing solely on the removal of illegal content once it appears.

Henry Smith (Crawley) (Con): I congratulate my hon. Friend on his appointment to his position. On harmful content, there are all too many appalling examples of animal abuse on the internet. What are the Government's thoughts on how we can mitigate such harmful content, which is facilitating wildlife crime? Might similar online protections be provided for animals to the ones that clause 53 sets out for children?

Damian Collins: My hon. Friend raises an important point that deserves further consideration as the Bill progresses through its parliamentary stages. There is, of course, still a general presumption that any illegal activity that could also constitute illegal activity online—for example, promoting or sharing content that could incite people to commit violent acts—is within scope of the legislation. There are some priority illegal offences, which are set out in schedule 7, but the non-priority offences also apply if a company is made aware of content that is likely to be in breach of the law. I certainly think this is worth considering in that context.

In addition, the Bill makes it clear that platforms have duties to mitigate the risk of their service facilitating an offence, including where that offence may occur on another site, such as can occur in cross-platform child sexual exploitation and abuse—CSEA—offending, or even offline. This addresses concerns raised by a wide coalition of children's charities that the Bill did not adequately tackle activities such as breadcrumbing—an issue my hon. Friend the Member for Solihull (Julian Knight), the Chair of the Select Committee, has raised in the House before—where CSEA offenders post content on one platform that leads to offences taking place on a different platform.

We have also tabled new clause 14 and a related series of amendments in order to provide greater clarity about how in-scope services should determine whether they have duties with regard to content on their services. The new regulatory framework requires service providers to put in place effective and proportionate systems and processes to improve user safety while upholding free expression and privacy online. The systems and processes that companies implement will be tailored to the specific risk profile of the service. However, in many cases the effectiveness of companies' safety measures will depend on them making reasonable judgments about types of content. Therefore, it is essential to the effective functioning of the framework that there is clarity about how providers should approach these judgments. In particular, such clarity will safeguard against companies over-removing innocuous content if they wrongly assume mental elements are present, or under-removing content if they act only where all elements of an offence are established beyond reasonable doubt. The amendments make clear that companies must consider all reasonably available contextual information when determining whether content is illegal content, a fraudulent advert, content that is harmful to children, or content that is harmful to adults.

Kirsty Blackman (Aberdeen North) (SNP): I was on the Bill Committee and we discussed lots of things, but new clause 14 was not discussed: we did not have conversations about it, and external organisations have not been consulted on it. Is the Minister not concerned that this is a major change to the Bill and it has not been adequately consulted on?

Damian Collins: As I said earlier, in establishing the threshold for priority illegal offences, the current threshold of laws that exist offline should provide good guidance. I would expect that as the codes of practice are developed, we will be able to make clear what those offences are. On the racial hatred that the England footballers received after the European championship football final, people have been prosecuted for what they posted on Twitter and other social media platforms. We know what race hate looks like in that context, we know what the regulatory threshold should look at and we know the sort of content we are trying to regulate. I expect that,

in the codes of practice, Ofcom can be very clear with companies about what we expect, where the thresholds are and where we expect them to take enforcement action.

1.15 pm

Dame Caroline Dinenage (Gosport) (Con): I congratulate my hon. Friend on taking his new position; we rarely have a new Minister so capable of hitting the ground running. He makes a crucial point about clearness and transparency for both users and the social media providers and other platforms, because it is important that we make sure they are 100% clear about what is expected of them and the penalties for not fulfilling their commitments. Does he agree that opaqueness—a veil of secrecy—has been one of the obstacles, and that a whole raft of content has been taken down for the wrong reasons while other content has been left to proliferate because of the lack of clarity?

Damian Collins: That is entirely right, and in closing I say that the Bill does what we have always asked for it to do: it gives absolute clarity that illegal things offline must be illegal online as well, and be regulated online. It establishes clear responsibilities and liabilities for the platforms to do that proactively. It enables a regulator to hold the platforms to account on their ability to tackle those priority illegal harms and provide transparency on other areas of harmful content. At present we simply do not know about the policy decisions that companies choose to make: we have no say in it; it is not transparent; we do not know whether they do it. The Bill will deliver in those important regards. If we are serious about tackling issues such as fraud and abuse online, and other criminal offences, we require a regulatory system to do that and proper legal accountability and liability for the companies. That is what the Bill and the further amendments deliver.

Alex Davies-Jones (Pontypridd) (Lab): It is an honour to respond on the first group of amendments on behalf of the Opposition.

For those of us who have been working on this Bill for some time now, it has been extremely frustrating to see the Government take such a siloed approach in navigating this complex legislation. I remind colleagues that in Committee Labour tabled a number of hugely important amendments that sought to make the online space safer for us all, but the Government responded by voting against each and every one of them. I certainly hope the new Minister—I very much welcome him to his post—has a more open-minded approach than his predecessor and indeed the Secretary of State; I look forward to what I hope will be a more collaborative approach to getting this legislation right.

With that in mind, it must be said that time and again this Government claim that the legislation is world-leading but that is far from the truth. Instead, once again the Government have proposed hugely significant and contentious amendments only after line-by-line scrutiny in Committee; it is not the first time this has happened in this Parliament, and it is extremely frustrating for those of us who have debated this Bill for more than 50 hours over the past month.

I will begin by touching on Labour's broader concerns around the Bill. As the Minister will be aware, we believe that the Government have made a fundamental mistake in their approach to categorisation, which undermines the very structure of the Bill. We are not alone in this view and have the backing of many advocacy and campaign groups including the Carnegie UK Trust, Hope Not Hate and the Antisemitism Policy Trust. Categorisation of services based on size rather than risk of harm will mean that the Bill will fail to address some of the most extreme harms on the internet.

We all know that smaller platforms such as 4chan and BitChute have significant numbers of users who are highly motivated to promote very dangerous content. Their aim is to promote radicalisation and to spread hate and harm.

Debbie Abrahams: Not only that: people migrate from one platform to another, a fact that just has not been reflected on by the Government.

Alex Davies-Jones: My hon. Friend is absolutely right, and has touched on elements that I will address later in my speech. I will look at cross-platform harm and breadcrumbing; the Government have taken action to address that issue, but they need to go further.

Damian Collins: I am sorry to intervene so early in the hon. Lady's speech, and thank her for her kind words. I personally agree that the question of categorisation needs to be looked at again, and the Government have agreed to do so. We will hopefully discuss it next week during consideration of the third group of amendments.

Alex Davies-Jones: I welcome the Minister's commitment, which is something that the previous Minister, the hon. Member for Croydon South (Chris Philp) also committed to in Committee. However, it should have been in the Bill to begin with, or been tabled as an amendment today so that we could discuss it on the Floor of the House. We should not have to wait until the Bill goes to the other place to discuss this fundamental, important point that I know colleagues on the Minister's own Back Benches have been calling for. Here we are, weeks down the line, with nothing having been done to fix that problem, which we know will be a persistent problem unless action is taken. It is beyond frustrating that no indication was given in Committee of these changes, because they have wide-ranging consequences for the effects of the Bill. Clearly, the Government are distracted with other matters, but I remind the Minister that Labour has long called for a safer internet, and we are keen to get the Bill right.

Let us start with new clause 14, which provides clarification about how online services should determine whether content should be considered illegal, and therefore how the illegal safety duty should apply. The new clause is deeply problematic, and is likely to reduce significantly the amount of illegal content and fraudulent advertising that is correctly identified and acted on. First, companies will be expected to determine whether content is illegal or fraudulently based on information that is

"reasonably available to a provider",

with reasonableness determined in part by the size and capacity of the provider. That entrenches the problems I have outlined with smaller, high-risk companies being subject to fewer duties despite the acute risks they pose. Having less onerous applications of the illegal safety duties will encourage malign actors to migrate illegal

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activity on to smaller sites that have less pronounced regulatory expectations placed on them. That has particularly concerning ramifications for children's protections, which I will come on to shortly. On the other end of the scale, larger sites could use new clause 14 to argue that their size and capacity, and the corresponding volumes of material they are moderating, makes it impractical for them reliably and consistently to identify illegal content.

The second problem arises from the fact that the platforms will need to have

"reasonable grounds to infer that all elements necessary for the commission of the offence, including mental elements, are present or satisfied".

That significantly raises the threshold at which companies are likely to determine that content is illegal. In practice, companies have routinely failed to remove content where there is clear evidence of illegal intent. That has been the case in instances of child abuse breadcrumbing, where platforms use their own definitions of what constitutes a child abuse image for moderation purposes. Charities believe it is inevitable that companies will look to use this clause to minimise their regulatory obligations to act.

Finally, new clause 14 and its resulting amendments do not appear to be adequately future-proofed. The new clause sets out that judgments should be made

"on the basis of all relevant information that is reasonably available to a provider."

However, on Meta's first metaverse device, the Oculus Quest product, that company records only two minutes of footage on a rolling basis. That makes it virtually impossible to detect evidence of grooming, and companies can therefore argue that they cannot detect illegal content because the information is not reasonably available to them. The new clause undermines and weakens the safety mechanisms that the Minister, his team, the previous Minister, and all members of the Joint Committee and the Public Bill Committee have worked so hard to get right. I urge the Minister to reconsider these amendments and withdraw them.

I will now move on to improving the children's protection measures in the Bill. In Committee, it was clear that one thing we all agreed on, cross-party and across the House, was trying to get the Bill to work for children. With colleagues in the Scottish National party, Labour Members tabled many amendments and new clauses in an attempt to achieve that goal. However, despite their having the backing of numerous children's charities, including the National Society for the Prevention of Cruelty to Children, 5Rights, Save the Children, Barnardo's, The Children's Society and many more, the Government sadly did not accept them. We are grateful to those organisations for their insights and support throughout the Bill's passage.

We know that children face significant risks online, from bullying and sexist trolling to the most extreme grooming and child abuse. Our amendments focus in particular on preventing grooming and child abuse, but before I speak to them, I associate myself with the amendments tabled by our colleagues in the Scottish National party, the hon. Members for Aberdeen North (Kirsty Blackman) and for Ochil and South Perthshire (John Nicolson). In particular, I associate myself with the sensible changes they have suggested to the Bill at this stage, including a change to children's access assessments through amendment 162 and a strengthening of duties to prevent harm to children caused by habit-forming features through amendment 190.

Since the Bill was first promised in 2017, the number of online grooming crimes reported to the police has increased by more than 80%. Last year, around 120 sexual communication with children offences were committed every single week, and those are only the reported cases. The NSPCC has warned that that amounts to a

"tsunami of online child abuse".

We now have the first ever opportunity to legislate for a safer world online for our children.

However, as currently drafted, the Bill falls short by failing to grasp the dynamics of online child abuse and grooming, which rarely occurs on one single platform or app, as mentioned by my hon. Friend the Member for Oldham East and Saddleworth (Debbie Abrahams). In well-established grooming pathways, abusers exploit the design features of open social networks to contact children, then move their communication across to other, more encrypted platforms, including livestreaming sites and encrypted messaging services. For instance, perpetrators manipulate features such as Facebook's algorithmic friend suggestions to make initial contact with large numbers of children, who they then groom through direct messages before moving to encrypted services such as WhatsApp, where they coerce children into sending sexual images. That range of techniques is often referred to as child abuse breadcrumbing, and is a significant enabler of online child abuse.

I will give a sense of how easy it is for abusers to exploit children by recounting the words and experiences of a survivor, a 15-year-old girl who was groomed on multiple sites:

"I've been chatting with this guy online who's…twice my age. This all started on Instagram but lately all our chats have been on WhatsApp. He seemed really nice to begin with, but then he started making me do these things to 'prove my trust' to him, like doing video chats with my chest exposed. Every time I did these things for him, he would ask for more and I felt like it was too late to back out. This whole thing has been slowly destroying me and I've been having thoughts of hurting myself."

I appreciate that it is difficult listening, but that experience is being shared by thousands of other children every year, and we need to be clear about the urgency that is needed to change that.

It will come as a relief to parents and children that, through amendments 58 to 61, the Government have finally agreed to close the loophole that allowed for breadcrumbing to continue. However, I still wish to speak to our amendments 15, 16, and 17 to 19, which were tabled before the Government changed their mind. Together with the Government's amendments, these changes will bring into scope tens of millions of interactions with accounts that actively enable the discovery and sharing of child abuse material.

Amendment 15 would ensure that platforms have to include in their illegal content risk assessment content that

"reasonably foreseeably facilitates or aids the discovery or dissemination of CSEA content."

Amendment 16 would ensure that platforms have to maintain proportionate systems and processes to minimise the presence of such content on their sites. The wording

of our amendments is tighter and includes aiding the discovery or dissemination of content, whereas the Government's amendments cover only "commission or facilitation". Can the Minister tell me why the Government chose that specific wording and opposed the amendments that we tabled in Committee, which would have done the exact same thing? I hope that in the spirit of collaboration that we have fostered throughout the passage of the Bill with the new Minister and his predecessor, the Minister will consider the merit of our amendments 15 and 16.

Labour is extremely concerned about the significant powers that the Bill in its current form gives to the Secretary of State. We see that approach to the Bill as nothing short of a shameless attempt at power-grabbing from a Government whose so-called world-leading Bill is already failing in its most basic duty of keeping people safe online. Two interlinked issues arise from the myriad of powers granted to the Secretary of State throughout the Bill: the first is the unjustified intrusion of the Secretary of State into decisions that are about the regulation of speech, and the second is the unnecessary levels of interference and threats to the independence of Ofcom that arise from the powers of direction to Ofcom in its day-to-day matters and operations. That is not good governance, and it is why Labour has tabled a range of important amendments that the Minister must carefully consider. None of us wants the Bill to place undue powers in the hands of only one individual. That is not a normal approach to regulation, so I fail to see why the Government have chosen to go down that route in this case.

Chris Philp: I thank the shadow Minister for giving way—I will miss our exchanges across the Dispatch Box. She is making a point about the Secretary of State powers in, I think, clause 40. Is she at all reassured by the undertakings given in the written ministerial statement tabled by the Secretary of State last Thursday, in which the Government committed to amending the Bill in the Lords to limit the use of those powers to exceptional circumstances only, and precisely defined those circumstances as only being in connection with issues such as public health and public safety?

Alex Davies-Jones: I thank the former Minister for his intervention, and I am grateful for that clarification. We debated at length in Committee the importance of the regulator's independence and the prevention of overarching Secretary of State powers, and of Parliament having a say and being reconvened if required. I welcome the fact that that limitation on the power will be tabled in the other place, but it should have been tabled as an amendment here so that we could have discussed it today. We should not have to wait for the Bill to go to the other place for us to have our say. Who knows what will happen to the Bill tomorrow, next week or further down the line with the Government in utter chaos? We need this to be done now. The Minister must recognise that this is an unparalleled level of power, and one with which the sector and Back Benchers in his own party disagree. Let us work together and make sure the Bill really is fit for purpose, and that Ofcom is truly independent and without interference and has the tools available to it to really create meaningful change and keep us all safe online once and for all.

1.30 pm

I must put on record my support for amendments 11 and 12, tabled by the right hon. and learned Member for Kenilworth and Southam (Sir Jeremy Wright). In Committee, we heard multiple examples of racist, extremist and other harmful publishers, from holocaust deniers to white supremacists, who would stand to benefit from the recognised news publisher exemption as it stands, either overnight or by making minor administrative changes. As long as the exemption protects antisemites and extremists, it is not fit for purpose. That much should be clear to all of us. In Committee, in response to an amendment tabled by my hon. Friend the Member for Batley and Spen (Kim Leadbeater), the then Minister promised a concession so that Russia Today would be excluded from the recognised news publisher exemption. I welcome the Minister's comments at the Dispatch Box today to confirm that. I am pleased that the Government have promised to exclude sanctioned news bodies such as Russia Today, but their approach does not go far enough. Disinformation outlets rarely have the profile of Russia Today.

Andrew Percy (Brigg and Goole) (Con): While the shadow Minister is on the subject of exemptions for antisemites, will she say where the Opposition are on the issue of search? Search platforms and search engines provide some of the most appalling racist, Islamophobic and antisemitic content.

Alex Davies-Jones: I thank the hon. Gentleman, who is absolutely right. In Committee, we debated at length the impact search engines have, and they should be included in the Bill's categorisation of difficult issues. In one recent example on a search engine, the imagery that comes up when we search for desk ornaments is utterly appalling and needs to be challenged and changed. If we are to truly tackle antisemitism, racism and extremist content online, then the provisions need to be included in the Bill, and journalistic exemptions should not apply to this type of content. Often, they operate more discretely and are less likely to attract sanctions. Furthermore, any amendment will provide no answer to the many extremist publishers who seek to exploit the terms of the exemption. For those reasons, we need to go further.

The amendments are not a perfect or complete solution. Deficiencies remain, and the amendments do not address the fact that the exemption continues to exclude dozens of independent local newspapers around the country on the arbitrary basis that they have no fixed address. The Independent Media Association, which represents news publishers, describes the news publisher criteria as "punishing quality journalism with high standards". I hope the Minister will reflect further on that point. As a priority, we need to ensure that the exemption cannot be exploited by bad actors. We must not give a free pass to those propagating racist, misogynistic or antisemitic harm and abuse. By requiring some standards of accountability for news providers, however modest, the amendments are an improvement on the Bill as drafted. In the interests of national security and the welfare of the public, we must support the amendments.

Finally, I come to a topic that I have spoken about passionately in this place on a number of occasions and that is extremely close to my heart: violence against

[Alex Davies-Jones]

women and girls. Put simply, in their approach to the Bill the Government are completely failing and falling short in their responsibilities to keep women and girls safe online. Labour has been calling for better protections for some time now, yet still the Government are failing to see the extent of the problem. They have only just published an initial indicative list of priority harms to adults, in a written statement that many colleagues may have missed. While it is claimed that this will add to scrutiny and debate, the final list of harms will not be on the face of the Bill but will included in secondary legislation after the Bill has received Royal Assent. Non-designated content that is harmful will not require action on the part of service providers, even though by definition it is still extremely harmful. How can that be acceptable?

Many campaigners have made the case that protections for women and girls are not included in the draft Bill at all, a concern supported by the Petitions Committee in its report on online abuse. Schedule 7 includes a list of sexual offences and aggravated offences, but the Government have so far made no concessions here and the wider context of violence against women and girls has not been addressed. That is why I urge the Minister to carefully consider our new clause 3, which seeks to finally name violence against women and girls as a priority harm. The Minister's predecessor said in Committee that women and girls receive "disproportionate" levels of abuse online. The Minister in his new role will likely be well briefed on the evidence, and I know this is an issue he cares passionately about. The case has been put forward strongly by hon. Members on all sides of the House, and the message is crystal clear: women and girls must be protected online, and we see this important new clause as the first step.

Later on, we hope to see the Government move further and acknowledge that there must be a code of practice on tackling violence against women and girls content online.

Dame Maria Miller: The hon. Lady raises the issue of codes of practice. She will recall that in Committee we talked about that specifically and pressed the then Minister on that point. It became very clear that Ofcom would be able to issue a code of practice on violence against women and girls, which she talked about. Should we not be seeking an assurance that Ofcom will do that? That would negate the need to amend the Bill further.

Alex Davies-Jones: I welcome the right hon. Lady's comments. We did discuss this at great length in Committee, and I know she cares deeply and passionately about this issue, as do I. It is welcome that Ofcom can issue a code of practice on violence against women and girls, and we should absolutely be urging it to do that, but we also need to make it a fundamental aim of the Bill. If the Bill is to be truly world leading, if it is truly to make us all safe online, and if we are finally to begin to tackle the scourge of violence against women and girls in all its elements—not just online but offline—then violence against women and girls needs to be named as a priority harm in the Bill. We need to take the brave new step of saying that enough is enough. Words are not enough. We need actions, and this is an action the Minister could take.

Damian Collins: I think we would all agree that when we look at the priority harms set out in the Bill, women and girls are disproportionately the victims of those offences. The groups in society that the Bill will most help are women and girls in our community. I am happy to work with the hon. Lady and all hon. Members to look at what more we can do on this point, both during the passage of the Bill and in future, but as it stands the Bill is the biggest step forward in protecting women and girls, and all users online, that we have ever seen.

Alex Davies-Jones: I am grateful to the Minister for the offer to work on that further, but we have an opportunity now to make real and lasting change. We talk about how we tackle this issue going forward. How can we solve the problem of violence against women and girls in our community? Three women a week are murdered at the hands of men in this country—that is shocking. How can we truly begin to tackle a culture change? This is how it starts. We have had enough of words. We have had enough of Ministers standing at the Dispatch Box saying, "This is how we are going to tackle violence against women and girls; this is our new plan to do it." They have an opportunity to create a new law that makes it a priority harm, and that makes women and girls feel like they are being listened to, finally. I urge the Minister and Members in all parts of the House, who know that this is a chance for us finally to take that first step, to vote for new clause 3 today and make women and girls a priority by showing understanding that they receive a disproportionate level of abuse and harm online, and by making them a key component of the Bill.

Mr David Davis (Haltemprice and Howden) (Con): I join everybody else in welcoming the Under-Secretary of State for Digital, Culture, Media and Sport, my hon. Friend the Member for Folkestone and Hythe (Damian Collins), to the Front Bench. He is astonishingly unusual in that he is both well-intentioned and well-informed, a combination we do not always find among Ministers.

I will speak to my amendments to the Bill. I am perfectly willing to be in a minority of one—one of my normal positions in this House. To be in a minority of one on the issue of free speech is an honourable place to be. I will start by saying that I think the Bill is fundamentally mis-designed. It should have been several Bills, not one. It is so complex that it is very difficult to forecast the consequences of what it sets out to do. It has the most fabulously virtuous aims, but unfortunately the way things will be done under it, with the use of Government organisations to make decisions that, properly, should be taken on the Floor of the House, is in my view misconceived.

We all want the internet to be safe. Right now, there are too many dangers online—we have been hearing about some of them from the hon. Member for Pontypridd (Alex Davies-Jones), who made a fabulous speech from the Opposition Front Bench—from videos propagating terror to posts promoting self-harm and suicide. But in its well-intentioned attempts to address those very real threats, the Bill could actually end up being the biggest accidental curtailment of free speech in modern history.

There are many reasons to be concerned about the Bill. Not all of them are to be dealt with in this part of the Report stage—some will be dealt with later—and I do not have time to mention them all. I will make one

criticism of the handling of the Bill at this point. I have seen much smaller Bills have five days on Report in the past. This Bill demands more than two days. That was part of what I said in my point of order at the beginning.

One of the biggest problems is the "duties of care" that the Bill seeks to impose on social media firms to protect users from harmful content. That is a more subtle issue than the tabloid press have suggested. My hon. Friend the Member for Croydon South (Chris Philp), the previous Minister, made that point and I have some sympathy with him. I have spoken to representatives of many of the big social media firms, some of which cancelled me after speeches that I made at the Conservative party conference on vaccine passports. I was cancelled for 24 hours, which was an amusing process, and they put me back up as soon as they found out what they had done. Nevertheless, that demonstrated how delicate and sensitive this issue is. That was a clear suppression of free speech without any of the pressures that are addressed in the Bill.

When I spoke to the firms, they made it plain that they did not want the role of online policemen, and I sympathise with them, but that is what the Government are making them do. With the threat of huge fines and even prison sentences if they consistently fail to abide by any of the duties in the Bill—I am using words from the Bill—they will inevitably err on the side of censorship whenever they are in doubt. That is the side they will fall on.

Worryingly, the Bill targets not only illegal content, which we all want to tackle—indeed, some of the practice raised by the Opposition Front Bencher, the hon. Member for Pontypridd should simply be illegal full stop—but so-called "legal but harmful" content. Through clause 13, the Bill imposes duties on companies with respect to legal content that is "harmful to adults". It is true that the Government have avoided using the phrase "legal but harmful" in the Bill, preferring "priority content", but we should be clear about what that is.

The Bill's factsheet, which is still on the Government's website, states on page 1:

"The largest, highest-risk platforms will have to address named categories of legal but harmful material".

This is not just a question of transparency—they will "have to" address that. It is simply unacceptable to target lawful speech in this way. The "Legal to Say, Legal to Type" campaign, led by Index on Censorship, sums up this point: it is both perverse and dangerous to allow speech in print but not online.

Damian Collins: As I said, a company may be asked to address this, which means that it has to set out what its policies are, how it would deal with that content and its terms of service. The Bill does not require a company to remove legal speech that it has no desire to remove. The regulator cannot insist on that, nor can the Government or the Bill. There is nothing to make legal speech online illegal.

Mr Davis: That is exactly what the Minister said earlier and, indeed, said to me yesterday when we spoke about this issue. I do not deny that, but this line of argument ignores the unintended consequences that the Bill may have. Its stated aim is to achieve reductions in online harm, not just illegal content. Page 106 of the Government's impact assessment lists a reduction in the prevalence of legal but harmful content as a "key evaluation" question. The Bill aims to reduce that—the Government say that both in the online guide and the impact assessment. The impact assessment states that an increase in "content moderation" is expected because of the Bill.

A further concern is that the large service providers already have terms and conditions that address so-called legal but harmful content. A duty to state those clearly and enforce them consistently risks legitimising and strengthening the application of those terms and conditions, possibly through automated scanning and removal. That is precisely what happened to me before the Bill was even dreamed of. That was done under an automated system, backed up by somebody in Florida, Manila or somewhere who decided that they did not like what I said. We have to bear in mind how cautious the companies will be. That is especially worrying because, as I said, providers will be under significant pressure from outside organisations to include restrictive terms and conditions. I say this to Conservative Members, and we have some very well-intentioned and very well-informed Members on these Benches: beware of the gamesmanship that will go on in future years in relation to this.

Ofcom and the Department see these measures as transparency measures—that is the line. Lord Michael Grade, who is an old friend of mine, came to see me and he talked about this not as a pressure, but as a transparency measure. However, these are actually pressure measures. If people are made to announce things and talk about them publicly, that is what they become.

It is worth noting that several free speech and privacy groups have expressed scepticism about the provisions, yet they were not called to give oral evidence in Committee. A lot of other people were, including pressure groups on the other side and the tech companies, which we cannot ignore, but free speech advocates were not.

1.45 pm

The clause is also part of the Bill where real democratic scrutiny is missing. Without being too pious about this, the simple truth is that the comparative power of Parliament has diminished over the past decade or two, with respect to Government, and this is another example. The decision on what counts as

"priority content that is harmful to adults"

will initially be made by the Secretary of State and then be subject to the draft affirmative procedure, in a whipped Statutory Instrument Committee. I have never, ever been asked to serve on an SI Committee and the Whips' Office has never sought me to volunteer to do that—I wonder why. I hasten to add that I am not volunteering to do so now either, but the simple truth is this will be considered in a whipped, selected Committee. When we talked earlier about constraints on the power, we heard comments such as, "We will only do this in the case of security, and so on." Heavens above, we have been through two years of ferocious controversy on matters of public health security. This is not something that should somehow be protected from free speech, I'm afraid.

We cannot allow such significant curtailments of free expression to take place without proper parliamentary debate or amendment. These questions need to be discussed and decided in the Chamber, if need be, annually. When I first came into the House of Commons, we had an annual Companies Act, because companies law and

accounting law were going through change. They were not changing anything like as fast as the internet. The challenges were not coming up anything like as fast as they do with the internet, so why do we not have an annual Bill on this matter? I would be perfectly happy to see that, so that we can make decisions here. If we do not do that, we could do this on an ad hoc basis as the issues arise, including some that the hon. Member for Pontypridd raised. We could have been dealing with that before now on a simpler basis than that of the Bill.

If a category of speech is important enough to be censored, which is what we are really asking for, it is important enough to be debated in this Chamber and by the whole of Parliament—the Commons and the Lords. Otherwise, the Government's claim that the Bill will protect free speech will appear absurd. My right hon. and learned Friend the Member for Kenilworth and Southam (Sir Jeremy Wright) has tabled some amendments relating to the press. Even there, it is incredibly difficult to get this right because of the sheer complexity of the Bill and the size of the problem that we are trying to address. That is why I have tabled amendment 151, which seeks to remove clause 13 entirely, because it introduces the authoritarian concept of "legal but harmful" content—decided by the Government. "Legal but harmful" is a perfectly reasonable concept, but if it is decided by the Government alone, that is authoritarian. This is described as "priority content", but everybody knows what it actually means. The Government have run away from using "legal but harmful" in a public context, but they use it everywhere else.

My amendments are designed to protect free speech while making the internet a safer place for everyone. I do not want to see content relating to suicide, self-harm or abuse of women, or whatever it may be, and I tabled two amendments to make them explicitly illegal, and the House can decide on those. That is what we should do. That is where the power of the House and the proper judgment lies.

The Bill has significantly improved since it was in draft form and the new Minister has a very honourable history in that reform. I compliment and commend him on that and thank him for those actions. I also welcome the measures taken against such things as cyber-flashing, but more needs to be done. The Bill falls far short of what it needs to be, and it would be remiss of us, in our duty as MPs, to let it pass without serious alteration.

I say this to the Whip on the Front Bench, and I hope that I have his attention: the Bill needs many more days on Report. I hope that he will reflect that back to the Chief Whip at the end of this business, because only with more days can we get it right. This is probably one of the most important Bills to go through this House in this decade, and we have not quite got it right yet.

John Nicolson (Ochil and South Perthshire) (SNP): I rise to speak to the amendments in my name and those of other right hon. and hon. Members. I welcome the Minister to his place after his much-deserved promotion; as other hon. Members have said, it is great to have somebody who is both passionate and informed as a Minister. I also pay tribute to the hon. Member for Croydon South (Chris Philp), who is sitting on the Back Benches: he worked incredibly hard on the Bill, displayed a mastery of detail throughout the process and was extremely courteous in his dealings with us. I hope that he will be speedily reshuffled back to the Front Bench, which would be much deserved—but obviously not that he should replace the Minister, who I hope will remain in his current position or indeed be elevated from it.

But enough of all this souking, as we say north of the border. As one can see from the number of amendments tabled, the Bill is not only an enormous piece of legislation but a very complex one. Its aims are admirable—there is no reason why this country should not be the safest place in the world to be online—but a glance through the amendments shows how many holes hon. Members think it still has.

The Government have taken some suggestions on board. I welcome the fact that they have finally legislated outright to stop the wicked people who attempt to trigger epileptic seizures by sending flashing gifs; I did not believe that such cruelty was possible until I was briefed about it in preparation for debates on the Bill. I pay particular tribute to wee Zach, whose name is often attached to what has been called Zach's law.

The amendments to the Bill show that there has been a great deal of cross-party consensus on some issues, on which it has been a pleasure to work with friends in the Labour party. The first issue is addressed, in various ways, by amendments 44 to 46, 13, 14, 21 and 22, which all try to reduce the Secretary of State's powers under the Bill. In all the correspondence that I have had about the Bill, and I have had a lot, that is the area that has most aggrieved the experts. A coalition of groups with a broad range of interests, including child safety, human rights, women and girls, sport and democracy, all agree that the Secretary of State is granted too many powers under the Bill, which threatens the independence of the regulator. Businesses are also wary of the powers, in part because they cause uncertainty.

The reduction of ministerial powers under the Bill was advised by the Joint Committee on the Draft Online Safety Bill and by the Select Committee on Digital, Culture, Media and Sport, on both of which I served. In Committee, I asked the then Minister whether any stakeholder had come forward in favour of these powers. None had.

Even DCMS Ministers do not agree with the powers. The new Minister was Chair of the Joint Committee, and his Committee's report said:

> "The powers for the Secretary of State to a) modify Codes of Practice to reflect Government policy and b) give guidance to Ofcom give too much power to interfere in Ofcom's independence and should be removed."

The Government have made certain concessions with respect to the powers, but they do not go far enough. As the Minister said, the powers should be removed.

We should be clear about exactly what the powers do. Under clause 40, the Secretary of State can

> "modify a draft of a code of practice".

That allows the Government a huge amount of power over the so-called independent communications regulator. I am glad that the Government have listened to the suggestions that my colleagues and I made on Second Reading and in Committee, and have committed to using the power only in "exceptional circumstances" and by further defining "public policy" motives. But "exceptional circumstances" is still too opaque and nebulous a phrase. What exactly does it mean? We do not know. It is not defined—probably intentionally.

The regulator must not be politicised in this way. Several similar pieces of legislation are going through their respective Parliaments or are already in force. In Germany, Australia, Canada, Ireland and the EU, with the Digital Services Act, different Governments have grappled with the issue of making digital regulation future-proof and flexible. None of them has added political powers. The Bill is sadly unique in making such provision.

When a Government have too much influence over what people can say online, the implications for freedom of speech are particularly troubling, especially when the content that they are regulating is not illegal. There are ways to future-proof and enhance the transparency of Ofcom in the Bill that do not require the overreach that these powers give. When we allow the Executive powers over the communications regulator, the protections must be absolute and iron-clad, but as the Bill stands, it gives leeway for abuse of those powers. No matter how slim the Minister feels the chance of that may be, as parliamentarians we must not allow it.

Amendment 187 on human trafficking is an example of a relatively minor change to the Bill that could make a huge difference to people online. Our amendment seeks to deal explicitly with what Meta and other companies refer to as domestic servitude, which is very newsworthy, today of all days, and which we know better as human trafficking. Sadly, this abhorrent practice has been part of our society for hundreds if not thousands of years. Today, human traffickers are aided by various apps and platforms. The same platforms that connect us with old friends and family across the globe have been hijacked by the very worst people in our world, who are using them to create networks of criminal enterprise, none more cruel than human trafficking.

Investigations by the BBC and *The Wall Street Journal* have uncovered how traffickers use Instagram, Facebook and WhatsApp to advertise, sell and co-ordinate the trafficking of young women. One would have thought that the issue would be of the utmost importance to Meta—Facebook, as it was at the time—yet, as the BBC reported, *The Wall Street Journal* found that

"the social media giant only took 'limited action' until 'Apple Inc. threatened to remove Facebook's products from the App Store, unless it cracked down on the practice'."

I and my friends across the aisle who sat on the DCMS Committee and the Joint Committee on the draft Bill know exactly what it is like to have Facebook's high heid yins before us. They will do absolutely nothing to respond to legitimate pressure. They understand only one thing: the force of law and of financial penalty. Only when its profits were in danger did Meta take the issue seriously.

The omission of human trafficking from schedule 7 is especially worrying, because if human trafficking is not directly addressed as priority illegal content, we can be certain that it will not be prioritised by the platforms. We know from their previous behaviour that the platforms never do anything that will cost them money unless they are forced to do so. We understand that it is difficult to regulate in respect of human trafficking on platforms: it requires work across borders and platforms, with moderators speaking different languages. It is not cheap or easy, but it is utterly essential. The social media companies make enormous amounts of money, so let us shed no tears for them and for the costs that will be entailed. If human trafficking is not designated as a priority harm, I fear that it will fall by the wayside.

In Committee, the then Minister said that the relevant legislation was covered by other parts of the Bill and that it was not necessary to incorporate offences under the Modern Slavery Act 2015 into priority illegal content. He referred to the complexity of offences such as modern slavery, and said how illegal immigration and prostitution priority offences might cover that already. That is simply not good enough. Human traffickers use platforms as part of their arsenal at every stage of the process, from luring in victims to co-ordinating their movements and threatening their families. The largest platforms have ample capacity to tackle these problems and must be forced to be proactive. The consequences of inaction will be grave.

Chris Philp: It is a pleasure to follow the hon. Member for Ochil and South Perthshire (John Nicolson).

Let me begin by repeating my earlier congratulations to my hon. Friend the Member for Folkestone and Hythe (Damian Collins) on assuming his place on the Front Bench. Let me also take this opportunity to extend my thanks to those who served on the Bill Committee with me for some 50 sitting hours—it was, generally speaking, a great pleasure—and, having stepped down from the Front Bench, to thank the civil servants who have worked so hard on the Bill, in some cases over many years.

2 pm

It would be strange if I did not broadly support the Government amendments, given that I have spent most of the last three or months concocting them. I will touch on one or two of them, and then mention some areas in which I think the House might consider going further when the Bill proceeds to the other end of the building. I certainly welcome new clause 19, which gives specific protection to content generated by news media publishers by ensuring that there is a right of appeal before it can be removed. I take the view—and I think the Government do as well—that protecting freedom of the press is critical, but as we grant news media publishers this special protection, it is important for us to ensure that we are granting it to organisations that actually deserve it.

That, I think, is the purpose of amendments 11 and 12, tabled by my right hon. and learned Friend the Member for Kenilworth and Southam (Sir Jeremy Wright). The amendments apply to clause 50, which defines the term "recognised news publisher". During the evidence sessions in Committee, some concern was expressed that the definition was too wide, and that some organisations—"bad actors", as the Minister put it—might manage to organise themselves in such a way that they would benefit from this exemption. My right hon. and learned Friend's amendments are designed to tighten that definition a little bit. There is some concern that the drafting of the amendments might effectively give rise to back-door press regulation because determining whether news publishers' terms and conditions are "suitable and sufficient" constitutes a value judgment, but I certainly agree that clause 50 needs tightening up.

I welcome—unsurprisingly—the reference in the written ministerial statement to tabling an amendment in the House of Lords providing that sanctioned organisations cannot benefit from this exemption. I suggest, however, that their lordships might like to consider going even further, for example by saying that where content amounts

to a foreign interference offence as defined by the National Security Bill, introduced by my hon. Friend the Member for North East Hampshire (Mr Jayawardena)—the Under-Secretary of State for International Trade, who is in his place on the Front Bench—the organisation propagating it should not be able to benefit from the "recognised news publisher" exemption. Their lordships may wish to consider that, along with any other ideas for tightening the definition in clause 50.

Let me now say a word about free speech. It has been widely misreported that the Bill mandates censorship of speech that is legal but harmful. As I said in my intervention on the Minister earlier, that is categorically untrue. While the large social media platforms will have to address such content as part of their terms and conditions, they are not compelled in the actions that they have to take in relation to it; they simply have to risk-assess it, adopt a policy—what that policy is will be up to them—and then apply that policy consistently. They are not obliged to take any action, and they are certainly not obliged to remove the content entirely. Lest there should be any doubt about that, Government amendment 71 to clause 13 makes it explicit that it is reasonable to take no action if the platform sees fit.

Joanna Cherry: I hear what the hon. Gentleman is saying, but he will have heard the speech made by his colleague, the right hon. Member for Haltemprice and Howden (Mr Davis). Does he not accept that it is correct to say that there is a risk of an increase in content moderation, and does he therefore see the force of my amendment, which we have previously discussed privately and which is intended to ensure that Twitter and other online service providers are subject to anti-discrimination law in the United Kingdom under the Equality Act 2010?

Chris Philp: I did of course hear what was said by my right hon. Friend the Member for Haltemprice and Howden (Mr Davis). To be honest, I think that increased scrutiny of content which might constitute abuse of harassment, whether of women or of ethnic minorities, is to be warmly welcomed. The Bill provides that the risk assessors must pay attention to the characteristics of the user. There is no cross-reference to the Equality Act—I know the hon. and learned Lady has submitted a request on that, to which my successor Minister will now be responding—but there are references to characteristics in the provisions on safety duties, and those characteristics do of course include gender and race.

In relation to the risk that these duties are over-interpreted or over-applied, for the first time ever there is a duty for social media firms to have regard to freedom of speech. At present these firms are under no obligation to have regard to it, but clause 19(2) imposes such a duty, and anyone who is concerned about free speech should welcome that. Clauses 15 and 16 go further: clause 15 creates special protections for "content of democratic importance", while clause 16 does the same for content of journalistic importance. So while I hugely respect and admire my right hon. Friend the Member for Haltemprice and Howden, I do not agree with his analysis in this instance.

I would now like to ask a question of my successor. He may wish to refer to it later or write to me, but if he feels like intervening, I will of course give way to him. I note that four Government amendments have been tabled; I suppose I may have authorised them at some point. Amendments 72, 73, 78 and 82 delete some words in various clauses, for example clauses 13 and 15. They remove the words that refer to treating content "consistently". The explanatory note attached to amendment 72 acknowledges that, and includes a reference to new clause 14, which defines how providers should go about assessing illegal content, what constitutes illegal content, and how content is to be determined as being in one of the various categories.

As far as I can see, new clause 14 makes no reference to treating, for example, legal but harmful content "consistently". According to my quick reading—without the benefit of highly capable advice—amendments 72, 73, 78 and 82 remove the obligation to treat content "consistently", and it is not reintroduced in new clause 14. I may have misread that, or misunderstood it, but I should be grateful if, by way of an intervention, a later speech or a letter, my hon. Friend the Minister could give me some clarification.

Damian Collins: I think that the codes of practice establish what we expect the response of companies to be when dealing with priority illegal harm. We would expect the regulator to apply those methods consistently. If my hon. Friend fears that that is no longer the case, I shall be happy to meet him to discuss the matter.

Chris Philp: Clause 13(6)(b), for instance, states that the terms of service must be

"applied consistently in relation to content",

and so forth. As far as I can see, amendment 72 removes the word "consistently", and the explanatory note accompanying the amendment refers to new clause 14, saying that it does the work of the previous wording, but I cannot see any requirement to act consistently in new clause 14. Perhaps we could pick that up in correspondence later.

Damian Collins: If there is any area of doubt, I shall be happy to follow it up, but, as I said earlier, I think we would expect that if the regulator establishes through the codes of practice how a company will respond proactively to identify illegal priority content on its platform, it is inherent that that will be done consistently. We would accept the same approach as part of that process. As I have said, I shall be happy to meet my hon. Friend and discuss any gaps in the process that he thinks may exist, but that is what we expect the outcome to be.

Chris Philp: I am grateful to my hon. Friend for his comments. I merely observe that the "consistency" requirements were written into the Bill, and, as far as I can see, are not there now. Perhaps we could discuss it further in correspondence.

Let me turn briefly to clause 40 and the various amendments to it—amendments 44, 45, 13, 46 and others—and the remarks made by the shadow Minister, the hon. Member for Pontypridd (Alex Davies-Jones), about the Secretary of State's powers. I intervened on the hon. Lady earlier on this subject. It also arose in Committee, when she and many others made important points on whether the powers in clause 40 went too far and whether they impinged reasonably on the independence

of the regulator, in this case Ofcom. I welcome the commitments made in the written ministerial statement laid last Thursday—coincidentally shortly after my departure—that there will be amendments in the Lords to circumscribe the circumstances in which the Secretary of State can exercise those powers to exceptional circumstances. I heard the point made by the hon. Member for Ochil and South Perthshire that it was unclear what "exceptional" meant. The term has a relatively well defined meaning in law, but the commitment in the WMS goes further and says that the bases upon which the power can be exercised will be specified and limited to certain matters such as public health or matters concerning international relations. That will severely limit the circumstances in which those powers can be used, and I think it would be unreasonable to expect Ofcom, as a telecommunications regulator, to have expertise in those other areas that I have just mentioned. I think that the narrowing is reasonable, for the reasons that I have set out.

Julian Knight (Solihull) (Con): Those areas are still incredibly broad and open to interpretation. Would it not be easier just to remove the Secretary of State from the process and allow this place to take directly from Ofcom the code of standards that we are talking about so that it can be debated fully in the House?

Chris Philp: I understand my hon. Friend's point. Through his work as the Chairman of the Select Committee he has done fantastic work in scrutinising the Bill. There might be circumstances where one needed to move quickly, which would make the parliamentary intervention he describes a little more difficult, but he makes his point well.

Julian Knight: So why not quicken up the process by taking the Secretary of State out of it? We will still have to go through the parliamentary process regardless.

Chris Philp: The Government are often in possession of information—for example, security information relating to the UK intelligence community—that Ofcom, as the proposer of a code or a revised code, may not be in possession of. So the ability of the Secretary of State to propose amendments in those narrow fields, based on information that only the Government have access to, is not wholly unreasonable. My hon. Friend will obviously comment further on this in his speech, and no doubt the other place will give anxious scrutiny to the question as well.

I welcome the architecture in new clause 14 in so far as it relates to the definition of illegal content; that is a helpful clarification. I would also like to draw the House's attention to amendment 16 to clause 9, which makes it clear that acts that are concerned with the commission of a criminal offence or the facilitation of a criminal offence will also trigger the definitions. That is a very welcome widening.

I do not want to try the House's patience by making too long a speech, given how much the House has heard from me already on this topic, but there are two areas where, as far as I can see, there are no amendments down but which others who scrutinise this later, particularly in the other place, might want to consider. These are areas that I was minded to look at a bit more over the summer. No doubt it will be a relief to some people that I will not be around to do so. The first of the two areas that might bear more thought is clause 137, which talks about giving academic researchers access to social media platforms. I was struck by Frances Haugen's evidence on this. The current approach in the Bill is for Ofcom to do a report that will takes two years, and I wonder if there could be a way of speeding that up slightly.

The second area concerns the operation of algorithms promoting harmful content. There is of course a duty to consider how that operates, but when it comes algorithms promoting harmful content, I wonder whether we could be a bit firmer in the way we treat that. I do not think that would restrain free speech, because the right of free speech is the right to say something; it is not the right to have an algorithm automatically promoting it. Again, Frances Haugen had some interesting comments on that.

Sir Jeremy Wright: I agree that there is scope for more to be done to enable those in academia and in broader civil society to understand more clearly what the harm landscape looks like. Does my hon. Friend agree that if they had access to the sort of information he is describing, we would be able to use their help to understand more fully and more clearly what we can do about those harms?

Chris Philp: My right hon. and learned Friend is right, as always. We can only expect Ofcom to do so much, and I think inviting expert academic researchers to look at this material would be welcome. There is already a mechanism in clause 137 to produce a report, but on reflection it might be possible to speed that up. Others who scrutinise the Bill may also reach that conclusion. It is important to think particularly about the operation of algorithmic promotion of harmful content, perhaps in a more prescriptive way than we do already. As I have said, Frances Haugen's evidence to our Committee in this area was particularly compelling.

2.15 pm

Damian Collins: I agree with my hon. Friend on both points. I discussed the point about researcher access with him last week, when our roles were reversed, so I am sympathetic to that. There is a difference between that and the researcher access that the Digital Services Act in Europe envisages, which will not have the legal powers that Ofcom will have to compel and demand access to information. It will be complementary but it will not replace the primary powers that Ofcom will have, which will really set our regime above those elsewhere. It is certainly my belief that the algorithmic amplification of harmful content must be addressed in the transparency reports and that, where it relates to illegal activities, it must absolutely be within the scope of the regulator to state that actively promoting illegal content to other people is an offence under this legislation.

Chris Philp: On my hon. Friend's first point, he is right to remind the House that the obligations to disclose information to Ofcom are absolute; they are hard-edged and they carry criminal penalties. Researcher access in no way replaces that; it simply acts as a potential complement to it. On his second point about algorithmic promotion, of course any kind of content that is illegal is prohibited, whether algorithmically promoted or otherwise. The more interesting area relates to content that is legal but perceived as potentially harmful. We

[Chris Philp]

have accepted that the judgments on whether that content stays up or not are for the platforms to make. If they wish, they can choose to allow that content simply to stay up. However, it is slightly different when it comes to algorithmically promoting it, because the platform is taking a proactive decision to promote it. That may be an area that is worth thinking about a bit more.

Damian Collins: On that point, if a platform has a policy not to accept a certain sort of content, I think the regulators should expect it to say in its transparency report what it is doing to ensure that it is not actively promoting that content through a newsfeed, on Facebook or "next up" on YouTube. I expect that to be absolutely within the scope of the powers we have in place.

Chris Philp: In terms of content that is legal but potentially harmful, as the Bill is drafted, the platforms will have to set out their policies, but their policies can say whatever they like, as we discussed earlier. A policy could include actively promoting content that is harmful through algorithms, for commercial purposes. At the moment, the Bill as constructed gives them that freedom. I wonder whether that is an area that we can think about making slightly more prescriptive. Giving them the option to leave the content up there relates to the free speech point, and I accept that, but choosing to algorithmically promote it is slightly different. At the moment, they have the freedom to choose to algorithmically promote content that is toxic but falls just on the right side of legality. If they want to do that, that freedom is there, and I just wonder whether it should be. It is a difficult and complicated topic and we are not going to make progress on it today, but it might be worth giving it a little more thought.

I think I have probably spoken for long enough on this Bill, not just today but over the last few months. I broadly welcome these amendments but I am sure that, as the Bill completes its stages, in the other place as well, there will be opportunities to slightly fine-tune it that all of us can make a contribution to.

Dame Margaret Hodge: First, congratulations to the Under-Secretary of State for Digital, Culture, Media and Sport, the hon. Member for Folkestone and Hythe (Damian Collins). I think his is one of the very few appointments in these latest shenanigans that is based on expertise and ability. I really welcome him, and the work he has done on the Bill this week has been terrific. I also thank the hon. Member for Croydon South (Chris Philp). When he held the position, he was open to discussion and he accepted a lot of ideas from many of us across the House. As a result, I think we have a better Bill before us today than we would have had. My gratitude goes to him as well.

I support much of the Bill, and its aim of making the UK the safest place to be online is one that we all share. I support the systems-based approach and the role of Ofcom. I support holding the platforms to account and the importance of protecting children. I also welcome the cross-party work that we have done as Back Benchers, and the roles played by both Ministers and by the right hon. and learned Member for Kenilworth and Southam (Sir Jeremy Wright). I thank him for his openness and his willingness to talk to us. Important amendments have been agreed on fraudulent advertising, bringing forward direct liability so there is not a two-year wait, and epilepsy trolling—my hon. Friend the Member for Batley and Spen (Kim Leadbeater) promoted that amendment.

I also welcome the commitment to bring forward amendments in the Lords relating to the amendments tabled by the hon. Member for Brigg and Goole (Andrew Percy) and the right hon. and learned Member for Kenilworth and Southam—I think those amendments are on the amendment paper but it is difficult to tell. It is important that the onus on platforms to be subject to regulation should be based not on size and functionality but on risk of harm. I look forward to seeing those amendments when they come back from the other place. We all know that the smallest platforms can present the greatest risk. The killing of 51 people in the mosques in Christchurch, New Zealand is probably the most egregious example, as the individual concerned had been on 8chan before committing that crime.

I am speaking to amendments 156 and 157 in my name and in the names of other hon. and right hon. Members. These amendments would address the issue of anonymous abuse. I think we all accept that anonymity is hugely important, particularly to vulnerable groups such as victims of domestic violence, victims of child abuse and whistleblowers. We want to retain anonymity for a whole range of groups and, in framing these amendments, I was very conscious of our total commitment to doing so.

Equally, freedom of speech is very important, as the right hon. Member for Haltemprice and Howden (Mr Davis) said, but freedom of speech has never meant freedom to harm, which is not a right this House should promote. It is difficult to define, and it is difficult to get the parameters correct, but we should not think that freedom of speech is an absolute right without constraints.

Joanna Cherry: I agree with the right hon. Lady that freedom of speech is not absolute. As set out in article 10 of the European convention on human rights, there have to be checks and balances. Nevertheless, does she agree freedom of speech is an important right that this House should promote, with the checks and balances set out in article 10 of the ECHR?

Dame Margaret Hodge: Absolutely. I very much welcome the hon. and learned Lady's amendment, which clarifies the parameters under which freedom of speech can be protected and promoted.

Equally, freedom of speech does not mean freedom from consequences. The police and other enforcement agencies can pursue unlawful abuse, assuming they have the resources, which we have not discussed this afternoon. I know the platforms have committed to providing the finance for such resources, but I still question whether the resources are there.

The problem with the Bill and the Government amendments, particularly Government amendment 70, is that they weaken the platforms' duty on legal but harmful abuse. Such abuse is mainly anonymous and the abusers are clever. They do not break the law; they avoid the law with the language they use. It might be best if I give an example. People do not say, in an antisemitic way, "I am going to kill all Jews." We will not necessarily find that online, but we might find, "I am going to harm all globalists." That is legal but

harmful and has the same intent. We should think about that, without being beguiled by the absolute right to freedom of speech that I am afraid the right hon. Member for Haltemprice and Howden is promoting, otherwise we will find that the Bill does not meet the purposes we all want.

Much of the abuse is anonymous. We do not know how much, but much of it is. When there was racist abuse at the Euros, Twitter claimed that 99% of postings of racist abuse were identifiable. Like the Minister, I wrote to Twitter to challenge that claim and found that Twitter was not willing to share its data with me, claiming GDPR constraints.

It is interesting that, in recent days, the papers have said that one reason Elon Musk has given for pulling out of his takeover is that he doubts Twitter's claim that fake and spam accounts represent less than 5% of users. There is a lack of understanding and knowledge of the extent of anonymous abuse.

In the case I have shared with the Minister on other occasions, I received 90,000 posts in the two months from the publication of the Equality and Human Rights Commission report to the shenanigans about the position of the previous leader of the Labour party—from October to Christmas. The posts were monitored for me by the Community Security Trust. When I asked how many of the posts were anonymous, I was told that it had been unable to do that analysis. I wish there were the resources to do so, but I think most of the posts were anonymous and abusive.

There is certainly public support for trying to tackle abusive posts. A June 2021 YouGov poll found that 78% of the public are in favour of revealing the identity of those who post online, and we should bear that in mind. If people feel strongly about this, and the poll suggests that they do, we should respond and not put it to one side.

The Government have tried to tackle this with a compromise following the very good work by the hon. Member for Stroud (Siobhan Baillie). The Bill places a duty on the platforms to give users the option to verify their identity. If a user chooses to remain unverified, they may not be able to interact with verified accounts. Although I support the motives behind that amendment, I have concerns.

First, the platform itself would have to verify who holds the account, which gives the platforms unprecedented access to personal details. Following Cambridge Analytica, we know how such data can be abused. Data on 87 million identities was stolen, and we know it was used to influence the Trump election in 2016, and it may have been a factor in the Brexit referendum.

Secondly, the police have been very clear on how I should deal with anonymous online abuse. They say that the last thing I should do is remove it, as they need it to be able to judge whether there is a real threat within the abuse that they should take seriously. So individuals having that right does not diminish the real harm they could face if the online abuse is removed.

Thirdly, one of the problems with a lot of online abuse is not just that it is horrible or can be dangerous in particular circumstances, but that it prevents democracy. It inhibits freedom of speech by inhibiting engagement in free, democratic discourse. Online abuse is used to undermine an individual's credibility. A lot of the abuse I receive seeks to undermine my credibility. It says that I am a bad woman, that I abuse children, that I break tax law and that I do this, that and the other. Building that picture of me as someone who cannot be believed undermines my ability to enter into legitimate democratic debate on issues I care about. Simply removing anonymous online abuse from my account does not stop the circulation of abusive, misleading content that undermines my democratic right to free speech. Therefore, in its own way, it undermines free speech.

Amendments 156 and 157, in my name and in the name of other colleagues, are based on a strong commitment to protecting anonymity, especially for vulnerable groups. We seek to tackle anonymous abuse not by denying anonymity but by ensuring traceability. It is quite simple. The Government recognise the feasibility and importance of that with age verification; they have now accepted the argument on age verification, and I urge them to take it further. Although I have heard that various groups are hostile to what we are suggesting, in a meeting I held last week with HOPE not hate there was agreement that what we are proposing made sense, and therefore we and the Government should pursue it.

2.30 pm

Under our proposed scheme, any individual who chooses to go on a platform would have to have their identity verified, not by the platform but by a third party. We would thus remove the platform's ability to access the individual's data, which it could use in an inappropriate way. Such a scheme is perfectly feasible, particularly now that the Government have introduced the age verification mechanism. More than 99% of us have bank accounts, so there is a simple way of verifying someone's identity through a third-party mechanism without giving platforms the powers I have described. Everybody would be able to enter any platform and have total anonymity, and only if and when an individual posts something that breaks the law will they lose their right to anonymity.

To go back to a point I made in an intervention on the Minister, that would also involve having minimum standards on harmful but legal abuse. Under a minimum standards platform, only if someone posted abuse that is harmful—this would mainly be illegal abuse, but it would also be harmful but legal abuse—would they lose their right to anonymity. I think that is good, because one could name and shame. Most importantly, this would be the most effective tool for preventing a lot of online abuse from happening in the first place, and we should all be focusing our energies on doing so.

My hon. Friend the Member for Pontypridd (Alex Davies-Jones), our Front Bencher, has talked about women who are particularly vulnerable, and I think our measure would be very important—my experience justifies that. It would be a powerful deterrent. I hope that our Front-Bench team will support the proposition we are putting before the House. I will not press it to a vote if they do not, although I would regret the fact that they did not support it.

I regret that the Government do not feel able to support our proposition, but I think its time will come. A lot of the stuff that we are doing in this Bill is innovative, and we are not sure where everything will land. We are likely to get some things wrong and others right. I say to all Members, from across this House, that if we really want to reduce the amount of harmful abuse online, tackling anonymous abuse, rather than

anonymity, must be central to our concerns. I urge my Front-Bench team and the Government to think carefully about this.

Nick Fletcher (Don Valley) (Con): I rise to speak on amendments 50, 51 and 55, and I share the free speech concerns that I think lie behind amendment 151. As I said in Committee to the previous Minister, my hon. Friend the Member for Croydon South (Chris Philp), who knew this Bill inside out—it was amazing to watch him do it—I have deep concerns about how the duty on "legal but harmful" content will affect freedom of speech. I do not want people to be prevented from saying what they think. I am known for saying what I think, and I believe others should be allowed the same freedom, offline and online. What is harmful can be a subjective question, and many of us in this House might have different answers. When we start talking about restricting content that is perfectly legal, we should be very careful.

This Bill is very complex and detailed, as I know full well, having been on the Committee. I support the Bill—it is needed—but when it comes to legal but harmful content, we need to make sure that free speech is given enough protection. We have to get the right balance, but clause 19 does not do that. It says only that social media companies have

"a duty to have regard to the importance of protecting users' right to freedom of expression within the law."

There is no duty to do anything about freedom of speech; it just says, "You have to think about the importance of it". That is not enough.

I know that the Bill does not state that social media companies have to restrict content—I understand that—but in the real world that is what will happen. If the Government define certain content as harmful, no social media company will want to be associated with it. The likes of Meta will want to be seen to get tough on legally defined harmful content, so of course it will be taken down or restricted. We have to counterbalance that instinct by putting stronger free speech duties in the Bill if we insist on it covering legal but harmful.

The Government have said that we cannot have stronger free speech obligations on private companies, and, in general, I agree with that. However, this Bill puts all sorts of other obligations on Facebook, Twitter and Instagram, because they are not like other private companies. These companies and their chief executive officers are household words all around the world, and their power and influence is incredible. In 2021, Facebook's revenue was $117 billion, which is higher than the GDP—

Andrew Percy: Is that not exactly why there has to be action on legal but harmful content? The cross-boundary, cross-national powers of these organisations mean that we have to insist that they take action against harm, whether lawful or unlawful. We are simply asking those organisations to risk assess and ensure that appropriate warnings are provided, just as they are in respect of lots of harms in society; the Government require corporations and individuals to risk assess those harms and warn about them. The fact that these organisations are so transnational and huge is absolutely why we must require them to risk assess legal but harmful content.

Nick Fletcher: I understand what my hon. Friend is saying, but the list of what is legal but harmful will be set by the Secretary of State, not by Parliament. All we ask is for that to be discussed on the Floor of the House before we place those duties on the companies. That is all I am asking us to do.

Facebook has about 3 billion active users globally. That is more than double the population of China, the world's most populous nation, and it is well over half the number of internet users in the entire world. These companies are unlike any others we have seen in history. For hundreds of millions of people around the world, they are the public square, which is how the companies have described themselves: Twitter founder Jack Dorsey said in 2018:

"We believe many people use Twitter as a digital public square. They gather from all around the world to see what's happening, and have a conversation about what they see."

In 2019, Mark Zuckerberg said:

"Facebook and Instagram have helped people connect with friends, communities, and interests in the digital equivalent of a town square."

Someone who is blocked from these platforms is blocked from the public square, as we saw when the former President of the United States was blocked. Whatever we might think about Donald Trump, it cannot be right that he was banned from Twitter. We have to have stronger protection for free speech in the digital public square than clause 19 gives. The Bill gives the Secretary of State the power to define what is legal but harmful by regulations. As I have said, this is an area where free speech could easily be affected—

Adam Afriyie (Windsor) (Con): I commend my hon. Friend for the powerful speech he is making. It seems to many of us here that if anyone is going to be setting the law or a regulation, it should really be done in the Chamber of this House. I would be very happy if we had annual debates on what may be harmful but is currently lawful, in order to make it illegal. I very much concur with what he is saying.

Nick Fletcher: I thank my hon. Friend for his contribution, which deals with what I was going to finish with. It is not enough for the Secretary of State to have to consult Ofcom; there should be public consultation too. I support amendment 55, which my hon. Friend has tabled.

Anna McMorrin (Cardiff North) (Lab): Not too long ago, the tech industry was widely looked up to and the internet was regarded as the way forward for democracy and freedoms. Today that is not the case. Every day we read headlines about data leaks, racist algorithms, online abuse, and social media platforms promoting, and becoming swamped in, misinformation, misogyny and hate. These problems are not simply the fault of those platforms and tech companies; they are the result of a failure to govern technology properly. That has resulted from years of muddled thinking and a failure to bring forward this Bill, and now, a failure to ensure that the Bill is robust enough.

Ministers have talked up the Bill, and I welcome the improvements that were made in Committee. Nevertheless, Ministers had over a decade in which to bring forward proposals, and in that time online crime exploded.

Child sexual abuse online has become rife; the dark web provides a location for criminals to run rampant and scams are widespread.

Delay has also allowed disinformation to spread, including state-sponsored propaganda and disinformation, such as from Russia's current regime. False claims and fake fact checks are going viral. That encourages other groups to adopt such tactics, in an attempt to undermine democracy, from covid deniers to climate change deniers—it is rampant.

Today I shall speak in support of new clause 3, to put violence against women and girls on the face of the Bill. As a female MP, I, along with my colleagues, have faced a torrent of abuse online, attacking me personally and professionally. I have been sent images such as that of a person with a noose around their neck, as well as numerous messages containing antisemitic and misogynistic abuse directed towards both me and my children. It is deeply disturbing, but also unsurprising, that one in five women across the country have been subjected to abuse; I would guess that that figure is actually much higher.

Joanna Cherry: I am really sorry to hear about the abuse that the hon. Lady and her family have received. Many women inside and without this Chamber, such as myself, receive terrible abuse on Twitter, including repeated threats to shoot us if we do not shut the f-u-c-k up. Twitter refuses to take down memes of a real human hand pointing a gun at me and other feminists and lesbians, telling us to shut the f-u-c-k up. Does she see the force of my amendment to ensure that Twitter apply its moderation policy evenly across society with regard to all protected characteristics, including sex?

Anna McMorrin: The hon. and learned Lady makes a very good point, and that illustrates what I am talking about in my speech—the abuse that women face online. We need this legislation to ensure that tech companies take action.

There is a very dark side to the internet, deeply rooted in misogyny. The End Violence Against Women organisation released statistics last year, stating that 85% of women who experienced online abuse from a partner or ex-partner also received abuse online. According to the latest Office for National Statistics figures, 92% of women who were killed in the year ending March 2021 were killed by men. Just yesterday, a woman was stabbed in the back by a male cyclist in east London, near to where Zara Aleena was murdered just two weeks ago. And in the year 2021, nearly 41,000 women were victims of sexual assault—and those were just the ones who reported it. We know that the actual figure was very much higher. That was the highest number of sexual offences ever recorded within a 12-month period. It is highly unlikely that any of those women will ever see their perpetrator brought to justice, because of the current 1.3% prosecution rate of rape cases. Need I continue?

2.45 pm

Violence against women and girls is an ever-growing epidemic, and time is running out. This Government are more concerned with piecemeal actions that fail to tackle the root causes of the issue. Although the introduction of new criminal offences such as cyber-flashing and rape threats is a welcome first step, there are significant concerns about their enforceability. The cyber-flashing offence requires the police to prove a perpetrator's intent to cause harm, which is incredibly difficult to evidence. That is the loophole through which perpetrators avoid consequences.

I doubt there are many women who have not been sent unsolicited images of male genitals online. There are accounts of women being airdropped images on public transport while on their way to work. What does that leave them feeling? Violated—scared, not knowing who in their train carriage or on their bus has sent those unsolicited images. The online dating platform Bumble conducted research on cyber-flashing and found that of its users, nearly half of women aged 18 to 24 had received a sexual photo that they did not ask for in the last year alone.

So, considering the scale of this issue and the Government's appalling record on prosecuting sexual assault offences, why would this new offence be any different? Acts of violence towards women are not merely isolated incidents. We know that, unfortunately, there is systemic misogyny within our society that results in a shocking number of women losing their lives, but we refuse to see it. Failing to name violence against women and girls on the face of the Bill is putting the lives of countless women at risk, and will leave behind a dangerous and damning legacy, even by this Government's standards.

I welcome the new Minister to his place and hope that he will look at this issue in a new light. I hope that the Government can put politics to one side for just a moment, match their words with deeds and commit to protecting women across the country by supporting new clause 3.

Several hon. Members *rose—*

Madam Deputy Speaker (Dame Eleanor Laing): Order. The House will see that a great many people still wish to speak. May I explain that there are two groups of amendments? We will finish debating this group at 4.30 pm, after which there will be some votes, and debate on the next group of amendments will last until 7 o'clock. By my calculations, there might be more time for speeches during the debate on the next group, so if anyone wishes to speak on that group rather than the current group, I would be grateful if they came and indicated that to me. Meanwhile, if everyone takes about eight minutes and no longer, everyone will have the opportunity to speak. I call Sir Jeremy Wright.

Sir Jeremy Wright: I shall speak to the amendments in my name and the names of other right hon. and hon. Members, to whom I am grateful for their support. I am also grateful to the organisations that helped me to work through some of the problems I am about to identify, including the Carnegie Trust, Reset and the Antisemitism Policy Trust.

On the first amendments I shall talk about, amendments 42 and 43, I have been able to speak to Lego, so I can honestly say that these amendments were put together with Lego. Let me explain. The focus of the Bill, quite rightly, is on safety, and there is no safety more important than the safety of children. In that respect, the Bill is clear: platforms must give the safety of children the utmost priority and pay close attention to ways to enhance it. In other parts of the Bill, however, there are countervailing duties—for example, in relation to freedom

[Sir Jeremy Wright]

of speech and privacy—where, predominantly in relation to adults, we expect platforms to conduct a balancing exercise. It seems right to me to think about that in the context of children, too.

As I said, the emphasis is rightly on children's safety, but the safest approach would be to prohibit children from any online activity at all. We would not regard such an approach as sensible, because there are benefits to children in being able to engage—safely, of course—in online activity and to use online products and services. It seems to me that we ought to recognise that in the language of the Bill. Amendment 42 would do that when consideration is given to the safety duties designed to protect children set out in clause 11, which requires that "proportionate measures" must be taken to protect children's safety and goes on to explain what factors might be taken into account when deciding what is proportionate, by adding

"the benefits to children's well-being"

of the product or service in that list of factors. Amendment 43 would do the same when consideration is given to the online safety objectives set out in schedule 4. Both amendments are designed to ensure that the appropriate balance is struck when judgments are taken by platforms.

Others have spoken about journalistic content, and I am grateful for what the Minister said about that, but my amendment 10 is aimed at the defect that I perceive in clause 16. The Bill gives additional protections and considerations to journalists, which is entirely justifiable, given the important role that journalism plays in our society, but those extra protections mean that it will be harder for platforms to remove potentially harmful content that is also journalistic content. We should be sure, therefore, that the right people get the benefit of that protection.

It is worth having look at what clause 16 says and does. It sets out that a platform—a user-to-user service—in category 1 will have

"A duty to operate a service using proportionate systems and processes designed to ensure that the importance of the free expression of journalistic content is taken into account when making decisions about…how to treat such content (especially decisions about whether to take it down or restrict users' access to it), and…whether to take action against a user generating, uploading or sharing such content."

So it is important, because of the significance of those protections, that we get right the definitions of those who should benefit from them. Amendment 10 would amend clause 16(8), which states that:

"For the purposes of this section content is "journalistic content", in relation to a user-to-user service, if…the content is"

either

"news publisher content in relation to that service"—

the definition of which I will return to—

"or…regulated user-generated content in relation to that service".

That is the crucial point. The content also has to be

"generated for the purposes of journalism"

and be linked to the UK.

The first problem here is that journalism is not defined in the Bill. There are definitions of journalism, but none appears in the text of this Bill. "UK-linked" does not narrow it down much, and "regulated user-generated content" is a very broad category indeed. Clause 16 as drafted offers the protection given to journalistic content not just to news publishers, but to almost everybody else who chooses to define themselves as a journalist, whether or not that is appropriate. I do not think that that is what the Bill is intended to do, or an approach that this House should endorse. Amendment 10 would close the loophole by removing the second limb, regulated user-generated content that is not news publisher content. Let me be clear: I do not think that that is the perfect answer to the question I have raised, but it is better than the Bill as it stands, and if the Government can come up with a way of reintroducing protections of this kind for types of journalistic content beyond news publisher content that clearly deserve them, I will be delighted and very much open to it. Currently, however, the Bill is defective and needs to be remedied.

That brings us to the definition of news publisher content, because it is important that if we are to give protection to that category of material, we are clear about what we mean by it. Amendments 11 and 12 relate to the definition of news publisher content that arises from the definition of a recognised news publisher in clauses 49 and 50. That matters for the same reason as I just set out: we should give these protections only to those who genuinely deserve them. That requires rigorous definition. Clause 50 states that if an entity is not named in the Bill, as some are, it must fulfil a set of conditions set out in subsection (2), which includes having a standards code and policies and procedures for handling and resolving complaints. The difficulty here is that in neither case does the Bill refer to any quality threshold for those two things, so having any old standards code or any old policy for complaints will apparently qualify. That cannot be right.

I entirely accept that inserting a provision that the standards code and the complaints policies and procedures should be both "suitable and sufficient" opens the question whose job it becomes to decide what is suitable and sufficient. I am familiar with all the problems that may ensue, so again, I do not say that the amendment is the final word on the subject, but I do say that the Government need to look more carefully at what the value of those two items on the list really is if the current definition stands. If we are saying that we want these entities to have a standards code and a complaints process that provide some reassurance that they are worthy of the protections the Bill gives, it seems to me that meaningful criteria must apply, which currently they do not.

The powers of the Secretary of State have also been discussed by others, but I perhaps differ from their view in believing that there should be circumstances in which the Secretary of State should hold powers to act in genuine emergency situations. However, being able to direct Ofcom, as the Bill allows the Secretary of State to do, to modify a code of practice

"for reasons of public policy"

is far too broad. Amendment 13 would simply remove that capacity, with amendment 14 consequential upon it.

I accept that on 7 July the Secretary of State issued a written statement that helps to some extent on that point—it was referred to by my hon. Friend the Member for Croydon South South (Chris Philp). First, it states that the Secretary of State would act only in "exceptional circumstances", although it does not say who defines what exceptional circumstances are, leaving it likely that

the Secretary of State would do so, which does not help us much. Secondly, it states the intention to replace the phrase

"for reasons of public policy"

with a list of circumstances in which the Secretary of State might act. I agree with my hon. Friend the Member for Solihull (Julian Knight) that that is still too broad. The proposed list comprises

"national security, public safety, public health, the UK's international relations and obligations, economic policy and burden to business."—[*Official Report*, 7 July 2022; Vol. 717, c. 69WS.]

The platforms we are talking about are businesses. Are we really saying that a burden on them would give the Secretary of State reason to say to Ofcom, the independent regulator, that it must change a code of practice? That clearly cannot be right. This is still too broad a provision. The progress that has been made is welcome, but I am afraid that there needs to be more to further constrain this discretion. That is because, as others have said, the independence of the regulator is crucial not just to this specific part of the Bill but to the credibility of the whole regulatory and legislative structure here, and therefore we should not undermine it unless we have to.

3 pm

Madam Deputy Speaker, may I also say something very briefly about new clause 14. This is the Government's additional new clause, which is designed to assist platforms in understanding some of the judgments that they have to make and how to make them, particularly in relation to illegal content. When people first look at this Bill, they will assume that everyone knows what illegal content is and therefore it should be easy to identify and take it down, or take the appropriate action to avoid its promotion. But, as new clause 14 makes clear, what the platform has to do is not just identify content but have reasonable grounds to infer that all elements of an offence, including the mental elements, are present or satisfied, and, indeed, that the platform does not have reasonable grounds to infer that the defence to the offence may be successfully relied upon. That is right, of course, because criminal offences very often are not committed just by the fact of a piece of content; they may also require an intent, or a particular mental state, and they may require that the individual accused of that offence does not have a proper defence to it. The question of course is how on earth a platform is supposed to know either of those two things in each case. This is helpful guidance, but the Government will have to think carefully about what further guidance they will need to give—or Ofcom will need to give—in order to help a platform to make those very difficult judgments.

Julian Knight: Although this is not contained within these measures, it is pertaining to them. Does my right hon. and learned Friend agree that, down the line, Ofcom will want to look at a regime of compliance officers in order to give the guidance that he seeks?

Sir Jeremy Wright: Yes, that is a possible way forward. Ofcom will need to produce a code of practice in this area. I am sure my hon. Friend on the Front Bench will say that that is a suitable way to deal with the problem that I have identified. It may well be, but at this stage, it is right for the House to recognise that the drafting of the Bill at the moment seeks to offer support to platforms, for which I am sure they will be grateful, but it will need to offer some more in order to allow these judgments to be made.

I restate the point that I have made in previous debates on this subject: there is little point in this House passing legislation aimed to make the internet a safer place if the legislation does not work as it is intended to. If our regime does not work, we will keep not a single person any safer. It is important, therefore, that we think about this Bill not in its overarching statements and principles but, particularly at this stage of consideration, in terms of how it will actually work.

You will not find a bigger supporter of the Bill in this House than me, Madam Deputy Speaker, but I want to see it work well and be effective. That means that some of the problems that I am highlighting must be addressed. Because humility is a good way to approach debates on something as ground-breaking and complex as this, I do not pretend that I have all the right answers. These amendments have been tabled because the Bill as it stands does not quite yet do the job that we want it to do. It is a good Bill—it needs to pass—but it can be better, and I very much hope that this process will improve it.

Joanna Cherry: I rise to speak to new clause 24 and amendments 193 and 191 tabled in my name. I also want to specifically give my support to new clause 6 and amendments 33 and 34 in the name of the right hon. Member for Kingston upon Hull North (Dame Diana Johnson).

The purpose of my amendments, as I have indicated in a number of interventions, is to ensure that, when moderating content, category 1 service providers such as Twitter abide by the anti-discrimination law of our domestic legal systems—that is to say the duties set out in the Equality Act 2010 not to discriminate against, harass or victimise their users on the grounds of a protected characteristic.

I quickly want to say a preliminary word about the Bill. Like all responsible MPs, I recognise the growing concern about online harms, and the need to protect service users, especially children, from harmful and illegal content online. That said, the House of Lords' Communication and Digital Committee was correct to note that the internet is not currently the unregulated Wild West that some people say it is, and that civil and criminal law already applies to activities online as well as offline.

The duty of care, which the Bill seeks to impose on online services, will be a significant departure from existing legislation regulating online content. It will allow for a more preventative approach to regulating illegal online content and will form part of a unified regulatory framework applying to a wide range of online services. I welcome the benefits that this would represent, especially with respect to preventing the proliferation of child sexual and emotional abuse online.

Before I became an MP, I worked for a number of years as a specialist sex crimes prosecutor, so I am all too aware of how children are targeted online. Sadly, there are far too many people in our society, often hiding in plain sight, who seek to exploit children. I must emphasise that child safeguarding should be a No. 1 priority for any Government. In so far as this Bill

[Joanna Cherry]

does that, I applaud it. However, I do have some concerns that there is a significant risk that the Bill will lead to censorship of legal speech by online platforms. For the reasons that were set out by the right hon. Member for Haltemprice and Howden (Mr Davis), I am also a bit worried that it will give the Government unacceptable controls over what we can and cannot say online, so I am keen to support any amendments that would ameliorate those aspects of the Bill. I say this to those Members around the Chamber who might be looking puzzled: make no mistake, when the Bill gives greater power to online service providers to regulate content, there is a very real risk that they will be lobbied by certain groups to regulate what is actually legal free speech by other groups. That is partly what my amendment is designed to avoid.

Sir Jeremy Wright: What the hon. and learned Lady says is sensible, but does she accept—this is a point the Minister made earlier—that, at the moment, the platforms have almost unfettered control over what they take down and what they leave up? What this Bill does is present a framework for the balancing exercise that they ought to apply in making those decisions.

Joanna Cherry: That is why I am giving the Bill a cautious welcome, but I still stand by my very legitimate concerns about the chilling effect of aspects of this Bill. I will give some examples in a moment about the problems that have arisen when organisations such as Twitter are left to their own devices on their moderation of content policy.

As all hon. Members will be aware, under the Equality Act there are a number of protected characteristics. These include: age; gender reassignment; being married or in a civil partnership; being pregnant or on maternity leave; disability; race, including colour, nationality, ethnic or national origin; religion or belief; sex and sexual orientation. It is against the law to discriminate, victimise or harass anyone because of any of those protected characteristics, but Twitter does discriminate against some of the protected characteristics. It often discriminates against women in the way that I described in an intervention earlier. It takes down expressions of feminist belief, but refuses to take down expressions of the utmost violent intent against women. It also discriminates against women who hold gender-critical beliefs. I remind hon. Members that, in terms of the Employment Appeal Tribunal's decision in the case of Maya Forstater, the belief that sex matters is worthy of respect in a democratic society and, under the Equality Act, people cannot lawfully discriminate against women, or indeed men, who hold those views.

Twitter also sometimes discriminates against lesbians, gay men and bisexual people who assert that their sexual orientation is on the basis of sex, not gender, despite the fact that same-sex orientation, such as I hold, is a protected characteristic under the Equality Act.

At present, Twitter claims not to be covered by the Equality Act. I have seen correspondence from its lawyers that sets out the purported basis for that claim, partly under reference to schedule 25 to the Equality Act, and partly because it says:

> "Twitter UK is included in an Irish Company and is incorporated in the Republic of Ireland. It does pursue economic activity through a fixed establishment in the UK but that relates to income through sales and marketing with the main activity being routed through Ireland."

I very much doubt whether that would stand up in court, since Twitter is clearly providing a service in the United Kingdom, but it would be good if we took the opportunity of this Bill to clarify that the Equality Act applies to Twitter, so that when it applies moderation of content under the Bill, it will not discriminate against any of the protected characteristics.

The Joint Committee on Human Rights, of which I am currently the acting Chair, looked at this three years ago. We had a Twitter executive before our Committee and I questioned her at length about some of the content that Twitter was content to support in relation to violent threats against women and girls and, on the other hand, some of the content that Twitter took down because it did not like the expression of certain beliefs by feminists or lesbians.

We discovered on the Joint Committee on Human Rights that Twitter's hateful conduct policy does not include sex as a protected characteristic. It does not reflect the domestic law of the United Kingdom in relation to anti-discrimination law. Back in October 2019, in the Committee's report on democracy, freedom of expression and freedom of association, we recommended that Twitter should include sex as a protected characteristic in its hateful conduct policy, but Twitter has not done that. It seems Twitter thinks it is above the domestic law of the United Kingdom when it comes to anti-discrimination.

At that Committee, the Twitter executive assured me that certain violent memes that often appear on Twitter directed against women such as me and against many feminists in the United Kingdom, threatening us with death by shooting, should be removed. However, just in the past 48 hours I have seen an example of Twitter's refusing to remove that meme. Colleagues should be assured that there is a problem here, and I would like us to direct our minds to it, as the Bill gives us an opportunity to do.

Whether or not Twitter is correctly praying in aid the loophole it says there is in the Equality Act—I think that is questionable—the Bill gives us the perfect opportunity to clarify matters. Clause 3 of clearly brings Twitter and other online service providers within the regulatory scheme of the Bill as a service with

> "a significant number of United Kingdom users".

The Bill squarely recognises that Twitter provides a service in the United Kingdom to UK users, so it is only a very small step to amend the Bill to make it absolutely clear that when it does so it should be subject to the Equality Act. That is what my new clause 24 seeks to do.

I have also tabled new clauses 193 and 191 to ensure that Twitter and other online platforms obey non-discrimination law regarding Ofcom's production of codes of practice and guidance. The purpose of those amendments is to ensure that Ofcom consults with persons who have expertise in the Equality Act before producing those codes of conduct.

I will not push the new clauses to a vote. I had a very productive meeting with the Minister's predecessor, the hon. Member for Croydon South (Chris Philp), who expressed a great deal of sympathy when I explained the

position to him. I have been encouraged by the cross-party support for the new clauses, both in discussions before today with Members from all parties and in some of the comments made by various hon. Members today.

I am really hoping that the Government will take my new clauses away and give them very serious consideration, that they will look at the Joint Committee's report from October 2019 and that either they will adopt these amendments or perhaps somebody else will take them forward in the other place.

Damian Collins: I can assure the hon. and learned Lady that I am happy to carry on the dialogue that she had with my predecessor and meet her to discuss this at a further date.

Joanna Cherry: I am delighted to hear that. I must tell the Minister that I have had a huge number of approaches from women, from lesbians and from gay men across the United Kingdom who are suffering as a result of Twitter's moderation policy. There is a lot of support for new clause 24.

Of course, it is important to remember that the Equality Act protects everyone. Gender reassignment is there with the protected characteristics of sex and sexual orientation. It is really not acceptable for a company such as Twitter, which provides a service in the United Kingdom, to seek to flout and ignore the provisions of our domestic law on anti-discrimination. I am grateful to the Minister for the interest he has shown and for his undertaking to meet me, and I will leave it at that for now.

3.15 pm

Julian Knight: We live in the strangest of times, and the evidence of that is that my hon. Friend the Member for Folkestone and Hythe (Damian Collins), who has knowledge second to none in this area, has ended up in charge of it. I have rarely seen such an occurrence. I hope he is able to have a long and happy tenure and that the blob does not discover that he knows what he is doing.

I backed the Bill on Second Reading and I will continue to back it. I support most of the content within it and, before I move on to speak to the amendments I have tabled, I want to thank the Government for listening to the recommendations of the Digital, Culture, Media and Sport Committee, which I chair. The Government have accepted eight of the Committee's key recommendations, demonstrating that the Committee is best placed to provide Parliamentary scrutiny of DCMS Bills as they pass through this House and after they are enacted.

I also pay tribute to the work of the Joint Committee on the draft Bill, which my hon. Friend the Member for Folkestone and Hythe chaired, and the Public Bill Committee, which has improved this piece of legislation during its consideration. The Government have rightfully listened to the Select Committee's established view that it would be inappropriate to establish a permanent joint committee on digital regulation. I also welcome the news that the Government are set to bring forward amendments in the House of Lords to legislate for a new criminal offence for epilepsy trolling, which was recommended by both the Joint Committee and the Select Committee.

That said, the Digital, Culture, Media and Sport Committee continues to have concerns around some aspects of the Bill, particularly the lack of provision for funding digital literacy, a key area where we are falling behind in and need to make some progress. However, my primary concern and that of my colleagues on the Committee relates to the powers within this Bill that would, in effect, give the Secretary of State the opportunity to interfere with Ofcom's role in the issuing of codes of practice to service providers.

It is for that reason that I speak to amendments 44 to 46 standing in my name on the amendment paper. Clause 40, in my view, gives the Secretary of State unprecedented powers and would bring into question the future integrity of Ofcom itself. Removing the ability to exercise those powers in clause 39 would mean we could lose clauses 40 and 41, which outline the powers granted and how they would be sent to the House for consideration.

Presently, Ofcom sets out codes of practice under which,

"companies can compete fairly, and businesses and customers benefit from the choice of a broad range of services".

Under this Bill Ofcom, which, I remind the House, is an independent media regulator, will be required to issue codes of practice to service providers, for example codes outlining measures that would enable services to comply with duties to mitigate the presence of harmful content.

Currently, codes of practice from Ofcom are presented to the House for consideration "as soon as practicable", something I support. My concern is the powers given in this Bill that allow the Secretary of State to reject the draft codes of practice and to send them back to Ofcom before this House knows the recommendations exist, let alone having a chance to consider or debate them.

I listened with interest to my hon. Friend the Member for Croydon South (Chris Philp), who is not in his place but who was a very fine Minister during his time in the Department. To answer his query on the written ministerial statement and the letter written to my Committee on this matter, I say to him and to those on the Front Bench that if the Government disagree with what Ofcom is saying, they can bring the matter to the House and explain that disagreement. That would allow things to be entirely transparent and open, allow greater scrutiny rather than less, and allow for less delay than would be the case if there is forever that ping-pong between the Secretary of State and Ofcom until it gets its work right.

I want to make it clear that the DCMS Committee and I believe that this is nothing more than a power grab by the Executive. I am proud that in western Europe we have a free press without any interference from Government, and I believe that the Bill, if constituted in this particular form, has the potential to damage that relationship—I say potential, because I do not believe that is the intention of what is being proposed here, but there is the potential for the Bill to jeopardise that relationship in the long term. That is why I hope that Members will consider supporting my amendments, and I will outline why they should do so.

As William Perrin, a trustee of the Carnegie Trust UK, made clear in evidence to my Committee,

"the underpinning convention of regulation of media in Western Europe is that there is an independent regulator and the Executive does not interfere in their day to day decision-making for very

[Julian Knight]

good reason." Likewise, Dr Edina Harbinja, a senior lecturer at Aston University, raised concerns that the Bill made her

"fear that Ofcom's independence may be compromised"

and that

"similar powers are creeping into other law reform pieces and proposals, such as…data protection".

My amendments seek to cut red tape, bureaucracy and endless recurring loops that in some cases may result in significant delays in Ofcom managing to get some codes of practice approved. The amendments will allow the codes to come directly to this House for consideration by Members without another level of direct interference from the Secretary of State. Let me make it very clear that this is not a comment on any Secretary of State, at any time in the past, but in some of these cases I expect that Ofcom will require a speedy turnaround to get these codes of practices approved—for instance, measures that it wishes to bring forward to better safeguard children online. In addition, the Secretary of State has continually made it clear in our Select Committee hearings that she is a great supporter of more parliamentary scrutiny. I therefore hope that the Government will support my amendment so that we do not end up in a position where future Secretaries of State could potentially prevent draft codes coming before the House due to endless delays and recurring loops.

I also want to make it abundantly clear that my amendment does not seek to prevent the Secretary of State from having any involvement in the formulation of new codes of practice from Ofcom. Indeed, as Ofcom has rightly pointed out, the Secretary of State is already a statutory consultee when Ofcom wishes to draft new codes of practice or amend those that already exist. She can also, every three years, set out guidelines that Ofcom would have to follow when creating such codes of practice. The Government therefore already play a crucial role in influencing the genesis and the direction of travel in this area.

On Friday the Secretary of State wrote to my office outlining some of the concerns shared by Members of this House and providing steps on how her Department would address those concerns. In her letter, she recognises that the unprecedented powers awarded to the Secretary of State are of great concern to Members and goes on to state that

"regulatory independence is vital to the success of the framework".

I have been informed that in order to appease some of these concerned Members, the Government intend to bring forward amendments around the definitions of "exceptional circumstances" and "public policy", as referenced earlier. These definitions, including "economic policy" and "business interests", are so broad that I cannot think of anything that would not be covered by these exceptional circumstances.

If the Secretary of State accepts our legitimate concerns, surely Ministers should accept my amendments becoming part of the Bill today, leaving a cleaner process rather than an increasingly complex system of unscrutinised ministerial interference with the regulator. The DCMS Committee and I are very clear that clause 40 represents a power grab by the Government that potentially threatens the independence of Ofcom, which is a fundamental principle of ensuring freedom of speech and what should be a key component of this legislation. The Government must maintain their approach to ensuring independent, effective, and trustworthy regulation.

I will not press my amendments to a vote, but I hope my concerns will spark not just thoughts and further engagement from Ministers but legislative action in another place as the Bill progresses, because I really do think that this could hole the Bill under the waterline and has the potential for real harm to our democratic way of life going forward as we tackle this whole new area.

Mr Kevan Jones (North Durham) (Lab): I rise to speak to my new clause 8, which would place a duty on all internet site providers regulated by this Bill to prevent individuals from encountering adverts for cosmetic procedures that do not contain disclaimers as to health risks of the procedure or include certified service quality indicators.

I have been campaigning for a number of years for better regulation of the non-surgical and cosmetic surgery industry, which is frankly a wild west in terms of lack of regulation, only made worse by the internet. I pay tribute to my constituent Dawn Knight, who has been a fierce campaigner in this area. We are slowly making progress. I thank the former Health Minister, the hon. Member for Charnwood (Edward Argar), for his work in bringing amendments on licensing to the Bill that became the Health and Care Act 2022. That is now out for consultation. It is a first, welcome step in legislation to tame the wild west that is the cosmetic surgery sector. My amendment would enhance and run parallel to that piece of legislation.

Back in 2013, Sir Bruce Keogh first raised the issue of advertising in his recommendations on regulation of the cosmetic surgery industry, saying that cosmetic and aesthetic procedures adverts should be provided with a disclaimer or kitemark in a manner similar to that around alcohol or gambling regulation. Years ago, adverts were in newspapers and magazines. Now, increasingly, the sector's main source of advertising revenue is the internet.

People will say, "Why does this matter?" Well, it links to some of the other things that have been raised in this debate. The first is safety. We do not have any data, for which I have been calling for a while, on how many surgical and non-surgical aesthetic procedures in the UK go wrong, but I know who picks up the tab for it—it is us as taxpayers as the NHS has to put a lot of those procedures right. The horrendous cases that I have seen over the years provide just cause for why people need to be in full control of the facts before they undertake these procedures.

This is a boom industry. It is one where decisions on whether to go ahead with a procedure are not usually made with full information on the potential risks. It is sold, certainly online, as something similar to buying any other service. As we all know, any medical procedure has health risks connected to it, and people should be made aware of them in the adverts that are now online. I have tried writing to Facebook and others to warn them about some of the more spurious claims that some of the providers are making, but have never got a reply from Facebook. This is about patient safety. My amendment would ensure that these adverts at least raise in people's minds the fact that there is a health risk to these procedures.

Again, people will say, "Why does this matter?" Well, the target for this sector is young people. As I said, a few years ago these adverts were in newspapers and magazines; now they are on Facebook, Twitter, Instagram and so on, and we know what they are selling: they are bombarding young people with the perfect body image.

We only have to look at the Mental Health Foundation's report on this subject to see the effect the industry is having on young people, with 37% feeling upset and 31% feeling ashamed of their own body image. That is causing anxiety and mental health problems, but it is also forcing some people to go down the route of cosmetic surgery—both surgical and non-surgical—when there is nothing wrong with their body. It is the images, often photoshopped and sadly promoted by certain celebrities, that force them down that route.

Someone has asked me before, "Do you want to close down the cosmetic surgery industry?" I am clear that I do not; what I want is for anyone going forward for these procedures to be in full control of the facts. Personally, if I had a blank sheet of paper, I would say that people should have mental health assessments before they undertake these procedures. If we had a kitemark on adverts, as Sir Bruce Keogh recommended, or something that actually said, "This is not like buying any other service. This is a medical procedure that could go wrong", people would be in full awareness of the facts before they went forward.

3.30 pm

It is a modest proposal for the Bill, but it could have a major impact on the industry out there at the moment, which for many years has been completely unregulated. I do not propose pressing my new clause to a vote, but will the Minister work with his Department of Health and Social Care colleagues? Following the Health and Care Act 2022, there is a consultation on the regulations, and we could make a real difference for those I am worried about and concerned for—the more and more young people who are being bombarded with these adverts. In some cases, dangerous and potentially life-threatening procedures are being sold to them as if they are just like any other service, and they are not.

Damian Collins: The right hon. Gentleman makes a very important point and, as he knows, there is a wider ongoing Government review related to advertising online, which is a very serious issue. I assure him that we will follow up with colleagues in the Department of Health and Social Care to discuss the points he has raised.

Mr Jones: I am grateful to the Minister and I will be keeping a beady eye to see how far things go. The proposal would make a difference. It is a simple but effective way of protecting people, especially young people.

Madam Deputy Speaker (Dame Eleanor Laing): Very good, that was wonderfully brief.

Damian Hinds (East Hampshire) (Con): May I join others in welcoming my hon. Friend the Member for Folkestone and Hythe (Damian Collins) to his place on the Front Bench? He brings a considerable amount of expertise. I also, although it is a shame he is not here to hear me say nice things about him, pay tribute, as others have, to my hon. Friend the Member for Croydon South (Chris Philp). I had the opportunity to work with him, his wonderful team of officials and wonderful officials at the Home Office on some aspects of this Bill, and it was a great pleasure to do so. As we saw again today, his passion for this subject is matched only by his grasp of its fine detail.

I particularly echo what my hon. Friend said about algorithmic promotion, because if we address that, alongside what the Government have rightly done on ID verification options and user empowerment, we would address some of the core wiring and underpinnings at an even more elemental level of online harm.

I want to talk about two subjects briefly. One is fraud, and the other is disinformation. Opposition amendment 20 refers to disinformation, but that amendment is not necessary because of the amendments that the Government are bringing to the National Security Bill to address state-sponsored disinformation. I refer the House in particular to Government amendment 9 to that Bill. That in turn amends this Bill—it is the link, or so-called bridge, between the two. Disinformation is a core part of state threat activity and it is one of the most disturbing, because it can be done at huge volume and at very low cost, and it can be quite hard to detect. When someone has learned how to change the way people think, that makes that part of their weaponry look incredibly valuable to them.

We often talk about this in the context of elections. I think we are actually pretty good—when I say "we", I mean our country, some other countries and even the platforms themselves—at addressing disinformation in the context of the elections themselves: the process of voting, eligibility to vote and so on. However, first, that is often not the purpose of disinformation at election time and, secondly, most disinformation occurs outside election times. Although our focus on interference with the democratic process is naturally heightened coming up to big democratic events, it is actually a 365-day-a-year activity.

There are multiple reasons and multiple modes for foreign states to engage in that activity. In fact, in many ways, the word "disinformation" is a bit unsatisfactory because a much wider set of things comes under the heading of information operations. That can range from simple untruths to trying to sow many different versions of an event, particularly a foreign policy or wartime event, to confuse the audience, who are left thinking, "Oh well, whatever story I'm being told by the BBC, my newspaper, or whatever it is, they are all much of a muchness." Those states are competing for truth, even though in reality, of course, there is one truth. Sometimes the aim is to big up their own country, or to undermine faith in a democracy like ours, or the effectiveness of free societies.

Probably the biggest category of information operations is when there is not a particular line to push at all, but rather the disinformer is seeking to sow division or deepen division in our society, often by telling people things that they already believe, but more loudly and more aggressively to try to make them dislike some other group in society more. The purpose, ultimately, is to destabilise a free and open society such as ours and that has a cancerous effect. We talk sometimes of disinformation being spread by foreign states. Actually, it is not spread by foreign states; it is seeded by foreign states and then spread usually by people here. So they create these fake personas to plant ideas and then other

[Damian Hinds]

people, seeing those messages and personas, unwittingly pick them up and pass them on themselves. It is incredibly important that we tackle that for the health of our democracy and our society.

The other point I want to mention briefly relates to fraud and the SNP amendments in the following group, but also Government new clause 14 in this group. I strongly support what the Government have done, during the shaping of the Bill, on fraud; there have been three key changes on fraud. The first was to bring user-generated content fraud into the scope of the Bill. That is very important for a particularly wicked form of fraud known as romance fraud. The second was to bring fraudulent advertising into scope, which is particularly important for categories of fraud such as investment fraud and e-commerce. The third big change was to make fraud a priority offence in the Bill, meaning that it is the responsibility of the platforms not just to remove that content when they are made aware of it, but to make strenuous efforts to try to stop it appearing in front of their users in the first place. Those are three big changes that I greatly welcome.

There are three further things I think the Government will need to do on fraud. First, there is a lot of fraudulent content beyond categories 1 and 2A as defined in the Online Safety Bill, so we are going to have to find ways—proportionate ways—to make sure that that fraudulent content is suppressed when it appears elsewhere, but without putting great burdens on the operators of all manner of community websites, village newsletters and so on. That is where the DCMS online advertising programme has an incredibly important part to play.

The second thing is about the huge variety of channels and products. Telecommunications are obviously important, alongside online content, but even within online, as the so-called metaverse develops further, with the internet of things and the massive potential for defrauding people through deep fakes and so on, we need to be one step ahead of these technologies. I hope that in DCMS my hon. Friends will look to create a future threats unit that seeks to do that.

Thirdly, we need to make sure everybody's incentives are aligned on fraud. At present, the banks reimburse people who are defrauded and I hope that rate of reimbursement will shortly be increasing. They are not the only ones involved in the chain that leads to people being defrauded and often they are not the primary part of that chain. It is only right and fair, as well as economically efficient, to make sure the other parts of the chain that are involved share in that responsibility. The Bill makes sure their incentives are aligned because they have to take proportionate steps to stop fraudulent content appearing in front of customers, but we need to look at how we can sharpen that up to make sure everybody's incentives are absolutely as one.

This is an incredibly important Bill. It has been a long time coming and I congratulate everybody, starting with my right hon. and learned Friend the Member for Kenilworth and Southam (Sir Jeremy Wright), my hon. Friend the Member for Croydon South (Chris Philp) and others who have been closely involved in creating it. I wish my hon. Friend the Minister the best of luck.

Several hon. Members *rose—*

Mr Deputy Speaker (Mr Nigel Evans): We will now introduce a six-minute limit on speeches. It may come down but, if Members can take less than six minutes, please do so. I intend to call the Minister at 4.20 pm.

Jamie Stone (Caithness, Sutherland and Easter Ross) (LD): May I, on behalf of my party, welcome the Minister to his place?

I have been reflecting on the contributions made so far and why we are here. I am here because I know of a female parliamentary candidate who pulled out of that process because of the online abuse. I also know of somebody not in my party—it would be unfair to name her or her party—who stood down from public life in Scotland mostly because of online abuse. This is something that threatens democracy, which we surely hold most dear.

Most of us are in favour of the Bill. It is high time that we had legislation that keeps users safe online, tackles illegal content and seeks to protect freedom of speech, while also enforcing the regulation of online spaces. It is clear to me from the myriad amendments that the Bill as it currently stands is not complete and does not go far enough. That is self-evident. It is a little vague on some issues.

I have tabled two amendments, one of which has already been mentioned and is on media literacy. My party and I believe Ofcom should have a duty to promote and improve the media literacy of the public in relation to regulated user-to-user services and search services. That was originally in the Bill but it has gone. Media literacy is mentioned only in the context of risk assessments. There is no active requirement for internet companies to promote media literacy.

The pandemic proved that a level of skill is needed to navigate the online world. I offer myself as an example. The people who help me out in my office here and in my constituency are repeatedly telling me what I can and cannot do and keeping me right. I am of a certain age, but that shows where education is necessary.

My second amendment is on end-to-end encryption. I do not want anything in this Bill to prevent providers of online services from protecting their users' privacy through end-to-end encryption. It does provide protection to individuals and if it is circumvented or broken criminals and hostile foreign states can breach security. Privacy means security.

There are also concerns about the use of the word "harm" in the Bill. It remains vague and threatens to capture a lot of unintended content. I look forward to seeing what comes forward from the Government on that front. It focuses too much on content as opposed to activity and system design. Regulation of social media must respect the rights to privacy and free expression of those who use it. However, as the right hon. Member for Barking (Dame Margaret Hodge) said, that does not mean a laissez-faire approach: bullying and abuse prevent people from expressing themselves and must at all costs be stamped out, not least because of the two examples I mentioned at the start of my contribution.

As I have said before, the provisions on press exemption are poorly drafted. Under the current plans, the Russian propaganda channel Russia Today, on which I have said quite a bit in this place in the past, would qualify as a

recognised news publisher and would therefore be exempt from regulation. That cannot be right. It is the same news channel that had its licence revoked by Ofcom.

I will help you by being reasonably brief, Mr Deputy Speaker, and conclude by saying that as many Members have said, the nature of the Bill means that the Secretary of State will have unprecedented powers to decide crucial legislation later. I speak—I will say it again—as a former chair of the Scottish Parliament's statutory instruments committee, so I know from my own experience that all too often, instruments that have far-reaching effects are not given the consideration in this place that they should receive. Such instruments should be debated by the rest of us in the Commons.

As I said at the beginning of my speech, the myriad amendments to the Bill make it clear that the rest of us are not willing to allow it to remain so inherently undemocratic. We are going in the right direction, but a lot can be done to improve it. I wait with great interest to see how the Minister responds and what is forthcoming in the period ahead.

3.45 pm

Andrew Percy: This has been an interesting debate on a Bill I have followed closely. I have been particularly struck by some of the arguments that claim the Bill is an attack on freedom of speech. I always listen intently to my right hon. Friend the Member for Haltemprice and Howden (Mr Davis) and to the hon. and learned Member for Edinburgh South West (Joanna Cherry), but I think they are wrong in the conclusions they have reached about legal but harmful content. Indeed, many of the criticisms that the hon. and learned Member for Edinburgh South West made of the various platforms were criticisms of the present situation, and that is exactly why I think this legislation will improve the position. However, those Members raised important points that I am sure will be responded to. I have also been a strong advocate of the inclusion of small but high-harm platforms, as the Minister and the shadow Minister, the hon. Member for Pontypridd (Alex Davies-Jones), both know—we have all had those discussions.

In the time I have, I want to focus principally on the issue of search and on new clauses 9 and 10, which stand in my name. As the shadow Minister has highlighted, last week we were—like many people in this place, perhaps—sent the most remarkable online prompt, which was to simply search Google for the words "desk ornament". The top images displayed in response to that very mundane and boring search were of swastikas, SS bolts and other Nazi memorabilia presented as desk ornaments. Despite there having been awareness of that fact since, I believe, the previous weekend, and even though Google is making millions of pounds in seconds from advertising, images promoting Nazism were still available for all to see as a result of those searches.

When he gave evidence to the Bill Committee recently, Danny Stone, the Antisemitism Policy Trust's very capable chief executive, pointed out that Amazon's Alexa had used just one comment posted by one individual on Amazon's website to inform potentially millions of users who cared to ask that George Soros was responsible for all of the world's evils, and that Alexa had used a comment from another website to inform those who searched for it that the humanitarian group the White Helmets was an illicit operation founded by a British spy.

As we have seen throughout the covid pandemic, similar results come up in response to other searches, such as those around vaccines and covid. The Antisemitism Policy Trust has previously demonstrated that Microsoft Bing, the platform that lies behind Alexa, was directing users to hateful searches such as "Jews are bastards" through autocompletes, as well as pointing people to homophobic stories. We even had the sickening situation of Google's image carousel highlighting Jewish baby strollers in response to people searching for portable barbecues.

Our own Alexa searches highlighted the issue some time ago. Users who asked Alexa "Do Jews control the media?" were responded to with a quote from a website called Jew Watch—that should tell Members all they need to know about the nature of the platform—saying that Jews control not only the media, but the financial system too. The same problem manifests itself across search platforms in other languages, as we highlighted not so long ago with Siri in Spanish. When asked, "Do the Jews control the media?" she responds with an article that states that Jews do indeed control international media. This goes on and on, irrespective of whether the search is voice or text-based.

The largest search companies in the world are falling at the first hurdle when it comes to risk assessing for harms on their platform. That is the key point when we ask for lawful but harmful content to be responded to. It is about risk assessment—requiring companies that do not respect borders, operate globally and are in many ways more powerful than Governments to risk assess and warn about lawful but deeply harmful content that all of us in the House would be disgusted by.

At present, large traditional search services including Google and Microsoft Bing, and voice search assistants including Alexa and Siri, will be exempted from having to risk assess their systems and address harm to adults, despite the fact that other large user-to-user services will have to do so. How can it be possible that Google does not have to act, when Meta—Facebook—and Twitter do? That does not seem consistent with the aims of the Bill.

There is a lot more that I would like to have said on the Bill. I welcome the written ministerial statement last week in relation to small but high-harm platforms. I hope that as the Bill progresses to the other place, we can look again at search. Some of the content generated is truly appalling, even though it may very well be considered lawful.

Feryal Clark (Enfield North) (Lab): I join everyone else in the House in welcoming the Minister to his place.

I rise to speak in support of amendments 15 and 16. At the core of this issue is the first duty of any Government: to keep people safe. Too often in debates, which can become highly technical, we lose sight of that fact. We are not just talking about technology and regulation; we are talking about real lives and real people. It is therefore incumbent on all of us in this place to have that at the forefront of our minds when discussing such legislation.

Labelling social media as the wild west of today is hardly controversial—that is plain and obvious for all to see. There has been a total failure on the part of social media companies to make their platforms safe for

[Feryal Clark]

everyone to use, and that needs to change. Regulation is not a dirty word, but a crucial part of ensuring that as the internet plays a bigger role in every generation's lives, it meets the key duty of keeping people safe. It has been a decade since we first heard of this Bill, and almost four years since the Government committed to it, so I am afraid that there is nothing even slightly groundbreaking about the Bill as it is today. We have seen progress being made in this area around the world, and the UK is falling further and further behind.

Of particular concern to me is the impact on children and young people. As a mother, I worry for the world that my young daughter will grow up in, and I will do all I can in this place to ensure that children's welfare is at the absolute forefront. I can see no other system or institution that children are allowed to engage with that has such a wanting lack of safeguards and regulation. If there was a faulty slide in a playground, it would be closed off and fixed. If a sports field was covered with glass or litter, that would be reported and dealt with. Whether we like it or not, social media has become the streets our children hang out in, the world they grow up in and the playground they use. It is about time we started treating it with the same care and attention.

There are far too many holes in the Bill that allow for the continued exploitation of children. Labour's amendments 15 and 16 tackle the deeply troubling issue of "breadcrumbing". That is where child abusers use social networks to lay trails to illegal content elsewhere online and share videos of abuse edited to fall within content moderation guidelines. The amendments would give the regulators powers to tackle that disgusting practice and ensure that there is a proactive response to it. They would bring into regulatory scope the millions of interactions with accounts that actively enable child abuse. Perhaps most importantly, they would ensure that social media companies tackled child abuse at the earliest possible stage.

In its current form, even with Government amendment 14, the Bill merely reinforces companies' current focus only on material that explicitly reaches the criminal threshold. That is simply not good enough. Rather than acknowledging that issue, Government amendments 71 and 72 let social media companies off the hook. They remove the requirement for companies to apply their terms and conditions "consistently". That was addressed very eloquently by the hon. Member for Croydon South (Chris Philp) and the right hon. and learned Member for Kenilworth and Southam (Sir Jeremy Wright), who highlighted that Government amendment 14 simply does not go far enough.

Damian Collins: On the amendments that the former Minister, my hon. Friend the Member for Croydon South (Chris Philp), spoke to, the word "consistently" has not been removed from the text. There is new language that follows the use of "consistently", but the use of that word will still apply in the context of the companies' duties to act against illegal content.

Feryal Clark: I welcome the Minister's clarification and look forward to the amendments being made to the Bill. Other than tying one of our hands behind our back in relation to trying to keep children safe, however, the proposals as they stand do not achieve very much. This will undermine the entire regulatory system, practically rendering it completely ineffective.

Although I welcome the Bill and some of the Government amendments, it still lacks a focus on ensuring that tech companies have the proper systems in place to fulfil their duty of care and keep our children safe. The children of this country deserve better. That is why I wholeheartedly welcome the amendments tabled by my hon. Friend the Member for Pontypridd (Alex Davies-Jones) and urge Government Members to support them.

Several hon. Members *rose—*

Mr Deputy Speaker (Mr Nigel Evans): Order. We will stick with a time limit of six minutes, but I put everybody on notice that we may have to move that down to five.

Adam Afriyie: I very much welcome the Bill, which has been a long time in the making. It has travelled from my right hon. and learned Friend the Member for Kenilworth and Southam (Sir Jeremy Wright) to my hon. Friend the Member for Croydon South (Chris Philp) and now to my hon. Friend the Member for Folkestone and Hythe (Damian Collins); I say a huge thank you to them for their work. The Bill required time because this is a very complex matter. There are huge dangers and challenges in terms of committing offences against freedom of speech. I am glad that Ministers have recognised that and that we are very close to an outcome.

The Bill is really about protection—it is about protecting our children and our society from serious harms—and nobody here would disagree that we want to protect children from harm online. That is what 70% to 80% of the Bill achieves. Nobody would disagree that we need to prevent acts of terror and incitement to violence. We are all on the same page on that across the House. What we are talking about today, and what we have been talking about over the past several months, are nips and tucks to try to improve elements of the Bill. The framework appears to be generally correct. We need to drill down into some of the details to ensure that the areas that each of us is concerned about are dealt with in the Bill we finally produce, as it becomes an Act of Parliament.

There are several amendments tabled in my name and those of other right hon. and hon. Members. I can only canter through them cursorily in the four minutes and 30 seconds remaining to me, but I will put these points on the record in the hope that the Minister will respond positively to many of them.

Amendments 48 and 49 would ensure that providers can decide to keep user-generated content online, taking no action if that content is not harmful. In effect, the Government have accepted those amendments by tabling amendment 71, so I thank the Minister for that.

My amendment 50 says that the presumption should be tipped further in favour of freedom of expression and debate by ensuring that under their contractual terms of service, except in particular circumstances, providers are obliged to leave content online. I emphasise that I am not talking about harmful or illegal content; amendment 50 seeks purely to address content that may be controversial but does not cross the line.

4 pm

I turn to amendment 51. It appears that the Bill protects the media, journalists, Governments and us politicians, while providers have some protections against

being fined unjustly. In many ways, the only people who are not protected are the public—the users with user-generated legal content. It seems to me that we need to increase the powers for citizens to get an outcome if their content is taken down inaccurately, incorrectly or inappropriately. We would do well to look at ensuring, as amendment 51 would, that citizens can also seek compensation. Tens of millions of pounds, if not hundreds of millions, are about to go to the regulator and to the Government in a form of quasi-taxation, so there needs to be a mechanism for a judge to decide that if somebody has been harmed by the inappropriate removal of legal content, they can get some redress.

Government amendment 94 is quite interesting. I can certainly see the reason for it and the purpose that it seeks to achieve, but it will require providers to take into account the entire criminal code. Effectively, they will have to act as a policeman, policing all internet content against all legislation. I am sure that that is not the intent behind amendment 94. I simply urge the Government to take a look at my amendment 52, which would ensure that relevant offences include only those specified, so that providers do not need to understand the entire criminal code.

The primary area of concern, which many other hon. Members have voiced, is that it looks as if the Secretary of State will be given the power to specify priority harms without that decision necessarily being passed on the Floor of the House. It seems to me that it is Parliament that should primarily be making regulations and legislation, so I really urge the Government to take another look and ensure that if a Secretary of State seeks to modify the priority harms or specify certain content as harmful or illegal, it is debated in the Chamber of the House of Commons. That is the primary function of this place.

Technology moves very quickly, so personally I would welcome an annual debate on areas that may need improvement. Now that we are outside the European Union and have autonomy, those are the kinds of things that we must decide in this Chamber.

Munira Wilson (Twickenham) (LD): I rise to speak to new clauses 25 and 26 in my name. The Government rightly seek to make the UK the safest place in the world to go online, especially for our children, and some of their amendments will start to address previous gaps in the Bill. However, I believe that the Bill still falls short in its aim not only to protect children from harm and abuse, but, importantly, to empower and enable young people to make the most of the online world.

I welcome the comments that the right hon. and learned Member for Kenilworth and Southam (Sir Jeremy Wright) made about how we achieve the balance between rights and protecting children from harm. I also welcome his amendments on children's wellbeing, which seek to achieve that balance.

With one in five children going online, keeping them safe is more difficult but more important than ever. I speak not only as the mother of two very young children who are growing up with iPads in their hands, but as—like everyone else in the Chamber—a constituency Member of Parliament who speaks regularly to school staff and parents who are concerned about the harms caused by social media in particular, but also those caused by games and other services to which children have access.

The Bill proffers a broad and vague definition of content that is legal yet harmful. As many have already said, it should not be the responsibility of the Secretary of State, in secondary legislation, to make decisions about how and where to draw the line; Parliament should set clear laws that address specific, well-defined harms, based on strong evidence. The clear difficulty that the Government have in defining what content is harmful could have been eased had the Bill focused less on removing harmful content and more on why service providers allow harmful content to spread so quickly and widely. Last year, the 5Rights Foundation conducted an experiment in which it created several fake Instagram profiles for children aged between 14 and 17. When the accounts were searched for the term "skinny", while a warning pop-up message appeared, among the top results were

"accounts promoting eating disorders and diets, as well as pages advertising appetite-suppressant gummy bears."

Ultimately, the business models of these services profit from the spread of such content. New clause 26 requires the Government and Ofcom to focus on ensuring that internet services are safe by design. They should not be using algorithms that give prominence to harmful content. The Bill should focus on harmful systems rather than on harmful content.

Damian Collins: It does focus on systems as well as content. We often talk about content because it is the exemplar for the failure of the systems, but the systems are entirely within the scope of the Bill.

Munira Wilson: I thank the Minister for that clarification, but there are still many organisations out there, not least the Children's Charities Coalition, that feel that the Bill does not go far enough on safety by design. Concerns have rightly been expressed about freedom of expression, but if we focus on design rather than content, we can protect freedom of expression while keeping children safe at the same time. New clause 26 is about tackling harms downstream, safeguarding our freedoms and, crucially, expanding participation among children and young people. I fear that we will always be on the back foot when trying to tackle harmful content. I fear that regulators or service providers will become over-zealous in taking down what they consider to be harmful content, removing legal content from their platforms just in case it is harmful, or introducing age gates that deny children access to services outright.

Of course, some internet services are clearly inappropriate for children, and illegal content should be removed—I think we all agree on that—but let us not lock children out of the digital world or let their voices be silenced. Forty-three per cent. of girls hold back their opinions on social media for fear of criticism. Children need a way to exercise their rights. Even the Children's Commissioner for England has said that heavy-handed parental controls that lock children out of the digital world are not the solution.

I tabled new clause 25 because the Bill's scope, focusing on user-to-user and search services, is too narrow and not sufficiently future-proof. It should cover all digital technology that is likely to be accessed by children. The term

"likely to be accessed by children"

[Munira Wilson]

appears in the age-appropriate design code to ensure that the privacy of children's data is protected. However, that more expansive definition is not included in the Bill, which imposes duties on only a subset of services to keep children safe. Given rapidly expanding technologies such as the metaverse—which is still in its infancy—and augmented reality, as well as addictive apps and games that promote loot boxes and gambling-type behaviour, we need a much more expansive definition

Mr Deputy Speaker (Mr Nigel Evans): I am grateful to the right hon. Member for Kingston upon Hull North (Dame Diana Johnson) for keeping her powder dry and deferring her speech until the next group of amendments, so Members now have five minutes each.

Kim Leadbeater (Batley and Spen) (Lab): I rise to speak in favour of amendments 15 to 19 in the names of my hon. Friends and, later, amendments 11 and 12 in the name of the right hon. and learned Member for Kenilworth and Southam (Sir Jeremy Wright).

As we discussed at great length in Committee—my first Bill Committee; a nice simple one to get me started—the Bill has a number of critical clauses to address the atrocious incidence of child sexual expectation online. Amendments 15 to 19 are aimed at strengthening those protections and helping to ensure that the internet is a safer place for every young person. Amendments 15 and 16 will bring into scope tens of millions of interactions with accounts that actively enable the discovery and sharing of child abuse material. Amendments 17 to 19 will tackle the issue of cross-platform abuse, where abuse starts on one platform and continues on another. These are urgent measures that children's charities and advocacy groups have long called for, and I seriously hope this House will support them.

Last week, along with the shadow Minister and the then Minister, I attended an extremely moving reception hosted by one of those organisations, the NSPCC. It included a speech by Rachel, a mother of a victim of online grooming and child sexual exploitation. She outlined in a very powerful way how her son Ben was forced from the age of 13 to take and share photos of himself that he did not want to, and to enter Skype chats with multiple men. He was then blackmailed with those images and subjected to threats of violence to his family. Rachel said to us:

"We blamed ourselves and I thought we had failed…I felt like I hadn't done enough to protect our children".

I want to say to you, Rachel, that you did not fail Ben. Responsibility for what happened to Ben lies firmly with the perpetrators of these heinous crimes, but what did fail Ben and has failed our young people for far too long is the lack of urgency and political will to regulate the wild west of the internet. No one is pretending that this is an easy task, and we are dealing with a highly complex piece of legislation, but if we are to protect future Bens we have to strengthen this Bill as much as possible.

Another young woman, Danielle, spoke during the NSPCC event. She had been a victim of online CSE that had escalated into horrific real-world physical and sexual abuse. She told us how she has to live with the fear that her photos may appear online and be shared without her knowledge or control. She is a strong young woman who is moving on with her life with huge resilience, but her trauma is very real. Amendment 19 would ensure that proportionate measures are in place to prevent the encountering or dissemination of child abuse content—for example, through intelligence sharing of new and emerging threats. This will protect Danielle and people like her, giving them some comfort that measures are in place to stop the spread of these images and to place far more onus on the platforms to get on top of this horrific practice.

Amendments 11 and 12, in the name of the right hon. and learned Member for Kenilworth and Southam, will raise the threshold for non-broadcast media outlets to benefit from the recognised news publisher exemption by requiring that such publishers are subject to complaints procedures that are both suitable and sufficient. I support those amendments, which, while not perfect, are a step forward in ensuring that this exception is protected from abuse.

I am also pleased that the Government have listened to some of my and other Members' concerns and have now agreed to bring forward amendments at a later stage to exclude sanctioned publishers such as Russia Today from accessing this exemption. However, there are hundreds if not thousands of so-called news publishers across the internet that pose a serious threat, from the far right and also from Islamist, antisemitic and dangerous conspiratorial extremism. We must act to ensure that journalistic protections are not abused by those wishing to spread harm. Let us be clear that this is as much about protecting journalism as it is about protecting users from harm.

We cannot overstate the seriousness of getting this right. Carving out protections within the Bill creates a risk that if we do not get the criteria for this exemption right, harmful and extremist websites based internationally will simply establish offices in the UK, just so that they too can access this powerful new protection. Amendments 11 and 12 will go some way towards ensuring that news publishers are genuine, but I recognise that the amendments are not the perfect solution and that more work is needed as the Bill progresses in the other place.

In closing, I hope that we can find consensus today around the importance of protecting children online and restricting harmful content. It is not always easy, but I know we can find common ground in this place, as we saw during the Committee stage of the Bill when I was delighted to gain cross-party support to secure the introduction of Zach's law, inspired by my young constituent Zach Eagling, which will outlaw the dreadful practice of epilepsy trolling online.

Kirsty Blackman (Aberdeen North) (SNP) *rose—*

Mr Deputy Speaker (Mr Nigel Evans): You will resume your seat no later than 4.20 pm. We will therefore not put the clock on you.

4.15 pm

Kirsty Blackman: I will try to avoid too much preamble, but I thank the former Minister, the hon. Member for Croydon South (Chris Philp), for all his work in Committee

and for listening to my nearly 200 contributions, for which I apologise. I welcome the new Minister to his place.

As time has been short today, I am keen to meet the Minister to discuss my new clauses and amendments. If he cannot meet me, I would be keen for him to meet the NSPCC, in particular, on some of my concerns.

Amendment 196 is about using proactive technology to identify CSEA content, which we discussed at some length in Committee. The hon. Member for Croydon South made it very clear that we should use scanning to check for child sexual abuse images. My concern is that new clause 38, tabled by the Lib Dems, might exclude proactive scanning to look for child sexual abuse images. I hope that the Government do not lurch in that direction, because we need proactive scanning to keep children protected.

New clause 18 specifically addresses child user empowerment duties. The Bill currently requires that internet service providers have user empowerment duties for adults but not for children, which seems bizarre. Children need to be able to say yes or no. They should be able to make their own choices about excluding content and not receiving unsolicited comments or approaches from anybody not on their friend list, for example. Children should be allowed to do that, but the Bill explicitly says that user empowerment duties apply only to adults. New clause 18 is almost a direct copy of the adult user empowerment duties, with a few extra bits added. It is important that children have access to user empowerment.

Amendment 190 addresses habit-forming features. I have had conversations about this with a number of organisations, including The Mix. I regularly accessed its predecessor, The Site, more than 20 years ago, and it is concerned that 42% of young people surveyed by YoungMinds show addiction-like behaviour in what they are accessing on social media. There is nothing on that in this Bill. The Mix, the Mental Health Foundation, the British Psychological Society, YoungMinds and the Royal College of Psychiatrists are all unhappy about the Bill's failure to regulate habit-forming features. It is right that we provide support for our children, and it is right that our children are able to access the internet safely, so it is important to address habit-forming behaviour.

Amendment 162 addresses child access assessments. The Bill currently says that providers need to do a child access assessment only if there is a "significant" number of child users. I do not think that is enough and I do not think it is appropriate, and the NSPCC agrees. The amendment would remove the word "significant." OnlyFans, for example, should not be able to dodge the requirement to child risk assess its services because it does not have a "significant" number of child users. These sites are massively harmful, and we need to ensure changes are made so they cannot wriggle out of their responsibilities.

Finally, amendment 161 is about live, one-to-one oral communications. I understand why the Government want to exempt live, one-to-one oral communications, as they want to ensure that phone calls continue to be phone calls, which is totally fine, but they misunderstand the nature of things like Discord and how people communicate on Fortnite, for example. People are having live, one-to-one oral communications, some of which are used to groom children. We cannot explicitly exempt them and allow a loophole for perpetrators of abuse in this Bill. I understand what the Government are trying to do, but they need to do it in a different way so that children can be protected from the grooming behaviour we see on some online platforms.

Once again, if the Minister cannot accept these amendments, I would be keen to meet him. If he cannot meet me, will he please meet the NSPCC? We cannot explicitly exempt those and allow a loophole for perpetrators of abuse in this Bill. I understand what the Government are trying to do, but they need to do it in a different way, in order that children can be protected from that grooming behaviour that we see on some of those platforms that are coming online. Once again, if the Minister cannot accept these amendments, I would be keen to meet him. If he cannot do that, I ask that the NSPCC have a meeting with him.

Damian Collins: We have had a wide-ranging debate of passion and expert opinion from Members in all parts of the House, which shows the depth of interest in this subject, and the depth of concern that the Bill is delivered and that we make sure we get it right. I speak as someone who only a couple of days ago became the Minister for online safety, although I was previously involved in engaging with the Government on this subject. As I said in my opening remarks, this has been an iterative process, where Members from across the House have worked successfully with the Government to improve the Bill. That is the spirit in which we should complete its stages, both in the Commons and in the Lords, and look at how we operate this regime when it has been created.

I wish to start by addressing remarks made by the hon. Member for Pontypridd (Alex Davies-Jones), the shadow Minister, and by the hon. Member for Cardiff North (Anna McMorrin) about violence against women and girls. There is a slight assumption that if the Government do not accept an amendment that writes, "Violence against women and girls" into the priority harms in the Bill, somehow the Bill does not address that issue. I think we would all agree that that is not the case. The provisions on harmful content that is directed at any individual, particularly the new harms offences approved by the Law Commission, do create offences in respect of harm that is likely to lead to actual physical harm or severe psychological harm. As the father of a teenage girl, who was watching earlier but has now gone to do better things, I say that the targeting of young girls, particularly vulnerable ones, with content that is likely to make them more vulnerable is one of the most egregious aspects of the way social media works. It is right that we are looking to address serious levels of self-harm and suicide in the Bill and in the transparency requirements. We are addressing the self-harm and suicide content that falls below the illegal threshold but where a young girl who is vulnerable is being sent content and prompted with content that can make her more vulnerable, could lead her to harm herself or worse. It is absolutely right that that was in the scope of the Bill.

New clause 3, perfectly properly, cites international conventions on violence against women and girls, and how that is defined. At the moment, with the way the Bill is structured, the schedule 7 offences are all based on existing areas of UK law, where there is an existing, clear criminal threshold. Those offences, which are listed extensively, will all apply as priority areas of harm. If there is, through the work of the Law Commission or

[Damian Collins]

elsewhere, a clear legal definition of misogyny and violence against women and girls that is not included, I think it should be included within scope. However, if new clause 3 was approved, as tabled, it would be a very different sort of offence, where it would not be as clear where the criminal threshold applied, because it is not cited against existing legislation. My view, and that of the Government, is that existing legislation covers the sorts of offences and breadth of offences that the shadow Minister rightly mentioned, as did other Members. We should continue to look at this—

Anna McMorrin: The Minister is not giving accurate information there. Violence against women and girls is defined by article 3 of the Council of Europe convention on preventing violence against women and domestic violence—the Istanbul convention. So there is that definition and it would be valid to put that in the Bill to ensure that all of that is covered.

Damian Collins: I was referring to the amendment's requirement to list that as part of the priority illegal harms. The priority illegal harms set out in the Bill are all based on existing UK Acts of Parliament where there is a clear established criminal threshold—that is the difference. The spirit of what that convention seeks to achieve, which we would support, is reflected in the harm-based offences written into the Bill. The big change in the structure of the Bill since the draft Bill was published—the Joint Committee on the Draft Online Safety Bill and I pushed for this at the time—is that far more of these offences have been clearly written into the Bill so that it is absolutely clear what they apply to. The new offences proposed by the Law Commission, particularly those relating to self-harm and suicide, are another really important addition. We know what the harms are. We know what we want this Bill to do. The breadth of offences that the hon. Lady and her colleagues have set out is covered in the Bill. But of course as law changes and new offences are put in place, the structure of the Bill, through the inclusion of new schedule 7 on priority offences, gives us the mechanism in the future, through instruments of this House, to add new offences to those primary illegal harms as they occur. I expect that that is what would happen. I believe that the spirit of new clause 3 is reflected in the offences that are written into the Bill.

The hon. Member for Pontypridd mentioned Government new clause 14. It is not true that the Government came up with it out of nowhere. There has been extensive consultation with Ofcom and others. The concern is that some social media companies, and some users of services, may have sought to interpret the criminal threshold as being based on whether a court of law has found that an offence has been committed, and only then might they act. Actually, we want them to pre-empt that, based on a clear understanding of where the legal threshold is. That is how the regulatory codes work. So it is an attempt, not to weaken the provision but to bring clarity to the companies and the regulator over the application.

The hon. Member for Ochil and South Perthshire (John Nicolson) raised an important point with regard to the Modern Slavery Act. As the Bill has gone along, we have included existing migration offences and trafficking offences. I would be happy to meet him further to discuss that aspect. Serious offences that exist in law should have an application, either as priority harms or as non-priority legal harms, and we should consider how we do that. I do not know whether he intends to press the amendment, but either way, I would be happy to meet him and to discuss this further.

My hon. Friend the Member for Solihull, the Chair of the Digital, Culture, Media and Sport Committee, raised an important matter with regard to the power of the Secretary of State, which was a common theme raised by several other Members. The hon. Member for Ochil and South Perthshire rightly quoted me, or my Committee's report, back to me—always a chilling prospect for a politician. I think we have seen significant improvement in the Bill since the draft Bill was published. There was a time when changes to the codes could be made by the negative procedure; now they have to be by a positive vote of both Houses. The Government have recognised that they need to define the exceptional circumstances in which that provision might be used, and to define specifically the areas that are set out. I accept from the Chair of the Select Committee and my right hon. and learned Friend the Member for Kenilworth and Southam that those things could be interpreted quite broadly—maybe more broadly than people would like—but I believe that progress has been made in setting out those powers.

I would also say that this applies only to the period when the codes of practice are being agreed, before they are laid before Parliament. This is not a general provision. I think sometimes there has been a sense that the Secretary of State can at any time pick up the phone to Ofcom and have it amend the codes. Once the codes are approved by the House they are fixed. The codes do not relate to the duties. The duties are set out in the legislation. This is just the guidance that is given to companies on how they comply. There may well be circumstances in which the Secretary of State might look at those draft codes and say, "Actually, we think Ofcom has given the tech companies too easy a ride here. We expected the legislation to push them further." Therefore it is understandable that in the draft form the Secretary of State might wish to have the power to raise that question, and not dictate to Ofcom but ask it to come back with amendments.

I take on board the spirit of what Members have said and the interest that the Select Committee has shown. I am happy to continue that dialogue, and obviously the Government will take forward the issues that they set out in the letter that was sent round last week to Members, showing how we seek to bring in that definition.

A number of Members raised the issue of freedom of speech provisions, particularly my hon. Friend the Member for Windsor (Adam Afriyie) at the end of his excellent speech. We have sought to bring, in the Government amendments, additional clarity to the way the legislation works, so that it is absolutely clear what the priority legal offences are. Where we have transparency requirements, it is absolutely clear what they apply to. The amendment that the Government tabled reflects the work that he and his colleagues have done, setting out that if we are discussing the terms of service of tech companies, it should be perfectly possible for them to say that this is not an area where they intend to take enforcement action and the Bill does not require them to do so.

The hon. Member for Batley and Spen (Kim Leadbeater) mentioned Zach's law. The hon. Member for Ochil and South Perthshire raised that before the Joint Committee. So, too, did my hon. Friend the Member for Watford (Dean Russell); he and the hon. Member for Ochil and South Perthshire are great advocates on that. It is a good example of how a clear offence, something that we all agree to be wrong, can be tackled through this legislation; in this case, a new offence will be created, to prevent the pernicious targeting of people with epilepsy with flashing images.

Finally, in response to the speech by the hon. Member for Aberdeen North (Kirsty Blackman), I certainly will continue dialogue with the NSPCC on the serious issues that she has raised. Obviously, child protection is foremost in our mind as we consider the legislation. She made some important points about the ability to scan for encrypted images. The Government have recently made further announcements on that, to be reflected as the Bill progresses through the House.

Mr Deputy Speaker (Mr Nigel Evans): To assist the House, I anticipate two votes on this first section and one vote immediately on the next, because it has already been moved and debated.

4.30 pm

Proceedings interrupted (Programme Order, this day).

The Deputy Speaker put forthwith the Question already proposed from the Chair (Standing Order No. 83E), That the clause be read a Second time.

Question agreed to.

New clause 19 accordingly read a Second time, and added to the Bill.

The Deputy Speaker then put forthwith the Questions necessary for the disposal of the business to be concluded at that time (Standing Order No. 83E).

New Clause 3

PRIORITY ILLEGAL CONTENT: VIOLENCE AGAINST WOMEN AND GIRLS

"(1) For the purposes of this Act, any provision applied to priority illegal content should also be applied to any content which—

(a) constitutes,

(b) encourages, or

(c) promotes

(2) "Violence against women and girls" is defined by Article 3 of the Council of Europe Convention on Preventing Violence Against Women and Domestic Violence ("the Istanbul Convention")."—*(Alex Davies-Jones.)*

This new clause applies provisions to priority illegal content to content which constitutes, encourages or promotes violence against women and girls.

Brought up,

Question put, That the clause be added to the Bill.

The House divided: Ayes 226, Noes 292.

Division No. 35] [4.30 pm

AYES

Abrahams, Debbie
Ali, Rushanara
Ali, Tahir
Amesbury, Mike
Anderson, Fleur
Antoniazzi, Tonia
Ashworth, rh Jonathan
Bardell, Hannah
Barker, Paula
Beckett, rh Margaret
Benn, rh Hilary
Betts, Mr Clive
Blackford, rh Ian
Blackman, Kirsty
Blake, Olivia
Blomfield, Paul
Bonnar, Steven
Bradshaw, rh Mr Ben
Brennan, Kevin
Brock, Deidre
Brown, Alan
Brown, Ms Lyn
Brown, rh Mr Nicholas
Bryant, Chris
Buck, Ms Karen
Burgon, Richard
Byrne, Ian
Byrne, rh Liam
Cadbury, Ruth
Callaghan, Amy
Cameron, Dr Lisa
Carden, Dan
Carmichael, rh Mr Alistair
Chapman, Douglas
Charalambous, Bambos
Cherry, Joanna
Clark, Feryal
Cooper, Daisy
Cooper, Rosie
Cooper, rh Yvette
Corbyn, rh Jeremy
Cowan, Ronnie
Coyle, Neil
Creasy, Stella
Cruddas, Jon
Cryer, John
Cummins, Judith
Cunningham, Alex
Daby, Janet
David, Wayne
Davies, Geraint
Davies-Jones, Alex
Day, Martyn
De Cordova, Marsha
Debbonaire, Thangam
Dhesi, Mr Tanmanjeet Singh
Docherty-Hughes, Martin
Dodds, Anneliese
Doogan, Dave
Dowd, Peter
Duffield, Rosie
Eagle, Dame Angela
Eagle, Maria
Eastwood, Colum
Edwards, Jonathan
Efford, Clive
Elliott, Julie
Elmore, Chris
Eshalomi, Florence
Esterson, Bill
Evans, Chris
Farron, Tim
Fellows, Marion
Ferrier, Margaret
Flynn, Stephen
Foord, Richard
Fovargue, Yvonne
Foxcroft, Vicky
Foy, Mary Kelly
Furniss, Gill
Gardiner, Barry
Gibson, Patricia
Gill, Preet Kaur
Glindon, Mary
Green, Kate
Green, Sarah
Greenwood, Lilian
Greenwood, Margaret
Griffith, Dame Nia
Haigh, Louise
Hamilton, Mrs Paulette
Hardy, Emma
Harris, Carolyn
Hayes, Helen
Healey, rh John
Hendrick, Sir Mark
Hendry, Drew
Hillier, Dame Meg
Hobhouse, Wera
Hodge, rh Dame Margaret
Hollern, Kate
Hopkins, Rachel
Howarth, rh Sir George
Huq, Dr Rupa
Hussain, Imran
Jarvis, Dan
Johnson, rh Dame Diana
Johnson, Kim
Jones, Darren
Jones, rh Mr Kevan
Jones, Ruth
Jones, Sarah
Kane, Mike
Keeley, Barbara
Kendall, Liz *(Proxy vote cast by Pat McFadden)*
Khan, Afzal
Kinnock, Stephen
Kyle, Peter
Lake, Ben
Leadbeater, Kim
Lewell-Buck, Mrs Emma
Lewis, Clive
Lightwood, Simon
Linden, David
Lloyd, Tony
Long Bailey, Rebecca
Lucas, Caroline
Lynch, Holly
MacAskill, Kenny
MacNeil, Angus Brendan
Madders, Justin
Mahmood, Shabana
Maskell, Rachael
Matheson, Christian
Mc Nally, John
McCabe, Steve
McCarthy, Kerry
McDonald, Stewart Malcolm
McDonald, Stuart C.
McDonnell, rh John
McFadden, rh Mr Pat
McGinn, Conor
McGovern, Alison
McKinnell, Catherine
McLaughlin, Anne
McMahon, Jim
McMorrin, Anna
Mearns, Ian
Mishra, Navendu

Monaghan, Carol
Moran, Layla
Morden, Jessica
Morgan, Helen
Morris, Grahame
Murray, James
Nandy, Lisa
Newlands, Gavin
Nichols, Charlotte
Nicolson, John
Norris, Alex
O'Hara, Brendan
Olney, Sarah
Onwurah, Chi
Oppong-Asare, Abena
Osamor, Kate
Oswald, Kirsten
Owatemi, Taiwo
Peacock, Stephanie
Pennycook, Matthew
Perkins, Mr Toby
Phillips, Jess
Phillipson, Bridget
Powell, Lucy
Qaisar, Ms Anum
Rayner, rh Angela
Reed, Steve
Reeves, Ellie
Reeves, Rachel
Reynolds, Jonathan
Ribeiro-Addy, Bell
Rimmer, Ms Marie
Rodda, Matt
Russell-Moyle, Lloyd
Saville Roberts, rh Liz
Shah, Naz
Sharma, Mr Virendra
Sheerman, Mr Barry
Sheppard, Tommy
Siddiq, Tulip
Slaughter, Andy
Smith, Alyn
Smith, Cat
Smith, Jeff
Smith, Nick
Smyth, Karin
Spellar, rh John
Stephens, Chris
Stevens, Jo
Stone, Jamie
Stringer, Graham
Sultana, Zarah
Tami, rh Mark
Tarry, Sam
Thewliss, Alison
Thomas, Gareth
Thomas-Symonds, rh Nick
Thompson, Owen
Thomson, Richard
Timms, rh Sir Stephen
Trickett, Jon
Turner, Karl
Twigg, Derek
Twist, Liz
Vaz, rh Valerie
Wakeford, Christian
West, Catherine
Western, Matt
Whitehead, Dr Alan
Whitford, Dr Philippa
Whitley, Mick
Whittome, Nadia
Williams, Hywel
Wilson, Munira
Winter, Beth
Yasin, Mohammad
Zeichner, Daniel

Tellers for the Ayes:
Colleen Fletcher and Gerald Jones

NOES

Adams, rh Nigel
Afolami, Bim
Afriyie, Adam
Aiken, Nickie
Aldous, Peter
Anderson, Lee
Anderson, Stuart
Andrew, rh Stuart
Argar, Edward
Atkins, Victoria
Bacon, Gareth
Badenoch, Kemi
Bailey, Shaun
Baillie, Siobhan *(Proxy vote cast by Scott Mann)*
Baker, Duncan
Baron, Mr John
Baynes, Simon
Bell, Aaron
Benton, Scott
Beresford, Sir Paul
Berry, rh Jake
Bhatti, Saqib
Blackman, Bob
Blunt, Crispin
Bone, Mr Peter
Bottomley, Sir Peter
Bowie, Andrew
Bradley, Ben
Bradley, rh Karen
Brereton, Jack
Bridgen, Andrew
Bristow, Paul
Browne, Anthony
Bruce, Fiona
Buchan, Felicity
Buckland, rh Sir Robert
Burghart, Alex
Burns, rh Conor
Butler, Rob
Cairns, rh Alun
Carter, Andy
Cartlidge, James
Cash, Sir William
Cates, Miriam
Caulfield, Maria
Chalk, Alex
Chishti, Rehman
Chope, Sir Christopher
Churchill, Jo
Clark, rh Greg
Clarke, rh Mr Simon
Clarke-Smith, Brendan
Clarkson, Chris
Clifton-Brown, Sir Geoffrey
Colburn, Elliot
Collins, Damian
Costa, Alberto
Courts, Robert
Coutinho, Claire
Cox, rh Sir Geoffrey
Crabb, rh Stephen
Crouch, Tracey
Daly, James
Davies, Gareth
Davies, Dr James
Davies, Mims
Davies, Philip
Davison, Dehenna
Dinenage, Dame Caroline
Dines, Miss Sarah
Djanogly, Mr Jonathan
Donelan, rh Michelle
Dorries, rh Ms Nadine
Double, Steve
Dowden, rh Oliver
Drummond, Mrs Flick
Duddridge, James
Duguid, David
Duncan Smith, rh Sir Iain
Dunne, rh Philip
Eastwood, Mark
Edwards, Ruth
Ellis, rh Michael
Ellwood, rh Mr Tobias
Elphicke, Mrs Natalie
Eustice, rh George
Evans, Dr Luke
Evennett, rh Sir David
Everitt, Ben
Fabricant, Michael
Farris, Laura
Fell, Simon
Firth, Anna
Fletcher, Katherine
Fletcher, Mark
Fletcher, Nick
Foster, Kevin
Fox, rh Dr Liam
Frazer, rh Lucy
Freeman, George
French, Mr Louie
Fuller, Richard
Fysh, Mr Marcus
Garnier, Mark
Gibson, Peter
Gideon, Jo
Glen, John
Goodwill, rh Sir Robert
Gove, rh Michael
Graham, Richard
Grant, Mrs Helen
Gray, James
Grayling, rh Chris
Green, Chris
Green, rh Damian
Griffiths, Kate
Grundy, James
Gullis, Jonathan
Halfon, rh Robert
Hall, Luke
Hammond, Stephen
Hancock, rh Matt
Hands, rh Greg
Harper, rh Mr Mark
Harris, Rebecca
Harrison, Trudy
Hart, Sally-Ann
Hart, rh Simon
Heald, rh Sir Oliver
Heappey, James
Henry, Darren
Higginbotham, Antony
Hinds, rh Damian
Holden, Mr Richard
Hollinrake, Kevin
Hollobone, Mr Philip
Holloway, Adam
Holmes, Paul
Howell, John
Howell, Paul
Huddleston, Nigel
Hudson, Dr Neil
Hughes, Eddie
Hunt, rh Jeremy
Hunt, Tom
Jack, rh Mr Alister
Javid, rh Sajid
Jayawardena, Mr Ranil
Jenkinson, Mark
Jenkyns, Andrea
Johnson, Gareth
Johnston, David
Jones, Andrew
Jones, rh Mr David
Jones, Fay
Jones, Mr Marcus
Jupp, Simon
Kawczynski, Daniel
Keegan, Gillian
Knight, rh Sir Greg
Knight, Julian
Kruger, Danny
Lamont, John
Largan, Robert
Latham, Mrs Pauline
Leadsom, rh Dame Andrea
Leigh, rh Sir Edward
Levy, Ian
Lewer, Andrew
Lewis, rh Brandon
Lewis, rh Dr Julian
Liddell-Grainger, Mr Ian
Logan, Mark
Longhi, Marco
Loughton, Tim
Mackinlay, Craig
Mackrory, Cherilyn
Maclean, Rachel
Mangnall, Anthony
Mann, Scott
Marson, Julie
May, rh Mrs Theresa
Mayhew, Jerome
Maynard, Paul
McCartney, Karl
McPartland, Stephen
McVey, rh Esther
Mercer, Johnny
Merriman, Huw
Metcalfe, Stephen
Millar, Robin
Miller, rh Dame Maria
Milling, rh Amanda
Mills, Nigel
Mitchell, rh Mr Andrew
Mohindra, Mr Gagan
Moore, Damien
Moore, Robbie
Morris, Anne Marie

Morris, David
Morris, James
Morrissey, Joy
Mortimer, Jill
Morton, Wendy
Mullan, Dr Kieran
Mumby-Croft, Holly
Mundell, rh David
Murray, Mrs Sheryll
Murrison, rh Dr Andrew
Neill, Sir Robert
Nici, Lia
Nokes, rh Caroline
O'Brien, Neil
Offord, Dr Matthew
Pawsey, Mark
Penning, rh Sir Mike
Penrose, John
Percy, Andrew
Philp, Chris
Poulter, Dr Dan
Pow, Rebecca
Prentis, Victoria
Pritchard, rh Mark
Pursglove, Tom
Quin, Jeremy
Quince, Will
Randall, Tom
Redwood, rh John
Rees-Mogg, rh Mr Jacob
Richards, Nicola
Richardson, Angela
Robertson, Mr Laurence
Robinson, Mary
Russell, Dean
Saxby, Selaine
Scully, Paul
Seely, Bob
Selous, Andrew
Shelbrooke, rh Alec
Skidmore, rh Chris
Smith, Chloe
Smith, Greg
Smith, Henry
Smith, rh Julian
Smith, Royston
Solloway, Amanda
Spencer, Dr Ben
Spencer, rh Mark
Stafford, Alexander
Stephenson, rh Andrew
Stevenson, Jane
Stevenson, John
Stewart, rh Bob
Stewart, Iain
Streeter, Sir Gary
Stride, rh Mel
Stuart, Graham
Sturdy, Julian
Sunak, rh Rishi
Sunderland, James
Swayne, rh Sir Desmond
Syms, Sir Robert
Thomas, Derek
Throup, Maggie
Timpson, Edward
Tolhurst, Kelly
Tomlinson, Justin
Tomlinson, Michael
Tracey, Craig
Trevelyan, rh Anne-Marie
Trott, Laura
Tugendhat, Tom
Vickers, Matt
Villiers, rh Theresa
Walker, Mr Robin
Warman, Matt
Watling, Giles
Webb, Suzanne
Whately, Helen
Wheeler, Mrs Heather
Whittingdale, rh Mr John
Wiggin, Sir Bill
Wild, James
Williams, Craig
Williamson, rh Sir Gavin
Wood, Mike
Wright, rh Sir Jeremy
Young, Jacob
Zahawi, rh Nadhim

Tellers for the Noes:
David T. C. Davies and Craig Whittaker

Question accordingly negatived.

Clause 5

Overview of Part 3

Amendment made: 57, page 4, line 36, at beginning insert ""priority offence",".—*(Damian Collins.)*

This is a technical amendment providing for a signpost to the definition of "priority offence" in the clause giving an overview of Part 3.

Clause 6

Providers of user-to-user services: duties of care

Amendment made: 163, page 5, line 30, at end insert—

"(da) the duties to protect news publisher content set out in section (Duties to protect news publisher content),".
—*(Damian Collins.)*

This amendment is consequential on NC19.

Clause 8

Illegal content risk assessment duties

Amendments made: 58, page 6, line 45, at end insert—

"(ba) the level of risk of the service being used for the commission or facilitation of a priority offence;"

This amendment adds another matter to the matters that should be included in a provider's risk assessment regarding illegal content on a user-to-user service, so that the risks around use of a service for the commission or facilitation of priority offences are included.

Amendment 59, page 7, line , at end insert

"or by the use of the service for the commission or facilitation of a priority offence".

This amendment ensures that providers' risk assessments about illegal content on a user-to-user service must consider the risk of harm from use of the service for the commission or facilitation of priority offences.

Amendment 60, page 7, line 4, after "content" insert

"or the use of the service for the commission or facilitation of a priority offence".—*(Damian Collins.)*

This amendment ensures that providers' risk assessments about illegal content on a user-to-user service must consider the risk of functionalities of the service facilitating the use of the service for the commission or facilitation of priority offences.

Clause 9

Safety duties about illegal content

Amendments made: 61, page 7, line 24, leave out from "measures" to the end of line 26 and insert

"relating to the design or operation of the service to—

(a) prevent individuals from encountering priority illegal content by means of the service,

(b) effectively mitigate and manage the risk of the service being used for the commission or facilitation of a priority offence, as identified in the most recent illegal content risk assessment of the service, and

(c) effectively mitigate and manage the risks of harm to individuals, as identified in the most recent illegal content risk assessment of the service (see section 8(5)(f))."

The substantive changes made by this amendment are: (1) making it clear that compliance with duties to mitigate risks as mentioned in paragraphs (a) to (c) is to be achieved by the way a service is designed or operated, and (2) paragraph (b) is a new risk mitigation duty on providers to deal with the risks around use of a user-to-user service for the commission or facilitation of priority offences.

Amendment 62, page 7, line 29, leave out paragraph (a).

This amendment omits the provision that now appears in subsection (2) of this clause: see paragraph (a) of the provision inserted by Amendment 61.

Amendment 63, page 7, line 37, after "is" insert "designed".

This adds a reference to design to clause 9(4) which provides for the illegal content duties for user-to-user services to apply across all areas of a service.

Amendment 64, page 8, line 5, leave out "paragraphs (a) and (b)" and insert "paragraph (b)".

This amendment is a technical change consequential on Amendment 62.

Amendment 65, page 8, line 9, leave out from "consistently" to end of line 10.—*(Damian Collins.)*

This amendment omits words from a provision imposing a duty to apply the terms of service of a user-to-user service consistently. The omitted words relate to the material now dealt with in NC14.

Clause 11

SAFETY DUTIES PROTECTING CHILDREN

Amendments made: 66, page 10, line 5, after "measures" insert

"relating to the design or operation of the service".

This amendment makes it clear that compliance with duties to mitigate risks of harm from content harmful to children on user-to-user services is to be achieved by the way a service is designed or operated.

Amendment 67, page 10, line 9, after "service" insert "(see section 10(6)(g))".

This is a technical amendment to put beyond doubt the meaning of a provision about risks identified in a risk assessment relating to content that is harmful to children on user-to-user services.

Amendment 68, page 10, line 22, after "is" insert "designed".

This adds a reference to design to clause 11(4) which provides for the children's safety duties for user-to-user services to apply across all areas of a service.

Amendment 69, page 11, line 2, leave out from "consistently" to end of line 4.—*(Damian Collins.)*

This amendment omits words from a provision imposing a duty to apply the terms of service of a user-to-user service consistently. The omitted words relate to the material now dealt with in NC14.

Clause 13

SAFETY DUTIES PROTECTING ADULTS

Amendments made: 70, page 13, line 4, leave out subsection (3) and insert—

"(3) If a provider decides to treat a kind of priority content that is harmful to adults in a way described in subsection (4), a duty to include provisions in the terms of service specifying how that kind of content is to be treated (separately covering each kind of priority content that is harmful to adults which a provider decides to treat in one of those ways)."

This amendment ensures that a provider must state in the terms of service how priority content that is harmful to adults is to be treated, if the provider decides to treat it in one of the ways listed in clause 13(4).

Amendment 71, page 13, line 12, at end insert—

"(e) allowing the content without treating it in a way described in any of paragraphs (a) to (d)."

This amendment expands the list in clause 13(4) with the effect that if a provider decides to treat a kind of priority content that is harmful to adults by not recommending or promoting it, nor taking it down or restricting it etc, the terms of service must make that clear.

Amendment 72, page 13, line 23, leave out from "consistently" to end of line 25.—*(Damian Collins.)*

This amendment omits words from a provision imposing a duty to apply the terms of service of a Category 1 service consistently. The omitted words relate to the material now dealt with in NC14.

Clause 15

DUTIES TO PROTECT CONTENT OF DEMOCRATIC IMPORTANCE

Amendment made: 73, page 15, line 4, leave out from "consistently" to end of line 5.—*(Damian Collins.)*

This amendment omits words from a provision imposing a duty to apply the terms of service of a Category 1 service consistently. The omitted words relate to the material now dealt with in NC14.

Clause 16

DUTIES TO PROTECT JOURNALISTIC CONTENT

Amendments made: 164, page 15, line 44, at end insert—

"(5A) Subsections (3) and (4) do not require a provider to make a dedicated and expedited complaints procedure available to a recognised news publisher in relation to a decision if the provider has taken the steps set out in section (Duties to protect news publisher content)(3) in relation to that decision."

This amendment ensures that where a recognised news publisher has a right to make representations about a proposal to take action in relation to news publisher content or against the recognised news publisher under the new clause introduced by NC19, a provider is not also required to offer that publisher a complaints procedure under clause 16.

Amendment 74, page 16, line 11, leave out from "consistently" to end of line 12.

This amendment omits words from a provision imposing a duty to apply the terms of service of a Category 1 service consistently. The omitted words relate to the material now dealt with in NC14.—*(Damian Collins.)*

Amendment 165, page 16, line 13, leave out "section" and insert "Part".—*(Damian Collins.)*

This is a technical amendment ensuring that the definition of "journalistic content" applies for the purposes of Part 3 of the Bill.

Clause 18

DUTIES ABOUT COMPLAINTS PROCEDURES

Amendment made: 166, page 19, line 14, at end insert—

"(iiia) section (Duties to protect news publisher content) (news publisher content)".

This amendment ensures that users and affected persons can complain if a provider is not complying with a duty set out in NC19.—*(Damian Collins.)*

Clause 19

DUTIES ABOUT FREEDOM OF EXPRESSION AND PRIVACY

Amendments made: 167, page 20, line 18, at end insert—

"(5A) An impact assessment relating to a service must include a section which considers the impact of the safety measures and policies on the availability and treatment on the service of content which is news publisher content or journalistic content in relation to the service."

This amendment requires a provider of a Category 1 service to include a section in their impact assessments considering the effect of the provider's measures and policies on the availability on the service of news publisher content and journalistic content.

Amendment 168, page 20, line 37, at end insert—

"(10) See—

section 16 for the meaning of "journalistic content";

section 49 for the meaning of "news publisher content"."

—*(Damian Collins.)*

This amendment inserts a signpost to definitions of terms used in the new subsection inserted by Amendment 167.

Clause 20

RECORD-KEEPING AND REVIEW DUTIES

Amendment made: 169, page 21, line 45, at end insert

"and for the purposes of subsection (6), also includes the duties set out in section (Duties to protect news publisher content) (news publisher content)."—*(Damian Collins.)*

This amendment ensures that providers have a duty to review compliance with the duties set out in NC19 regularly, and after making any significant change to the design or operation of the service.

Clause 24

SAFETY DUTIES ABOUT ILLEGAL CONTENT

Amendments made: 75, page 23, line 43, after "measures" insert

"relating to the design or operation of the service".

This amendment makes it clear that compliance with duties to mitigate risks of harm from illegal content on search services is to be achieved by the way a service is designed or operated.

Amendment 76, page 23, line 45, at end insert "(see section 23(5)(c))".

This is a technical amendment to put beyond doubt the meaning of a provision about risks identified in a risk assessment relating to illegal content on search services.

Amendment 77, page 24, line 8, after "is" insert "designed".

This adds a reference to design to clause 24(4) which provides for the illegal content duties for search services to apply across all areas of a service.

Amendment 78, page 24, line 23, leave out from "consistently" to end of line 24.—*(Damian Collins.)*

This amendment omits words from a provision imposing a duty to apply a search service's publicly available statement consistently. The omitted words relate to the material now dealt with in NC14.

Clause 26

SAFETY DUTIES PROTECTING CHILDREN

Amendments made: 79, page 26, line 5, after "measures" insert

"relating to the design or operation of the service".

This amendment makes it clear that compliance with duties to mitigate risks of harm from content that is harmful to children on search services is to be achieved by the way a service is designed or operated.

Amendment 80, page 26, line 9, after "service" insert "(see section 25(5)(d))".

This is a technical amendment to put beyond doubt the meaning of a provision about risks identified in a risk assessment relating to content that is harmful to children on search services.

Amendment 81, page 26, line 20, after "is" insert "designed".

This adds a reference to design to clause 26(4) which provides for the children's safety duties for search services to apply across all areas of a service.

Amendment 82, page 26, line 40, leave out from "consistently" to end of line 42.—*(Damian Collins.)*

This amendment omits words from a provision imposing a duty to apply a search service's publicly available statement consistently. The omitted words relate to the material now dealt with in NC14.

Clause 37

CODES OF PRACTICE ABOUT DUTIES

Amendments made: 85, page 35, line 32, at end insert "or offences within Schedule 5 (terrorism offences)".

This amendment ensures that a code of practice under clause 37(1) encompasses duties to deal with the use of a service in connection with terrorism offences as well as terrorism content.

Amendment 86, page 35, line 36, at end insert "or offences within Schedule 6 (child sexual exploitation and abuse offences)".

This amendment ensures that a code of practice under clause 37(2) encompasses duties to deal with the use of a service in connection with child sexual exploitation and abuse offences as well as CSEA content.

Amendment 87, page 36, line 21, leave out "content" and insert "matters". —*(Damian Collins.)*

This amendment is consequential on Amendments 85 and 86.

Clause 47

DUTIES AND THE FIRST CODES OF PRACTICE

Amendments made: 88, page 44, line 32, at end insert "or offences within Schedule 5 (terrorism offences)".

This amendment ensures that a reference to the illegal content duties on providers encompasses a reference to terrorism offences as well as terrorism content.

Amendment 89, page 44, line 35, after "content" insert "or offences within Schedule 6 (child sexual exploitation and abuse offences)".—*(Damian Collins.)*

Clause 48

OFCOM'S GUIDANCE: RECORD-KEEPING DUTIES AND CHILDREN'S ACCESS ASSESSMENTS

Amendments made: 170, page 45, line 4, at end insert—

'(A1) OFCOM must produce guidance for providers of Category 1 services to assist them in complying with their duties set out in section (Duties to protect news publisher content) (news publisher content)."

This amendment requires Ofcom to produce guidance for providers of Category 1 services to assist them with complying with their duties under NC19.

Amendment 171, page 45, line 9, leave out "the guidance" and insert "guidance under subsection (1)".

This amendment means that the consultation requirements in clause 48 would not apply to guidance required to be produced as a result of Amendment 170.

Amendment 172, page 45, leave out "the guidance" and insert "guidance under this section". —*(Damian Collins.)*

This amendment requires Ofcom to publish guidance required to be produced as a result of Amendment 170.

Clause 49

"REGULATED USER-GENERATED CONTENT", "USER-GENERATED CONTENT", "NEWS PUBLISHER CONTENT"

Amendments made: 90, page 46, line 1, leave out "operated" and insert "controlled".

This amendment uses the term "control " in relation to a person responsible for a bot, which is the language used in NC14.

Amendment 173, page 46, line 11, leave out "on, or reviews of," and insert "or reviews relating to". —*(Damian Collins.)*

This amendment ensures that the wording in this provision is consistent with the wording in paragraph 4(1)(a) of Schedule 1.

Clause 52

"ILLEGAL CONTENT" ETC

Amendments made: 91, page 49, line 1, leave out paragraph (b).

This amendment leaves out material which is now dealt with in NC14.

Amendment 92, page 49, line 9, leave out paragraph (a) and insert—

"(a) a priority offence, or"

This is a technical amendment to insert a defined term, a "priority offence" (see Amendment 95).

Amendment 93, page 49, line 10, leave out paragraphs (b) and (c).

This amendment is consequential on the new approach of referring to a "priority offence".

Amendment 94, page 49, line 13, leave out paragraph (d) and insert—

"(d) an offence within subsection (4A).

'(4A) An offence is within this subsection if—

(a) it is not a priority offence,

(b) the victim or intended victim of the offence is an individual (or individuals), and

(c) the offence is created by this Act or, before or after this Act is passed, by—

(i) another Act,

(ii) an Order in Council,

(iii) an order, rules or regulations made under an Act by the Secretary of State or other Minister of the Crown, including such an instrument made jointly with a devolved authority, or

(iv) devolved subordinate legislation made by a devolved authority with the consent of the Secretary of State or other Minister of the Crown."

New subsection (4A), inserted by this amendment, describes offences which are relevant for the purposes of the concept of "illegal content", but which are not priority offences as defined by new subsection (4B) (see amendment). Subsection (4A)(c) requires there to have been some involvement of HMG in relation to the creation of the offence.

Amendment 95, page 49, line 14, at end insert—

'(4B) "Priority offence" means—

(a) an offence specified in Schedule 5 (terrorism offences),

(b) an offence specified in Schedule 6 (offences related to child sexual exploitation and abuse), or

(c) an offence specified in Schedule 7 (other priority offences)."

This amendment inserts a definition of "priority offence" into clause 52.

Amendment 96, page 49, line 23, that subsection (8) of clause 52 be transferred to the end of line 14 on page 49.

This is a technical amendment moving provision to a more appropriate position in clause 52.

Amendment 97, page 49, leave out line 23 and insert "But an offence is not within subsection (4A)".

This is a technical amendment consequential on the changes to clause 52 made by Amendment 94.

Amendment 98, page 49, line 35, at end insert—

'(9A) References in subsection (3) to conduct of particular kinds are not to be taken to prevent content generated by a bot or other automated tool from being capable of amounting to an offence (see also section (Providers' judgements about the status of content)(7) (providers' judgements about the status of content)).'

This amendment ensures that content generated by bots is capable of being illegal content (so that the duties about dealing with illegal content may apply to such content).

Amendment 99, page 50, line 1, leave out subsection (12) and insert—

'(12) In this section—

"devolved authority" means—

(a) the Scottish Ministers,

(b) the Welsh Ministers, or

(c) a Northern Ireland department;

"devolved subordinate legislation" means—

(a) an instrument made under an Act of the Scottish Parliament,

(b) an instrument made under an Act or Measure of Senedd Cymru, or

(c) an instrument made under Northern Ireland legislation;

"Minister of the Crown" has the meaning given by section 8 of the Ministers of the Crown Act 1975 and also includes the Commissioners for Her Majesty's Revenue and Customs;

"offence" means an offence under the law of any part of the United Kingdom."

This amendment inserts definitions into clause 52 that are needed as a result of Amendment 94.

Amendment 100, page 50, line 2, at end insert—

'(13) See also section (Providers' judgements about the status of content) (providers' judgements about the status of content)." *—(Damian Collins.)*

This amendment inserts a signpost into clause 52 pointing to the NC about Providers' judgements inserted by NC14.

Schedule 3

TIMING OF PROVIDERS' ASSESSMENTS

Amendments made: 147, page 175, line 23, leave out the definition of "illegal content risk assessment guidance".

This technical amendment is consequential on Amendment 107.

Amendment 148, page 175, line 30, leave out from second "to" to end of line 31 and insert "OFCOM's guidance under section 85(1)."

Schedule 3 is about the timing of risk assessments etc. This amendment ensures that the provisions about guidance re risk assessments work with the changes made by Amendment 107.

Amendment 149, page 175, line 36, leave out from second "to" to end of line 37 and insert "OFCOM's guidance under section 85(1A)." *—(Damian Collins.)*

Schedule 3 is about the timing of risk assessments etc. This amendment ensures that the provisions about guidance re risk assessments work with the changes made by Amendment 107.

Schedule 7

PRIORITY OFFENCES

Amendment proposed: 187, page 186, line 32, at end insert—

"Human trafficking

22A An offence under section 2 of the Modern Slavery Act 2015." *—(John Nicolson.)*

This amendment includes Human Trafficking as a priority offence.

The House divided: Ayes 229, Noes 294.

Division No. 36] [4.45 pm

AYES

Ali, Rushanara	Blomfield, Paul
Ali, Tahir	Bonnar, Steven
Amesbury, Mike	Bradshaw, rh Mr Ben
Anderson, Fleur	Brennan, Kevin
Antoniazzi, Tonia	Brock, Deidre
Ashworth, rh Jonathan	Brown, Alan
Bardell, Hannah	Brown, Ms Lyn
Barker, Paula	Brown, rh Mr Nicholas
Beckett, rh Margaret	Bryant, Chris
Benn, rh Hilary	Buck, Ms Karen
Betts, Mr Clive	Burgon, Richard
Blackford, rh Ian	Byrne, Ian
Blackman, Kirsty	Byrne, rh Liam
Blake, Olivia	Cadbury, Ruth

Callaghan, Amy
Cameron, Dr Lisa
Carden, Dan
Carmichael, rh Mr Alistair
Chapman, Douglas
Charalambous, Bambos
Cherry, Joanna
Clark, Feryal
Cooper, Daisy
Cooper, Rosie
Cooper, rh Yvette
Corbyn, rh Jeremy
Cowan, Ronnie
Coyle, Neil
Creasy, Stella
Cryer, John
Cummins, Judith
Cunningham, Alex
Daby, Janet
David, Wayne
Davies, Geraint
Davies-Jones, Alex
Day, Martyn
De Cordova, Marsha
Debbonaire, Thangam
Dhesi, Mr Tanmanjeet Singh
Docherty-Hughes, Martin
Dodds, Anneliese
Doogan, Dave
Dowd, Peter
Duffield, Rosie
Eagle, Dame Angela
Eagle, Maria
Eastwood, Colum
Edwards, Jonathan
Efford, Clive
Elliott, Julie
Elmore, Chris
Eshalomi, Florence
Esterson, Bill
Evans, Chris
Farron, Tim
Ferrier, Margaret
Fletcher, Colleen
Flynn, Stephen
Foord, Richard
Fovargue, Yvonne
Foxcroft, Vicky
Foy, Mary Kelly
Furniss, Gill
Gardiner, Barry
Gibson, Patricia
Gill, Preet Kaur
Glindon, Mary
Green, Kate
Green, Sarah
Greenwood, Lilian
Greenwood, Margaret
Griffith, Dame Nia
Haigh, Louise
Hamilton, Mrs Paulette
Hardy, Emma
Harris, Carolyn
Hayes, Helen
Healey, rh John
Hendrick, Sir Mark
Hendry, Drew
Hillier, Dame Meg
Hobhouse, Wera
Hodge, rh Dame Margaret
Hollern, Kate
Hopkins, Rachel
Howarth, rh Sir George
Huq, Dr Rupa
Hussain, Imran
Jarvis, Dan
Johnson, rh Dame Diana
Johnson, Kim
Jones, Darren
Jones, Gerald
Jones, rh Mr Kevan
Jones, Ruth
Jones, Sarah
Kane, Mike
Keeley, Barbara
Kendall, Liz *(Proxy vote cast by Pat McFadden)*
Khan, Afzal
Kinnock, Stephen
Kyle, Peter
Lake, Ben
Lammy, rh Mr David
Leadbeater, Kim
Lewell-Buck, Mrs Emma
Lewis, Clive
Lightwood, Simon
Linden, David
Lloyd, Tony
Long Bailey, Rebecca
Lucas, Caroline
Lynch, Holly
MacAskill, Kenny
MacNeil, Angus Brendan
Madders, Justin
Mahmood, Shabana
Maskell, Rachael
Matheson, Christian
Mc Nally, John
McCabe, Steve
McCarthy, Kerry
McDonagh, Siobhain
McDonald, Stewart Malcolm
McDonald, Stuart C.
McDonnell, rh John
McFadden, rh Mr Pat
McGinn, Conor
McGovern, Alison
McKinnell, Catherine
McLaughlin, Anne
McMahon, Jim
McMorrin, Anna
Mearns, Ian
Mishra, Navendu
Monaghan, Carol
Moran, Layla
Morden, Jessica
Morgan, Helen
Morgan, Stephen
Morris, Grahame
Murray, James
Nandy, Lisa
Newlands, Gavin
Nichols, Charlotte
Nicolson, John
Norris, Alex
O'Hara, Brendan
Olney, Sarah
Onwurah, Chi
Oppong-Asare, Abena
Osamor, Kate
Oswald, Kirsten
Owatemi, Taiwo
Peacock, Stephanie
Pennycook, Matthew
Perkins, Mr Toby
Phillips, Jess
Phillipson, Bridget
Powell, Lucy
Qaisar, Ms Anum
Rayner, rh Angela
Reed, Steve
Reeves, Ellie
Reeves, Rachel
Reynolds, Jonathan
Ribeiro-Addy, Bell
Rimmer, Ms Marie
Rodda, Matt
Russell-Moyle, Lloyd
Saville Roberts, rh Liz
Shah, Naz
Sharma, Mr Virendra
Sheerman, Mr Barry
Sheppard, Tommy
Siddiq, Tulip
Slaughter, Andy
Smith, Alyn
Smith, Cat
Smith, Jeff
Smith, Nick
Smyth, Karin
Spellar, rh John
Stephens, Chris
Stevens, Jo
Stone, Jamie
Stringer, Graham
Sultana, Zarah
Tami, rh Mark
Tarry, Sam
Thewliss, Alison
Thomas, Gareth
Thomas-Symonds, rh Nick
Thompson, Owen
Timms, rh Sir Stephen
Trickett, Jon
Turner, Karl
Twigg, Derek
Twist, Liz
Vaz, rh Valerie
Wakeford, Christian
Webbe, Claudia
West, Catherine
Western, Matt
Whitehead, Dr Alan
Whitford, Dr Philippa
Whitley, Mick
Whittome, Nadia
Williams, Hywel
Wilson, Munira
Winter, Beth
Yasin, Mohammad
Zeichner, Daniel

Tellers for the Ayes:
Richard Thomson and Marion Fellows

NOES

Adams, rh Nigel
Afolami, Bim
Afriyie, Adam
Aiken, Nickie
Aldous, Peter
Anderson, Lee
Anderson, Stuart
Andrew, rh Stuart
Ansell, Caroline
Argar, Edward
Atkins, Victoria
Bacon, Gareth
Bacon, Mr Richard
Bailey, Shaun
Baillie, Siobhan *(Proxy vote cast by Scott Mann)*
Baker, Duncan
Baron, Mr John
Baynes, Simon
Benton, Scott
Beresford, Sir Paul
Berry, rh Jake
Bhatti, Saqib
Blackman, Bob
Blunt, Crispin
Bone, Mr Peter
Bottomley, Sir Peter
Bowie, Andrew
Bradley, rh Karen
Brereton, Jack
Bridgen, Andrew
Bristow, Paul
Browne, Anthony
Bruce, Fiona
Buchan, Felicity
Buckland, rh Sir Robert
Burghart, Alex
Burns, rh Conor
Butler, Rob
Cairns, rh Alun
Cartlidge, James
Cash, Sir William
Cates, Miriam
Caulfield, Maria
Chalk, Alex
Chishti, Rehman
Chope, Sir Christopher
Churchill, Jo
Clark, rh Greg
Clarke, rh Mr Simon
Clarke-Smith, Brendan
Clarkson, Chris
Clifton-Brown, Sir Geoffrey
Colburn, Elliot
Collins, Damian
Costa, Alberto
Courts, Robert
Coutinho, Claire
Cox, rh Sir Geoffrey
Crabb, rh Stephen
Crouch, Tracey
Daly, James
Davies, Gareth
Davies, Dr James
Davies, Mims
Davies, Philip
Davison, Dehenna
Dinenage, Dame Caroline
Dines, Miss Sarah
Djanogly, Mr Jonathan
Donelan, rh Michelle
Dorries, rh Ms Nadine
Double, Steve
Dowden, rh Oliver
Drummond, Mrs Flick
Duddridge, James
Duguid, David
Duncan Smith, rh Sir Iain

Dunne, rh Philip
Eastwood, Mark
Edwards, Ruth
Ellis, rh Michael
Ellwood, rh Mr Tobias
Elphicke, Mrs Natalie
Eustice, rh George
Evans, Dr Luke
Evennett, rh Sir David
Everitt, Ben
Fabricant, Michael
Farris, Laura
Fell, Simon
Firth, Anna
Fletcher, Katherine
Fletcher, Mark
Fletcher, Nick
Foster, Kevin
Fox, rh Dr Liam
Frazer, rh Lucy
Freeman, George
French, Mr Louie
Fuller, Richard
Fysh, Mr Marcus
Garnier, Mark
Gibb, rh Nick
Gibson, Peter
Gideon, Jo
Glen, John
Goodwill, rh Sir Robert
Graham, Richard
Grant, Mrs Helen
Gray, James
Grayling, rh Chris
Green, Chris
Green, rh Damian
Griffith, Andrew
Griffiths, Kate
Grundy, James
Gullis, Jonathan
Halfon, rh Robert
Hall, Luke
Hammond, Stephen
Hancock, rh Matt
Hands, rh Greg
Harper, rh Mr Mark
Harris, Rebecca
Harrison, Trudy
Hart, Sally-Ann
Hart, rh Simon
Heald, rh Sir Oliver
Heappey, James
Henry, Darren
Higginbotham, Antony
Hinds, rh Damian
Hollinrake, Kevin
Hollobone, Mr Philip
Holloway, Adam
Holmes, Paul
Howell, John
Howell, Paul
Huddleston, Nigel
Hudson, Dr Neil
Hughes, Eddie
Hunt, rh Jeremy
Hunt, Tom
Jack, rh Mr Alister
Javid, rh Sajid
Jayawardena, Mr Ranil
Jenkinson, Mark
Jenkyns, Andrea
Johnson, Gareth
Jones, Andrew
Jones, rh Mr David
Jones, Fay
Jones, Mr Marcus
Jupp, Simon
Kawczynski, Daniel
Keegan, Gillian
Knight, rh Sir Greg
Knight, Julian
Kruger, Danny
Lamont, John
Largan, Robert
Latham, Mrs Pauline
Leadsom, rh Dame Andrea
Leigh, rh Sir Edward
Levy, Ian
Lewer, Andrew
Lewis, rh Brandon
Lewis, rh Dr Julian
Liddell-Grainger, Mr Ian
Logan, Mark
Longhi, Marco
Loughton, Tim
Mackinlay, Craig
Mackrory, Cherilyn
Maclean, Rachel
Mangnall, Anthony
Mann, Scott
Marson, Julie
May, rh Mrs Theresa
Mayhew, Jerome
Maynard, Paul
McCartney, Jason
McCartney, Karl
McPartland, Stephen
McVey, rh Esther
Mercer, Johnny
Merriman, Huw
Metcalfe, Stephen
Millar, Robin
Miller, rh Dame Maria
Milling, rh Amanda
Mills, Nigel
Mitchell, rh Mr Andrew
Mohindra, Mr Gagan
Moore, Damien
Moore, Robbie
Morris, Anne Marie
Morris, James
Morrissey, Joy
Morton, Wendy
Mumby-Croft, Holly
Mundell, rh David
Murray, Mrs Sheryll
Murrison, rh Dr Andrew
Neill, Sir Robert
Nici, Lia
Nokes, rh Caroline
O'Brien, Neil
Offord, Dr Matthew
Opperman, Guy
Pawsey, Mark
Penning, rh Sir Mike
Penrose, John
Percy, Andrew
Philp, Chris
Poulter, Dr Dan
Pow, Rebecca
Prentis, Victoria
Pritchard, rh Mark
Pursglove, Tom
Quin, Jeremy
Quince, Will
Randall, Tom
Redwood, rh John
Rees-Mogg, rh Mr Jacob
Richardson, Angela
Robertson, Mr Laurence
Robinson, Mary
Russell, Dean
Rutley, David
Saxby, Selaine
Scully, Paul
Seely, Bob
Selous, Andrew
Shelbrooke, rh Alec
Skidmore, rh Chris
Smith, Chloe
Smith, Greg
Smith, Henry
Smith, rh Julian
Smith, Royston
Solloway, Amanda
Spencer, Dr Ben
Spencer, rh Mark
Stafford, Alexander
Stephenson, rh Andrew
Stevenson, Jane
Stevenson, John
Stewart, rh Bob
Stewart, Iain
Streeter, Sir Gary
Stride, rh Mel
Stuart, Graham
Sturdy, Julian
Sunak, rh Rishi
Sunderland, James
Swayne, rh Sir Desmond
Syms, Sir Robert
Thomas, Derek
Throup, Maggie
Timpson, Edward
Tolhurst, Kelly
Tomlinson, Justin
Tomlinson, Michael
Tracey, Craig
Trott, Laura
Tugendhat, Tom
Vickers, Matt
Villiers, rh Theresa
Walker, Mr Robin
Warman, Matt
Watling, Giles
Webb, Suzanne
Whately, Helen
Wheeler, Mrs Heather
Whittingdale, rh Mr John
Wiggin, Sir Bill
Wild, James
Williams, Craig
Williamson, rh Sir Gavin
Wood, Mike
Wright, rh Sir Jeremy
Young, Jacob
Zahawi, rh Nadhim

Tellers for the Noes:
Craig Whittaker and David T. C. Davies

Question accordingly negatived.

Mr Deputy Speaker (Mr Nigel Evans): I am anticipating another Division, as I said, and then I understand there may be some points of order, which I will hear after that Division.

That concludes proceedings on new clauses, new schedules and amendments to those parts of the Bill that have to be concluded by 4.30 pm.

It has been pointed out to me that, in this unusually hot weather, Members should please remember to drink more water. I tried it myself once. *[Laughter.]*

In accordance with the programme (No. 2) order of today, we now come to new clauses, new schedules and amendments relating to those parts of the Bill to be concluded by 7 pm. We begin with new clause 14, which the House has already debated. I therefore call the Minister to move new clause 14 formally.

New Clause 14

PROVIDERS' JUDGEMENTS ABOUT THE STATUS OF CONTENT

"(1) This section sets out the approach to be taken where—

(a) a system or process operated or used by a provider of a Part 3 service for the purpose of compliance with relevant requirements, or

(b) a risk assessment required to be carried out by Part 3, involves a judgement by a provider about whether content is content of a particular kind.

(2) Such judgements are to be made on the basis of all relevant information that is reasonably available to a provider.

(3) In construing the reference to information that is reasonably available to a provider, the following factors, in particular, are relevant—

(a) the size and capacity of the provider, and

(b) whether a judgement is made by human moderators, by means of automated systems or processes or by means of automated systems or processes together with human moderators.

(4) Subsections (5) to (7) apply (as well as subsection (2)) in relation to judgements by providers about whether content is—

(a) illegal content, or illegal content of a particular kind, or

(b) a fraudulent advertisement.

(5) In making such judgements, the approach to be followed is whether a provider has reasonable grounds to infer that content is content of the kind in question (and a provider must treat content as content of the kind in question if reasonable grounds for that inference exist).

(6) Reasonable grounds for that inference exist in relation to content and an offence if, following the approach in subsection (2), a provider—

(a) has reasonable grounds to infer that all elements necessary for the commission of the offence, including mental elements, are present or satisfied, and

(b) does not have reasonable grounds to infer that a defence to the offence may be successfully relied upon.

(7) In the case of content generated by a bot or other automated tool, the tests mentioned in subsection (6)(a) and (b) are to be applied in relation to the conduct or mental state of a person who may be assumed to control the bot or tool (or, depending what a provider knows in a particular case, the actual person who controls the bot or tool).

(8) In considering a provider's compliance with relevant requirements to which this section is relevant, OFCOM may take into account whether providers' judgements follow the approaches set out in this section (including judgements made by means of automated systems or processes, alone or together with human moderators).

(9) In this section—

"fraudulent advertisement" has the meaning given by section 34 or 35 (depending on the kind of service in question);

"illegal content" has the same meaning as in Part 3 (see section 52);

"relevant requirements" means—

(a) duties and requirements under this Act, and

(b) requirements of a notice given by OFCOM under this Act."—*(Damian Collins.)*

This new clause clarifies how providers are to approach judgements (human or automated) about whether content is content of a particular kind, and in particular, makes provision about how questions of mental state and defences are to be approached when considering whether content is illegal content or a fraudulent advertisement.

Brought up.

Question put, That the clause be added to the Bill.

The House divided: Ayes 288, Noes 229.

Division No. 37] [4.59 pm

AYES

Adams, rh Nigel
Afolami, Bim
Afriyie, Adam
Aiken, Nickie
Aldous, Peter
Anderson, Lee
Anderson, Stuart
Andrew, rh Stuart
Ansell, Caroline
Argar, Edward
Atkins, Victoria
Bacon, Gareth
Bacon, Mr Richard
Bailey, Shaun
Baillie, Siobhan *(Proxy vote cast by Scott Mann)*
Baker, Duncan
Baron, Mr John
Baynes, Simon
Bell, Aaron
Benton, Scott
Beresford, Sir Paul
Berry, rh Jake
Bhatti, Saqib
Blackman, Bob
Blunt, Crispin
Bone, Mr Peter
Bottomley, Sir Peter
Bowie, Andrew
Bradley, rh Karen
Brereton, Jack
Bridgen, Andrew
Bristow, Paul
Browne, Anthony
Bruce, Fiona
Buchan, Felicity
Buckland, rh Sir Robert
Burghart, Alex
Burns, rh Conor
Butler, Rob
Cairns, rh Alun
Carter, Andy
Cartlidge, James
Cash, Sir William
Cates, Miriam
Caulfield, Maria
Chalk, Alex
Chishti, Rehman
Chope, Sir Christopher
Churchill, Jo
Clark, rh Greg
Clarke, rh Mr Simon
Clarke-Smith, Brendan
Clarkson, Chris
Clifton-Brown, Sir Geoffrey
Colburn, Elliot
Collins, Damian
Costa, Alberto
Courts, Robert
Coutinho, Claire
Cox, rh Sir Geoffrey
Crabb, rh Stephen
Crouch, Tracey
Daly, James
Davies, Gareth
Davies, Dr James
Davies, Mims
Davison, Dehenna
Dinenage, Dame Caroline
Dines, Miss Sarah
Djanogly, Mr Jonathan
Donelan, rh Michelle
Dorries, rh Ms Nadine
Double, Steve
Dowden, rh Oliver
Drummond, Mrs Flick
Duddridge, James
Duguid, David
Duncan Smith, rh Sir Iain
Dunne, rh Philip
Eastwood, Mark
Edwards, Ruth
Ellis, rh Michael
Elphicke, Mrs Natalie
Eustice, rh George
Evans, Dr Luke
Evennett, rh Sir David
Everitt, Ben
Fabricant, Michael
Farris, Laura
Fell, Simon
Firth, Anna
Fletcher, Katherine
Fletcher, Mark
Fletcher, Nick
Foster, Kevin
Fox, rh Dr Liam
Frazer, rh Lucy
Freeman, George
French, Mr Louie
Fuller, Richard
Fysh, Mr Marcus
Garnier, Mark
Gibb, rh Nick
Gibson, Peter
Gideon, Jo
Glen, John
Goodwill, rh Sir Robert
Gove, rh Michael
Graham, Richard
Grant, Mrs Helen
Gray, James
Grayling, rh Chris
Green, Chris
Green, rh Damian
Griffith, Andrew
Griffiths, Kate
Grundy, James
Gullis, Jonathan
Halfon, rh Robert
Hall, Luke
Hammond, Stephen
Hancock, rh Matt
Hands, rh Greg
Harper, rh Mr Mark
Harris, Rebecca
Harrison, Trudy
Hart, Sally-Ann
Hart, rh Simon
Heald, rh Sir Oliver
Heappey, James
Henry, Darren
Higginbotham, Antony
Hinds, rh Damian
Holden, Mr Richard
Hollinrake, Kevin
Hollobone, Mr Philip
Holloway, Adam
Holmes, Paul
Howell, John
Huddleston, Nigel
Hudson, Dr Neil
Hughes, Eddie
Hunt, rh Jeremy
Hunt, Tom
Jack, rh Mr Alister
Javid, rh Sajid
Jenkinson, Mark
Jenkyns, Andrea
Johnson, Gareth
Jones, Andrew
Jones, rh Mr David
Jones, Fay
Jones, Mr Marcus
Jupp, Simon
Kawczynski, Daniel
Keegan, Gillian
Knight, rh Sir Greg
Knight, Julian
Kruger, Danny
Lamont, John
Largan, Robert
Latham, Mrs Pauline
Leigh, rh Sir Edward
Levy, Ian
Lewis, rh Brandon
Lewis, rh Dr Julian
Liddell-Grainger, Mr Ian

Logan, Mark
Loughton, Tim
Mackinlay, Craig
Mackrory, Cherilyn
Maclean, Rachel
Mangnall, Anthony
Mann, Scott
Marson, Julie
May, rh Mrs Theresa
Mayhew, Jerome
Maynard, Paul
McCartney, Jason
McCartney, Karl
McPartland, Stephen
Mercer, Johnny
Merriman, Huw
Metcalfe, Stephen
Millar, Robin
Miller, rh Dame Maria
Milling, rh Amanda
Mills, Nigel
Mitchell, rh Mr Andrew
Mohindra, Mr Gagan
Moore, Damien
Moore, Robbie
Mordaunt, rh Penny
Morris, Anne Marie
Morris, David
Morris, James
Morrissey, Joy
Mortimer, Jill
Morton, Wendy
Mullan, Dr Kieran
Mumby-Croft, Holly
Mundell, rh David
Murray, Mrs Sheryll
Murrison, rh Dr Andrew
Neill, Sir Robert
Nici, Lia
Nokes, rh Caroline
O'Brien, Neil
Offord, Dr Matthew
Opperman, Guy
Pawsey, Mark
Penning, rh Sir Mike
Penrose, John
Percy, Andrew
Philp, Chris
Poulter, Dr Dan
Prentis, Victoria
Pritchard, rh Mark
Pursglove, Tom
Quin, Jeremy
Quince, Will
Randall, Tom
Redwood, rh John
Rees-Mogg, rh Mr Jacob
Richards, Nicola
Richardson, Angela
Robertson, Mr Laurence
Robinson, Mary
Russell, Dean
Rutley, David
Saxby, Selaine
Scully, Paul
Seely, Bob
Selous, Andrew
Shelbrooke, rh Alec
Skidmore, rh Chris
Smith, Chloe
Smith, Greg
Smith, Henry
Smith, rh Julian
Smith, Royston
Solloway, Amanda
Spencer, Dr Ben
Spencer, rh Mark
Stafford, Alexander
Stephenson, rh Andrew
Stevenson, Jane
Stevenson, John
Stewart, rh Bob
Stewart, Iain
Streeter, Sir Gary
Stride, rh Mel
Stuart, Graham
Sturdy, Julian
Sunak, rh Rishi
Sunderland, James
Swayne, rh Sir Desmond
Syms, Sir Robert
Thomas, Derek
Throup, Maggie
Timpson, Edward
Tolhurst, Kelly
Tomlinson, Justin
Tomlinson, Michael
Tracey, Craig
Trevelyan, rh Anne-Marie
Trott, Laura
Tugendhat, Tom
Vickers, Matt
Villiers, rh Theresa
Walker, Mr Robin
Warman, Matt
Watling, Giles
Webb, Suzanne
Whately, Helen
Wheeler, Mrs Heather
Whittingdale, rh Mr John
Wiggin, Sir Bill
Wild, James
Williams, Craig
Williamson, rh Sir Gavin
Wood, Mike
Young, Jacob
Zahawi, rh Nadhim

Tellers for the Ayes:
Craig Whittaker and David T. C. Davies

NOES

Abrahams, Debbie
Ali, Rushanara
Ali, Tahir
Anderson, Fleur
Antoniazzi, Tonia
Ashworth, rh Jonathan
Bardell, Hannah
Barker, Paula
Beckett, rh Margaret
Benn, rh Hilary
Betts, Mr Clive
Blackford, rh Ian
Blackman, Kirsty
Blake, Olivia
Blomfield, Paul
Bonnar, Steven
Bradshaw, rh Mr Ben
Brennan, Kevin
Brock, Deidre
Brown, Alan
Brown, Ms Lyn
Brown, rh Mr Nicholas
Bryant, Chris
Buck, Ms Karen
Burgon, Richard
Byrne, Ian
Byrne, rh Liam
Cadbury, Ruth
Callaghan, Amy
Cameron, Dr Lisa
Carden, Dan
Carmichael, rh Mr Alistair
Chapman, Douglas
Charalambous, Bambos
Cherry, Joanna
Clark, Feryal
Cooper, Daisy
Cooper, Rosie
Cooper, rh Yvette
Corbyn, rh Jeremy
Cowan, Ronnie
Coyle, Neil
Creasy, Stella
Cruddas, Jon
Cryer, John
Cummins, Judith
Cunningham, Alex
Daby, Janet
David, Wayne
Davies, Geraint
Day, Martyn
De Cordova, Marsha
Debbonaire, Thangam
Dhesi, Mr Tanmanjeet Singh
Docherty-Hughes, Martin
Dodds, Anneliese
Doogan, Dave
Dowd, Peter
Duffield, Rosie
Eagle, Dame Angela
Eagle, Maria
Eastwood, Colum
Edwards, Jonathan
Efford, Clive
Elliott, Julie
Elmore, Chris
Eshalomi, Florence
Esterson, Bill
Evans, Chris
Farron, Tim
Fellows, Marion
Ferrier, Margaret
Flynn, Stephen
Foord, Richard
Fovargue, Yvonne
Foxcroft, Vicky
Foy, Mary Kelly
Furniss, Gill
Gardiner, Barry
Gibson, Patricia
Gill, Preet Kaur
Glindon, Mary
Green, Kate
Green, Sarah
Greenwood, Lilian
Greenwood, Margaret
Griffith, Dame Nia
Haigh, Louise
Hamilton, Mrs Paulette
Hardy, Emma
Harris, Carolyn
Hayes, Helen
Healey, rh John
Hendrick, Sir Mark
Hendry, Drew
Hillier, Dame Meg
Hobhouse, Wera
Hodge, rh Dame Margaret
Hollern, Kate
Hopkins, Rachel
Howarth, rh Sir George
Huq, Dr Rupa
Hussain, Imran
Jarvis, Dan
Johnson, rh Dame Diana
Johnson, Kim
Jones, Darren
Jones, rh Mr Kevan
Jones, Ruth
Jones, Sarah
Kane, Mike
Keeley, Barbara
Kendall, Liz *(Proxy vote cast by Mr Pat McFadden)*
Khan, Afzal
Kinnock, Stephen
Kyle, Peter
Lake, Ben
Lammy, rh Mr David
Leadbeater, Kim
Lewell-Buck, Mrs Emma
Lewis, Clive
Lightwood, Simon
Linden, David
Lloyd, Tony
Long Bailey, Rebecca
Lucas, Caroline
Lynch, Holly
MacAskill, Kenny
MacNeil, Angus Brendan
Madders, Justin
Mahmood, Shabana
Maskell, Rachael
Matheson, Christian
Mc Nally, John
McCabe, Steve
McCarthy, Kerry
McDonagh, Siobhain
McDonald, Stewart Malcolm
McDonald, Stuart C.
McDonnell, rh John
McFadden, rh Mr Pat
McGinn, Conor
McGovern, Alison
McKinnell, Catherine
McLaughlin, Anne
McMahon, Jim
McMorrin, Anna
Mearns, Ian
Mishra, Navendu
Monaghan, Carol
Moran, Layla
Morden, Jessica
Morgan, Helen
Morgan, Stephen
Morris, Grahame
Murray, Ian
Murray, James
Nandy, Lisa
Newlands, Gavin

Nichols, Charlotte
Nicolson, John
Norris, Alex
O'Hara, Brendan
Olney, Sarah
Onwurah, Chi
Oppong-Asare, Abena
Osamor, Kate
Oswald, Kirsten
Owatemi, Taiwo
Pennycook, Matthew
Perkins, Mr Toby
Phillips, Jess
Phillipson, Bridget
Powell, Lucy
Qaisar, Ms Anum
Rayner, rh Angela
Reed, Steve
Reeves, Ellie
Reeves, Rachel
Reynolds, Jonathan
Ribeiro-Addy, Bell
Rimmer, Ms Marie
Rodda, Matt
Russell-Moyle, Lloyd
Saville Roberts, rh Liz
Shah, Naz
Sharma, Mr Virendra
Sheerman, Mr Barry
Sheppard, Tommy
Siddiq, Tulip
Slaughter, Andy
Smith, Alyn
Smith, Cat
Smith, Jeff
Smith, Nick
Smyth, Karin
Spellar, rh John
Stephens, Chris
Stevens, Jo
Stone, Jamie
Stringer, Graham
Sultana, Zarah
Tami, rh Mark
Tarry, Sam
Thewliss, Alison
Thomas, Gareth
Thomas-Symonds, rh Nick
Thompson, Owen
Thomson, Richard
Timms, rh Sir Stephen
Trickett, Jon
Turner, Karl
Twigg, Derek
Twist, Liz
Vaz, rh Valerie
Wakeford, Christian
Webbe, Claudia
Western, Matt
Whitehead, Dr Alan
Whitford, Dr Philippa
Whitley, Mick
Whittome, Nadia
Williams, Hywel
Wilson, Munira
Winter, Beth
Yasin, Mohammad
Zeichner, Daniel

Tellers for the Noes:
Gerald Jones and Colleen Fletcher

Question accordingly agreed to.

New clause 14 read a Second time, and added to the Bill.

New Clause 15

GUIDANCE ABOUT ILLEGAL CONTENT JUDGEMENTS

"(1) OFCOM must produce guidance for providers of Part 3 services about the matters dealt with in section (Providers' judgements about the status of content) so far as relating to illegal content judgements.

(2) "Illegal content judgements" means judgements of a kind mentioned in subsection (4) of that section.

(3) Before producing the guidance (including revised or replacement guidance), OFCOM must consult such persons as they consider appropriate.

(4) OFCOM must publish the guidance (and any revised or replacement guidance)."—*(Damian Collins.)*

This new clause requires OFCOM to give guidance to providers about how they should approach judgements about whether content is illegal content or a fraudulent advertisement.

Brought up, and added to the Bill.

Thangam Debbonaire (Bristol West) (Lab): On a point of order, Mr Deputy Speaker. Despite over 50 members of the Government resigning last week and many more Tory MPs submitting letters of no confidence in their own leader, the Conservative party continues to prop up this failed Prime Minister until September. They are complicit. They know—indeed, they have said—he is not fit to govern. They told the public so just days ago. Now they seem to be running scared and will not allow the Opposition to table a vote of no confidence. [HON. MEMBERS: "Shame!"] Yes. This is yet another outrageous breach of the conventions that govern our country from a man who disrespected the Queen and illegally prorogued Parliament. Now he is breaking yet another convention. Every single day he is propped up by his Conservative colleagues, he is doing more damage to this country.

Mr Deputy Speaker, are you aware of any other instances where a Prime Minister has so flagrantly ignored the will of this House by refusing to grant time to debate a motion of no confidence in the Government, despite the fact that even his own party does not believe he should be Prime Minister any more? Do you agree with me that this egregious breach of democratic convention only further undermines confidence in this rotten Government?

Margaret Beckett (Derby South) (Lab): Further to that point of order, Mr Deputy Speaker. I recognise that under the present Prime Minister, this Government have specialised in constitutional innovation. Nevertheless, it certainly seems to me, and I hope it does to you and to the House authorities, that this is stretching the boundaries of what is permissible into the outrageous and beyond, and threatening the democracy of this House.

Dame Angela Eagle (Wallasey) (Lab): Further to that point of order, Mr Deputy Speaker. The convention is that if the Leader of the Opposition tables a motion of no confidence, it is taken as the next available business. That is what has been done, yet even though we know that large swathes of the party in Government have no confidence in their Prime Minister, they are refusing to acknowledge and honour a time-honoured convention that is the only way to make a debate on that possible. Do you not agree that it is for this House of Commons to test whether any given Prime Minister has its confidence and that his or her Prime Ministership is always based on that? One of the prerequisites for being appointed Prime Minister of this country by the Queen is that that person shall have the confidence of the House of Commons. If we are not allowed to test that now, when on earth will be allowed to test it?

5.15 pm

Chris Bryant (Rhondda) (Lab): Further to that point of order, Mr Deputy Speaker. As you know, "Erskine May" says very clearly:

"By established convention, the Government always accedes to the demand from the Leader of the Opposition"

in regard to a no-confidence motion. There has been a very long tradition of all sorts of different kinds of votes of no confidence. Baldwin, Melbourne, Wellington and Salisbury all resigned after a vote on an amendment to the Loyal Address; they considered that to be a vote of no confidence. Derby and Gladstone resigned after an amendment to the Budget; they considered that to be a vote of no confidence. Neville Chamberlain resigned after a motion to adjourn the House, even though he won the vote, because he saw that as a motion of no confidence. So it is preposterous that the Government are trying to say that the motion that is being tabled for tomorrow somehow does not count.

Let me remind Government Members that on 2 August 1965, the motion tabled by the Conservatives was:

"That this House has no confidence in Her Majesty's Government and deplores the Prime Minister's conduct of the nation's affairs."

I think this House agrees with that today.

[Chris Bryant]

Of course, we briefly had the Fixed-term Parliaments Act 2011, which set in statute that there was only one way of having a motion of no confidence, but this Government overturned and repealed that Act. The then Minister, the right hon. Member for Surrey Heath (Michael Gove), came on behalf of the Government to tell the Joint Committee on the Fixed-term Parliaments Act:

"It seems to us to be cleaner and clearer to have a return to a more classical understanding of what a vote of confidence involves."

It is simple: the Prime Minister is disgraced, he does not enjoy the confidence of the House, and if he simply tries to prevent the House from coming to that decision, it is because he is a coward.

Several hon. Members *rose—*

Mr Deputy Speaker (Mr Nigel Evans): I will only allow three more points of order, because this is eating into time for very important business. *[Interruption.]* They are all similar points of order and we could carry on with them until 7 o'clock, but we are not going to do so.

Karin Smyth (Bristol South) (Lab): Further to that point of order, Mr Deputy Speaker. At the Public Administration and Constitutional Affairs Committee this morning, Sir John Major presented evidence to us about propriety and ethics. In that very sombre presentation, he talked about being

"at the top of a slope"

down towards the loss of democracy in this country. Ultimately, the will of Parliament is all we have, so if we do not have Parliament to make the case, what other option do we have?

Several hon. Members *rose—*

Mr Deputy Speaker: Order. I ask the final Members please to show restraint as far as language is concerned, because I am not happy with some of the language that has been used.

Clive Efford (Eltham) (Lab): Further to that point of order, Mr Deputy Speaker. There have been 50 resignations of Ministers; the Government are mired in controversy; people are acting up as Ministers who are not quite Ministers, as I understand it; and legislation is being delayed. When was there ever a better time for the House to table a motion of no confidence in a Government? This is a cowardly act not by the Prime Minister, but by the Conservative party, which does not want a vote on this issue. Conservative Members should support the move to have a vote of no confidence and have the courage to stand up for their convictions.

Angus Brendan MacNeil (Na h-Eileanan an Iar) (SNP): Further to that point of order, Mr Deputy Speaker. How can the Conservative party have no confidence in and write letters about the Prime Minister one week yet refuse to come to Parliament the following week to declare that in front of the public?

Kevin Brennan (Cardiff West) (Lab): Further to that point of order, Mr Deputy Speaker. Can you inform the House of whether Mr Speaker has received any explanation from the Government for this craven and egregious breach of parliamentary convention? If someone were to table a motion under Standing Order No. 24 for tomorrow, has he given any indication of what his attitude would be towards such a motion?

Mr Deputy Speaker: I will answer the question about Standing Order No. 24 first, because I can deal with it immediately: clearly, if an application is made, Mr Speaker will determine it himself.

The principles concerning motions of no confidence are set out at paragraph 18.44 of "Erskine May", which also gives examples of motions that have been debated and those that have not. "May" says:

"By established convention, the Government always accedes to the demand from the Leader of the Opposition to allot a day for the discussion of a motion tabled by the official Opposition which, in the Government's view, would have the effect of testing the confidence of the House."

I can only conclude, therefore, that the Government have concluded that the motion, as tabled by the official Opposition, does not have that effect. That is a matter for the Government, though, rather than for the Chair.

May I say that there are seven more sitting days before recess? As Deputy Speaker, I would anticipate that there will be further discussions.

We now have to move on with the continuation of business on the Bill.

New Clause 7

Duties regarding user-generated pornographic content: regulated services

"(1) This section sets out the duties which apply to regulated services in relation to user-generated pornographic content.

(2) A duty to verify that each individual featuring in the pornographic content has given their permission for the content in which they feature to be published or made available by the service.

(3) A duty to remove pornographic content featuring a particular individual if that individual withdraws their consent, at any time, to the pornographic content in which they feature remaining on the service.

(4) For the meaning of 'pornographic content', see section 66(2).

(5) In this section, 'user-generated pornographic content' means any content falling within the meaning given by subsection (4) and which is also generated directly on the service by a user of the service, or uploaded to or shared on the service by a user of the service, may be encountered by another user, or other users, of the service.

(6) For the meaning of 'regulated service', see section 2(4)."—*(Dame Diana Johnson.)*

Brought up, and read the First time.

Dame Diana Johnson (Kingston upon Hull North) (Lab): I beg to move, That the clause be read a Second time.

Mr Deputy Speaker: With this it will be convenient to discuss the following:

New clause 33—*Meaning of "pornographic content"*—

"(1) In this Act 'pornographic content' means any of the following—

(a) a video work in respect of which the video works authority has issued an R18 certificate;

(b) content that was included in a video work to which paragraph (a) applies, if it is reasonable to assume from its nature that its inclusion was among the reasons why the certificate was an R18 certificate;

(c) any other content if it is reasonable to assume from its nature that any classification certificate issued in respect of a video work including it would be an R18 certificate;

(d) a video work in respect of which the video works authority has issued an 18 certificate, and that it is reasonable to assume from its nature was produced solely or principally for the purposes of sexual arousal;

(e) content that was included in a video work to which paragraph (d) applies, if it is reasonable to assume from the nature of the content—

(i) that it was produced solely or principally for the purposes of sexual arousal, and

(ii) that its inclusion was among the reasons why the certificate was an 18 certificate;

(f) any other content if it is reasonable to assume from its nature—

(i) that it was produced solely or principally for the purposes of sexual arousal, and

(ii) that any classification certificate issued in respect of a video work including it would be an 18 certificate;

(g) a video work that the video works authority has determined not to be suitable for a classification certificate to be issued in respect of it, if—

(i) it includes content that it is reasonable to assume from its nature was produced solely or principally for the purposes of sexual arousal, and

(ii) it is reasonable to assume from the nature of that content that its inclusion was among the reasons why the video works authority made that determination;

(h) content that was included in a video work that the video works authority has determined not to be suitable for a classification certificate to be issued in respect of it, if it is reasonable to assume from the nature of the content—

(i) that it was produced solely or principally for the purposes of sexual arousal, and

(ii) that its inclusion was among the reasons why the video works authority made that determination;

(i) any other content if it is reasonable to assume from the nature of the content—

(i) that it was produced solely or principally for the purposes of sexual arousal, and

(ii) that the video works authority would determine that a video work including it was not suitable for a classification certificate to be issued in respect of it.

(2) In this section—

'18 certificate' means a classification certificate which—

(a) contains, pursuant to section 7(2)(b) of the Video Recordings Act 1984, a statement that the video work is suitable for viewing only by persons who have attained the age of 18 and that no video recording containing that work is to be supplied to any person who has not attained that age, and

(b) does not contain the statement mentioned in section 7(2)(c) of that Act that no video recording containing the video work is to be supplied other than in a licensed sex shop;

'classification certificate' has the same meaning as in the Video Recordings Act 1984 (see section 7 of that Act);

'content' means—

(a) a series of visual images shown as a moving picture, with or without sound;

(b) a still image or series of still images, with or without sound; or

(c) sound;

'R18 certificate' means a classification certificate which contains the statement mentioned in section 7(2)(c) of the Video Recordings Act 1984 that no video recording containing the video work is to be supplied other than in a licensed sex shop;

'the video works authority' means the person or persons designated under section 4(1) of the Video Recordings Act 1984 as the authority responsible for making arrangements in respect of video works other than video games;

'video work' means a video work within the meaning of the Video Recordings Act 1984, other than a video game within the meaning of that Act."

This new clause defines pornographic content for the purposes of the Act and would apply to user-to-user services and commercial pornographic content.

Amendment 205, in clause 34, page 33, line 23, at end insert—

"(3A) But an advertisement shall not be regarded as regulated user-generated content and precluded from being a 'fraudulent advertisement' by reason of the content constituting the advertisement being generated directly on, uploaded to, or shared on a user-to-user service before being modified to a paid-for advertisement."

Amendment 206, page 33, line 30, after "has" insert

"or may reasonably be expected to have".

Amendment 207, in clause 36, page 35, line 12, at end insert—

"(3A) An offence under section 993 of the Companies Act 2006 (fraudulent trading)."

Amendment 208, page 35, line 18, after "(3)" insert ", 3(A)".

Amendment 209, page 35, line 20, after "(3)" insert ", 3(A)"

Amendment 210, page 35, line 23, after "(3)" insert ", 3(A)"

Amendment 201, in clause 66, page 59, line 8, leave out from "Pornographic content" to end of line 10 and insert

"has the same meaning as section [meaning of pornographic content]".

This amendment defines pornographic content for the purposes of the Part 5. It is consequential on NC33.

Amendment 56, page 59, line 8, after "content" insert ", taken as a whole,"

This amendment would require that content is considered as a whole before being defined as pornographic content.

Amendment 33, in clause 68, page 60, line 33, at end insert—

"(2A) A duty to verify that every individual featured in regulated provider pornographic content is an adult before the content is published on the service.

(2B) A duty to verify that every individual featured in regulated provider pornographic content that is already published on the service when this Act is passed is an adult and, where that is not the case, remove such content from the service.

(2C) A duty to verify that each individual appearing in regulated provider pornographic content has given their permission for the content in which they appear to be published or made available by the internet service.

(2D) A duty to remove regulated provider pornographic content featuring an individual if that individual withdraws their consent, at any time, to the pornographic content in which they feature remaining on the service."

This amendment creates a duty to verify that each individual featured in pornographic content is an adult and has agreed to the content being uploaded before it is published. It would also impose a duty to remove content if the individual withdraws consent at any time.

Amendment 34, page 60, line 37, leave out "subsection (2)" and insert "subsections (2) to (2D)".

This amendment is consequential on Amendment 33.

Amendment 31, in clause 182, page 147, line 16, leave out from "unless" to end of line 17 and insert—

"(a) a draft of the instrument has been laid before each House of Parliament,

"(b) the Secretary of State has made a motion in the House of Commons in relation to the draft instrument, and

(c) the draft instrument has been approved by a resolution of each House of Parliament."

This amendment would require a draft of a statutory instrument containing regulations under sections 53 or 54 to be debated on the floor of the House of Commons, rather than in a delegated legislation committee (as part of the affirmative procedure).

Amendment 158, in clause 192, page 155, line 26, after "including" insert "but not limited to".

This amendment clarifies that the list of types of content in clause 192 is not exhaustive.

Dame Diana Johnson: May I welcome the Minister to his place, as I did not get an opportunity to speak on the previous group of amendments?

New clause 7 and amendments 33 and 34 would require online platforms to verify the age and consent of all individuals featured in pornographic videos uploaded to their site, as well as enabling individuals to withdraw their consent to the footage remaining on the website. Why are the amendments necessary? Let me read a quotation from a young woman:

"I sent Pornhub begging emails. I pleaded with them. I wrote, 'Please, I'm a minor, this was assault, please take it down.'"

She received no reply and the videos remained live. That is from a BBC article entitled "I was raped at 14, and the video ended up on a porn site".

This was no one-off. Some of the world's biggest pornography websites allow members of the public to upload videos without verifying that everyone in the film is an adult or that everyone in the film gave their permission for it to be uploaded. As a result, leading pornography websites have been found to be hosting and profiting from filmed footage of rape, sex trafficking, image-based sexual abuse and child sexual abuse.

In 2020, *The New York Times* documented the presence of child abuse videos on Pornhub, one of the most popular pornography websites in the world, prompting Mastercard, Visa and Discover to block the use of their cards for purchases on the site. The *New York Times* reporter Nicholas Kristof wrote about Pornhub:

"Its site is infested with rape videos. It monetizes child rapes, revenge pornography, spy cam videos of women showering, racist and misogynist content, and footage of women being asphyxiated in plastic bags."

Even before that, in 2019, PayPal took the decision to stop processing payments for Pornhub after an investigation by *The Sunday Times* revealed that the site contained child abuse videos and other illegal content. The newspaper reported:

"Pornhub is awash with secretly filmed 'creepshots' of schoolgirls and clips of men performing sex acts in front of teenagers on buses. It has also hosted indecent images of children as young as three.

The website says it bans content showing under-18s and removes it swiftly. But some of the videos identified by this newspaper's investigation had 350,000 views and had been on the platform for more than three years."

One of the women who is now being forced to take legal action against Pornhub's parent company, MindGeek, is Crystal Palace footballer Leigh Nicol. Leigh's phone was hacked and private content was uploaded to Pornhub without her knowledge. She said in an interview:

"The damage is done for me so this is about the next generation. I feel like prevention is better than someone having to react to this. I cannot change it alone but if I can raise awareness to stop it happening to others then that is what I want to do…The more that you dig into this, the more traumatising it is because there are 14-year-old kids on these websites and they don't even know about it. The fact that you can publish videos that have neither party's consent is something that has to be changed by law, for sure."

Leigh Nicol is spot on.

Unfortunately, when this subject was debated in Committee, the previous Minister, the hon. Member for Croydon South (Chris Philp), argued that the content I have described—including child sexual abuse images and videos—was already illegal, and there was therefore no need for the Government to introduce further measures. However, that misses the point: the Minister was arguing against the very basis of his own Government's Bill. At the core of the Bill, as I understand it, is a legal duty placed on online platforms to combat and remove content that is already illegal, such as material relating to terrorism. ln keeping with that, my amendments would place a legal duty on online platforms hosting pornographic content to combat and remove illegal content through the specific and targeted measure of verifying the age and consent of every individual featured in pornographic content on their sites. The owners and operators of pornography websites are getting very rich from hosting footage of rape, trafficking and child sexual abuse, and they must be held to account under the law and required to take preventive action.

The Organisation for Security and Co-operation in Europe, which leads action to combat human trafficking across 57 member states, recommends that Governments require age and consent verification on pornography websites in order to combat exploitation. The OSCE told me:

"These sites routinely feature sexual violence, exploitation and abuse, and trafficking victims. Repeatedly these sites have chosen profits over reasonable prevention and protection measures. At the most basic level, these sites should be required to ensure that each person depicted is a consenting adult, with robust age verification and the right to withdraw consent at any time. Since self- regulation hasn't worked, this will only work through strong, state-led regulation".

Who else supports that? Legislation requiring online platforms to verify the age and consent of all individuals featured in pornographic content on their sites is backed by leading anti-sexual exploitation organisations including CEASE—the Centre to End All Sexual Exploitation—UK Feminista and the Traffickinghub movement, which has driven the global campaign to expose the abuses committed by, in particular, Pornhub.

New clause 7 and amendments 33 and 34 are minimum safety measures that would stop the well-documented practice of pornography websites hosting and profiting from videos of rape, trafficking and child sexual abuse. I urge the Government to reconsider their position, and I will seek to test the will of the House on new clause 7 later this evening.

Adam Afriyie: I echo the concerns expressed by the right hon. Member for Kingston upon Hull North (Dame Diana Johnson). Some appalling abuses are

taking place online, and I hope that the Bill goes some way to address them, to the extent that that is possible within the framework that it sets up. I greatly appreciate the right hon. Lady's comments and her contribution to the debate.

I have a tight and narrow point for the Minister. In amendment 56, I seek to ensure that only pornographic material is caught by the definition in the Bill. My concern is that we catch these abuses online, catch them quickly and penalise them harshly, but also that sites that may display, for example, works of art featuring nudes—or body positivity community sites, of which there are several—are not inadvertently caught in our desire to clamp down on illegal pornographic sites. Perhaps the Minister will say a few words about that in his closing remarks.

Barbara Keeley (Worsley and Eccles South) (Lab): I rise to speak to this small group of amendments on behalf of the Opposition. Despite everything that is going on at the moment, we must remember that this Bill has the potential to change lives for the better. It is an important piece of legislation, and we cannot miss the opportunity to get it right. I would like to join my hon. Friend the Member for Pontypridd (Alex Davies-Jones) in welcoming the Under-Secretary of State for Digital, Culture, Media and Sport, the hon. Member for Folkestone and Hythe (Damian Collins) to his role. His work as Chair of the Joint Committee on this Bill was an important part of the pre-legislative scrutiny process, and I look forward to working in collaboration with him to ensure that this legislation does as it should in keeping us all safe online. I welcome the support of the former Minister, the hon. Member for Croydon South (Chris Philp), on giving access to data to academic researchers and on looking at the changes needed to deal with the harm caused by the way in which algorithmic prompts work. It was a pity he was not persuaded by the amendments in Committee, but better late than never.

5.30 pm

Earlier we debated new clause 14, which will reduce the amount of illegal content and fraudulent advertising that is identified and acted upon. In our view, this new clause undermines and weakens the safety mechanisms that members of the Joint Committee and the Public Bill Committee worked so hard to get right. I hope the Government will reconsider this part of the Bill when it goes through its stages in the House of Lords. Even without new clause 14, though, there are problems with the provisions around fraudulent advertising. Having said that, we were pleased that the Government conceded to our calls in Committee to ensure that major search engines and social media sites would be subject to the same duties to prevent fraudulent advertising from appearing on their sites.

However, there are other changes that we need to see if the Bill is to be successful in reducing the soaring rates of online fraud and changing the UK's reputation as the

"scam capital of the world",

according to Which? The Government voted against other amendments tabled in Committee by me and my hon. Friend the Member for Pontypridd that would have tackled the reasons why people become subject to online fraud. Our amendments would have ensured that customers had better protection against scams and a clearer understanding of which search results were paid-for ads. In rejecting our amendments, the Government have missed an opportunity to tackle the many forms of scamming that people experience online.

One of those forms of scamming is in the world of online ticketing. In my role as shadow Minister for the Arts and Civil Society, I have worked on this issue and been informed by the expertise of my hon. Friend the Member for Washington and Sunderland West (Mrs Hodgson), who chairs the all-party parliamentary group on ticket abuse. I would like to thank her and those who have worked with the APPG on the anti-ticket touting campaign for their insights. Ticket reselling websites have a well-documented history of breaching consumer protection laws. These breaches include cases of fraud such as the sale of non-existent tickets. If our amendment had been passed, secondary ticketing websites such as Viagogo would have had to be members of a regulatory body responsible for secondary ticketing such as the Society of Ticket Agents and Retailers, and they would have had to comply with established standards.

I have used ticket touting as an example, but the repercussions of this change go wider to include scamming by holiday websites, debt services and fraudulent passport renewal companies. Our amendments, together with amendments 205 to 210, which were tabled by the hon. Members for Ochil and South Perthshire (John Nicolson) and for Aberdeen North (Kirsty Blackman), would improve protection against scams and close loopholes in the definitions of fraudulent advertising. I hope the Minister recognises how many more scams these clauses would prevent if the amendments were accepted.

Part 5 of the Bill includes provisions that relate to pornographic content, which we have already heard about in this debate. For too long, we have seen a proliferation of websites with illegal and harmful content rife with representations of sexual violence, incest, rape and exploitation, and I thank my right hon. Friend the Member for Kingston upon Hull North (Dame Diana Johnson) for the examples she has just given us. We welcomed the important changes made to the Bill before the Committee stage, which meant that all pornographic content, not just user-generated content, would now be included within the duties in part 5.

Other Members have tabled important amendments to this part of the Bill. New clause 33 and new schedule 1, tabled by the hon. Members for Ochil and South Perthshire and for Aberdeen North, will ensure parity between online and offline content standards for pornography. New clause 33 is important in specifying that content that fails to obtain an R18 certificate has to be removed, just as happens in the offline world under the Video Recordings Act 1984. My right hon. Friend the Member for Kingston upon Hull North tabled amendment 33 and new clause 7, which place new duties on user-generated commercial pornography sites to verify the age and obtain consent of people featured in pornographic content, and to remove content should that consent be withdrawn. These are safeguards that should have been put in place by pornography platforms from the very start.

I would like to raise our concern about how quickly these duties can be brought into force. Clause 196 lays out that the only clauses in part 5 to be enacted once the Bill receives Royal Assent will be those covering the definitions—clauses 66 and 67(4)—and not those covering

the duties. Children cannot wait another three years for protections from harm, having been promised this five years ago under part 3 of the Digital Economy Act 2017, which was never implemented. I hope the Minister appreciates the need for speed in regulating this particularly high harm part of the internet.

Part 11 clarifies companies' liability and outlines the type of information offences contained in the Bill. It is important that liability is at the heart of discussions about the practical applications of the Bill, because we know that big internet companies have got away with doing nothing for far too long. However, the current focus on information offences means that criminal liability for repeated and systematic failures resulting in serious harm to users remains a crucial omission from the Bill.

My hon. Friend the Member for Pontypridd was vocal in making the point, but it needs to be made again, that we are very concerned about the volume of last-minute amendments tabled by the Government, and particularly their last-ditch attempt at power grabbing through amendment 144. The Secretary of State should not have the ability to decide what constitutes a priority offence without appropriate scrutiny, and our amendments would bring appropriate parliamentary oversight.

Amendment 31, in my name and in the name of my hon. Friend, would require that any changes to clauses 53 or 54, on harmful content, are debated on the Floor of the House rather than in a Delegated Legislation Committee. Without this change, the Secretary of State of the day will have the power to make decisions about priority content quietly through secondary legislation, which could have real-life consequences. Any changes to priority content are worthy of proper debate. If the Minister is serious about proper scrutiny of the online safety regime, he should carefully consider amendment 31. I urge hon. Members to support the amendment.

Finally, part 12 includes clarifications and definitions. The hon. Members for Ochil and South Perthshire and for Aberdeen North tabled amendment 158, which would expand the definition of content in the Bill. This is an important future-proofing measure.

As I mentioned, we are concerned about the delays to the implementation of certain duties set out in part 12. We are now in a situation in which many children who need protection will no longer even be children by the time this legislation and its protections come into effect. Current uncertainty about the running of Government will compound the concerns of many charities and children's advocacy groups. I hope the Minister will agree that we cannot risk further delays.

At its core, the Online Safety Bill should be about reducing harm, and we are all aligned on that aim. I am disappointed that the Government have reversed some of the effectiveness of the scrutiny in Committee by now amending the Bill to such a degree. I hope the Minister considers our amendments in the collaborative spirit in which they are intended, and recognises their potential to make this Bill stronger and more effective for all.

Sir Jeremy Wright: I think it is extraordinarily important that this Bill does what the hon. Member for Worsley and Eccles South (Barbara Keeley) has just described. As the Bill moves from this place to the other place, we must debate what the right balance is between what the Secretary of State must do—in the previous group of amendments, we heard that many of us believe that is too extensive as the Bill stands—what the regulator, Ofcom, must do and what Parliament must do. There is an important judgment call for this House to make on whether we have that balance right in the Bill as it stands.

These amendments are very interesting. I am not convinced that the amendments addressed by the hon. Lady get the balance exactly right either, but there is cause for further discussion about where we in this House believe the correct boundary is between what an independent regulator should be given authority to do under this legislative and regulatory structure and what we wish to retain to ourselves as a legislature.

Adam Afriyie: My right hon. and learned Friend is highlighting, and I completely agree, that there is a very sensitive balance between different power bases and between different approaches to achieving the same outcome. Does he agree that as even more modifications are made—the nipping and tucking I described earlier—this debate and future debates, and these amendments, will contribute to those improvements over the weeks and months ahead?

Sir Jeremy Wright: Yes, I agree with my hon. Friend about that. I hope it is some comfort to the hon. Member for Worsley and Eccles South when I say that if the House does not support her amendment, it should not be taken that she has not made a good point that needs further discussion—probably in the other place, I fear. We are going to have think carefully about that balance. It is also important that we do not retain to ourselves as a legislature those things that the regulator ought to have in its own armoury. If we want Ofcom to be an effective and independent regulator in this space, we must give it sufficient authority to fulfil that role. She makes interesting points, although I am not sure I can go as far as supporting her amendments. I know that is disappointing, but I do think that what she has done is prompted a further debate on exactly this balance between Secretary of State, Executive, legislature and regulator, which is exactly where we need to be.

I have two other things to mention. The first relates to new clause 7 and amendment 33, which the right hon. Member for Kingston upon Hull North (Dame Diana Johnson) tabled. She speaks powerfully to a clear need to ensure that this area is properly covered. My question, however, is about practicalities. I am happy to take an intervention if she can answer it immediately. If not, I am happy to discuss it with her another time. She has heard me speak many times about making sure that this Bill is workable. The challenge in what she has described in her amendments may be that a platform needs to know how it is to determine and "verify"—that is the word she has used—that a participant in a pornographic video is an adult and a willing participant. It is clearly desirable that the platform should know both of those things, but the question that will have to be answered is: by what mechanism will it establish that? Will it ask the maker of the pornographic video and be prepared to accept the assurances it is given? If not, by what other mechanism should it do this? For example, there may be a discussion to be had on what technology is available to establish whether someone is an adult or is not—that bleeds into the discussion we have had about age assurance. It may be hard for a platform to establish whether someone is a willing participant.

Jess Phillips (Birmingham, Yardley) (Lab): This has been quite topical this week. When we have things on any platform that is on our television, people absolutely have to have signed forms to say that they are a willing participant. It is completely regular within all other broadcast media that people sign consent forms and that people's images are not allowed to be used without their consent.

Sir Jeremy Wright: Yes, I am grateful to the hon. Lady for that useful addition to this debate, but it tends to clarify the point I was seeking to clarify, which is whether or not what the right hon. Member for Kingston upon Hull North has in mind is to ensure that a platform would be expected to make use of those mechanisms that already exist in order to satisfy itself of the things that she rightly asks it to be satisfied of or whether something beyond that would be required to meet her threshold. If it is the former, that is manageable for platforms and perfectly reasonable for us to expect of them. If it is the latter, we need to understand a little more clearly how she expects a platform to achieve that greater assurance. If it is that, she makes an interesting point.

Finally, let me come to amendment 56, tabled by my hon. Friend the Member for Windsor (Adam Afriyie). Again, I have a practical concern. He seeks to ensure that the pornographic content is "taken as a whole", but I think it is worth remembering why we have included pornographic content in the context of this Bill. We have done it to ensure that children are not exposed to this content online and that where platforms are capable of preventing that from happening, that is exactly what they do. There is a risk that if we take this content as a whole, it is perfectly conceivable that there may be content online that is four hours long, only 10 minutes of which is pornographic in nature. It does not seem to me that that in any way diminishes our requirement of a platform to ensure that children do not see those 10 minutes of pornographic content.

Adam Afriyie: I am very sympathetic to that view. I am merely flagging up for the Minister that if we get the opportunity, we need to have a look at it again in the Lords, to be absolutely certain that we are not ruling out certain types of art, and certain types of community sites that we would all think were perfectly acceptable, that are probably not accessible to children, just to ensure that we are not creating further problems down the road that we would have to correct.

5.45 pm

Sir Jeremy Wright: I follow that point. I will channel, with some effort, the hon. Member for Birmingham, Yardley (Jess Phillips), who I suspect would say that these things are already up for debate and discussed in other contexts—the ability to distinguish between art and pornography is something that we have wrestled with in other media. Actually, in relation to the Bill, I think that one of our guiding principles ought to be that we do not reinvent the wheel where we do not have to, and that we seek to apply to the online world the principles and approaches that we would expect in all other environments. That is probably the answer to my hon. Friend's point.

I think it is very important that we recognise the need for platforms to do all they can to ensure that the wrong type of material does not reach vulnerable users, even if that material is a brief part of a fairly long piece. Those, of course, are exactly the principles that we apply to the classification of films and television. It may well be that a small portion of a programme constitutes material that is unsuitable for a child, but we would still seek to put it the wrong side of the 9 o'clock watershed or use whatever methods we think the regulator ought to adopt to ensure that children do not see it.

Good points are being made. The practicalities are important; it may be that because of a lack of available time and effort in this place, we have to resolve those elsewhere.

John Nicolson: I wish to speak to new clause 33, my proposed new schedule 1 and amendments 201 to 203. I notice that the Secretary of State is off again. I place on record my thanks to Naomi Miles of CEASE—the Centre to End All Sexual Exploitation—and Ceri Finnegan of Barnardos for their support.

The UK Government have taken some steps to strengthen protections on pornography and I welcome the fact that young teenagers will no longer be able to access pornography online. However, huge quantities of extreme and harmful pornography remain online, and we need to address the damage that it does. New clause 33 would seek to create parity between online and offline content—consistent legal standards for pornography. It includes a comprehensive definition of pornography and puts a duty on websites not to host content that would fail to attain the British Board of Film Classification standard for R18 classification.

The point of the Bill, as the Minister has repeatedly said, is to make the online world a safer place, by doing what we all agree must be done—making what is illegal offline, illegal online. That is why so many Members think that the lack of regulation around pornography is a major omission in the Bill.

The new clause stipulates age and consent checks for anyone featured in pornographic content. It addresses the proliferation of pornographic content that is both illegal and harmful, protecting women, children and minorities on both sides of the camera.

The Bill presents an opportunity to end the proliferation of illegal and harmful content on the internet. Representations of sexual violence, animal abuse, incest, rape, coercion, abuse and exploitation—particularly directed towards women and children—are rife. Such content can normalise dangerous and abusive acts and attitudes, leading to real-world harm. As my hon. Friend the Member for Pontypridd (Alex Davies-Jones) said in her eloquent speech earlier, we are seeing an epidemic of violence against women and girls online. When bile and hatred is so prolific online, it bleeds into the offline space. There are real-world harms that flow from that.

The Minister has said how much of a priority tackling violence against women and girls is for him. Knowing that, and knowing him, he will understand that pornography is always harmful to children, and certain kinds of pornographic content are also potentially harmful to adults. Under the Video Recordings Act 1984, the BBFC has responsibility for classifying pornographic content to ensure that it is not illegal, and that it does not promote an interest in abusive relationships, such as incest. Nor can it promote acts likely to cause serious physical harm, such as breath restriction or strangulation. In the United Kingdom, it is against the law to supply

[John Nicolson]

pornographic material that does not meet this established BBFC classification standard, but there is no equivalent standard in the online world because the internet evolved without equivalent regulatory oversight.

I know too that the Minister is determined to tackle some of the abusive and dangerous pornographic content online. The Bill does include a definition of pornography, in clause 66(2), but that definition is inadequate; it is too brief and narrow in scope. In my amendment, I propose a tighter and more comprehensive definition, based on that in part 3 of the Digital Economy Act 2017, which was debated in this place and passed into law. The amendment will remove ambiguity and prevent confusion, ensuring that all websites know where they stand with regard to the law.

The new duty on pornographic websites aligns with the UK Government's 2020 legislation regulating UK-established video-sharing platforms and video-on-demand services, both of which appeal to the BBFC's R18 classification standards. The same "high standard of rules in place to protect audiences", as the 2020 legislation put it, and "certain content standards" should apply equally to online pornography and offline pornography, UK-established video-sharing platforms and video-on-demand services.

Let me give some examples sent to me by Barnardo's, the children's charity, which, with CEASE, has done incredibly important work in this area. The names have been changed in these examples, for obvious reasons.

"There are also children who view pornography to try to understand their own sexual abuse. Unfortunately, what these children find is content that normalises the most abhorrent and illegal behaviours, such as 15-year-old Elizabeth, who has been sexually abused by a much older relative for a number of years. The content she found on pornography sites depicted older relatives having sex with young girls and the girls enjoying it. It wasn't until she disclosed her abuse that she realised that it was not normal.

Carrie is a 16-year-old who was being sexually abused by her stepfather. She thought this was not unusual due to the significant amount of content she had seen on pornography sites showing sexual relationships within stepfamilies."

That is deeply disturbing evidence from Barnardo's.

Although in theory the Bill will prevent under-18s from accessing such content, the Minister knows that under-18s will be able to bypass regulation through technology like VPNs, as the DCMS Committee and the Bill Committee—I served on both—were told by experts in various evidence sessions. The amendment does not create a new law; it merely moves existing laws into the online space. There is good cause to regulate and sometimes prohibit certain damaging offline content; I believe it is now our duty to provide consistency with legislation in the online world.

Kirsty Blackman: I want to talk about several things, but particularly new clause 7. I am really pleased that the new clause has come back on Report, as we discussed it in the Bill Committee but unfortunately did not get enough support for it there—as was the case with everything we proposed—so I thank the right hon. Member for Kingston upon Hull North (Dame Diana Johnson) for tabling it. I also thank my hon. Friend the Member for Inverclyde (Ronnie Cowan) for his lobbying and for providing us with lots of background information. I agree that it is incredibly important that new clause 7 is agreed, particularly the provisions on consent and making sure that participants are of an appropriate age to be taking part. We have heard so many stories of so many people whose videos are online—whose bodies are online—and there is nothing they can do about it because of the lack of regulation. My hon. Friend the Member for Ochil and South Perthshire (John Nicolson) has covered new clause 33 in an awful lot of detail—very good detail—so I will not comment on that.

The right hon. and learned Member for Kenilworth and Southam (Sir Jeremy Wright) mentioned how we need to get the balance right, and specifically talked about the role of the regulator. In many ways, this Bill has failed to get the balance right in its attempts to protect children online. Many people who have been involved in writing this Bill, talking about this Bill, scrutinising this Bill and taking part in every piece of work that we have done around it do not understand how children use the internet. Some people do, absolutely, but far too many of the people who have had any involvement in this Bill do not. They do not understand the massive benefits to children of using the internet, the immense amount of fun they can have playing Fortnite, Fall Guys, Minecraft, or whatever it is they happen to be playing online and how important that is to them in today's crazy world with all of the social media pressures. Children need to decompress. This is a great place for children to have fun—to have a wonderful time—but they need to be protected, just as we would protect them going out to play in the park, just the same as we would protect them in all other areas of life. We have a legal age for smoking, for example. We need to make sure that the protections are in place, and the protections that are in place need to be stronger than the ones that are currently in the Bill.

I did not have a chance earlier—or I do not think I did—to support the clause about violence against women and girls. As I said in Committee, I absolutely support that being in the Bill. The Government may say, "Oh we don't need to have this in the Bill because it runs through everything," but having that written in the Bill would make it clear to internet service providers—to all those people providing services online and having user-generated content on their sites—how important this is and how much of a scourge it is. Young women who spend their time on social media are more likely to have lower outcomes in life as a result of problematic social media use, as a result of the pain and suffering that is caused. We should be putting such a measure in the Bill, and I will continue to argue for that.

We have talked a lot about pornographic content in this section. There is not enough futureproofing in the Bill. My hon. Friend the Member for Ochil and South Perthshire and I tabled amendment 158 because we are concerned about that lack of futureproofing. The amendment edits the definition of "content". The current definition of "content" says basically anything online, and it includes a list of stuff. We have suggested that it should say "including but not limited to", on the basis that we do not know what the internet will look like in two years' time, let alone what it will look like in 20 years' time. If this Bill is to stand the test of time, it needs to be clear that that list is not exhaustive. It needs to be clear that, when we are getting into virtual reality metaverses where people are meeting each other, that

counts as well. It needs to be clear that the sex dungeon that exists in the child's game Roblox is an issue—that that content is an issue no matter whether it fits the definition of "content" or whether it fits the fact that it is written communication, images or whatever. It does not need to fit any of that. If it is anything harmful that children can find on the internet, it should be included in that definition of "content", no matter whether it fits any of those specific categories. We just do not know what the internet is going to look like.

I have one other specific thing in relation to the issues of content and pornography. One of the biggest concerns that we heard is the massive increase in the amount of self-generated child sexual abuse images. A significant number of new images of child sexual abuse are self-generated. Everybody has a camera phone these days. Kids have camera phones these days. They have much more potential to get themselves into really uncomfortable and difficult situations than when most of us were younger. There is so much potential for that to be manipulated unless we get this right.

6 pm

I have concerns about the age assurance that was mentioned. If it is livestreamed content, content that is being generated right now at this moment, scanning for those child sexual abuse images will be very difficult. There will not be a hashtag. It has not been discovered before. It is not an image that will have been looked at, categorised and worked out before. It is something that evil people are convincing and forcing children to do today.

That is another place where the Bill fails to recognise how young people use the internet today. It fails to talk specifically about things such as livestreaming and how duties on providing services for children on the internet should reduce things such as the ability to livestream and to have private conversations with potential abusers. All those things are not in the Bill in the way I would like. I understand that the codes of practice will come through and there will be guidance on the risk assessments, but I have not seen enough so far to convince me that people know what they are doing when they are writing those codes of practice.

From what I have heard from Ofcom, it has generally been pretty sensible, but nearly every person I have encountered talking about this Bill who has had or continues to have any say over it does not understand how children actually use the internet. I have been online for nearly 30 years, since I was younger than my children are now. I grew up on the internet. I spend a lot of time on the internet. I have spoken to so many people who I did not know online. I have had so many ridiculous, harmful conversations that I would be aghast and devastated if my children were having now. I do not want that to be happening to tomorrow's generation of children.

No matter what we put in place, there will always be loopholes and bad actors and there will always be issues, but we want the Bill to be genuinely the best possible. The biggest failing is that lack of understanding of how children interact with the internet. We want it to be a safe place for them. We want them to be able to have great experiences online and to enjoy themselves, and we want to put up those protections in the same way that we put up crossing patrols and so on to protect children, and we are just not there yet.

I appreciate that the Minister and the previous Minister, the hon. Member for Croydon South (Chris Philp), have brought forward a significant number of amendments, although it is unfortunate that they have come at such short notice that we have not had enough time to look at them properly, and I appreciate that they will bring forward more, but there is still more they need to do. Even with all the amendments and all the commitments we have seen, I am still not comfortable enough that my children and my children's children will be as safe on the internet as they should be.

Lloyd Russell-Moyle (Brighton, Kemptown) (Lab/Co-op): I rise to support new clauses 7 and 33 in particular. I support them sometimes from a different angle from my hon. Friends, but fundamentally from the same angle: consent. I am not afraid to say that I have a different perspective from some hon. Members in this House in that I view sex work as a legitimate form of work under regulated and protected conditions, and pornography as part of that. What I do have a problem with is the lack of consent that occurs far too often not only in the industry—that may be too broad a term—but in particular content that we see online at the moment.

That is true particularly for those sex workers who might have produced content with consent at the time, as adults, but who later in life realise that they do not wish that material to be available any more—not just because they may be embarrassed about it, but perhaps because they just do not want that material commercially available and people making profits off their bodies any more. They are struggling to get content taken down because they are told, "You gave consent at the time and that can't now be removed. You have to allow your body to be used." We would not allow any other form of worker or artist to suffer that. In any other form of music or production, if they wished to remove their consent for it to be played, it would be taken down, but in pornography there seems to be a free-for-all where, even if people remove their consent, it still proliferates in copies of copies that are put all over the internet. That is not even to mention people who never gave their consent at all and experience revenge porn or their phones being hacked and the devastation that that can cause.

I might come from a different position on some of this, but I think we can be united in saying that of course we need better action on under-18s, which is very important, but even for those who have supposedly given their consent at one point or another, the removal of consent must be put into the Bill and platforms must have a strict responsibility to remove that content. Without that being in the Bill, there is a danger that platforms will continue to play loophole after loophole and the content will still be there when it should not be.

Ronnie Cowan (Inverclyde) (SNP): I was not planning to speak, but we have a couple of minutes so I will abuse that position.

I just want to say that I do not want new clause 7 to be lost in this debate and become part of the flotsam and jetsam of the tide of opinion that goes back and forth in this place, because new clause 7 is about consent. We are trying very hard to teach young men all about consent, and if we cannot do it from this place, then when can we do it? We can work out the details of the technology in time, as we always do. It is out there.

[Ronnie Cowan]

Other people are way ahead of us in this matter. In fact, the people who produce this pornography are way ahead of us in this matter.

Dame Diana Johnson: While we have been having this debate, Iain Corby, executive director at the Age Verification Providers Association, has sent me an email in which he said that the House may be interested to know that one of the members of that organisation offers adult sites a service that facilitates age verification and the obtaining and maintaining of records of consent. So it is possible to do this if the will is there.

Ronnie Cowan: I absolutely agree. We can also look at this from the point of view of gambling reform and age verification for that. The technology is there, and we can harness and use it to protect people. All I am asking is that we do not let this slip through the cracks this evening.

Damian Collins: We have had an important debate raising a series of extremely important topics. While the Government may not agree with the amendments that have been tabled, that is not because of a lack of seriousness of concern about the issues that have been raised.

The right hon. Member for Kingston upon Hull North (Dame Diana Johnson) spoke very powerfully. I have also met Leigh Nicol, the lady she cited, and she discussed with me the experience that she had. Sadly, it was during lockdown and it was a virtual meeting rather than face to face. There are many young women, in particular, who have experienced the horror of having intimate images shared online without their knowledge or consent and then gone through the difficult experience of trying to get them removed, even when it is absolutely clear that they should be removed and are there without their consent. That is the responsibility of the companies and the platforms to act on.

Thinking about where we are now, before the Bill passes, the requirement to deal with illegal content, even the worst illegal content, on the platforms is still largely based on the reporting of that content, without the ability for us to know how effective they are at actually removing it. That is largely based on old legislation. The Bill will move on significantly by creating proactive responsibilities not just to discover illegal content but to act to mitigate it and to be audited to see how effectively it is done. Under the Bill, that now includes not just content that would be considered to be an abuse of children. A child cannot give consent to have sex or to appear in pornographic content. Companies need to make sure that what they are doing is sufficient to meet that need.

It should be for the regulator, Ofcom, as part of putting together the codes of practice, to understand, even on more extreme content, what systems companies have in place to ensure that they are complying with the law and certainly not knowingly hosting content that has been flagged to them as being non-consensual pornography or child abuse images, which is effectively what pornography with minors would be; and to understand what systems they have in place to make sure that they are complying with the law and, as hon. Members have said, making sure that they are using available technologies in order to deliver that.

Jess Phillips: We have an opportunity here today to make sure that the companies are doing it. I am not entirely sure why we would not take that opportunity to legislate to make sure that they are. With the greatest of respect to the Minister back in a position of authority, it sounds an awful lot like the triumph of hope over experience.

Damian Collins: It is because of the danger of such a sentiment that this Bill is so important. It not just sets the targets and requirements of companies to act against illegal content, but enables a regulator to ensure that they have the systems and processes in place to do it, that they are using appropriate technology and that they apply the principle that their system should be effective at addressing this issue. If they are defective, that is a failure on the company's part. It cannot be good enough that the company says, "It is too difficult to do", when they are not using technologies that would readily solve that problem. We believe that the technologies that the companies have and the powers of the regulator to have proper codes of practice in place and to order the companies to make sure they are doing it will be sufficient to address the concern that the hon. Lady raises.

Dame Diana Johnson: I am a little taken aback that the Minister believes that the legislation will be sufficient. I do not understand why he has not responded to the point that my hon. Friend the Member for Birmingham, Yardley (Jess Phillips) was making that we could make this happen by putting the proposal in the Bill and saying, "This is a requirement." I am not sure why he thinks that is not the best way forward.

Damian Collins: It is because the proposal would not make such content more illegal than it is now. It is already illegal and there are already legal duties on companies to act. The regulator's job is to ensure they have the systems in place to do that effectively, and that is what the Bill sets out. We believe that the Bill addresses the serious issue that the right hon. Lady raises in her amendments. That legal requirement is there, as is the ability to have the systems in place.

If I may, I will give a different example based on the fraud example given by the shadow Minister, the hon. Member for Worsley and Eccles South (Barbara Keeley). On the Joint Committee that scrutinised the Bill, we pushed hard to have fraudulent ads included within the scope of the Bill, which has been one of the important amendments to it. The regulator can consider what systems the company should have in place to identify fraud, but also what technologies it employs to make it far less likely that fraud would be there in the first place. Google has a deal with the Financial Conduct Authority, whereby it limits advertisers from non-accredited companies advertising on its platform. That makes it far less likely that fraud will be discovered because, if the system works, only properly recognised organisations will be advertising.

Facebook does not have such a system in place. As a consequence, since the Google system went live, we have seen a dramatic drop in fraud ads on Google, but a substantial increase in fraud ads on Facebook and platforms such as Instagram. That shows that if we have the right systems in place, we can have a better outcome and change the result. The job of the regulator with illegal pornography and other illegal content should be to look at those systems and say, "Do the companies

have the right technology to deliver the result that is required?" If they do not, that would still be a failure of the codes.

Barbara Keeley: The Minister is quoting a case that I quoted in Committee, and the former Minister, the hon. Member for Croydon South (Chris Philp), would not accept amendments on this issue. We could have tightened up on fraudulent advertising. If Google can do that for financial ads, other platforms can do it. We tabled an amendment that the Government did not accept. I do not know why this Minister is quoting something that we quoted in Committee—I know he was not there, but he needs to know that we tried this and the former Minister did not accept what we called for.

Damian Collins: I am quoting that case merely because it is a good example of how, if we have better systems, we can get a better result. As part of the codes of practice, Ofcom will be able to look at some of these other systems and say to companies, "This is not just about content moderation; it is about having better systems that detect known illegal activity earlier and prevent it from getting on to the platform." It is not about how quickly it is removed, but how effective companies are at stopping it ever being there in the first place. That is within the scope of regulation, and my belief is that those powers exist at the moment and therefore should be used.

Jess Phillips: Just to push on this point, images of me have appeared on pornographic sites. They were not necessarily illegal images of anything bad happening to me, but other Members of Parliament in this House and I have suffered from that. Is the Minister telling me that this Bill will allow me to get in touch with that site and have an assurance that that image will be taken down and that it would be breaking the law if it did not do so?

Damian Collins: The Bill absolutely addresses the sharing of non-consensual images in that way, so that would be something the regulator should take enforcement action against—

Jess Phillips: Should!

Damian Collins: Well, the regulator is required, and has the power, to take enforcement action against companies for failing to do so. That is what the legislation sets out, and we will be in a very different place from where we are now. That is why the Bill constitutes a very significant reform.

Lloyd Russell-Moyle: Will the Minister give way?

Damian Collins: Very briefly, and then I want to wrap up.

Lloyd Russell-Moyle: Could the Minister give me a reassurance about when consent is withdrawn? The image may initially have been there "consensually"—I would put that in inverted commas—so the platform is okay to put it there. However, if someone contacts the platform saying that they now want to change their consent—they may want to take a role in public life, having previously had a different role; I am not saying that about my hon. Friend the Member for Birmingham, Yardley (Jess Phillips)—my understanding is that there is no ability legally to enforce that content coming down. Can the Minister correct me, and if not, why is he not supporting new clause 7?

6.15 pm

Damian Collins: With people who have appeared in pornographic films consensually and signed contracts to do so, that would be a very different matter from the question of intimate images being shared without consent. When someone has not consented for such images to be there, that would be a very different matter. I am saying that the Bill sets out very clearly—it did not do so in draft form—that non-consensual sexual images and extreme pornography are within the scope of the regulator's power. The regulator should be taking action not just on what a company does to take such content down when it is discovered after the event, but on what systems the company has in place and whether it deploys all available technology to make sure that such content is never there in the first place.

Before closing, I want to touch briefly on the point raised about the Secretary of State's powers to designate priority areas of harm. This is now under the affirmative procedure in the Bill, and it requires the approval of both Houses of Parliament. The priority illegal harms will be based on offences that already exist in law, and we are writing those priority offences into the Bill. The other priorities will be areas where the regulator will seek to test whether companies adhere to their terms of service. The new transparency requirements will set that out, and the Government have said that we will set out in more detail which of those priority areas of harm such transparency will apply to. There is still more work to be done on that, but we have given an indicative example. However, when it comes to adding a new priority illegal offence to the Bill, the premise is that it will already be an offence that Parliament has created, and writing it into the Bill will be done with the positive consent of Parliament. I think that is a substantial improvement on where the Bill was before. I am conscious that I have filled my time.

Question put, That the clause be read a Second time.

The House divided: Ayes 220, Noes 285.

Division No. 38] [6.17 pm

AYES

Abrahams, Debbie
Ali, Rushanara
Ali, Tahir
Anderson, Fleur
Antoniazzi, Tonia
Ashworth, rh Jonathan
Bardell, Hannah
Barker, Paula
Beckett, rh Margaret
Benn, rh Hilary
Betts, Mr Clive
Black, Mhairi
Blackman, Kirsty
Blake, Olivia
Blomfield, Paul
Bonnar, Steven
Bradshaw, rh Mr Ben
Brennan, Kevin
Brock, Deidre
Brown, Alan
Brown, Ms Lyn
Brown, rh Mr Nicholas
Bryant, Chris
Buck, Ms Karen
Burgon, Richard
Byrne, Ian
Byrne, rh Liam
Cadbury, Ruth
Callaghan, Amy
Cameron, Dr Lisa
Carden, Dan
Carmichael, rh Mr Alistair
Chapman, Douglas
Charalambous, Bambos
Cherry, Joanna
Clark, Feryal

Cooper, Daisy
Cooper, Rosie
Cooper, rh Yvette
Corbyn, rh Jeremy
Cowan, Ronnie
Coyle, Neil
Creasy, Stella
Cruddas, Jon
Cryer, John
Cummins, Judith
Cunningham, Alex
Daby, Janet
David, Wayne
Davies, Geraint
Davies-Jones, Alex
Day, Martyn
De Cordova, Marsha
Debbonaire, Thangam
Dhesi, Mr Tanmanjeet Singh
Docherty-Hughes, Martin
Dodds, Anneliese
Doogan, Dave
Dowd, Peter
Duffield, Rosie
Eagle, Dame Angela
Eagle, Maria
Eastwood, Colum
Edwards, Jonathan
Efford, Clive
Elliott, Julie
Elmore, Chris
Eshalomi, Florence
Evans, Chris
Farron, Tim
Farry, Stephen
Fellows, Marion
Ferrier, Margaret
Fletcher, Colleen
Foord, Richard
Fovargue, Yvonne
Foxcroft, Vicky
Furniss, Gill
Gardiner, Barry
Gibson, Patricia
Gill, Preet Kaur
Green, Kate
Green, Sarah
Greenwood, Lilian
Greenwood, Margaret
Griffith, Dame Nia
Haigh, Louise
Hamilton, Fabian
Hamilton, Mrs Paulette
Hardy, Emma
Harris, Carolyn
Hayes, Helen
Healey, rh John
Hendrick, Sir Mark
Hendry, Drew
Hillier, Dame Meg
Hobhouse, Wera
Hodge, rh Dame Margaret
Hollern, Kate
Hopkins, Rachel
Hosie, rh Stewart
Howarth, rh Sir George
Huq, Dr Rupa
Hussain, Imran
Jarvis, Dan
Johnson, rh Dame Diana
Johnson, Kim
Jones, Darren
Jones, Gerald
Jones, rh Mr Kevan
Jones, Ruth
Jones, Sarah
Kane, Mike
Keeley, Barbara
Kendall, Liz *(Proxy vote cast by Mr Pat McFadden)*
Khan, Afzal
Kinnock, Stephen
Kyle, Peter
Lake, Ben
Lammy, rh Mr David
Leadbeater, Kim
Lewell-Buck, Mrs Emma
Lewis, Clive
Lightwood, Simon
Linden, David
Lloyd, Tony
Long Bailey, Rebecca
Lucas, Caroline
Lynch, Holly
MacNeil, Angus Brendan
Madders, Justin
Mahmood, Shabana
Maskell, Rachael
Matheson, Christian
Mc Nally, John
McCabe, Steve
McCarthy, Kerry
McDonagh, Siobhain
McDonald, Stuart C.
McDonnell, rh John
McFadden, rh Mr Pat
McGinn, Conor
McGovern, Alison
McKinnell, Catherine
McLaughlin, Anne
McMahon, Jim
McMorrin, Anna
Mearns, Ian
Mishra, Navendu
Monaghan, Carol
Moran, Layla
Morden, Jessica
Morgan, Helen
Morgan, Stephen
Morris, Grahame
Murray, Ian
Murray, James
Newlands, Gavin
Nichols, Charlotte
Nicolson, John
Norris, Alex
O'Hara, Brendan
Olney, Sarah
Onwurah, Chi
Oppong-Asare, Abena
Osamor, Kate
Owatemi, Taiwo
Peacock, Stephanie
Pennycook, Matthew
Perkins, Mr Toby
Phillips, Jess
Phillipson, Bridget
Powell, Lucy
Qaisar, Ms Anum
Rayner, rh Angela
Reed, Steve
Reynolds, Jonathan
Ribeiro-Addy, Bell
Rimmer, Ms Marie
Rodda, Matt
Russell-Moyle, Lloyd
Saville Roberts, rh Liz
Shah, Naz
Sharma, Mr Virendra
Sheerman, Mr Barry
Sheppard, Tommy
Siddiq, Tulip
Slaughter, Andy
Smith, Cat
Smith, Jeff
Smith, Nick
Smyth, Karin
Spellar, rh John
Stephens, Chris
Stevens, Jo
Stone, Jamie
Stringer, Graham
Sultana, Zarah
Tami, rh Mark
Tarry, Sam
Thewliss, Alison
Thomas, Gareth
Thomas-Symonds, rh Nick
Thompson, Owen
Thomson, Richard
Timms, rh Sir Stephen
Trickett, Jon
Twigg, Derek
Vaz, rh Valerie
Wakeford, Christian
Webbe, Claudia
Western, Matt
Whitehead, Dr Alan
Whitford, Dr Philippa
Whittome, Nadia
Williams, Hywel
Wilson, Munira
Winter, Beth
Yasin, Mohammad
Zeichner, Daniel

Tellers for the Ayes:
Liz Twist and
Mary Glindon

NOES

Adams, rh Nigel
Afolami, Bim
Afriyie, Adam
Aiken, Nickie
Aldous, Peter
Anderson, Lee
Anderson, Stuart
Andrew, rh Stuart
Ansell, Caroline
Argar, Edward
Atkins, Victoria
Bacon, Gareth
Badenoch, Kemi
Bailey, Shaun
Baillie, Siobhan *(Proxy vote cast by Scott Mann)*
Baker, Duncan
Baron, Mr John
Baynes, Simon
Bell, Aaron
Benton, Scott
Beresford, Sir Paul
Bhatti, Saqib
Blackman, Bob
Blunt, Crispin
Bone, Mr Peter
Bottomley, Sir Peter
Bowie, Andrew
Bradley, Ben
Bradley, rh Karen
Brereton, Jack
Bridgen, Andrew
Bristow, Paul
Browne, Anthony
Bruce, Fiona
Buchan, Felicity
Burghart, Alex
Burns, rh Conor
Butler, Rob
Cairns, rh Alun
Carter, Andy
Cartlidge, James
Cash, Sir William
Cates, Miriam
Caulfield, Maria
Chalk, Alex
Chishti, Rehman
Chope, Sir Christopher
Churchill, Jo
Clark, rh Greg
Clarke, rh Mr Simon
Clarke-Smith, Brendan
Clarkson, Chris
Cleverly, rh James
Clifton-Brown, Sir Geoffrey
Colburn, Elliot
Collins, Damian
Costa, Alberto
Courts, Robert
Coutinho, Claire
Cox, rh Sir Geoffrey
Crabb, rh Stephen
Crouch, Tracey
Daly, James
Davies, Gareth
Davies, Dr James
Davies, Mims
Davies, Philip
Davison, Dehenna
Dinenage, Dame Caroline
Dines, Miss Sarah
Djanogly, Mr Jonathan
Donelan, rh Michelle
Dorries, rh Ms Nadine
Double, Steve
Dowden, rh Oliver
Drummond, Mrs Flick
Duddridge, James
Duguid, David
Duncan Smith, rh Sir Iain
Dunne, rh Philip
Eastwood, Mark
Edwards, Ruth
Elphicke, Mrs Natalie
Eustice, rh George
Evans, Dr Luke
Evennett, rh Sir David
Everitt, Ben
Fabricant, Michael
Farris, Laura
Fell, Simon
Firth, Anna
Fletcher, Katherine
Fletcher, Mark

Fletcher, Nick
Foster, Kevin
Frazer, rh Lucy
Freeman, George
French, Mr Louie
Fuller, Richard
Fysh, Mr Marcus
Garnier, Mark
Gibb, rh Nick
Gibson, Peter
Gideon, Jo
Glen, John
Goodwill, rh Sir Robert
Gove, rh Michael
Graham, Richard
Grant, Mrs Helen
Gray, James
Grayling, rh Chris
Green, Chris
Green, rh Damian
Griffith, Andrew
Griffiths, Kate
Grundy, James
Gullis, Jonathan
Halfon, rh Robert
Hall, Luke
Hammond, Stephen
Hands, rh Greg
Harper, rh Mr Mark
Harris, Rebecca
Harrison, Trudy
Hart, Sally-Ann
Hart, rh Simon
Heald, rh Sir Oliver
Heappey, James
Henry, Darren
Higginbotham, Antony
Hinds, rh Damian
Holden, Mr Richard
Hollobone, Mr Philip
Holloway, Adam
Holmes, Paul
Howell, John
Howell, Paul
Huddleston, Nigel
Hudson, Dr Neil
Hughes, Eddie
Hunt, rh Jeremy
Hunt, Tom
Jack, rh Mr Alister
Javid, rh Sajid
Jayawardena, Mr Ranil
Jenkinson, Mark
Jenkyns, Andrea
Johnson, Gareth
Johnston, David
Jones, Andrew
Jones, rh Mr David
Jones, Fay
Jones, Mr Marcus
Jupp, Simon
Kawczynski, Daniel
Keegan, Gillian
Knight, rh Sir Greg
Knight, Julian
Kruger, Danny
Lamont, John
Largan, Robert
Latham, Mrs Pauline
Leigh, rh Sir Edward
Levy, Ian
Lewer, Andrew
Lewis, rh Brandon
Lewis, rh Dr Julian
Liddell-Grainger, Mr Ian
Logan, Mark
Longhi, Marco
Lopez, Julia
Loughton, Tim
Mackinlay, Craig
Mackrory, Cherilyn
Maclean, Rachel
Mangnall, Anthony
Mann, Scott
Mayhew, Jerome
Maynard, Paul
McCartney, Karl
McPartland, Stephen
McVey, rh Esther
Mercer, Johnny
Merriman, Huw
Metcalfe, Stephen
Millar, Robin
Miller, rh Dame Maria
Milling, rh Amanda
Mills, Nigel
Mitchell, rh Mr Andrew
Mohindra, Mr Gagan
Moore, Damien
Moore, Robbie
Mordaunt, rh Penny
Morris, Anne Marie
Morris, David
Morris, James
Morrissey, Joy
Mortimer, Jill
Morton, Wendy
Mullan, Dr Kieran
Mumby-Croft, Holly
Murray, Mrs Sheryll
Murrison, rh Dr Andrew
Neill, Sir Robert
Nici, Lia
O'Brien, Neil
Offord, Dr Matthew
Opperman, Guy
Pawsey, Mark
Penning, rh Sir Mike
Penrose, John
Percy, Andrew
Philp, Chris
Pow, Rebecca
Prentis, Victoria
Pritchard, rh Mark
Quince, Will
Randall, Tom
Redwood, rh John
Rees-Mogg, rh Mr Jacob
Richards, Nicola
Richardson, Angela
Robertson, Mr Laurence
Robinson, Mary
Rowley, Lee
Russell, Dean
Rutley, David
Saxby, Selaine
Scully, Paul
Seely, Bob
Selous, Andrew
Sharma, rh Alok
Shelbrooke, rh Alec
Skidmore, rh Chris
Smith, Chloe
Smith, Greg
Smith, Henry
Smith, rh Julian
Smith, Royston
Solloway, Amanda
Spencer, Dr Ben
Spencer, rh Mark
Stafford, Alexander
Stephenson, rh Andrew
Stevenson, Jane
Stevenson, John
Stewart, rh Bob
Stewart, Iain
Stone, Jamie
Streeter, Sir Gary
Stride, rh Mel
Stuart, Graham
Sturdy, Julian
Sunak, rh Rishi
Sunderland, James
Swayne, rh Sir Desmond
Syms, Sir Robert
Throup, Maggie
Timpson, Edward
Tolhurst, Kelly
Tomlinson, Justin
Tomlinson, Michael
Tracey, Craig
Trevelyan, rh Anne-Marie
Trott, Laura
Tugendhat, Tom
Vickers, Matt
Villiers, rh Theresa
Walker, Mr Robin
Warman, Matt
Watling, Giles
Webb, Suzanne
Whately, Helen
Wheeler, Mrs Heather
Wiggin, Sir Bill
Wild, James
Williams, Craig
Williamson, rh Sir Gavin
Wood, Mike
Young, Jacob
Zahawi, rh Nadhim

Tellers for the Noes:
Craig Whittaker and David T. C. Davies

Question accordingly negatived.

Clause 34

DUTIES ABOUT FRAUDULENT ADVERTISING: CATEGORY 1 SERVICES

Amendment made: 83, page 33, line 20, leave out "and (9)" and insert ", (9) and (9A)".—*(Damian Collins.)*

This technical amendment ensures that a reference to clause 52 takes account of the new subsection inserted by Amendment 98.

Clause 35

DUTIES ABOUT FRAUDULENT ADVERTISING: CATEGORY 2A SERVICES

Amendment made: 84, page 34, line 21, leave out "and (9)" and insert ", (9) and (9A)".—*(Damian Collins.)*

This technical amendment ensures that a reference to clause 52 takes account of the new subsection inserted by Amendment 98.

Clause 63

INTERPRETATION OF THIS CHAPTER

Amendment made: 101, page 56, line 32, leave out "and (9)" and insert ", (9) and (9A)".—*(Damian Collins.)*

This technical amendment ensures that a reference to clause 52 takes account of the new subsection inserted by Amendment 98.

Clause 176

POWERS TO AMEND SECTION 36

Amendment made: 141, page 141, line 39, leave out "and (9)" and insert ", (9) and (9A)".—*(Damian Collins.)*

This technical amendment ensures that a reference to clause 52 takes account of the new subsection inserted by Amendment 98.

Clause 177

POWERS TO AMEND OR REPEAL PROVISIONS RELATING TO EXEMPT CONTENT OR SERVICES

Amendments made: 177, page 142, line 6, at beginning insert "Subject to subsection (2A),".

Amendment 178, page 142, line 7, after "49" insert "(2)(e),".

Amendment 179, page 142, line 8, leave out paragraph (b).

Amendment 180, page 142, line 12, at end insert—

"(2A) Regulations under subsection (2) may not have the effect that comments and reviews on provider content present on a service of which the provider is a recognised news publisher become regulated user-generated content within the meaning of Part 3."

Amendment 181, page 142, line 25, leave out "any" and insert "either".

Amendment 182, page 142, line 28, leave out paragraph (b).

Amendment 183, page 142, line 34, at end insert—

"(7A) Subject to subsection (7B), the Secretary of State may by regulations amend paragraph 4 of Schedule 1 (limited functionality services) if the Secretary of State considers that it is appropriate because of the risk of harm to individuals in the United Kingdom presented by a service described in that paragraph.

(7B) Regulations under subsection (7A) may not have the effect that a service described in paragraph 4 of Schedule 1 of which the provider is a recognised news publisher is no longer exempt under that paragraph."

Amendment 184, page 142, line 46, leave out subsection (11) and insert—

'(11) In this section—

"comments and reviews on provider content" and "one-to-one live aural communications" have the meaning given by section 49;

"recognised news publisher" has the meaning given by section 50;

"regulated provider pornographic content" and "published or displayed" have the same meaning as in Part 5 (see section 66).'—*(Damian Collins.)*

Amendments 177 to 184 ensure that the power to amend the definition of "regulated user-generated content" in clause 49 cannot be exercised so as to include comments and reviews on content on services provided by recognised news publishers, and the power to amend paragraph 4 of Schedule 1 (limited functionality services) cannot be exercised so as to remove such services which are provided by recognised news publishers from the exemption.

Clause 179

POWERS TO AMEND SCHEDULES 5, 6 AND 7

Amendments made: 142, page 145, leave out lines 13 and 14 and insert—

"But an offence may be added to that Schedule only on the grounds in subsection (4) or (4A), and subsection (5) limits the power to add an offence."

This amendment is consequential on Amendments 143 and 144.

Amendment 143, page 145, line 15, leave out from beginning to "the" and insert

"The first ground for adding an offence to Schedule 7 is that".

This amendment is consequential on Amendment 144.

Amendment 144, page 145, line 24, at end insert—

"(4A) The second ground for adding an offence to Schedule 7 is that the Secretary of State considers it appropriate to do so because of—

(a) the prevalence of the use of regulated user-to-user services for the commission or facilitation of that offence,

(b) the risk of harm to individuals in the United Kingdom presented by the use of such services for the commission or facilitation of that offence, and

(c) the severity of that harm."

This amendment extends the Secretary of State's power to make regulations adding an offence to Schedule 7 so that it will be a priority offence. The new grounds concern the prevalence of user-to-user services being used to commit or facilitate the offence in question.

Amendment 145, page 146, line 5, leave out "and (9)" and insert ", (9) and (9A)".—*(Damian Collins.)*

This technical amendment ensures that a reference to clause 52 takes account of the new subsection inserted by Amendment 98.

Clause 182

PARLIAMENTARY PROCEDURE FOR REGULATIONS

Amendment made: 185, page 147, line 3, after "(6)" insert ", (7A)".—*(Damian Collins.)*

This amendment ensures that regulations under clause 177(7A) (inserted by Amendment 183) are subject to the affirmative procedure.

Amendment proposed: 31, page 147, line 16, leave out from "unless" to end of line 17 and insert—

"(a) a draft of the instrument has been laid before each House of Parliament,

"(b) the Secretary of State has made a motion in the House of Commons in relation to the draft instrument, and

(c) the draft instrument has been approved by a resolution of each House of Parliament."—*(Barbara Keeley.)*

This amendment would require a draft of a statutory instrument containing regulations under sections 53 or 54 to be debated on the floor of the House of Commons, rather than in a delegated legislation committee (as part of the affirmative procedure).

Question put, That the amendment be made.

The House divided: Ayes 188, Noes 283.

Division No. 39] [6.34 pm

AYES

Abrahams, Debbie
Ali, Rushanara
Ali, Tahir
Anderson, Fleur
Antoniazzi, Tonia
Ashworth, rh Jonathan
Barker, Paula
Beckett, rh Margaret
Benn, rh Hilary
Betts, Mr Clive
Blake, Olivia
Blomfield, Paul
Bradshaw, rh Mr Ben
Brennan, Kevin
Brown, Ms Lyn
Brown, rh Mr Nicholas
Bryant, Chris
Buck, Ms Karen
Burgon, Richard
Byrne, Ian
Byrne, rh Liam
Cadbury, Ruth
Carden, Dan
Carmichael, rh Mr Alistair
Charalambous, Bambos
Clark, Feryal
Cooper, Daisy
Cooper, Rosie
Cooper, rh Yvette
Corbyn, rh Jeremy
Coyle, Neil
Creasy, Stella
Cruddas, Jon
Cryer, John
Cummins, Judith
Cunningham, Alex
David, Wayne
Davies, Geraint
Davies-Jones, Alex
De Cordova, Marsha
Debbonaire, Thangam
Dhesi, Mr Tanmanjeet Singh
Dodds, Anneliese
Doogan, Dave
Duffield, Rosie
Eagle, Dame Angela

Eagle, Maria
Eastwood, Colum
Edwards, Jonathan
Efford, Clive
Elliott, Julie
Elmore, Chris
Eshalomi, Florence
Esterson, Bill
Evans, Chris
Farron, Tim
Farry, Stephen
Fletcher, Colleen
Foord, Richard
Fovargue, Yvonne
Foxcroft, Vicky
Foy, Mary Kelly
Furniss, Gill
Gardiner, Barry
Gill, Preet Kaur
Green, Kate
Green, Sarah
Greenwood, Lilian
Greenwood, Margaret
Griffith, Dame Nia
Haigh, Louise
Hamilton, Fabian
Hamilton, Mrs Paulette
Hardy, Emma
Harris, Carolyn
Hayes, Helen
Healey, rh John
Hendrick, Sir Mark
Hillier, Dame Meg
Hobhouse, Wera
Hollern, Kate
Hopkins, Rachel
Howarth, rh Sir George
Huq, Dr Rupa
Hussain, Imran
Jarvis, Dan
Johnson, rh Dame Diana
Johnson, Kim
Jones, Darren
Jones, Gerald
Jones, rh Mr Kevan
Jones, Ruth
Jones, Sarah
Kane, Mike
Keeley, Barbara
Kendall, Liz *(Proxy vote cast by Mr Pat McFadden)*
Khan, Afzal
Kinnock, Stephen
Kyle, Peter
Lake, Ben
Lammy, rh Mr David
Leadbeater, Kim
Lewell-Buck, Mrs Emma
Lewis, Clive
Lightwood, Simon
Lloyd, Tony
Long Bailey, Rebecca
Lucas, Caroline
Lynch, Holly
Madders, Justin
Mahmood, Shabana
Maskell, Rachael
Matheson, Christian
McCabe, Steve
McCarthy, Kerry
McDonagh, Siobhain
McDonnell, rh John
McFadden, rh Mr Pat
McGinn, Conor
McGovern, Alison
McKinnell, Catherine
McMahon, Jim
McMorrin, Anna
Mearns, Ian
Mishra, Navendu
Moran, Layla
Morden, Jessica
Morgan, Helen
Morgan, Stephen
Morris, Grahame
Murray, Ian
Murray, James
Nichols, Charlotte
Norris, Alex
Olney, Sarah
Onwurah, Chi
Oppong-Asare, Abena
Osamor, Kate
Owatemi, Taiwo
Pennycook, Matthew
Perkins, Mr Toby
Phillips, Jess
Phillipson, Bridget
Powell, Lucy
Rayner, rh Angela
Reed, Steve
Reynolds, Jonathan
Ribeiro-Addy, Bell
Rimmer, Ms Marie
Rodda, Matt
Russell-Moyle, Lloyd
Saville Roberts, rh Liz
Shah, Naz
Sharma, Mr Virendra
Sheerman, Mr Barry
Siddiq, Tulip
Slaughter, Andy
Smith, Cat
Smith, Jeff
Smith, Nick
Smyth, Karin
Spellar, rh John
Stevens, Jo
Stone, Jamie
Stringer, Graham
Sultana, Zarah
Tami, rh Mark
Tarry, Sam
Thomas, Gareth
Thomas-Symonds, rh Nick
Timms, rh Sir Stephen
Trickett, Jon
Turner, Karl
Twigg, Derek
Vaz, rh Valerie
Wakeford, Christian
Webbe, Claudia
West, Catherine
Western, Matt
Whitehead, Dr Alan
Whittome, Nadia
Williams, Hywel
Wilson, Munira
Winter, Beth
Yasin, Mohammad
Zeichner, Daniel

Tellers for the Ayes:
Mary Glindon and Liz Twist

NOES

Adams, rh Nigel
Afolami, Bim
Afriyie, Adam
Aiken, Nickie
Aldous, Peter
Anderson, Lee
Anderson, Stuart
Andrew, rh Stuart
Ansell, Caroline
Argar, Edward
Atkins, Victoria
Bacon, Gareth
Bacon, Mr Richard
Badenoch, Kemi
Bailey, Shaun
Baillie, Siobhan *(Proxy vote cast by Scott Mann)*
Baker, Duncan
Baron, Mr John
Baynes, Simon
Bell, Aaron
Benton, Scott
Bhatti, Saqib
Blackman, Bob
Blunt, Crispin
Bone, Mr Peter
Bottomley, Sir Peter
Bradley, Ben
Bradley, rh Karen
Brereton, Jack
Bridgen, Andrew
Bristow, Paul
Browne, Anthony
Bruce, Fiona
Buchan, Felicity
Buckland, rh Sir Robert
Burghart, Alex
Burns, rh Conor
Butler, Rob
Cairns, rh Alun
Carter, Andy
Cartlidge, James
Cash, Sir William
Cates, Miriam
Caulfield, Maria
Chalk, Alex
Chishti, Rehman
Chope, Sir Christopher
Churchill, Jo
Clark, rh Greg
Clarke, rh Mr Simon
Clarke-Smith, Brendan
Clarkson, Chris
Cleverly, rh James
Clifton-Brown, Sir Geoffrey
Colburn, Elliot
Collins, Damian
Costa, Alberto
Courts, Robert
Coutinho, Claire
Cox, rh Sir Geoffrey
Crabb, rh Stephen
Crouch, Tracey
Daly, James
Davies, Gareth
Davies, Dr James
Davies, Mims
Davison, Dehenna
Dinenage, Dame Caroline
Dines, Miss Sarah
Djanogly, Mr Jonathan
Donelan, rh Michelle
Dorries, rh Ms Nadine
Double, Steve
Dowden, rh Oliver
Drummond, Mrs Flick
Duddridge, James
Duguid, David
Duncan Smith, rh Sir Iain
Dunne, rh Philip
Eastwood, Mark
Edwards, Ruth
Elphicke, Mrs Natalie
Eustice, rh George
Evans, Dr Luke
Evennett, rh Sir David
Everitt, Ben
Fabricant, Michael
Farris, Laura
Fell, Simon
Firth, Anna
Fletcher, Katherine
Fletcher, Mark
Fletcher, Nick
Foster, Kevin
Frazer, rh Lucy
French, Mr Louie
Fuller, Richard
Fysh, Mr Marcus
Garnier, Mark
Gibb, rh Nick
Gibson, Peter
Gideon, Jo
Glen, John
Goodwill, rh Sir Robert
Gove, rh Michael
Graham, Richard
Gray, James
Grayling, rh Chris
Green, Chris
Green, rh Damian
Griffith, Andrew
Griffiths, Kate
Grundy, James
Gullis, Jonathan
Halfon, rh Robert
Hall, Luke
Hammond, Stephen
Hands, rh Greg
Harper, rh Mr Mark
Harris, Rebecca
Harrison, Trudy
Hart, Sally-Ann
Hart, rh Simon
Heald, rh Sir Oliver
Heappey, James
Henry, Darren
Higginbotham, Antony
Hinds, rh Damian
Holden, Mr Richard
Hollinrake, Kevin
Hollobone, Mr Philip
Holloway, Adam
Holmes, Paul
Howell, John
Howell, Paul
Huddleston, Nigel
Hudson, Dr Neil
Hughes, Eddie
Hunt, rh Jeremy
Hunt, Tom
Jack, rh Mr Alister

Javid, rh Sajid
Jayawardena, Mr Ranil
Jenkinson, Mark
Jenkyns, Andrea
Johnson, Gareth
Johnston, David
Jones, Andrew
Jones, rh Mr David
Jones, Fay
Jones, Mr Marcus
Jupp, Simon
Kawczynski, Daniel
Keegan, Gillian
Knight, rh Sir Greg
Knight, Julian
Kruger, Danny
Lamont, John
Largan, Robert
Latham, Mrs Pauline
Leigh, rh Sir Edward
Levy, Ian
Lewer, Andrew
Lewis, rh Brandon
Lewis, rh Dr Julian
Liddell-Grainger, Mr Ian
Logan, Mark
Longhi, Marco
Lopez, Julia
Loughton, Tim
Mackinlay, Craig
Mackrory, Cherilyn
Maclean, Rachel
Mangnall, Anthony
Mann, Scott
Mayhew, Jerome
Maynard, Paul
McCartney, Karl
McPartland, Stephen
Mercer, Johnny
Merriman, Huw
Metcalfe, Stephen
Millar, Robin
Miller, rh Dame Maria
Milling, rh Amanda
Mills, Nigel
Mitchell, rh Mr Andrew
Mohindra, Mr Gagan
Moore, Damien
Moore, Robbie
Mordaunt, rh Penny
Morris, Anne Marie
Morris, James
Morrissey, Joy
Mortimer, Jill
Morton, Wendy
Mullan, Dr Kieran
Mumby-Croft, Holly
Murray, Mrs Sheryll
Murrison, rh Dr Andrew
Neill, Sir Robert
Nici, Lia
O'Brien, Neil
Offord, Dr Matthew
Opperman, Guy
Pawsey, Mark
Penning, rh Sir Mike
Penrose, John
Percy, Andrew
Philp, Chris
Pow, Rebecca
Prentis, Victoria
Pritchard, rh Mark
Quin, Jeremy
Quince, Will
Randall, Tom
Redwood, rh John
Rees-Mogg, rh Mr Jacob
Richards, Nicola
Richardson, Angela
Robertson, Mr Laurence
Robinson, Mary
Rowley, Lee
Russell, Dean
Rutley, David
Saxby, Selaine
Scully, Paul
Seely, Bob
Selous, Andrew
Sharma, rh Alok
Shelbrooke, rh Alec
Smith, Chloe
Smith, Greg
Smith, Henry
Smith, rh Julian
Smith, Royston
Solloway, Amanda
Spencer, Dr Ben
Spencer, rh Mark
Stafford, Alexander
Stephenson, rh Andrew
Stevenson, Jane
Stevenson, John
Stewart, rh Bob
Stewart, Iain
Streeter, Sir Gary
Stride, rh Mel
Stuart, Graham
Sturdy, Julian
Sunak, rh Rishi
Sunderland, James
Swayne, rh Sir Desmond
Syms, Sir Robert
Thomas, Derek
Throup, Maggie
Timpson, Edward
Tolhurst, Kelly
Tomlinson, Justin
Tomlinson, Michael
Tracey, Craig
Trevelyan, rh Anne-Marie
Trott, Laura
Tugendhat, Tom
Vickers, Matt
Villiers, rh Theresa
Walker, Mr Robin
Warman, Matt
Watling, Giles
Webb, Suzanne
Whately, Helen
Wheeler, Mrs Heather
Wiggin, Sir Bill
Wild, James
Williams, Craig
Williamson, rh Sir Gavin
Wood, Mike
Young, Jacob
Zahawi, rh Nadhim

Tellers for the Noes:
Craig Whittaker and
David T. C. Davies

Question accordingly negatived.

Clause 193

INDEX OF DEFINED TERMS

Amendments made: 186, page 158, line 25, at end insert—

"journalistic content (in Part 3)	section 16"

This is a technical amendment adding a definition of "journalistic content" to the index of defined terms.

Amendment 146, page 159, line 18, at end insert—

"priority offence (in Part 3)	section 52"

—(Damian Collins.)

This technical amendment adds a definition of "priority offence" to the index of defined terms.

Schedule 8

TRANSPARENCY REPORTS BY PROVIDERS OF CATEGORY 1 SERVICES, CATEGORY 2A SERVICES AND CATEGORY 2B SERVICES

Amendment made: 150, page 188, line 29, at end insert—

"7A Features, including functionalities, that a provider considers may contribute to risks of harm to individuals using the service, and measures taken or in use by the provider to mitigate and manage those risks."—(Damian Collins.)

This amendment adds a new matter to Schedule 8, which is about things that providers can be asked to provide transparency reports about. The new matter is about risks around functionalities used by user-to-user services.

Ordered, That further consideration be now adjourned.
—(James Duddridge.)

Bill to be further considered tomorrow.

BUSINESS OF THE HOUSE (TODAY)

Ordered,

That, at today's sitting, the Speaker shall put the Questions necessary to dispose of proceedings on the Motion in the name of Mark Spencer relating to Restoration and Renewal of the Palace of Westminster not later than two hours after the commencement of proceedings on the Motion for this Order; such Questions shall include the Questions on any Amendments selected by the Speaker which may then be moved; the business on that Motion may be entered upon and proceeded with at any hour, though opposed; and Standing Order No. 41A (Deferred divisions) shall not apply.—*(James Duddridge.)*

Restoration and Renewal of the Palace of Westminster

[Relevant documents: House of Lords Commission and House of Commons Commission, Restoration and Renewal of the Palace of Westminster—a new mandate, Joint Report, HC 399; Parliamentary Works Estimates Commission, Parliamentary Works Sponsor Body: Main Supply Estimate for 2022-23: Comments from the Parliamentary Works Estimates Commission and the Treasury, HC 232; Tenth Report of the Committee of Public Accounts, Restoration and Renewal of Parliament, HC 49.]

Madam Deputy Speaker (Dame Rosie Winterton): I can inform the House that Mr Speaker has selected both the amendments on the Order Paper: amendment (b), in the name of the right hon. Member for South Northamptonshire (Dame Andrea Leadsom), and amendment (a), in the name of the hon. Member for Bristol West (Thangam Debbonaire). In accordance with the Business of the House (Today) motion, which the House has just agreed, I shall invite each of them to move their amendment formally at the end of the debate. I now call the Leader of the House to move the motion.

6.46 pm

The Leader of the House of Commons (Mark Spencer): I beg to move,

That this House:

reaffirms its commitment to preserving the Palace of Westminster for future generations and ensuring the safety of all those who work in and visit the Palace, now and in the future;

notwithstanding the Resolution of 31 January 2018, welcomes the report from the House of Commons and House of Lords Commissions proposing a new mandate for the Restoration and Renewal works and a new governance structure to support them;

accordingly endorses the recommendations set out in the Commissions' report; and

in consequence, approves the establishment of a joint department of the two Houses, under the terms of the Parliament (Joint Departments) Act 2007.

May I say at the outset what an honour it is to stand here, in this historic and iconic Chamber, which is recognised around the world. We are truly privileged to represent our constituents here. However, we also have a responsibility to ensure that it is here for future generations, and a responsibility for its upkeep and preservation. We take those responsibilities very seriously. So today, on behalf of the House of Commons Commission, I am asking the House to endorse the report from the House of Commons and House of Lords Commissions—which was unanimously agreed on a cross-party basis—recommending a revised mandate for the Restoration and Renewal programme, and to approve the motion before the House.

The building needs to be repaired; that is not in question. The Commissions are united in recognising that, and we reaffirm our commitment to protecting this historic palace for future generations. The Commissions have worked constructively and across party lines to address Parliament's shared challenge, and I therefore welcome the signature of the spokesman for the House of Commons Commission, my hon. Friend the Member for Broxbourne (Sir Charles Walker), on the motion.

In that context, the amendment proposed by the shadow Leader of the House, the hon. Member for Bristol West (Thangam Debbonaire), is somewhat disappointing, and contrary to the spirit in which work has proceeded so far. I think that the hon. Lady and I have a constructive working relationship, and I hope that we can get back on an even keel and find a way through this. We certainly agree that the need for the work is urgent, that delay in starting it will increase the costs and risks, and that it should be started as soon as possible to—in the words of the Joint Commission—

"ensure the maximum value for money".

There is definitely no blank cheque available from the taxpayer.

The hon. Lady's amendment does not really add anything to the report of the Joint Commission; rather, it is at odds with the consensual and productive cross-party approach taken by the Joint Commissions of both Houses. Rebuilding the Palace of Westminster is a huge task and it will require all parliamentarians to take difficult decisions and both Houses to be in agreement. If we are divided or deliberately partisan, our tasks will become near impossible. I hope the hon. Lady will reflect and withdraw her amendment, but I look forward to hearing her words when she gets to her feet. I hope we can work constructively together in the near future to deliver the project.

Nevertheless, the question will no doubt arise: why are we here again? Surely the debates of 2019 finished the issue and we should not be back revisiting it. In fact, we are at a crossroads where decisions are required in a radically different context. In 2018, decisions on the structure of the programme were made at a time when estimates were in the region of £3.5 billion, with a programme to decant for approximately six years. This was the context in which the two Houses agreed the current approach. But in early 2022, the Sponsor Body published its essential schemes options. It estimated the cost to be between £7 billion and £13 billion and that the work would take between 19 and 28 years and require a full decant of the Palace of Westminster for between 12 and 20 years. Those are certainly very different from the figures with which we were presented in the past. The Sponsor Body also concluded that work would probably not begin until 2027 at the very earliest.

This is a very different proposition. A gap has emerged between what is realistic, practical and can be justified to taxpayers, and what is being proposed by the Sponsor Body. These estimates make it difficult to proceed down this path only two years after the pandemic and facing a challenging fiscal context. In 2019 it was thought that an independent body was best placed to act on behalf of Parliament and guide this project, but we must now recognise the flaws in that model. As the independent panel says, the governance structure envisaged in the Parliamentary Buildings (Restoration and Renewal) Act 2019 was based on certainty: a project flows through a standard business case cycle with clear progress, "unimpeded by the Client". But Parliament presents a particularly complex environment, and this is a programme spanning multiple Parliaments, so the governance structure must, in the words of the panel, be able to

"anticipate and adapt to changing demands".

Chris Bryant (Rhondda) (Lab): The right hon. Gentleman knows that I am very critical of what the Commissions have done in this regard because I have a terrible fear that if we just keep on changing the governance structure time after time, we will never move forward until there is

[Chris Bryant]

some catastrophe in the building. That is precisely what happened in the 19th century, and it looks as if we are going to do it all over again, with politicians meddling in something that should be done for generations. Can he confirm, however, that his motion today will not be contradictory to a full decant of both Houses across eight years, which I know is his personal preference?

Mark Spencer: I am happy to confirm that to the hon. Gentleman, who I know has taken a great interest in this project. It is important to be clear with the House today that taking the Sponsor Body back in-house and back under the control of the House does not rule out any option. It does not rule out the option of a decant of 20 years. What I am saying to the House is that I do not think that that is a deliverable option. We need to look at some more practical measures, and I will come to that later in my speech. It is difficult to comprehend how we can deliver a project of this magnitude without some form of decant, but I am not an expert and, as the hon. Gentleman says, lots of Members are not experts in this field, so we need the delivery authority, which will have that expertise, to guide us and to come to those decisions very quickly.

Dame Meg Hillier (Hackney South and Shoreditch) (Lab/Co-op): The Leader of the House has acknowledged that he is not an expert, and that most of us in this House are not experts on running major projects. The original intention of the Act of Parliament passed by this House, which has been unpicked in private in the Commissions, was that an expert body, the Sponsor Body, would be created to deliver that expertise. That body has now been abolished. He says that it has been brought in-house, but many people have left it. Can he be very precise with the House about exactly what will replace it, and where he thinks that expertise will come from in the Commissions, which in both Houses do not have the inbuilt expertise to deliver this project?

Mark Spencer: I will come to that, but the hon. Lady is absolutely right. What we need to do is get on with this project and stop dilly-dallying, which is why the direction of travel was not as rapid as the Commissions and I wanted. We were heading for a huge confrontation with this House, because I do not think the plans would have been palatable to Members when we finally got there. There is a shortcut we can take to expedite this process, and I will come to the structure later. I think we can get to a place where we can all agree to tap into the expertise she says we need, and that is what we are trying to establish.

John Redwood (Wokingham) (Con): Do we not also need some common sense and realism? Surely the priority is to do those works that are essential to the safety of the building and its occupants. We have to understand the mood of the times and say to the experts that to allow this enormous escalation in the project's cost, scope and timing is simply not acceptable.

Mark Spencer: I honestly think we can do both. I think we can get to an understanding and a place where, with expert advice, we can get value for taxpayers' money, where we can progress this as rapidly as possible and where we can take a more common-sense approach. The Commissions have taken all these points on board, carefully assessed the options and sought independent advice on the best way forward. The Commissions, with cross-party representation and independent and external members, have taken a unanimous decision that it is necessary to revise the approach to the governance and mandate of the R&R programme.

We need a governance structure that is responsive to the requirements of the parliamentary context, is accountable to Parliament and is better placed to build the necessary consensus. The Commissions have judged that this can be best achieved through an in-house structure. The Parliamentary Buildings (Restoration and Renewal) Act will remain in place and will continue to provide the statutory underpinning.

The current Sponsor Body will be abolished, and its functions under the Act will be transferred to two corporate officers who will become the statutory duty holders. The Act provides for this flexibility by allowing for the Sponsor Body to be abolished and for its functions to be transferred. The proposed in-house governance structure will consist of two tiers: a client board on which the two Commissions have strategic oversight; and a programme board with external expertise that will be central to resolving critical choices and priorities.

Chris Grayling (Epsom and Ewell) (Con): One of the reasons why those of us who sat on the Joint Committee seven years ago—it is sad that so much time has gone by—did not look to do this in-house was that we judged that the expertise did not exist in-house. Although there are some fantastic people working here, I am afraid the House does not have a great track record of delivering projects cost-effectively. Why does my right hon. Friend think this will now somehow change?

Mark Spencer: That is a little disingenuous. The cast-iron roof project, for example, was delivered in-house and was delivered on time and on budget, which demonstrates that the House authorities do have that ability, but I think they would also recognise that they do not have the expertise, which is why it will be brought in. The programme board will be the structure that has experts who are able to advise and come forward with proposals.

Sir Geoffrey Clifton-Brown (The Cotswolds) (Con): Following on from my right hon. Friend the Member for Epsom and Ewell (Chris Grayling), it is certainly a fact that the people who will be in the joint department have signed off projects in this House such as the Elizabeth Tower, which has trebled in cost. Can the Leader of the House give the House an absolute guarantee that the expert panel will be in place throughout the project and that the joint department will actually take its advice?

Mark Spencer: That would require this House to change that model again if that were the case. That expertise will be brought in and accessed, which is what we require; we do require that expertise. My hon. Friend said that he did not think there was a huge track record, but the model on which we were operating was driving us towards a huge cliff edge where we were going to be faced with a bill of the top side of £20 billion and a decant of 20-plus years, which I do not think this House would tolerate or vote for. We would be completely

hamstrung. In that circumstance, what I am suggesting, as are the two Commissions, is that in this model we can come forward with some more practical measures and reprioritisation, which I will come to in a moment.

The relatively small staff team of the Sponsor Body will be brought in-house as a Joint Department, accountable to the Corporate Officers, delivering the strategic case and working in tandem with Strategic Estates. Let me emphasise that the Delivery Authority's role will remain unchanged; that valuable expertise and experience will remain in place. The senior leadership of the Delivery Authority will continue and, following recent discussions, I am confident and positive about their ability to work within the new governance structure.

Kirsty Blackman (Aberdeen North) (SNP): On the staff team and the Sponsor Body, will the Leader of the House give a commitment that all of the staff team will be brought in-house and that that will be done speedily so that they do not find themselves in the limbo they are currently in?

Mark Spencer: They are currently planned to TUPE across, and they will be taken across. Some of them have already left, but it is important to understand that the real expertise is within the Delivery Authority. We have secured the use of those individuals and they are busy on other projects within the House.

There is a need, highlighted in the Public Accounts Committee's report—one that the Commissions absolutely recognise and have sought to address in their report—for the programme to enable long-term decision making. The Commissions' report recommends that an end-state vision should be developed. Having a clear end goal in sight allows granular decisions to follow, and Parliament will have to accept compromises and take some difficult decisions in setting that long-term direction. But we cannot anticipate all the needs or events of the future. Opportunities for periodic review allow the programme to adapt to changing fiscal, societal and political contexts. Neither can we override parliamentary sovereignty. It is just realistic to recognise that there must be opportunities for future Parliaments to review decisions.

The House is further being asked to endorse a revised approach to the works, one that puts safety first. Parliament must be guided by rigorous value-for-money considerations. In these economic times, financial responsibility must be our watchword. As I said earlier, there is no blank cheque from the taxpayer.

Chris Bryant: May I try again?

Mark Spencer: Of course.

Chris Bryant: The Leader of the House keeps talking about how every Parliament has to be able to reform and change the system, but that is just like procurement in the Ministry of Defence; we just keep changing the specification of the tank and it gets more and more expensive, because we never move forward. That is the real danger that a lot of us are worrying about, which is why we wanted to have an arm's-length organisation. The membership of the Commissions does not even stay the same. I am guessing it might change when he is no longer Leader of the House, perhaps on 6 September. All these changes just make it impossible for us to drive forward a project in a cost-effective and non-risky way.

Mark Spencer: The hon. Gentleman is wrong, in that we are changing the structures but he has to recognise that if this project is to take 25 years to deliver to its final conclusion, it is entirely possible that the circumstances in 25 years' time will not be the same as they are today. It is clearly possible to imagine a circumstance, in fairly recent times, where the internet did not exist, and clearly that technology was not considered when we were adapting and changing the House—that has had to be built in. I do not know, as I do not have a crystal ball, what technology may be required in the future. We need to have the flexibility of foot to be able to accommodate any of those future changes.

Sir Bill Wiggin (North Herefordshire) (Con): Is it not the case that this project may never end, because as things go on breaking and evolving, we will be doing this forever. Therefore my right hon. Friend is right to take it in-house, and to keep the bills low, because my constituents want the potholes in their roads repaired and they want a hospital. They are very happy with this but they are not as bothered about this place as they are about their own? So is not this just going to be an endless process, which we need to manage on an ongoing basis?

Mark Spencer: Where my hon. Friend is right is that it is a little bit like the Forth Bridge, in that there will always be something that will need to be maintained, protected or made safe. In the short term, we need to prioritise those things. There are four areas that the Commissions want to prioritise; I hope the House will agree that they are all very important priorities. No. 1 is fire and safety; that is absolutely fundamental to what we should be driving towards. Building services are second, then asbestos, and then building fabric conservation. I hope Members will agree that those are indeed urgent priorities for us to focus on.

Dame Meg Hillier: On the point of fire safety, could the Leader of the House confirm that the tens of millions of pounds—£140 million or so—that has been spent on the fire safety system to date protects those of us who may be working or in the building at the time, so that we could escape; but it does not protect the building? Would he also confirm that he is aware of, and understands, the responsibilities that UNESCO places on the Government of the day to make sure that this world heritage site does survive?

Mark Spencer: Of course; it is absolutely vital. I hope that the hon. Lady will recognise that actually Notre Dame burned down—a terrible disaster—because workmen were in there. They had actually decanted, and it was the workmen who were working in there that finally burnt down Notre Dame. So we do have a responsibility to make sure not only that people are safe, but that the building is here for hundreds of years to come. I think we can achieve that by making those our four most important priorities.

For the medium and long term, the Commissions' report sets out the parameters of how to deliver the works, above all advocating better integration of all the various safety, repair and renewal works that are taking place across the palace. That approach could allow decisions to be brought to Parliament quicker, work to start faster, and priorities to be flexed where required.

[Mark Spencer]

Turning to the next steps, the motion before the House is to endorse the recommendations of the Joint Commission and agree the change to the response function and the revised mandate to the works. Secondary legislation will be required to give effect to some of these decisions. So over the next year options will be reviewed, and a strategic case will be presented to the House in 2023. It is important for Members to understand that the House is not being asked for a decision on decant or costs today. Members will be consulted, and will have opportunities to engage with the decision making, and the House will need to take future decisions on these issues at a later date. In the meantime, the Commissions have endorsed a pragmatic approach that will allow work to be undertaken in the interim.

Sir Geoffrey Clifton-Brown: This is a critically important point. The Leader of the House has said that an outline business case will be presented, with options, in 2023. Following that, can he tell the House when a contract to start the work is likely to take place—that it is likely to take place in this Parliament? That would make it less likely that a following Parliament would alter the decision?

Mark Spencer: That clearly would be the ambition—to try and get on with that as soon as possible, but there is lots of other work that we can get on with in the meantime. For example, there is a plan to renovate the Victoria Tower at the other end of this building. That was going to be left until the restoration and renewal project was fully under way, but under this model we shall be able to get on with that much more quickly, and make sure that that masonry is secure and in place for future generations.

Let me turn to amendment (b) tabled by the hon. Member for Rhondda (Chris Bryant) and others. To be clear, the House is not being asked for a decision on decant today: the extent to which the House should move is ultimately for Members to consider. The report does not make a recommendation on length, the moves or location, nor does anything in the motion or Commissions' report predetermine any outcome. So we may well end up in the place advocated in amendment (b). However, I am asking the House today not to bind the hands of those who are looking at this—to give them a free hand to go and consider these things in a timely way and to come back with a very firm and clear plan.

The intrusive surveys, which are nearing completion, will offer us a clearer view of the condition of the House. The proposed amendment would further tie our hands and require us to make a decision on the basis of incomplete information and evidence. Let us allow the Delivery Authority to do its job and complete the intrusive survey, then take the decision on decant informed by the evidence in 2023, as originally planned. In my view, the state of the building is such that a period of decant will be required, but unlike some hon. Members, I do not wish to pre-emptively decide on a timeframe.

Many Members will agree with the spirit of this amendment. The Commissioners present will hear what Members say during the debate, and I hope their views will be taken on board as we move forward. I urge my right hon. and hon. Friends not to press the amendment. This is not the time to commit the House or to bind the Commissions' hands. I hope that we can join together and move forward. The Commissions have unanimously agreed to propose a new way forward, one that allows us to balance our requirements of a working legislature and our responsibility to take decisions appropriate to the economic context in which we find ourselves today. I bring this motion to the House on behalf of the Commissions.

7.11 pm

Thangam Debbonaire (Bristol West) (Lab): I welcome the opportunity to contribute to this timely debate on how we will govern the essential programme of works needed to preserve the heart of our democracy for years and generations come.

Only yesterday, the sitting of this House was suspended as water poured in. It is not the first time that business has been disrupted by a potentially unsafe working environment, and while yesterday's sitting was suspended for only an hour, who knows how long we could be forced out next time? Electrical, plumbing or mechanical failure—there is urgent work to be done, so I am glad that we have the chance to get things moving again today.

Whether it is the weight of history on one's shoulders as one walks through the 11th-century Westminster Hall, or the beauty of the sunlight beaming across New Palace Yard through the colonnades, the honour of working on a UNESCO world heritage site comes with a duty to be a responsible custodian. It is an honour to work in the Palace of Westminster, with all its architectural, cultural and historical significance. We also have legal and moral obligations to preserve this listed building, which around the world is a symbol of Britain and our democracy. But those who work here need to be able to carry out the functions of a modern-day Parliament, and those who visit here ought to be able to experience the Palace in all its glory, and they must be able to do so safely.

Whether they are working or visiting, everyone on the parliamentary estate must not only be but feel safe—safe from falling masonry, safe from asbestos, safe from a catastrophic failure of the building. I share the fears of my hon. Friend the Member for Rhondda (Chris Bryant) that we are heading for that catastrophic failure if we do nothing. I recognise the concerns of right hon. and hon. Friends and Members in all parts of the House that that is where we are heading.

When I say everyone, I truly mean it. The estate must also be made more accessible to people with disabilities. Not only does the lack of accessibility make visiting the estate difficult, but it disenfranchises a talented group of people from working in Parliament. Restoration and renewal could provide opportunities to improve access and step-free accessibility, as well as visitor facilities.

I think no one is likely to disagree with anything I have said, which is similar to much of what the Leader of the House said, so Members could be forgiven for wondering why we are here—why we are where we are in the restoration and renewal of the Palace. In 2018, the Commons and the Lords agreed that work was pressing and rightly concluded that it should be undertaken by a statutory sponsor body and delivery authority. Subsequently, as my amendment highlights—it pains me to have to say this, but I do have to and I notified the right hon. Gentleman that I would—the former Leader of the House of Commons, the right hon. Member for

North East Somerset (Mr Rees-Mogg), worked to undermine progress and spent time wrangling with experts instead of working with them to secure the future of the building. We must follow the evidence and the advice of experts. I did think that the Government could have learnt by now that ignoring experts is just not advisable. I am afraid to say that in my view there is a political dimension. The Leader of the House asked me not to make it a party political matter. I am afraid to say that there is a huge aspect that is. It is on certain members of the Government that we are here. The right hon. Member for North East Somerset just kept changing the goal posts. I have seen that happen. That is typical of the whole Government.

However, today's motion, much as I might regret that we are here, is purely about the governance structure of the works. As shadow Leader and therefore member of the House of Commons Commission, I was part of the Joint Commission that took this decision, as the right hon. Gentleman said. I will support the motion. I do so not because I am happy with how we got here—I am very much not—but because it seems to me that we are running out of other options. I do not want to undermine the skill and undoubted dedication of the people involved in the Sponsor Body, but for whatever reason—there is a range of reasons—confidence had been lost over emerging costs and so on. The Independent Expert Panel reviewed the situation and has concluded that the current model is unlikely to be viable.

Mark Tami (Alyn and Deeside) (Lab): My hon. Friend talks about costs and we have heard about spiralling costs. The Sponsor Body has been honest about what the costs are. One of the biggest problems in this place is that we come up with figures—the Queen Elizabeth Tower being a classic example—that are totally unrealistic. We have to be honest that this project will cost a lot of money.

Thangam Debbonaire: My right hon. Friend is exactly right. We do not have to be expert builders to see that this is going to cost money and it is going to take time. I see no alternative to both Houses having to move out for a period of time, as yet undetermined.

I also say in response to my right hon. Friend that this shows the critical role of the Commons Finance Committee, the Parliamentary Works Estimates Commission, chaired so ably by my right hon. Friend the Member for Newcastle upon Tyne East (Mr Brown), and the Public Accounts Committee, which has done such excellent work. Members of the PAC are here today and are very knowledgeable and skilled at exactly that sort of line by line scrutiny. We would need that whoever was commissioning the works—whether it was the Sponsor Body, and both Committees have paid close attention to the current structure, or any future structure.

Karin Smyth (Bristol South) (Lab): In 2015, I was a member of the Public Accounts Committee, ably chaired by my hon. Friend the Member for Hackney South and Shoreditch (Dame Meg Hillier). On that basis, I went to see the works and the operations of this building. It is still remarkable to me that we keep the entire thing going. My hon. Friend, the shadow Leader of the House, mentioned people who work here and their expertise. Is she confident that account has been taken of their judgment about the way they can continue to operate the building while this procrastination goes on and that we can support them in the difficult work that they do?

Thangam Debbonaire: I thank my hon. Friend for that question. She is right to raise it and to pay tribute to the work of the Public Accounts Committee. Am I confident? I am not currently confident or certain of where we are at the moment in terms of delivering anything in the way that we wanted to, but I am confident that we need to do it. Having spoken to the Delivery Authority, I am confident that it views this as doable, and it is the authority that will be carrying out the work. Having reviewed the situation, the Independent Expert Panel noted:

"in principle the existing governance model could be made to work, but that lost confidence and momentum means that retaining the current model is unlikely to work."

What it has also said, which might speak to my hon. Friend's question, is that the recommendation of bringing the Sponsor Body function in-house should be viewed as a pragmatic measure to cover what is needed for the next 12 to 24 months—the decision phase if you like. It has also recommended that that pragmatism should not preclude alternative future options. We need to see this as part of a process to get us to the decision. Regrettable though it may be, and I do regret it, that we are where we are, this appears to be a compromise way of moving forward, with best value for money, safety and time.

Dame Meg Hillier: I thank my hon. Friend for her comments about the Public Accounts Committee. To be clear, the role of that Committee is no substitute for the role of a proper sponsor or client function that keeps a close eye on the cost on a day-to-day basis. We look at things retrospectively, although we may make recommendations. Nor are we, as the Public Accounts Committee, expert enough to deliver this process. She talks about our report. Our report said that we regretted that decisions were made secretively and in private on a decision that was before the House and an Act of Parliament of this House. Does she have any comment about how we got from that Act of Parliament to where we are today?

Thangam Debbonaire: I completely support what my hon. Friend says. Why are we here? I have already mentioned my own view on why we are here, at least partly. We need to note here that the Sponsor Body was repeatedly asked, as if we had had a referendum—goodness me—and asked people to keep voting on it until they came up with the answer that was wanted. It is very difficult to avoid looking at some of what has happened over the past couple of years and coming to the conclusion that there were people who were just going to keep asking until they got a different answer and, eventually, when they got a different answer, they said, "I don't like that answer."

That is problematic. My hon. Friend is absolutely right that it is not the duty of the Public Accounts Committee to scrutinise the day-to-day spending of this body, whether it is in-house or external. It will need a very strong programme board, which will need expertise. There will also have to be extremely tight accounting measures.

I do not yet know exactly who will be on the programme board. I urge all those right hon. and hon. Members who have not just an interest—interest alone is not

[Thangam Debbonaire]

enough—but actual skill in this area, and ideally some of those who have history, having sat on so many Committees, as my right hon. Friend the Member for Alyn and Deeside (Mark Tami) and the hon. Member for The Cotswolds (Sir Geoffrey Clifton-Brown) have, to consider whether they should be part of the programme board. I certainly urge them to think about it.

Doing nothing is not an option. There is no doubt that large-scale work is needed. Asbestos, leaks, wires, plumbing nobody knows the function of, a building at risk of fire and flood—my hon. Friend the Member for Hackney South and Shoreditch (Dame Meg Hillier) is quite right that the fire remediation works mean that we are protected, but the building is not—this work has to happen. It is testament to the hard-working House staff and to contractors that we thankfully have not yet witnessed a catastrophic failure of the building, as has been seen in others around the world, but at some stage that hard work will not be enough.

I want that on record. We must make sure that we are not the Parliament that delayed, at the cost of this magnificent building with its magnificent history. The parliamentary estate is in desperate need, and it is important that the restoration and renewal process works well with Parliament's maintenance teams, who do such a good job. We have therefore no choice but to find a way out.

I note the amendment in the name of my hon. Friends the Members for Rhondda and for Hackney South and Shoreditch and other right hon. and hon. Members, who are incredibly knowledgeable. I agree with their desire for urgency and that everything must be done to avoid unnecessary delay, cost and risk. I particularly pay further tribute to my hon. Friend the Member for Hackney South and Shoreditch for the work she has done on the Public Accounts Committee. I reiterate that in its recent report, the Committee encouraged further scrutiny. Value for taxpayers is important.

Before I close, I also recognise my right hon. Friend the Member for Newcastle upon Tyne East, who in his role as Chair of the Finance Committee and the Parliamentary Works Estimates Commission has been invaluable, and my right hon. Friend the Member for Alyn and Deeside. Many hon. Members have sat on the Committees for many years, but I do believe he may be the only one to have sat on pretty much all of them for a significant amount of time. His incredible wealth of knowledge seems to me to be unmatched.

However, having made my points, I will not test the House's patience by pushing the amendment in my name to a vote. I will end by saying that we are the generation who have been given the honour, the privilege and, yes, we could say the burden of sorting this problem out. I think it is an honour and a privilege. Some of us will not see the end of it—either we will be no more, or we will be no more Members of Parliament. That is just where we are. We are the generation who decided to put it off no longer. We must go on record as having done everything we can to get the process moving, to preserve and enhance the Palace of Westminster so that it can go on as a safe, thriving and accessible workplace for many, many more centuries to come.

7.24 pm

Chris Grayling (Epsom and Ewell) (Con): My right hon. Friend the Leader of the House is new to this. I recognise that both as a friend and a thoughtful politician he is approaching this in the way he judges the most sensible, so I do not want him to take any of the comments from me or from other Members tonight as being about him, but it is about seven years of failure, in my view.

We are standing in what is, for all of us, the office, but it is also a global landmark. We have all seen how—thank goodness, in the wake of the pandemic—the streets outside are full of tourists again. People come here to be photographed alongside the Elizabeth Tower and see this building as a symbol of the United Kingdom. The reality is that it is a world heritage site. People who question whether we should spend money on updating, restoring and protecting it, and say that we should move to a new building elsewhere, miss the point that we have a legal duty, whatever we do as a democracy, to restore this building and protect it for the future.

Back in 2015, the hon. Member for Rhondda (Chris Bryant) and I, and others, including the right hon. Member for Alyn and Deeside (Mark Tami), sat on a Joint Committee of both Houses saying, "What are we going to do about the problem?" It is a very real and acute problem. When I became Leader of the House in 2015, about four days later, we very nearly had to relocate out of this building because up there in the vents the engineers found asbestos. Had they discovered that that asbestos had been disturbed—fortunately it had not; it had remained unmoved for decades—we would have had no choice but to close the Chamber for months and months.

That kind of risk is with us every day of every week. The hon. Member for Bristol West (Thangam Debbonaire) referred to the leak yesterday. Thank goodness it was a small problem. But we saw what happened at Notre Dame. Yes, the Leader of the House is right that it was down to a workman in the building doing the wrong thing, but we have workmen right across this building all the time, and it can happen. We saw what happened at Clandon Park. The thing that really brought it home to me at the time of the Joint Committee was when Kingsway caught fire—a road caught fire—because of electrical problems underneath its surface, and it burned for about two days.

The shadow Leader of the House is absolutely right: the fire service have always said, as they said back in 2015—it is not just about now—that, if there is a serious incident in this place, they could save the people but they could not save the building. So every day of every week in this building, we live with the risk that we may discover that an asbestos problem or a critical failure of the plumbing system means that we have to move.

Mark Tami: The right hon. Gentleman is a fellow person who has been at this for seven years. We have already seen a release of asbestos in Speaker's House that will lead to a group of people having to be monitored for probably about 40 years to see whether in those terrible circumstances anything actually develops, and that can happen in any part of the building.

Chris Grayling: The right hon. Gentleman is absolutely right. We went through all this seven years ago. It is hugely frustrating to me that we are here seven years

later still working out what to do about it. I thought that we would have done something by the time we got to 2022.

The right hon. Gentleman and the hon. Member for Rhondda will remember me pushing hard to get the northern estate project started so that we could move on and decant quickly. At least the northern estate, or some parts of it, is being done, and we have taken over Richmond House, as we planned at the time, but here we are seven years later still discussing how we are going to do this. It is not about discussing how we are going to do it starting in about a year's time. I cannot see how we quickly get to a point where the works are actually starting. With every week that goes by, there is the risk that we as Members of Parliament wake up in the morning and discover that we have relocated to Church House indefinitely. We have to accept that.

Chris Bryant: Is not one of the difficulties that all the alternative places that we would have to go to in an emergency are not safe? Church House is not safe from any kind of bomb attack, and there is no other venue that we could go to. I think the Government have just sold the one other place that we might have gone to. There is nowhere. So this is not only a risk to us and the building; it is also a risk to our democracy.

Chris Grayling: We have been around the houses on this. We had all the proposals, whether it was "Let's build some great gin palace on Horse Guards", "Let's have some great building taking up the whole width of the River Thames", or, "Let's move out of London", but the logistics of this place mean that Parliament and Government have to be close to each other. In order that Ministers can go to and fro between their Departments and the Front Bench, in order to have interactions between both Houses of Parliament, and in order to have basic levels of security—given the horrendous events that have taken place in recent times, we absolutely have to make that a priority—the reality is that Parliament will not move off the secure estate. It is why we recommended taking over Richmond House, because it was the one place that gives us extra capacity within a secure environment.

The reason I have put my name to this amendment tonight and the reason I am minded to push it to a Division, unless I can achieve an extra bit of assurance from the Leader of the House—I hope he will be able to say a couple of words at the end—is that we have been around the houses on this issue, and we have talked about all the different options. We have explored the issues and challenges, and the Leader of the House is absolutely right that we do not have the expertise in-house. We need the expert advisers. I respect the fact that he will bring in further expert advice to help him, but, at the end of the day, there are only a certain number of ways in which we can do this.

On the Joint Committee, we agreed that doing this bit by bit over a 30-year period does not work, because that would leave too much risk for too long. We explored whether we could do half the building and then the other half, but the problem is that the services are all common to both Houses. There is not a shutter that can be brought down between the Commons and the Lords—the sewerage and plumbing systems work for both, and the risers full of asbestos serve both. There is no simple option that allows us to move into the Lords Chamber while this is done, and so forth. We came to the clear conclusion that a decant was the only realistic option.

Many Members have expressed concerns that if we move out, we will never move back. I do not think we can just move out with an endless timeframe. There has to be a clear mandate for the people who will do the work, and that is the purpose of the amendment. It states that we think the only viable option—I have discussed the fact that we spent a year debating it—is a decant that lasts a maximum of eight years, because no Parliament will accept being asked to write a blank cheque. This is where I agree with my right hon. Friend the Leader of the House. The idea that we could do a 20-year decant is crazy. We cannot do that.

We need to give a clear brief to the Delivery Authority and all those working on the project that we are prepared to countenance a decant that takes us through much of one Parliament and much of the next, but we do not think that any generation of Members of Parliament should be deprived of the opportunity to spend at least a part of their time here participating in debate in this Chamber. Realistically, an eight-year timeframe is the most that is possibly sellable to Members of Parliament. It is, in my view, the only deliverable option. It will cost money, and there is nothing we can do about that, because this is a world heritage site. It is a duty that we just have to perform. If we do not give a clear brief to those who will be deciding the way forward and making recommendations, we will frankly be kicking the can down the road yet again.

I seek my right hon. Friend's assurance that at the end of this debate, and as this approach goes forward, he will give a clear mandate that we will see what it will cost and what it will take for us to be decanted from here for eight years and then return. If he can assure me that that will be part of the brief and we will all be able to see the outcome, I will be happy not to press the amendment to a Division. However, we spent a year coming to this conclusion, so I am not happy to cast it aside, and I do not think the hon. Member for Rhondda (Chris Bryant) is either.

We have done an awful lot of work, and we are all deeply frustrated that we have got to this point seven years later. We cannot possibly defend that, and I describe this amendment as the "Bloody hell, get on with it" amendment. We worked out that the decant was the only way forward. When the plans are laid before this House next year, we want to see the eight-year decant and what it entails on the table for Members to consider. If my right hon. Friend the Leader of the House is happy to give me that assurance, I am happy not to press the amendment, but I am adamant that we must have that on the table.

This is a historic responsibility for us all. The shadow Leader of the House is absolutely right that we cannot be the Parliament that swept this under the carpet; we have got to get on with it. It is not the fault of my right hon. Friend the Leader of the House that we are where we are, but we should never have got into this position in the first place. I ask him and all on the Commissions to ensure that we really get on with it at pace. If we do not, one day we will find that we are no longer sitting in this Chamber, but stuck in Church House, thinking,

[Chris Grayling]

"What on earth are we going to do now?" That would be letting down our democracy and letting down our country.

Several hon. Members *rose—*

Madam Deputy Speaker (Dame Rosie Winterton): Order. Before I bring in the SNP spokesperson, colleagues will see that we have at least nine more speakers—I see another Member is now standing—in which case, if I do need to get the Leader of the House back in at the end, it probably requires everyone to take about five minutes. I call Kirsty Blackman.

7.35 pm

Kirsty Blackman (Aberdeen North) (SNP): First, I want to note an interest, in that I am on the sponsor board; I have been the SNP's delegate to it for a hugely long time now. I must apologise for the fact that I am not my hon. Friend the Member for Perth and North Perthshire (Pete Wishart), who is unfortunately on Committee business and cannot be here, so Members are stuck with me. I will do my best—probably not with quite the flair that he would normally bring to this—to fill his shoes in some way.

I agree with the point that the right hon. Member for Epsom and Ewell (Chris Grayling) just made. The fact that we are here—that this position has been reached—is indefensible. The SNP's position has been that this is an absolutely horrible building to work in. It is dreadful for our staff, it is a grim place to work and it is not a nice working environment. As a result of that, of the colossal amount of money involved and of the fact that we do not want to be here—we are going to be an independent country, and we are going to toddle off and leave yous to it—we suggested that if others were going to do anything with restoration and renewal, they should build a new Parliament. That will cost far less money than anything they could possibly do with this one. For our staff and people who work in this building, and for future MPs and staff who work in this building, it would be a significantly better and safer working environment. However, that was rejected.

We agreed an Act of Parliament—an Act of Parliament—about how this was going to work. The Act said, "Right, we're going to have a sponsor board and a Sponsor Body, and we're going to have a delivery board and a Delivery Authority. We're going to have all of those things, and they are all going to work together in a groove and deliver what the House has said they are going to deliver." The Sponsor Body, led by the sponsor board, came up with the memorandum of understanding between the Sponsor Body and the House, and that huge and massively detailed document explained exactly how things would work.

It feels as though the House of Commons Commission—although not so much the Lords one—and successive Leaders of the House gave argued at every opportunity about how this was going to work. They have said, "Actually, we don't really agree with the Act of Parliament. We need to do this differently." It feels as though those on the Government Front Bench and, at times, other Members on the House of Commons Commission—this must have been the case—have ended up costing more and more by adding on so many extra things, coming up with new stipulations and having us do ridiculous surveys.

One of those surveys was about making this bit of the House into a bubble so that we could continue to work in it, walking here from Portcullis House with hard hats and boots on, which I do not think anybody would have much enjoyed. This would have been a bubble where we could have continued to meet, because key people cannot bear to leave this awful, leaking room that is too small for 650 MPs to sit in. If this is going to happen, and we do not agree that it should, nobody could do it in a more cack-handed way than the way it is being done.

This structure was agreed and set up by the Houses, and at every opportunity the Government and others have tried to dismantle the structure and then complained because it cost too much money. Of course it will continue to cost money if people keep moving the goalposts—if they do not really want disabled access, but they just said that in an Act of Parliament, and if they are going to complain when the Sponsor Body pitches up and says, "This is how much it will cost to have disabled access." If they do not want it, of course what they to try to deliver is not going to suit the House. The governing structures have not worked because the Commissions want one thing, the pre-2019 Members of Parliament wanted a different thing from the post-2019 MPs, the Speaker wants something different, the Leaders of the House have wanted something different, and the sponsor board and Sponsor Body have been trying to serve all those masters, and it has proved to be impossible.

The new structure that the Leader of the House suggests will have exactly the same problems as the previous one. It will have exactly the same number of people suggesting they are the right person to make all the decisions, and that person is going to change on a regular basis—even if it only changes once in every five years, that is still on a regular basis. Ever more money will be expended while bits of masonry continue to fall off, while asbestos continues to be in this building and while the fire risk continues to be massive for a UNESCO world heritage site. This building is a relic; it is not a suitable, appropriate working environment.

Sir Geoffrey Clifton-Brown: I apologise to the hon. Lady for stopping her in full rant, but does she not appreciate that this is a UNESCO world heritage site and a grade 1 listed building, and whether we are in this Parliament or not, this Parliament has a responsibility to maintain it properly? How does she answer that?

Kirsty Blackman: Maintaining this building properly, making it safe and making it so it does not burn down is a very different thing from making it safe so it does not burn down while thousands of people work here. The majority of the fire incidents here are caused by issues with people, as are many of the safety issues. If we take the people out of the equation, it is significantly cheaper to do all that; if we only have disabled access visitor routes, we take away a huge amount of the risk that is created. We could rip out almost all the services that go up and down the vertical risers if we did not need to keep them because we need internet in office T306. Clearly, we would not need internet in office T306 if there was nobody working in this place.

Sir Geoffrey Clifton-Brown: What does the hon. Lady envisage this building would become? Would it just become an empty shell, in which case it would certainly deteriorate quite quickly? What alternative use does she envisage for it?

Kirsty Blackman: Honestly, I do not really care: I am going to be out of here, the Scottish National party is going to be out of here, Scotland is not going to have any stake in this building, and the UK without Scotland can decide what it wants to do with the building. It is not my responsibility to make that decision; it is the responsibility of the people who will carry on being here after Scottish independence. I am not trying to dodge the question; I am just not fussed, as it is not my decision. Just as I am not really fussed about what happens with council tax rates in England, it is not my decision to make. It is the hon. Gentleman's decision to make, and it is for the people who will be here to decide what this building should be used for in the future.

I am testing your patience, Madam Deputy Speaker, as I have spoken for a bit longer than I had intended. I do not think this has been done well; in fact, I do not think it could have been done worse. I do not think what is being proposed is going to fix the issues, and in the meantime our staff, House staff and MPs are all working in a very substandard, dangerous working environment, and that is totally and completely unacceptable.

Several hon. Members *rose—*

Madam Deputy Speaker (Dame Rosie Winterton): Order. We will start with a seven-minute time limit.

7.43 pm

Sir Edward Leigh (Gainsborough) (Con): That was an interesting speech, although I am not sure that the hon. Member for Aberdeen North (Kirsty Blackman) carried the rest of the House. This is the iconic centre of the United Kingdom, and it is not surprising that the SNP wants to make it into a museum.

I commend the Leader of the House for the moderate, sensible, open-minded way in which he opened the debate. I suspect that very few people would disagree with anything he said, and most of what the shadow Leader of the House the hon. Member for Bristol West (Thangam Debbonaire) said was sensible, too. We all agree that we have to just get on with it. There have been too many delays, and—let us be realistic—they will probably still be working around us in 50, 60 or 100 years' time. That is the way of these old buildings.

I hope we will move on from this endless debate about whether or not we have a decant. I rather resent the fact that those of us who have been arguing the case against a very lengthy decant are accused by others of just wanting to live in a comfortable place. I serve on the Sponsor Body with my hon. Friend the Member for Aberconwy (Robin Millar). If we had proceeded with its plans, which would have entailed a decant of up to 20 years, that decant would not have started before 2031. I can assure the House that by 2031, I will certainly be retired and quite possibly dead, so it is nothing to do with me. What the Sponsor Body finally came up with might have been a fair evaluation of what it would cost to do a full singing-and-dancing renovation and change of everything, but it was totally unrealistic, and the Commission had to step in.

There will be ways of working creatively around us. I accept that it may well be necessary to have a decant, but we have no idea how long that decant will last. If we get rid of the *Daily Mail* September sittings and stop sweating the building through the entire summer recess, there may come a point where we will break in July and not come back until the following January, or it may take longer—we have no idea. However, I say with the greatest respect to my right hon. Friend the Member for Epsom and Ewell (Chris Grayling) that we should not, I am afraid, accept an amendment that just lays down a set time. We have to look at the evidence. The new Commission will do its work, and will do whatever is necessary.

There has been so much delay, and I think it is very unfair of the hon. Member for Bristol West who leads for the Opposition to blame the Government and the former Leader of the House, my right hon. Friend the Member for North East Somerset (Mr Rees-Mogg), for that fact. The reason why we have had so much delay is that the Sponsor Body has come up with wildly expensive proposals, the first of which was the demolition of Richmond House. That would have been financially wasteful, with millions of pounds spent on a white elephant permanent replica Chamber; it would have been architecturally destructive, making a mockery of heritage laws; and it could have cost up to £1 billion. That proposal caused an enormous amount of delay, and I think there is a general consensus that it was right for us to do away with it. It has been delay, delay, delay.

The plans for the Palace were not much better. The Sponsor Body was planning on removing 14 lift shafts, and wanted office space for MPs cut by as much as one fifth. The programme was in danger of becoming a vast feeding frenzy for contractors and consultants at the taxpayer's expense. A lot of those ideas were simply unrealisable, so the plans for the R&R programme that have been put forward have failed. As the Leader of the House said, we need to look at working models that have been successful, such as that used for Elizabeth Tower, which has been beautifully restored—of course, that project went over time and over budget because too little preparatory work was done, but the result is magnificent. The cast-iron roofing that the Leader of the House talked about has been an immense success. It is the largest cast-iron roof in Europe. Each piece has been taken apart, restored or replaced, and put back with meticulous skill, so I do not think it is fair to criticise the estates programme.

Chris Bryant: One of the problems is that lots of people advocate for having lots more of those individual projects. Something like 32 or 33 projects are going on at the moment, and one of the difficulties with the estate is that it is very tight for space, with nearly every available inch already covered in a portakabin or some kind of contractor's arrangements. We cannot do many more projects at the same time as the current ones, and the cast-iron roofs would have been done quite a bit quicker if the previous Speaker had not insisted that work stopped whenever he was in his house. That is what is going to happen if we keep on trying to do all the work around the building while we are still in it.

Sir Edward Leigh: The hon. Gentleman makes his point and we just have to learn to compromise. He mentions Mr Speaker. We should congratulate Mr Speaker

[Sir Edward Leigh]

on his own creative thinking. The Speaker's house needed urgent repairs, which meant he had to be accommodated elsewhere. The R&R programme drew up plans costing £20 million, to tear up a Georgian townhouse on the estate and put a lift shaft through it. Mr Speaker and the previous Leader of the House grasped the nettle, visited the site itself, and decided it just needed a lick of paint and some basic work. The right hon. Member for North East Somerset, who is sitting in his place, reported that it cost just 5% of the planned £20 million to get all three empty houses back into use. That is exactly the kind of mentality we need. It requires good decision making, an eye for savings, and cutting out unnecessary embellishments.

Serving on the sponsor body has been informative. The sponsor body's job is to oversee and scrutinise the delivery authority, but I personally believe that the information provided to the sponsor body has often been mired in the worst kind of management speak. Operations are often totally opaque and lacking in clarity. I believe that our ability to thoroughly scrutinise work has not been fully facilitated. Every time it came across a problem, it reached for the most invasive and most expensive solution. I believe that in the end it was going to provide very bad value for money. Every time we proposed alternatives, ridiculous claims about costing and timescale were thrown back. Inadequate figures were given to us. There was a lack of awareness of MPs' work. For example, it was suggested that MPs' staff move to shared open-plan offices. Parliamentary politics requires privacy and discretion, and dealing with constituents' cases even more so. Often, we deal with very sensitive information. We do not work like other entities and we have to accept that Parliament is a unique place.

In conclusion, I believe that what the Leader of the House is proposing today is a sensible compromise. We are not ruling anything in or anything out. We are going to get on with it. We love this building. We are not going to put ourselves first and we are going to do the absolutely essential work to restore this Barry and Pugin masterpiece. We are not going to make it carbon neutral and fill in atriums and all the courtyards. All that sort of expensive stuff is for the birds. We are going to make this building safe and fireproof, and we will do it, hopefully, with good preparatory work, within time and within budget.

7.52 pm

Mr Nicholas Brown (Newcastle upon Tyne East) (Lab): It is a pleasure to follow the right hon. Member for Gainsborough (Sir Edward Leigh). When he and I first arrived in this place, Richmond House was being built. We had the pleasure of seeing it go up and contribute to the parliamentary landscape—the hanging gardens of Babylon, I think it was referred to at the time.

Since I have been sent back to take part in these events again, I find there is a collection of people who serve the public interest loyally, hard and well, and that the more we discuss it among ourselves, the closer we get to very similar conclusions. I will cut straight to the chase, Madam Deputy Speaker, so that other people can get into the debate. My views are very similar to those of the Leader of the House, and I have sympathy with the motion he has tabled. I also see a lot in both amendments. The Government do deserve chiding—let me put it nicely—as my hon. Friend the Member for Bristol West (Thangam Debbonaire) did in a pretty gutsy way. The contents of the other amendment make points that, mostly, I agree with and think are probably the right way to go. It is possible that we are getting the worst of both worlds for ourselves: that we will have a political involvement that is not enough or does not satisfy us all, and still have sufficient specialist oversight and interest for there to be tensions between the two. I hope that that does not happen. The best way of avoiding that is to make sure that there is a climate of openness, rather than of caution or—I would even go as far as to say— concealment. It would be better to know that we had a shared problem up front rather than to be presented with it afterwards, particularly on the costings.

Not only have you served on the House of Commons Finance Committee, Dame Rosie, but you chaired it, so time after time, you will have had instances where you have been told at the end of a programme what the cost looks like. It might have been more helpful to know what the true costs looked like at the beginning of the programme. That has happened too often with the Commons Finance Committee for it to be endured. We must have a proper, realistic sense of what is going on, rather than an estimate that those who propose it hope will endure over time.

I am happy to report that the House of Lords has a similar Finance Committee to us—it has had it, I think, for five years—and that it had its first joint meeting with the Commons Finance Committee last week. It examined in some detail the Elizabeth Tower project, which has been the subject of some comment and high overspend. It went through that in some detail. Everything that we would expect to be said about lessons learned was said. We have heard it before. But this is my core point: this has to stick. Lessons have to be learned. Projections have to be realistic.

In two or perhaps three years' time, we will face a decision about the cost of the decant and the substantial rise in public expenditure that will accompany the costs of running the new building, as well as the costs of continuing the work on the old one. I am still convinced that this is the correct way to proceed, if we can, but we have to know what we are in for. It seems that we should do our bit to look at what else we are spending money on, whether we are getting value for money, whether there are ways to bring the costs down and whether expenditure could be better managed over a longer period. We cannot demand that everything is treated as a priority and just say, "We want this project, but we also want that project." We must try to get our house in order and do what we can to have the twin objectives that the Leader of the House spelled out. They are reasonable objectives, I think, to proceed on cautiously, learning the lessons of what has not gone terribly well before.

Also, we should pat ourselves on the back for things that have gone right. Everybody says how nice the Elizabeth Tower looks. The work on the Victoria Tower is proceeding at pace. The determination is to make sure that the masonry does not fall off on top of people. Unfortunately, the buildings continue to be corroded by acid rain and pollution, so we will never be without a maintenance programme. Eternal vigilance will have to

be our watchword, certainly for the foreseeable future, on prosaic matters such as fires and damage. It is comforting to know that people can be got out, but we want to save the building as well, which is exactly where we started. I urge the proposers of the amendments not to push them to a vote at this time—I think their points have been well made—and to support the Leader of the House on the main motion.

7.59 pm

Sir Geoffrey Clifton-Brown (The Cotswolds) (Con): Thank you, Madam Deputy Speaker, for allowing me to catch your eye in this debate. May I say straightaway that although the Leader of the House has come in for criticism today, he has only been Leader of the House for a short time? He is having to answer for the mistakes of the past, but he now has a huge weight on his shoulders because he can rescue the project, get it on the right path and get work started, for all the many reasons that we have heard today. I draw attention to my declaration in the Register of Members' Financial Interests, as a chartered surveyor. I was able to articulate my views more fully in my Westminster Hall debate last Thursday.

This debate could not be more timely, given yesterday's water leak in the Chamber. That was the second time in not many years that we have had a leak in the Chamber; the previous leak was in the Press Gallery. Small fires are reported virtually every month in this place, and it is only because of the diligence and hard work of the staff who patrol on a virtually 24-hour fire watch that nothing more serious has happened. There was also an asbestos leak in Speaker's House last year, with an impact on more than 100 construction workers.

As I said to the hon. Member for Aberdeen North (Kirsty Blackman), we are obliged to protect and preserve this UNESCO world heritage site—a grade I listed building with more than 900 years of political history—for our country. I fear that we are leaving the building at risk of a much larger failure than a leak in the roof, which would inevitably involve our having to move out of Parliament and would leave us all looking rather stupid for not having taken major action more quickly.

The project's cost is estimated by several experts as approximately £10 billion—somewhere between the £8.77 billion cost of the Olympics and the £18.25 billion cost of Crossrail. It is a vast and complex project. I know such projects only too well from my role as deputy Chairman of the Public Accounts Committee and a member of the Finance Committee. I am glad that the Chairs of those Committees, the hon. Member for Hackney South and Shoreditch (Dame Meg Hillier) and the right hon. Member for Newcastle upon Tyne East (Mr Brown), are present; they both do a splendid job. On almost a weekly basis, we see large Government projects that end up costing hundreds of millions of pounds more than anticipated. The Ajax defence vehicle project, for example, has already cost £3.2 billion, has not delivered a single workable vehicle and is more than 10 years late. My fear is that the restoration and renewal project could go the same way. Governance on such large projects is paramount to ensuring that they are delivered on time and on budget.

When the Sponsor Body gave figures to the Commissions, the cheapest plan involved a full decant of the Palace of Westminster for between 10 and 20 years, with work costing in the region of £7 billion to £13 billion. The suggestion it came up with that would have taken the longest was for the project to be done on a continuous basis, with the Houses remaining in both Chambers. That option would have cost a staggering £11 billion to £22 billion and would have taken somewhere in the region of 46 to 70 years. The Commissions took fright and decided that the Sponsor Body should be immediately abolished and replaced with a joint department of both Houses.

The problem with that is exactly the one that has happened in past projects. The Elizabeth Tower, which has ended up costing almost three times what was estimated; the purchase of parliamentary buildings, which have cost more than £100 million each and a great deal to exit—all these projects have been overseen by the present in-house incumbents. What is to suggest that R&R would be managed any differently? What is to suggest that it would not end up costing billions of pounds more and taking many years longer than it needs to?

In contemplation of the new joint department of the two Houses, an expert panel has been appointed. As I have said, it should be enshrined in statute so that it can continue to give advice. The new budget should not be subsumed into the main vote on the House of Commons; it should be entirely separate, so that this House can monitor it properly and see how much the cost is on an ongoing basis, in a similar way to the quarterly reports that we get from HS2.

I should warn the House that during a Public Accounts Committee hearing in March, the chief executive, David Goldstone—who knows a thing or two, having managed the Olympic project—was questioned about what the continued presence assessment had found in relation to the building. He said:

> "The conclusion it came to is that, in effect, it is technically possible to do it but, consistent with all previous work on this subject, it would take an enormously longer time, would cost an awful lot more and"—

this is the key point; these are his words, not mine—

> "would create extraordinary risks in relation to health and safety and fire safety…The risk of disruption is very significant as well."

If we take all that advice into account, it should be possible to come up with some well-informed costings and outlines of a plan of operation showing how long we need to decant, whether the whole project can be done as one, and whether, if it cannot, it can be done in two halves so that parliamentarians can stay in one House or the other.

I think there is a real and evident danger that the proposed joint department, which will in effect be the "client", will not give clear instructions to the Delivery Authority. There will always be the temptation for it to be constantly involved in mission creeps, adding the latest bells and whistles to the project, but, beyond that, it will be continually changing its mind. The Leader of the House presaged exactly that possibility this evening in his speech, and how is that compatible with what he said about wanting to provide the very best value for money?

We in the Public Accounts Committee know full well that big projects do go wrong when the client changes its mind. There is a big risk of that with the new joint department, because the composition of the House will change after each general election, as, no doubt, will the

[Sir Geoffrey Clifton-Brown]

composition of the Commissions. There is therefore a real risk that the Commissions will change their mind and want to alter the remit yet again.

We owe it to the next generation to grip this problem today and sort it out once and for all, otherwise the next generation will not thank us.

8.6 pm

Mark Tami (Alyn and Deeside) (Lab): It is four and a half years since we reached our decision and I think it has been said that it is seven years since we started the whole process, and where are we? Nowhere. We are back where we started.

I should say that I am a member of the Sponsor Body—until we abolish it, that is. I believe it has carried out the task that it was set. The fact that certain individuals do not like the recommendation for a full decant is not the fault of the Sponsor Body. If the House wants to change the remit or scope of the project, that is fine, but let us not blame the Sponsor Body. Let us at least have the good grace to be honest about that, and let us not make up stories such as "restoration and renewal being responsible for the relocation of the Speaker", because that simply is not true: it had absolutely nothing to do with R and R.

As a number of Members have pointed out, we should not forget why we chose the structure that we did choose, learning from the Olympics and recognising that this place would change. In the event of a project which, however it is carried out, will continue for many years, Members will change, Governments will change and there will be different views, but what we recognised at the time was that that should not be allowed to undermine this project—which is exactly what has happened. The project has been derailed by a constant stream of new asks, all with one aim: to delay. We have heard suggestions that the House of Lords should move to York, or, more recently, to Wolverhampton, Stoke, Burnley, Edinburgh, Sunderland or Plymouth. I am sure that they are all fine places, but those suggestions were not realistic.

More time was wasted by the suggestion that we should not decant at all. I challenge any Member to come up with any report or any figures that suggest that it is cheaper to stay here than to move out. We need to be honest about that. Then we had the Richmond House debacle. Those who were opposed to a decant seized on Richmond House: they became great defenders of it, which, surprisingly, very few of them had seemed to be previously. Why was that? Because they saw Richmond House as a convenient vehicle for more dither and delay.

So what is the plan now? It is to get rid of the Sponsor Body and bring the function in-house, creating some new department and some hotchpotch of a new governance structure.

In all honesty, we are being asked to rubber-stamp a decision that has already been made. That is the reality of the situation. Parliament decided something, but that does not matter because behind closed doors, the two Commissions have decided to do something completely different. That is the reality of the situation. We can dress it up as much as we like but that is effectively what has happened.

As a number of Members have mentioned, we do not have a great record on doing things internally. I know that the cast iron roofs are always wheeled out as a great example, but the Elizabeth Tower has been mentioned, and Derby Gate is another project that went massively over cost and time. One of my favourites—not one of the biggest projects—was the Cromwell Green security entrance, which I think was condemned after 10 years because of leaks, with water pouring through when it is raining. So we have to be honest: we are not very good at doing this. We do not have the experience or the expertise to manage such projects. I am not blaming the people in-house; it is not their fault, but we sometimes set them tasks that they are unable to do because they do not have that expertise. That is why we drew up the model that we did, but if we go down the road that we are going down, we are going to repeat those mistakes.

One thing I will challenge, which I have heard being put about, is that one of the failings of the Sponsor Body was that it did not consult Members. Actually, there have been loads of consultations and loads of individual consultations. I have had the pleasure, or misfortune, of chairing numerous meetings where one, two or three people—and sometimes no people—would turn up. Maybe that was me; maybe it was just the fact that I was chairing them and nobody wanted to go. But this is the nature of politicians. We moan and groan about people not consulting us, but we do not take up the consultation when it is available. So I think that is a really unfair criticism of the Sponsor Body, because a lot of people worked extremely hard to make sure that Members had the opportunity to express their views.

Kirsty Blackman: Just to link that to the hon. Member's earlier point, does he think there is much point in consulting all the Members when the House of Commons Commissioners are going to make a decision anyway that might be totally different from what Members have said?

Mark Tami: That is a very fair point. As I said, the decision has effectively been made.

Let us be honest: it is not about the cost; it is not about the time it will take; and it is certainly not about the people who actually work in here. So what is it about? It is about people who want to stay in here, come what may, with some fantasy vision that we can somehow live in a little bubble in here, that we can stay put, come what may, while everyone works around us, and that we can come up with some costings and then say, "We don't like that costing so we are going to halve it or quarter it", and somehow the project can be done for that amount. We are ignoring the reality, and just because the Sponsor Body gave us that reality, we do not like it. The Leader of the House does not like it, so he says we are going to come up with something else and do it on a cheaper basis. It is as if we did not look at these things seven years ago. But this is where we are. As I said, I do not really know why we are having this debate, because the decision was made behind closed doors some time ago. That is a very sad state of affairs, and the House will rue this decision.

8.13 pm

Dame Meg Hillier (Hackney South and Shoreditch) (Lab/Co-op): This is a very disappointing debate because, as other hon. Members have said, we have been going

round and round this issue for far too long. I think we need to slay some myths here. Value for money is one thing, but it does not mean cheap. There is no way that the work can be done to this building—minimally or maximally—on the cheap. It will cost billions of pounds. There is no getting away from that. This is a UNESCO world heritage site, and under the rules of UNESCO, that responsibility falls on the Treasury or the finance department of the country responsible, which in this case is Her Majesty's Treasury and the Government of the day.

There is huge risk in this building. Only in recent weeks we have had masonry falling down, and yesterday we had the leak. It is only a matter of time before somebody gets hurt. I know that former Leaders of the House have worried about this a great deal, and not surprisingly. We are a group of people who aspire to run the country, and the Conservative party is deciding who will be its leader and the next Prime Minister. We all want to be in a position to make decisions, yet on this issue everyone seems to hope or believe they will not be standing when the music stops and that, somehow, the problem will be someone else's.

This is a time for decisions. These delays are ongoing and repeated. The Joint Committee's report was not debated until about a year after it was published, and there was a further delay as the votes on the report kept being put off. I vividly remember the date, 31 January 2018, because I came from my daughter's hospital sickbed to be here for that debate. I thought, "Great, we might get something through that means we can get moving on this."

Then there were endless delays in funding the Sponsor Body's work to develop the business case. Money was eked out, a bit at a time, so there was never really enough to get on with the job and do the very detailed work that needed to be done. We know it might mean getting the mechanical and engineering in place, two floors below the basement, to run this building. It might mean stripping out asbestos between the Committee corridors. They are the things that make this place dangerous. The required decisions have been endlessly delayed.

I want to slay another myth about the money. The Leader of the House cited the £3.5 billion figure that was originally mooted, and £4 billion has been mentioned at different times. This was never the figure for all the work to the building; it was an indicative figure, based on work by Deloitte that looked at the options and modelled certain works. The figure was an order of magnitude and was never for the full work on the building. It said, "If you take this approach, this approach or this approach, this is the scale we are looking at." Unfortunately, that figure has repeatedly been embedded as though it were a fact.

The House asked the Sponsor Body to come up with what needed to be done to the building and how much it would cost. The answer came back that it would cost £7 billion to £13 billion, with a full decant for up to 20 years. The Commissions did not like that answer, as my right hon. Friend the Member for Alyn and Deeside (Mark Tami) said. There is no point asking the experts to do the work and then ignoring what they have to say. This place does not have the experts to do the work the Sponsor Body did. Nobody is perfect, and I am not saying that every decision of the Sponsor Body was absolutely right and on the nail, but it did what it was told to do and came back with the numbers, and it was told that they were too high.

The Leader of the House talked about shortcuts to expedite the process. He said, "We can do both, get value for money and progress as rapidly as possible. We need a common-sense approach." I do not have a problem with a common-sense approach, but I do not think it is possible to have a common-sense approach that halves or changes the costs for something on which we have already set the parameters for what we want to do. I cannot see how that can be delivered.

We will create two corporate officers and a client board made up of the two Commissions. I have to confess that I was surprised when a senior member of one of the Commissions—I will say no more, so as not to identify them—approached me in the last week to say, "We will need your help to do this job, because we are not sure we have the ability to do it." As I said before, I may chair the Public Accounts Committee, ably helped by the hon. Member for The Cotswolds (Sir Geoffrey Clifton-Brown), who is the deputy Chair, my hon. Friend the Member for Blaenau Gwent (Nick Smith) and others, but we are not experts in running major projects. We scrutinise, which is a different thing. We need to make sure we have that expertise in place, so I hope the Leader of the House can tell us how he will ensure there is real expertise on the Commissions because, let us be honest, they are made up of members who rotate very fast and do not necessarily have any understanding or experience of running a major project, and do not necessarily know which questions to ask.

The hon. Member for The Cotswolds highlighted some of the issues we see in Government, but we also regularly see non-executive members of boards who do not take their role seriously, who do not do it properly, who do not get on top of the subject and who do not always call out things that need to be called out. That needs to be built in so that we have clearly focused non-executives from both outside and inside the House to deliver that and make sure the programme board has that expertise.

I am really concerned today. We need a long-term decision to be made on this. Parliament will face these difficult decisions—I am quoting the Leader of the House back at himself—but he also talked about future Parliaments revising this. If we start fiddling around, as we have already done, and delay progress considerably, we will be in a very bad place.

It is outrageous that the very body that legislates and passed an Act of Parliament to set up this structure has dismantled that in a secret, mineral-water-filled room. The minute from that meeting revealed so little about what the discussion was. Reports of it suggest that there was not a serious discussion about the real consequences. That is not a model for democracy, yet it was the mother of Parliaments that made that decision in that very underhand and secretive way. That is one of the most disappointing things about the whole saga.

Our words will echo down the halls of history if we see this building burn down and we were the people who let it happen. The hand of history is here. I believe that six generations of the family of the hon. Member for The Cotswolds have been here. He stands up for the future of this place, as we all should do. We need to see real action now.

8.20 pm

Nick Smith (Blaenau Gwent) (Lab): I will be quick, Madam Deputy Speaker. My contribution tonight is born of seven years of frustration at making so little progress with this project. In 2018, I voted for the decant, as I thought it was the simplest thing to do. I also thought we would go to Richmond House, because that was the safest place for us to stay in and it was close to the Departments of State in Whitehall. I really thought it was very straightforward and I hoped we would make good progress.

Tonight, I support amendments (a) and (b). I support amendment (a) not because I think in policy the Government have stopped progress on this, but because Ministers have stymied progress on this important project. I support amendment (b) because we need new machinery and new energy to take this forward. I also support it because, although we need occasional reviews and challenge for experts, most of all we should provide the way forward through this.

Like my right hon. Friend the Member for Alyn and Deeside (Mark Tami), I think we need full transparency on cost. We need to go into this with our eyes open, but see it as an investment in our country's history and in this great place. Most of all, I want to crack on, as we have delayed progress for far too long.

8.22 pm

Margaret Ferrier (Rutherglen and Hamilton West) (Ind): The building we are standing in today is more than a building; it is a symbol recognised the world over. Politics aside, it is a great privilege to work here. It is a beautiful and historic landmark and, as we have heard, a UNESCO world heritage site. I would like to thank the building for making a timely demonstration in this Chamber yesterday, in preparation for today's debate; I think its point has been heard, although the water leak has now, thankfully, cleaned up.

That attachment to this place on the part of many Members has made planning for restoration difficult. It is not hard to see why many colleagues would not want to relocate for so long; so much of British life has been dominated by Westminster, and so a small and convenient world has built around us. Departments are a stone's throw away, along with media headquarters, businesses and charities. There is not much that is so far out of reach that we could not run back in time for a vote if the Division bell rings. Around that point, there is lots to unpack: the centralisation of British politics; and the view of a distant and far removed from reality "Westminster bubble". We will each have our own views on that, and certainly employment in such an exciting and meaningful profession should be spread further across the UK. However, that is a broader discussion and I would like to use my time to speak specifically about the Palace and the works themselves.

Every day we are here, we see groups of schoolchildren excited for the tour. Families, both from the UK and from farther afield, come in their droves too, as do our constituents. This place is iconic—a must-see for tourists from all over the world.

This is an old building, but actually for the most part it is not as old as some might think. After almost the entire palace was destroyed in 1834, a public competition was held for architectural designs for its replacement. It was actually political reasoning that led to the gothic-inspired choice, designed by Charles Barry, that led to the building we see today. It is interesting to know that the neoclassical style that was popular at the time was seen as symbolic of republicanism and revolution, so the preferred options were designs of gothic and Elizabethan influence.

The palace is old enough, though, that the place needs a little sprucing up. Construction started in 1840 and most of the site was completed in 1860. That puts various parts of the building at around 160 to 180 years old. There is no doubt about it—we need to invest in some changes, and we have known that for a long time. This is about not just a cosmetic facelift but the preservation of history, and most importantly the safety of everyone that works here or visits. We have heard about Notre Dame; that brings into sharp focus the absolute necessity for fire safety in a building such as this. Of course, it is something that has been on the minds of many colleagues recently, in a slightly different context, too. Fire suppression systems must be a priority, and I know that for those working closely on the project it absolutely is.

I was lucky enough to join one of the tours put on by the restoration and renewal team last month, to see parts of the palace that we often pass by without thinking about them too much, like the art painted directly on to the stonework on the staircase up to the Committee corridor. That art has considerable historic significance, but it cannot just be lifted off the wall and put away while the works are carried out. Accounting for all these moving parts, the quirks and character of the building, will require a strong strategy. Naturally, the costs involved in bringing the building up to the necessary standards are huge; the restoration and renewal body puts the numbers at between £7 billion and £13 billion.

It is vital that the costs are necessary and deliver value for public money. Restoration works must happen, yes, and they have been in the works for a very long time. A lot has changed in the wider country in that time, though, and many of our constituents are facing astronomical rises to their living costs. We have a duty to ensure that the cost of this project is scrutinised and that taxpayer money is not wasted when it could be better used elsewhere.

The majority view of the public, according to quantitative quarterly public polling, is that they care deeply about this place and want to see it restored. The strength of that feeling might vary regionally or across parts of the four nations—I do not know—but it shows that largely, constituents are interested in protecting our heritage. That polling also found that 70% to 80% of the public felt that an important benefit of the restoration was the jobs that it would create. While the jobs themselves might not be political, they would be protecting our political institution, the cornerstone of our democracy, and the prosperity that creates must be shared equitably.

I mentioned the need for a strategy, and want to say now that I believe that a decant of Members, peers and staff is probably the most efficient way forward. I hope that we will see some more detailed and convincing proposals on that in the near future, to carry out these works as swiftly as possible and without costly delays charged to the taxpayer. That may mean that everyone needs to move out for the duration. We cannot expect our staff, or the staff of the House, to work in a building that could potentially be a hazard, literally

crumbling before our eyes. So the quicker colleagues all move out, the quicker colleagues can all move back in and the quicker the Palace can be restored to its former glory.

8.28 pm

Mark Spencer: With the leave of the House, Madam Deputy Speaker, I would like to conclude by thanking all hon. Members who have taken part in this interesting and at times robust debate. I hope we can find a way forward through consensus. I hope hon. Members will recognise that we have much in common. We all want to achieve the same aims: we all want to protect this fantastic building, we all want to save taxpayers as much money as possible and we all want to do it as quickly as can be delivered. I think that the way forward that we are now suggesting does allow for all those things to happen.

Let me respond to some of the comments made in the debate. Reference was made to the Speaker's House restoration, which is an example of how projects can be done "piecemeal". That project was done completely independently, and during the course of the work, there have been innovations. For example, all the light fittings in the Speaker's apartments are now completely sealed and airtight, so that in future it will be possible to change the a light fitting for another type without disturbing the asbestos above it. I think that is a huge step forward, because those who work on that part of the building in the future will be safe and taxpayers' money will be saved. That leap forward in technology is an example of how we can make progress efficiently and save taxpayers' money.

There is a clear brief to the Delivery Authority to get on with the job. I know that my right hon. Friend the Member for Epsom and Ewell (Chris Grayling) and my hon. Friend the Member for The Cotswolds (Sir Geoffrey Clifton-Brown) share my passion for getting on with this project, which is why their names appear on the Order Paper with that of the hon. Member for Rhondda (Chris Bryant). To be absolutely clear, it is not possible for me to stand here at the Dispatch Box and guarantee that the House will have a vote on an eight-year decant. What I can say is that the members of the Delivery Authority and the Commissions have heard this debate and I will make sure that an eight-year decant is one of the proposals they consider very seriously.

The concept outlined by my right hon. and hon. Friends of turning the telescope around and saying, "This is the time available. What can be delivered in that time?" is an interesting one. We may well be able to pursue it and look at what it is possible to achieve. Clearly, there is a sliding scale. I am told it is technically possible to deliver restoration and renewal without decanting from the House of Commons, but the timescale and the cost to the taxpayer would be enormous. We can consider all those matters as we move forward.

I also pay tribute to my right hon. Friend the Member for South Northamptonshire (Dame Andrea Leadsom), who is no longer in her place. She met me on a number of occasions to assist in the decision-making process and has been of great value to the thinking behind the way forward.

The hon. Member for Hackney South and Shoreditch (Dame Meg Hillier), the Chair of the Public Accounts Committee, said there is not enough expertise on the House of Commons Commission. I can assure her that there will not be expertise on the House of Commons Commission; the expertise will be on the programme board, which will advise the Commission. While the Commissioners, of whom I am one, may not be experts, we will recruit and secure expertise on the programme board to give the Commission professional advice, which I hope the Commissioners will follow. I am sure they will.

Dame Meg Hillier: I thank the right hon. Gentleman for giving way at such a late stage. One of my concerns is that the Commission has been rather spooked by numbers that, in major project terms, are not extraordinary. It is costing £2 million a week just to do the maintenance and basic repairs to this place. We need to see figures for what it will cost to do that on an ongoing basis versus what the cost would be to do it in one hit. The public are not fools; if we kick the can down the road so that it costs more overall, they will see through that.

Mark Spencer: The hon. Lady is right to draw attention to that. One of the fundamental problems is that, because restoration and renewal was on the horizon, what was happening was that a piece of masonry, for example, would become unsafe; a scaffold would be erected to retrieve that piece of masonry, and the subsequent decision-making process would end in, "Well, there's no need to do anything too dramatic here, because it will be swept up with restoration and renewal in the future."

Under this new system, instead of putting the scaffold up and bodging it—for want of a better expression—we will be able to get up there and mend it properly once for the next 50 years, rather than waiting for restoration and renewal to come and sweep the project up. The Victoria Tower is a really good example. It was being delayed because restoration and renewal was on the horizon, but we will now be able to bring that project forward, get on with it and do it properly for once in a generation. We will be able to crack on with it in the short term. There is a way to save money for the taxpayer, expedite some of these repairs and make sure that the process happens in a more timely way.

Chris Grayling: I am happy to accept my right hon. Friend's assurances that he will press ahead and ask the Delivery Authority to set out for us what that eight years would entail. However, I hope that he has taken from this debate tonight a sense that those of us on both sides of the House who have been involved in this programme over many years—he has come to this relatively fresh—have a clear sense of the need for urgency. Can I ask him to come back to this House with options really very quickly? Otherwise, he will find a lot more pressure coming from Members on both sides of the House.

Mark Spencer: That message has been well and truly received, and I am grateful for the contributions that have reinforced it.

We have heard about the depth of affection that working in this building brings, and we have heard about Members' affection for it. I know that everyone who has been critical in a friendly way this evening has done so with the best of intentions and the best of motivations. I pay tribute to those who have taken part in the debate. We have a huge responsibility to protect this building for future generations to make sure that, in

[Mark Spencer]

another 300 years, it stands here as proudly as it has done through two world wars, as a beacon of parliamentary democracy for the nation. I commend the motion to the House.

Madam Deputy Speaker (Dame Rosie Winterton): The amendments are not being pressed to a Division, so the question is the main question as on the Order Paper.

Question put and agreed to.

Resolved,

That this House:

reaffirms its commitment to preserving the Palace of Westminster for future generations and ensuring the safety of all those who work in and visit the Palace, now and in the future;

notwithstanding the Resolution of 31 January 2018, welcomes the report from the House of Commons and House of Lords Commissions proposing a new mandate for the Restoration and Renewal works and a new governance structure to support them;

accordingly endorses the recommendations set out in the Commissions' report; and

in consequence, approves the establishment of a joint department of the two Houses, under the terms of the Parliament (Joint Departments) Act 2007.

Business without Debate

DELEGATED LEGISLATION

Motion made, and Question put forthwith (Standing Order No. 118(6)),

HIGHWAYS

That the draft Business and Planning Act 2020 (Pavement Licences) (Coronavirus) (Amendment) Regulations 2022, which were laid before this House on 16 June, be approved.—*(David Morris.)*

Question agreed to.

PETITION

Water meters for park homes

8.37 pm

Mrs Sheryll Murray (South East Cornwall) (Con): My South East Cornwall constituents and more than 570 others online have raised the issue that many thousands of residential park home residents do not have their own water meters and end up paying significantly more than they should. Where each home is metered, negligent park owners are more likely to undertake repairs to leakages more quickly and avoid wastage, while residents will properly pay only for what they use.

The petition states:

The petition of residents of the United Kingdom,

Declares that park home owners pay the same tariffs as households in any other housing sector, however, as many sites are metered rather than individual park homes, they are frequently overcharged by park owners; further that park home owners are frequently paying for water wasted from delayed repairs to leakages in the site infrastructure and for water used by the park owners for their own purposes; further that residential park home owners are usually on fixed incomes and should not be paying for water they do not consume; further that they should enjoy the same benefits that individual water meters bring to mainstream housing and further that the collateral benefit will be that leakages are repaired more quickly by park owners and wastages of the resource minimised.

The petitioners therefore request that the House of Commons urge the Government to require all water companies to provide each residential mobile home on a protected site with water meters and ensure that they fit meters for free on request (excepting Scotland).

And the petitioners remain, etc.

[P002740]

Environment Agency and Water Levels in the Sankey Canal

Motion made, and Question proposed, That this House do now adjourn.—*(David Morris.)*

8.39 pm

Derek Twigg (Halton) (Lab): I am most grateful to Mr Speaker for granting me this debate on such an important issue to my constituency, and particularly to those who live in my home town of Widnes. I want to raise the perilous state of the Sankey canal, also known as the St Helens canal and, to many of the older generation among my Widnes constituents, the Cut.

In my maiden speech in this House 25 years ago I said:

"Mine is a constituency of many waterways—the river Mersey, the Manchester ship canal, the Bridgewater canal and the St. Helen's canal."—[*Official Report*, 10 June 1997; Vol. 295, c. 1036.]

Those waterways have played a significant part in my parliamentary work over my time here, much of it on the successful campaign to secure a second Mersey crossing road bridge. In the past few years, I have raised and supported the ongoing Unlock Runcorn campaign to restore the link between the Bridgewater canal and the Manchester ship canal and the restoration of the locks. I now find myself needing to raise the future of the Sankey canal in this place.

I was born and bred in Widnes and have never lived anywhere else. In my early childhood I lived in the Newtown area, only a short distance from the canal. I know how important a role the canal plays in our community and its importance to my constituents and many others who enjoy it and get great pleasure from it—of course, I am one of them.

There are several reasons why the matter should be debated in Parliament, not least because it was three Acts of Parliament that authorised its construction and extensions. The Sankey canal, initially known as the Sankey Brook navigation and later the St Helens canal, is a former industrial canal that was opened in 1757. It was England's first of the industrial revolution and the first modern canal, even before the Bridgewater canal.

The canal was opened in three stages. The first Act of Parliament authorising the construction of the navigation was passed on 20 March 1755. It was entitled "An Act for making navigable the River or Brook called Sankey Brook, and Three several Branches thereof from the River Mersey below Sankey Bridges". The second Act of Parliament was obtained on 8 April 1762, amending the earlier Act, and was entitled "An Act to amend and render more effectual, an Act made in the Twenty-eighth Year of the Reign of his late Majesty King George the Second, for making navigable Sankey Brook, in the county of Lancaster, and for the extending and improving the said Navigation". The Act authorised the extension of the navigation to Fiddler's Ferry on the River Mersey.

To counter competition from the new railways, another extension was planned from Fiddler's Ferry across Cuerdley and Widnes salt marshes to Widnes Wharf, on the west bank of the River Mersey near Runcorn Gap, creating a second connection to the Mersey and another basin. That extension was authorised by a third Act of Parliament, granted on 29 May 1830. The almost 2-mile section of canal that is in Widnes opened in July 1833 and was for many years known as the New Cut, reflecting the fact that it was the last section to open.

Thereafter, well into the 20th century, the canal continued to play an important role in the transport of goods and materials essential to industry and the economic wellbeing of our country. It closed completely in 1963 and became derelict. British Waterways sold it to the respective local authorities and parts of it, in Warrington and St Helens, were filled in.

Between 1979 and 1983, a cosmetic restoration of the canal was carried out between Spike Island in Widnes and Sankey Valley Park in Warrington. Two marinas were also created at Spike Island and at Fiddler's Ferry. A water supply for these works was an issue; the original way in which the canal was kept in water, via feeds from the St Helens area including Carr Mill dam, which was constructed to supply water to the canal, no longer functioned because of the infilling that had occurred.

An agreement was reached with the Central Electricity Generating Board to pump the water that was a by-product of their electricity generation at Fiddler's Ferry power station into the canal. The CEEB agreed to do so for free, and for almost 40 years that was how the canal was kept in water.

It was known for many years that Fiddler's Ferry power station would one day close and the water it put into the canal would no longer be available. Halton Borough Council has told me that that is why work on trying to identify, and most importantly fund, solutions began several years ago. The council has advised me that numerous bids and initiatives were made or embarked upon, but all either failed to attract money or were found to be unworkable.

All the realistic solutions that could supply enough water would have to be undertaken in Warrington. Therefore, Halton council has been working in partnership with Warrington. In 2019, Halton was told that the power station would close on 31 March 2020, which it did. It was informed that the water supply would cease and says that the main stakeholders were also informed. The council match funded engineering reports, which Warrington Borough Council commissioned, and provided a share of the cost.

Just as the covid crisis began, Fiddler's Ferry power station agreed to carry on pumping for a while longer, after which Warrington, in partnership with Fiddler's Ferry, embarked upon some temporary pumping, which lasted until March this year and then ceased.

From April 2022, water levels in the Halton section of the canal began to drop. Halton says that its efforts were stepped up to see where Warrington was up to with a permanent water supply solution, but for many reasons, including the pandemic, progress has been slow and is still ongoing. The partnership with Warrington is very important. Halton tells me that there is nothing that it can do in the short to medium term with regard to the water supply. I have challenged this. It says that it is

"very reliant on Warrington for that. It is also essential that any water supply that is found is both sustainable and affordable."

Halton Borough Council has also commissioned a design that will seal the locks and make areas of our canal more watertight. While this, if the works that are carried out, will not in itself sort out the water supply issue, it

[Derek Twigg]

will help in future to hold more water back. In addition, it will be undertaking some infrastructure repairs along the route of the canal, which it says it was unable to do when the canal was full of water.

The solution favoured by Halton Borough Council and the Sankey Canal Restoration Society would be to reconnect the original historical water supply sources and let them feed the canal by gravity. This will be supplemented by new sources from developments that are starting to take place along the canal. Another option that it may be possible to deliver more quickly, although Halton Borough Council believes that even this could take up to a year, would be to use the former power station pumping facilities to withdraw water from the River Mersey. This, again, would be too long. From information I have been given, it is estimated that the cost to operate this annually would be about £1 million plus the energy costs. Halton tells me that Warrington Borough Council is exploring this option. The previous pumping arrangement put 2 million gallons of water per day into the canal. With that amount of water going in, Halton Borough Council and Warrington Borough Council did not have to worry too much about the high volumes of leakage that occurred from along the length of the canal. Halton Borough Council tells me that to make the best use of whatever water will be available, the canal will need to be more watertight than it ever was historically.

We are faced with the stark reality of a canal that is an important part of our national industrial heritage almost drained of water. Boats are left high and dry. It is having a catastrophic impact on wildlife. Despite the fantastic efforts of residents to rescue some of the fish, many fish are now dead. From viewing a video taken today by local reporter Oliver Clay, I have seen very disturbing scenes of hundreds, possibly thousands, of dead fish. Birds have been badly affected, especially the many swans. Some are also injured because of the drop in water levels and have become tangled with debris and rubbish at the bottom of the canal. Again, local people have done all they can to help to rescue the swans.

I cannot stress too much the importance of the canal to the whole character of the town and our borough. It is as much part of our identity as rugby league, the River Mersey, and the bridges that cross the Mersey between Widnes and Runcorn. The canal runs into Spike Island, which is a local beauty spot with fantastic views across the Mersey and of the bridges. It is hard to believe that it was once at the centre of the British chemical industry during the industrial revolution. After it was abandoned by the chemical industry, it became one of the finest land reclamation projects anywhere in the country. It is visited by many thousands of people each year. It has parkland, woodland, wetlands, footpaths, and so much wildlife. The Stone Roses held a famous concert there in 1990. The canal is an integral and crucial part of Spike Island and its ecosystem.

I cannot emphasise enough the importance to local people of the canal—the pure enjoyment of being near it, leisure walking, being close to nature, fishing, and of course mental health. People come from far and wide to visit Spike Island. It also forms part of the trans-Pennine trail. The Catalyst Science Discovery Centre and Museum sits by the canal. Visitors from around the country, including many schoolchildren, come to this award-winning museum and many spend time visiting Spike Island. At the top of the museum there is a wonderful glass viewing area with panoramic views of the Mersey and Spike Island. Imagine now having to look down on an empty canal!

While I understand the financial issues facing one of the smallest local authorities in the country, I believe that Halton Borough Council has got this wrong. It should have been more dynamic, bold and innovative in finding a solution and funding to sustain and maintain water levels and secure the canal's long-term future. As I said, this has turned out to be a catastrophe. It appears that the council has lost control of the situation. I have witnessed few issues during my time as MP for Halton that have caused such widespread concern, distress and anger across my community. That is why I have had to step in, with help from the hon. Member for Warrington South (Andy Carter), and call a meeting with all key stakeholders later this month who can have an influence on solving this problem. I want to see everybody in the same room at the same time, so that we can get to the solution as quickly as possible. As I have said, I am grateful to the hon. Member for his support.

I have to say to the Minister that we also need help and support from the Government, as well as from the Environment Agency and United Utilities, which will be at the meeting. I urge the Minister to give a strong steer, as a solution needs to be found and there can be no more delays. The canal is a national asset that is important to our natural environment and ecosystem. I invite the Minister to come and visit the canal to see for himself, and I may also ask him for a meeting to discuss in more detail the challenges we are facing.

Given the challenges of flooding, which take up a lot of the Government's time, not least in areas such as Blackbrook in St Helens, the canal provides an option to take away excess water and could be an important asset in helping to alleviate flooding. More planning consideration must be given to the canal so that any new developments built close to it feed the service water run-off to it. There should be much more outrage about what is happening to this historic canal, not just as we have seen locally but nationally. This canal forms an important part of the industrial history of our country. It was the first canal of the industrial revolution. If this was happening in London, the national media would be all over it. The Government speak a lot about levelling up, but I can say to the Government that this is a great opportunity to literally level up, and I urge the Minister and his Department to work with me and the local authorities to find the resources needed to save the historic Sankey canal.

I will finish by quoting a few of my constituents who have written to me. Many hundreds have been in touch with me. One said:

"I moved to Widnes from Manchester and could not believe how beautiful this town is. I only discovered Spike Island when I mithered my partner to show me the place where the Stone Roses played. From the moment I arrived I was overwhelmed by the beauty of the place."

Another resident said:

"Spike Island has been a godsend for me with my mental health, its peace and tranquil beauty has always calmed me."

A local psychologist who works with vulnerable people said:

"I often deliver walk and talk therapy and Spike Island is a safe and convenient venue."

Another constituent said:

"We rescued another 10 swans tonight that were stranded in the thick silt. These swans are unable to fly away".

A constituent in Runcorn said:

"Apart from the historic value of the canal and the huge number of birds, wild fowl and mammals that have a habitat there, it is a hugely popular area with locals."

There is huge support for the canal and Spike Island, where the canal runs through. This issue is vitally important, not just in my constituency but for the wider region and nationally, given the historic importance of the canal. I urge the Minister to do all he can to put his support behind finding a solution, and I look forward to meeting him at some point in the future.

8.52 pm

Andy Carter (Warrington South) (Con): I start by congratulating my neighbour, the hon. Member for Halton (Derek Twigg) on securing this debate, and I have to say I agree with pretty much everything he has said. While it is often the case that Warrington and Widnes will do battle when it comes to rugby league, we are standing as one on the issue of the Sankey canal.

I am, as the hon. Gentleman is, keen to find an urgent solution. Even though the visual problem we see with an empty canal is not actually in Warrington South in my constituency, I know that local people value this area as a leisure amenity. As he has just said, it is a beautiful part of the north-west and somewhere that people can enjoy outdoor space and make the most of the fantastic countryside that we have. Frankly, political boundaries do not matter to normal people. They are not bothered which council controls it; they just want the issue sorting. The overwhelming message in what I am about to say is that we need to find a solution and we need to get people together. I am pleased that between us we will manage to bring people together at the end of this month, and I hope we can find a long-lasting solution that delivers for the people of Warrington and Halton.

I pay particular tribute to the volunteers at the Sankey Canal Restoration Society, who have spent many years working to restore and preserve this canal. I can only imagine the angst that they feel when they look at the asset—the prized asset—they have been working to restore suddenly drained and, frankly, in a terrible state. I have seen some of the pictures, and there really is a contrasting image of two canals—a canal in Warrington that is full of water and has been maintained by the local authority and, I am afraid to say, a canal in Halton that, as the hon. Member said, has not been maintained and now has no water in it, but has silt at the bottom and, frankly, looks in a terrible state.

I first met those from SSE, which currently owns the Fiddler's Ferry site, a number of years back when I was elected. I spoke to them on numerous occasions because I knew the site was going to be cleared and that demolition would follow, and each time they told me that they had warned the local councils this was going to happen. It was a problem that could have been foreseen, and their decommissioning plans and their plan to withdraw power needed a solution from local councils. Halton and Warrington, along with the Sankey Canal Restoration Society, have been working together on this because they have an aspiration to restore navigation to the entire length of the canal, but it seems that we have really been pushed backwards in that respect.

One of the considerations of this project was finding a permanent and sustainable water supply, and I understand that various options have been explored over the years. Having received a report from Warrington Council, it seems that no solutions are free from difficulty. I understand that water from the canal is being lost at a rate of about 9,000 cubic metres a day, which is a significant amount, and we really do need this work to continue.

I will conclude by saying that the hon. Member is absolutely right: a financial solution is required from the councils. I know that Warrington is continuing to invest, and I do urge the Minister, wherever he possibly can, to intervene to support the efforts to restore this canal, because this really matters to my constituents.

8.56 pm

The Parliamentary Under-Secretary of State for Environment, Food and Rural Affairs (Steve Double): With your permission, Madam Deputy Speaker, I would like to begin by placing on record my thanks to my hon. Friend the Member for Taunton Deane (Rebecca Pow), who, before the events of last week, would have been the Minister responding to this debate. While I am incredibly honoured and delighted to have this role, there is no doubting the commitment and passion for the environment that she brought to it during her time in office. She should feel rightly proud of all that she achieved and, indeed, she will be a very tough act to follow.

I congratulate the hon. Member for Halton (Derek Twigg) on securing this debate on what is clearly a very important matter to him and many of his constituents. Our canals are a highly valuable feature of our national landscapes. They are the most visible demonstration of our country's industrial heritage. They are green corridors, sometimes in areas with little other space for nature, as well as a place for leisure and relaxation for so many people, such as boaters, anglers, joggers, cyclists and ramblers. They are rightly treasured across our country, and there is understandable concern when their future is at risk, as in the case he has highlighted tonight. It is important to note, however, that our canals provide all this despite, or perhaps even because of, the fact that they are run not by central Government but by our 30 navigation authorities across the 3,400 miles of regulated inland waterways in England and Wales.

The Sankey canal is an historic part of our industrial landscape. It was the first modern canal in England, with the initial section opened as long ago as 1757. Built to carry coal to Liverpool, it is 16 miles long, although less than 1 mile is used by boats today. The hon. Member for Halton laid out the history of the canal and its importance to the local industrial heritage very well. I understand that a long-term restoration project is under way, led by the Sankey Canal Restoration Society, working with the relevant local councils and the Canal and River Trust, which together own various sections of the canal.

Until recently, the water supply for sections of the canal came via pumps at the Fiddler's Ferry power station, but with the closure of this plant in 2020, the

[Steve Double]

supply ceased. This is, of course, an issue that local councillors have been aware of for some time, with Halton and Warrington councils reportedly working on a solution for over a decade. The Environment Agency is the regulator responsible for water resources management and compliance with water quality requirements, and it has been doing what it can to support the local councils with advice. In June 2022 the Environment Agency granted an abstraction licence to Warrington Borough Council to abstract water to supply to the Sankey canal.

The Environment Agency has been working closely with Halton Borough Council on fish rescue work that has been undertaken in recent weeks, attending the site to provide advice on the removal and relocation of fish. The hon. Member for Halton highlighted some of the recent concerning events there and I am pleased that the Environment Agency is assisting in that.

While the Environment Agency will continue to support the local councils where possible, this is not an area where we have dedicated departmental resources. DEFRA gives an annual grant to the Canal and River Trust, the independent charity established in 2012 to manage over 2,000 miles of waterways. The grant to the Canal and River Trust provides some financial support for the charity as it establishes itself and develops new revenue streams while working towards self-sufficiency. The current grant stands at about £52 million a year, with £10 million of that dependent on the trust meeting performance criteria covering principal asset condition, towpath condition, and flood management. The funding for the Canal and River Trust is specific to that charity and not a general fund.

Derek Twigg: Given the scenes filmed today showing that hundreds or possibly thousands of fish have died, will the Minister go back to the Environment Agency and ask exactly what it is doing to advise and help save the fish in the canal?

Steve Double: I had a meeting with the Environment Agency today and received an update on its work. It assured me that it is providing help and support to address the situation the hon. Gentleman highlights with regard to fish and wildlife, but I will happily go back to it in light of today's debate and ensure that that continues to happen.

Last year 743 million or so visits were made by people to the Canal and River Trust canal towpaths for a wide variety of reasons including walking, cycling, and deriving health and wellbeing benefits from being close to water. DEFRA is undertaking a review of the current Government grant funding, as required by the 2012 grant agreement with the trust. The review is assessing the trust's performance over the past 10 years for value for money, and gauging whether there is a case for continued Government grant funding after the end of the current grant period which expires in 2027. The review is nearing completion and we expect to announce a decision in the autumn.

On the issues the hon. Gentleman raised about the Sankey canal, I absolutely believe that he, working with colleagues, including my hon. Friend the Member for Warrington South (Andy Carter), with local councils, and with the tremendous enthusiasm of volunteers like the Sankey Canal Restoration Society, can make a huge difference here. Right across the country, volunteer groups, supported by local councils and their MPs, have led the way in fundraising and in delivering fantastic infrastructure projects to restore and improve canal systems. I have every confidence that the hon. Gentleman can do the same in his constituency.

Andy Carter: We currently have a tale of two canals, however. In Warrington, where the funding has been granted by the local authority, there is water in the canal; in Halton, where the council is refusing to fund it, there is no water. Can the Minister give some direction to the council on what it might want to do to address this problem?

Steve Double: Both my hon. Friend and the hon. Gentleman made that point very well: one council has stepped up and enabled improvements to take place to restore the canal, whereas another council has not. I believe the answer primarily lies locally in finding a solution to restore the canal and ensure its future. I am grateful to the hon. Member for Halton for his invitation to visit the canal, and if I can find time in my diary, I would be very happy to do so. I am also happy to meet him, my hon. Friend the Member for Warrington South and any other stakeholders, because I want to play my part in trying to find a solution. As the hon. Member for Halton will appreciate, the Department is limited in what it can do, but I am happy to use my office to encourage a local solution to be found. I believe that we can do so—that a local solution can be achieved. The hon. Gentleman's clear desire is to find a way to secure the future of that historic canal, which is an important part of local history and the current enjoyment of local people. I believe he can do so, and am very happy to do what I can to assist him in that effort.

Question put and agreed to.

9.5 pm

House adjourned.

Westminster Hall

Tuesday 12 July 2022

[Mr Laurence Robertson *in the Chair*]

BBC Charter: Regional Television News

9.30 am

Mr Laurence Robertson (in the Chair): Before we begin the debate, I should tell Members to feel free to remove jackets if they wish because of the temperature.

Rob Butler (Aylesbury) (Con): I beg to move,

That this House has considered the BBC Charter and the closure of regional TV news programmes.

It is a pleasure to serve under your chairmanship, Mr Robertson. When I was 15, I wrote to BBC Radio Oxford to say that it should make programmes for teenagers. Its reply offered me the chance to make those programmes myself. Thus began my career in broadcasting. After I had graduated, I worked for BBC News for seven years before moving to Channel 5, where I stayed for another eight years. I declare an interest: I have a background in broadcasting and spent a considerable period working for the BBC.

One of the things that made BBC Radio Oxford great when I was there was its connection to the audience. Its presenters, reporters and producers knew the local area, understood the local issues and related to the local people. That is the case now for the Oxford television newsroom, which each evening produces dedicated programming in "South Today". The title sequence shows the names of the places that feature: Abingdon, Bicester, Brackley, Buckingham, Didcot, Witney and, of course, Aylesbury, my constituency. The Oxford programme has a dedicated presenter and a dedicated team of journalists who produce dedicated programming for their local audience, yet that programming is under threat.

At the end of May, the BBC announced that it will

"end the local TV bulletins broadcast from Oxford on BBC1 at 6.30 pm and 10.30 pm on weekdays."

From November, regional coverage for the area will be merged with the "South Today" programme broadcast from Southampton. Instead of there being TV news for my area, the BBC says it will be

"strengthening its local online news services."

The BBC has decided to do the same with its bulletins produced in Cambridge—scrap the TV programme and put the local news online instead. I know there are colleagues here today who are affected by that decision.

The BBC has a unique and privileged place in our country. It is funded by a licence fee that is imposed on everybody who owns a television set, irrespective of how much they earn and how much BBC output they watch, listen to or read. In return for that funding model, the BBC is governed by a royal charter that sets out the corporation's responsibilities. The charter lists the public purposes of the BBC, and this is the first among them:

"To provide impartial news and information to help people understand and engage with the world around them: the BBC should provide duly accurate and impartial news, current affairs and factual programming to build people's understanding of all parts of the United Kingdom and of the wider world. Its content should be provided to the highest editorial standards. It should offer a range and depth of analysis and content not widely available from other United Kingdom news providers, using the highest calibre presenters and journalists, and championing freedom of expression, so that all audiences can engage fully with major local, regional, national, United Kingdom and global issues and participate in the democratic process, at all levels, as active and informed citizens."

The debate is not the place to discuss how fully the BBC complies with everything set out in that paragraph—there are certainly different views about how well it complies with the requirement to be impartial, for example—but I draw the attention of the House to certain key elements of the first of the public purposes of the BBC. Those key elements are to

"provide… news… to build people's understanding of all parts of the United Kingdom",

enable all audiences to

"engage fully with major local… issues"

and offer material

"not widely available from other United Kingdom news providers".

I submit that, with its proposal to close the Oxford edition of "South Today" and the Cambridge edition of "Look East", the BBC is failing to comply with those charter requirements.

The BBC needs to continue providing local news in the way people want to get it, because others have ceased to do so. Many local newspapers have closed in recent years. In August 2020, *Press Gazette* reported that, according to its analysis, 265 local newspapers had shut since 2005. Just last month, a report entitled "Local News Deserts", published by the Charitable Journalism Project, set out a stark picture. It said:

"The current local news landscape of the UK is unrecognisable compared to 25 years ago…Average daily print circulation for the local regional and local press in 2019 was around 31%...of 2007 figures…The loss of revenue from print sales and the migration of advertising online has brought about successive shocks to the business model of local news. It has led to multiple title closures, redundancies, the 'hollowing out' of newsrooms, office closures and centralisation…Most local journalism is no longer written by separate editorial teams associated with a specific title."

The report says that people

"want a trusted, locally based, professional and accessible source of local news, that reports and investigates local issues and institutions…provided by journalists local to their communities."

The chairman of the project wrote in his forward:

"The collapse of local reporting is a slow-burning crisis in Britain."

He pointed out that the income that kept local newspapers afloat in the past will not return.

That, then, is the picture for local print journalism, but it is not just newspapers that are leaving town. In September 2020, Aylesbury's much loved and very widely respected commercial radio station, Mix 96, effectively closed down. It was subsumed into a new regional station called Greatest Hits Radio (Bucks, Beds and Herts), owned by Bauer. The dedicated team who had served Aylesbury with news, current affairs and local information were no more. The studios in our town have closed. Bauer promised that there would still be coverage of Aylesbury stories, but there are far fewer than there were. The reporters who lived and worked locally have gone.

[Rob Butler]

Of course, I recognise that the way we get our news is changing. Many of us use our phones, for example, to see updates on Twitter or Facebook, but there is still a sizeable audience who want to get their local news from a local television programme, and that is especially the case for older people. Indeed, the BBC itself says that 75% of the viewers of "South Today" are over the age of 55. While many people in that age bracket are highly digitally savvy, plenty of others are not, and they should not be cut off from what is happening in their local area. They should still have access to information about local news. They should still be able to see their local politicians being held to account on their television screens.

Instead, with its latest proposals, the BBC plans to subsume the news from Aylesbury into a programme from Southampton. Frankly, stories about sailing and the coast are not terribly relevant to one of the most inland towns in England. The simple truth is that people in Witney do not have a great deal in common with people in Winchester. News about the havoc caused by HS2 in Buckinghamshire is not very high on the agenda of those who live in Bembridge on the Isle of Wight. The BBC is proposing to create a TV region that simply has no geographical identity. The result will be even lower audiences, as people tune out from a programme with stories to which they simply do not relate. This matters.

The broadcasting regulator, Ofcom, also highlights the importance of television as a source of news. Its most recent report on news consumption says:

"TV remains the most common platform for accessing local news."

In addition:

"Use of TV is most prevalent amongst the 65+ age group, while the internet is the most- used platform for news consumption among 16-24s…BBC One remains the most-used news source across any platform".

It is twice as popular as the BBC website and app: the figures are 62% for TV, 31% for online and app. Yet, the BBC wants to close its TV programmes, and put the content online.

The BBC says that when it closes its Oxford and Cambridge TV programmes, it will devote more resource to its local radio stations. But Ofcom says that fewer than half the population now use the radio for news—it is just 46%, whereas 79% use television. Again, the BBC is knowingly cutting programmes from a platform it knows is used and relied upon.

Some may say that this Government's decision to freeze the price of the BBC licence for two years has forced the corporation's hand. It is true that the BBC will have to make some cuts in some of its expenditure, but not in this case. The acting director of BBC England told me in simple words, "This isn't about savings. I haven't got to save a single penny." In the correspondence I received from the BBC to tell me that it was planning to close the Oxford programme, it is confirmed:

"The BBC will be maintaining its overall spend on local and regional content in England over the next few years."

Let me repeat that: the planned closure of BBC Oxford's "South Today" programme is not driven by the need to save money. Instead, the British Broadcasting Corporation wants to shift more of its output online and away from television.

Having been a journalist and always wanted to hear two sides of the story, I went to the BBC to ask it to put its case. When I asked what evidence it had that people in my local area wanted to get their news online instead of on screen, I was told it would take some time to gather all that information from various sources. That was from the director who had made the decision to close the service. I was a bit surprised that he did not have the facts at his fingertips and could not immediately tell me the justification and why he felt that it was needed or desired, so I waited for a mass of evidence to arrive from various sources.

After 10 days, I got one page. It could not be said to provide the compelling facts that I had eagerly awaited. First, it set out some raw numbers. The BBC said that the average number of viewers for "South Today" was considerably lower in 2022 than in 2020. In 2020, however, all regional news programmes experienced a big increase in viewers because of the pandemic—a point proudly emphasised by the BBC in its annual report—so it is somewhat disingenuous to take that specific high point as a comparator to justify cuts now. Indeed, the BBC told me that the decrease in viewing of regional news programmes is happening more slowly than the decrease in viewing of other programmes.

On my one page of evidence, there was a single paragraph that could perhaps be said to touch on digital versus traditional ways to get local news. It said that the BBC's own qualitative research showed:

"Amongst older respondents (55+) there has been a long-term trend away from traditional platforms (especially print media) and towards online sources, most significantly Facebook."

The BBC added:

"This is supported by Ofcom data which reveals over 55s are as likely to access news online as through radio or print. This group expects to be able to access tailored local news online."

Those listening closely will have heard two references to print and one to radio, but the word "television" is not mentioned in the evidence that the BBC provided to support its decision to cut a television news programme. It certainly did not say that older viewers were switching away from TV news, let alone that they wanted to do so and get their local news online instead. In fact, it says that of the weekly visitors to BBC News Online, 37% are aged 55 or older—in marked contrast to the 75% aged over 55 watching "South Today"—so there are serious concerns about older people being able to get easy access to increased online local news. I should also mention that there is a threat to the jobs of those who have dedicated years of their lives to producing high-quality local TV news. They have not been guaranteed new posts, and they should not be forgotten.

The BBC is a British institution. It does a great deal of good for our country, and I am very proud to have worked there. Its role providing news and information is crucial to our democracy, but with its plans to cut dedicated news programmes on television in the Oxford and Cambridge areas, it will reduce access to local news and information for many people. For the reasons I have set out this morning, I believe that contravenes its charter requirements, which is why I say it is not simply a day-to-day operational decision for the BBC, but a matter for this House and the Government. I look forward to the Minister's response.

9.43 am

Daniel Zeichner (Cambridge) (Lab): It is a pleasure to serve with you in the Chair, Mr Robertson, and to follow the excellent introduction by the hon. Member for Aylesbury (Rob Butler). It was very thorough and considered. I suspect that this is one of those occasions on which people in both his and my part of the country can speak with one voice. I will make broadly similar points to his, but more in reference to Cambridge.

This issue is part of a wider debate about the BBC and how our major news programmes and broadcasters will cope with the challenges of the future. I am not entirely sure that it is our place as politicians to dictate to the BBC how it should run things. On the other hand, it is very important that it hears from the public and their representatives about the likely impact of these changes. I am sure I am not the only one in this House who regularly receives comments from constituents along the lines of, "Oh, I saw you on the telly the other day." It is generally followed by me saying, "What was I talking about?" and they have no idea. Some of them say, "But I'm sure what you were saying was very sensible," and others say something very different, of course.

I am struck by the number of people who respond when I have been on "Look East" or "The Politics Show", compared with when I stuff leaflets through their door or even get pieces in print or on the radio. Television really matters locally, for the reasons that the hon. Member for Aylesbury explained: with the decline in print media—in Cambridge, we are fortunate still to have a daily paper—journalists struggle, because it is harder and harder, and there are fewer and fewer of them. Much less investigative journalism is done now, compared with when I started on my trail in Cambridge 20 years ago. The investigative journalism that I have seen in the past seven or eight years, since I have been in this place, has come from the BBC at a regional level.

I draw a bit of a distinction between the BBC at a national level and a regional level. I increasingly find myself watching "ITV News at Ten" these days, because I think the BBC has been too supine in its approach to the Government over the past few years, but at a local level the regional journalists are superb. They are incredibly professional and they produce really good programmes that people like, watch and identify with. It is invidious to name particular journalists, but one who stood down, Stewart White, was a legend in the east of England. He was a friend in the sitting room to many, many people.

The question today is whether the BBC is right to make these changes to its regional output. I and other political leaders in the region have written to it asking it to think again. The introduction of the west-east split a couple of years ago was a big plus—certainly for politicians, as it meant that we got covered more because more journalism was being done and there were more opportunities—and it dealt with the difficult problem, which the hon. Gentleman alluded to, of regional identity.

There is a bigger debate to be had about regionalism, but I have always said whenever I have met the broadcasting companies that, to some extent, the TV regions define the east of England. It has long been argued whether the east is six counties, three counties or whatever, but the TV region really matters because that is what people see coming into their kitchens and homes. The split was a really good step forward, so I cannot say how disappointed I was to hear about these changes. Whatever one feels about the wider questions of whether this is the way to reach people in different demographics and whether people pick up more of their news digitally, this will mean less local journalism—there are no two ways about it—and that is bad for democracy. At a time when our democracy is, frankly, struggling in lots of ways, this is a step backwards.

There are some other factors particular to the east. The census figures from a couple of weeks ago revealed what many of us had known for a long time: the Cambridge sub-region is growing at an extraordinary rate. I have stood in this very place and argued with Ministers about public service spending and allocations. The Cambridge region is woefully under-resourced because the figures fail to keep up with the reality on the ground, and that is borne out by the most recent census figures. It is one of the fastest growing regions in the country, and the BBC is turning away from it. That makes no sense.

So I say to the BBC: please, you have an opportunity. Suddenly, the whole world is changing in front of your eyes. You do not have to be cowed by the Government who have just gone. A new Government are coming along, and another will come along after that. Spot what is going on, think hard about what the future looks like, and listen to the people who represent those who pay the licence fee. I think that if the BBC listened to those people, it would come to a different conclusion. There is still time to stop this change.

9.49 am

John Howell (Henley) (Con): It is a pleasure to serve under your chairmanship, Mr Robertson. My hon. Friend the Member for Aylesbury (Rob Butler) has been far too modest about his achievements in broadcasting. It may come as a surprise to some Members, but he taught me all I know about broadcasting on both sides of the table. I remember appearing before him at the BBC as an interviewee, and a little later succeeding him as the presenter for BBC World Service Television broadcasts. Being a presenter for World Service Television meant that we could walk down a high street in the UK and not be recognised. However, when we got off a plane in Delhi, we were absolutely mobbed—an interesting experience.

We need to look at what right the BBC has to organise its own services. I would not want to ban the BBC from organising its own services or looking at the competition that it faces, which includes, as we have already seen, things such as Facebook, which I will come back to in a minute. It is right for the BBC to look at how we as consumers use TV and radio, but it is important for us as politicians to stand up and say what we value most in our television broadcasting, and what it would be a great shame to see end. For me, that starts and almost finishes with investigative journalism at a local level.

I am not saying this because I use "South Today" and BBC Radio Oxford, as I am sure my hon. Friend the Member for Aylesbury does as well. It is not for want of another forum for expressing our views, but—I pick up the point made by the hon. Member for Cambridge (Daniel Zeichner)—when both Oxford and Cambridge are expanding so quickly and so much, it is extraordinary to see the BBC turning its back on them.

[John Howell]

I accept the point about costs, but one question that will have occurred to the BBC is that investigative journalism is not cheap to run. It requires a lot of human costs and takes an enormous amount of time to make it work. Journalists have to go out and see, talk to and film people. When they get back to the studio, there is all the editing of the tapes as well, but the product is much the better for that personal intervention. I wonder whether anyone at the BBC has undertaken an analysis of how it manages the important elements of the charter that we have already mentioned—the impartiality of the news and information—and manages to keep them current and in place in the fight with digital broadcasters.

If we compare television news broadcasts with Facebook, we are not comparing like with like. Facebook is incredibly biased, and Twitter even more so. If that is the way the BBC is going with its digital broadcasts, I want nothing more to do with it. Like the hon. Member for Cambridge, I no longer watch BBC TV news. It is anathema to me to see the values that my hon. Friend the Member for Aylesbury and I were imbued with simply wasted, and I do not see that as a good line for the future. The impartiality point is a crucial one, and one that my hon. Friend did not touch on much. However, I think it is a point that we need to get right if the BBC is to make a change. I have seen nothing in the thinking of the BBC about how, in a digital age, it will preserve its impartiality. If we look at today's news online as an example of that, there is absolute relish in the idea that tomorrow there will be a vote of no confidence in the Government. There is no objectivity about it; it is a piece of gratuitous journalism—if I can call it journalism—that does the BBC no credit whatever.

There are many aspects to the problem, and we can only touch on a few of them. However, I think it is important that we restate our commitment to local investigative journalism, which I agree does a tremendous job. I have seen such journalism at a local level develop into large-scale news programmes, because of the careful work undertaken by local journalists. I have no idea what I am going to do when I finish in Parliament. I will probably not go back into broadcasting, but if I were to, I hope that I would find the values that my hon. Friend the Member for Aylesbury and I grew up with still alive and present in whatever form the BBC takes, but I sincerely doubt that that will be the case.

9.57 am

Jamie Stone (Caithness, Sutherland and Easter Ross) (LD): It is a pleasure to serve under your chairmanship, Mr Robertson. I will bring, as is my wont, a highland perspective to this short debate. I congratulate the hon. Member for Aylesbury (Rob Butler) on a thoughtful contribution. I say to the hon. Member for Henley (John Howell) that if he is short of things to do when he decides to leave this place, he is welcome to come and do some investigative journalism in the highlands of Scotland. Twenty years ago we had a half-hour bulletin from BBC Inverness; today we just have a five minute one. That has seen an erosion of investigative journalism and the coverage that was so good 20 years ago. I regret that enormously.

Of course I welcome and acknowledge the contribution that the BBC in the highlands makes to the Gaelic language. It has a large team of perhaps as many as 20 people, who are important to arresting the sad erosion of the language, but we now have about seven broadcasters speaking English covering the vast geography of the highlands.

I make the simple point that in the highlands we have challenges of distance and sparsity of population. Investigative journalism is important to enable the functioning of democracy—be it the Highland Council, NHS Highland, or the doings of a Member of the Scottish or Westminster Parliaments—but we do not get the coverage that we used to 20 years ago. That is not a complaint about me not being on air as much as I could be. The point is, in the past, if someone was not doing their job properly, at whatever level they were at in politics or the NHS, the BBC's investigative journalists would dig it out and flap it around.

I remember coming a cropper; I learned a very hard lesson 25 years ago as a local councillor. I went on the BBC and said that the amount of money that we were proposing to increase councillors' expenses by was absolutely shocking—it was a proposal from the Administration. A journalist, very adroitly replied, "Will you be taking the rise, Mr Stone?" I coughed, spluttered and had to say, "No." I learned the lesson to beware journalists. However, it was a testing question and it needed to be asked.

I point out, anecdotally, that my former party leader, Mr Charles Kennedy—of happy memory in this place—started his career with the BBC in Inverness. I remember his voice broadcasting. I think he honed many of his skills that proved invaluable in this place through that work, as did the hon. Members for Aylesbury and for Henley. It augments what these people do.

I talk about the news coverage and the aversion to what is happening, and I very much hope that one day the cuts can be reversed. It is odd, is it not, Mr Robertson, that Orkney has a half-hour coverage of news and so does Shetland, whereas the whole of the highlands has one short bulletin? I say to BBC Scotland that something is wrong with its planning in that regard and I hope it will be looked at again.

In the past, programmes were made in Inverness. There was one called "The Kitchen Café", which was very popular, and got local people involved and on air. I see the UK like a diamond; every facet is slightly different. British people do not particularly enjoy being homogenised all together, into one exact sameness. We enjoy hearing about the different ways that things are done in Oxford, Cambridge, the highlands or Wales. We love that; it is part of being British. The erosion of regional programme making cuts into that, and I regret that enormously because it is part of the British psyche and the way in which we do things.

When I was first elected as a Member of the Scottish Parliament, I took part in one of those shows. Every Monday I would have a 10-minute slot, which was rather hilariously called "Stone of Destiny", in which I would talk about the Scottish Parliament, which had just then been set up. It may seem ridiculous to experienced Members, but I had to explain how *Hansard* worked and what a pager was—we do not have pagers now. Of course, the title came to be used against me by an independent candidate in one of my elections up in Scotland, who called me the "Stone of density". The humble crofters in the township of Rogart were rolling in the aisles at that one! Again, it was good

because the new democracy in Scotland was being aired. I hope I helped to explain it to people, and that they enjoyed it.

I will add one last thing. I hear the arguments expressed on the Government Benches, and I do not know if it is about the cuts or the licence fee, but I do know that something as basically important to being British and the way we do things—British democracy—is eroded and damaged by the cutting back of regional investigative reporting.

10.2 am

John Nicolson (Ochil and South Perthshire) (SNP): It is a pleasure to serve under your chairmanship, Mr Robertson. I thank the hon. Member for Aylesbury (Rob Butler) for raising this important topic. I welcome the Minister, who I see has been reshuffled back to where he rightfully belongs.

There are those who complain about BBC left-wing bias, so it is good to see two former BBC News anchors, both elected as Tory MPs, joining a Tory donor as BBC chair and a former Conservative party candidate as the director general. My colleagues, the hon. Members for Aylesbury and for Henley (John Howell) talked about their history at the BBC. I must declare some bias, because I was a BBC News reporter and anchor. I presented "BBC Breakfast" for a number of years, and was a reporter on "Newsnight" and other programmes. Every morning I found myself saying "Over to you, Rob" on "BBC Breakfast", where the hon. Member was a much respected BBC business correspondent.

I also began my career by writing in and saying that I was interested in news and current affairs. I wrote to Janet Street-Porter, who invited me for dinner. I was ridiculously overdressed. She was ridiculously underdressed. She asked me if I would like to front youth programmes. I was shortly afterwards rejected for John Craven's "Newsround" on the grounds that I was not boyish enough; I think I was 21 then and John Craven was probably approaching his 70th birthday. He was the editor at the time and took that brutal decision.

Politically, culturally and socially, as we saw through the pandemic, the value of the BBC is immense. It reaches every part of these islands and every demographic in them. Whatever people's views on the shortcomings of the BBC—there is disquiet about some of its news direction, especially in Scotland—there can be no doubt whatever about its importance to our national life.

One of the proudest boasts of the BBC has always been its strength in depth, especially in local news and regional journalism, so the closure of regional news programmes and the accompanying job losses are tragic. However, they have almost certainly been inevitable, since the Government bullied the BBC into taking on responsibility for a social service: TV licence provision for the over-75s. A stronger director general would have resisted the bullying or even threatened to resign. One previous director general did precisely that, and the BBC board threatened to resign. I think I am right in saying that it was a former Chancellor of the Exchequer under the Cameron premiership who put the pressure on.

Alas, under Tony Hall, the BBC succumbed to the pressure and signed up for a disastrous deal. The deal, agreed behind closed doors between Baron Hall and the UK Government, places the burden of licence fee payment for the over-75s on the BBC, and it should never have been so. The BBC is a broadcaster. Its job is to deliver public service broadcasting. Without doubt, it is right that the over-75s should have their licence fees paid for, but it is the Government's job to fund that.

When Tony Hall came before the Digital, Culture, Media and Sport Committee, on which I sit, he claimed that his staff were delighted with the deal. I said, "Well, you're obviously not talking to your staff, because I can tell you that they're not." From spending a moment with any member of staff from the BBC, it was clear that they thought there would be huge job cuts if the BBC took on this responsibility. I predicted the job cuts, and I am sad to say that I was right. Those cuts have also come with a cut in services, as the hon. Member for Aylesbury has outlined.

With more cuts comes less choice and a less informed public. That is bad at a time of widespread disinformation, and especially during the pandemic. In Scotland we have our own specific concerns about funding. During the Select Committee's pre-appointment hearing of Richard Sharp as BBC chair, I asked Mr Sharp why only 80% of the licence fee raised in Scotland was spent in Scotland. I wrote down his answer. He said, rather phlegmatically,

"You can ask me, but I do not have the answer."

That was admirably honest.

Last autumn, after Mr Sharp took up his post as BBC chair, I asked him again if he had learned the answer, having been in the job for some time. Once again, he told me that he did not have it, but that as a result of covid the figure had actually gone down. Tim Davie, when appearing before the Select Committee, told me that the percentage of the licence fee raised in Scotland that is spent in Scotland has dropped to only 67%. Clearly, that does not align with the BBC's pledge to better deliver value for all audiences.

A Culture Secretary hostile to our public service broadcasters and underspending in Scotland means that Scots can be forgiven for having a pessimistic view of the BBC's future. Given that I spent the formative years of my career at the BBC, issues affecting its future are very important to me, as I know they are to Members across the House. I will continue to argue for the devolution of broadcasting, but until that time comes, BBC management needs to do all in its power to resist further cuts by the Conservative Government. With our current Culture Secretary at the helm, and the history of political interference at both the BBC and Channel 4, those of us who champion public service broadcasting have cause for concern.

10.9 am

Jeff Smith (Manchester, Withington) (Lab): It is a pleasure to see you in the Chair, Mr Robertson, and to be speaking in this debate on behalf of the Opposition. It is good to see the Minister back in his place. I want to speak about the wider issues around the charter and licence fee as well as the issues we have heard about local news in the south-east. I congratulate the hon. Member for Aylesbury (Rob Butler) on securing the debate and providing a good overview. As a former broadcast journalist, he speaks with authority and is acutely aware of the importance of having well-resourced public service broadcasters delivering for local people, particularly in the light of the decline of local print journalism. He made some interesting points about striking the right balance between local TV news and digital provision in the digital age.

[Jeff Smith]

For the BBC to remain a world-class institution, it needs to be properly resourced so it can deliver for the digital age and beyond the 2020s. When the Secretary of State announced the licence fee freeze in January and suggested that it might be the last licence fee settlement—which happened just as Operation Save Big Dog commenced and, indeed, perhaps as part of it—we were worried. Thankfully the licence fee has lasted longer than Big Dog, but after—as usual—briefing the media first, the Secretary of State eventually made a statement to the House and told us about the freeze. She intimated that the licence fee would end in 2027 and, in future, the BBC should look to the models of American streaming giants, such as Amazon or Netflix. Since then, Netflix has lost over 200,000 subscribers and seen its share price fall by over 60%.

As well as the increase in the subscription cost, another key reason why subscribers are turning away in their droves is the lack of original and distinct programming being commissioned by the streaming giant, with many saying that the subscription was no longer value for money. Netflix announced last month that it has to lay off 300 employees. Is that the future the Government want to see for the BBC?

The past few months have demonstrated the instability and volatility of a streaming model. It would not deliver the long-term security and stability for the BBC that the Government claim to be the objective. Labour values and cherishes our great British institutions, such as the BBC. The BBC is loved at home and envied around the world, but as it approaches its 100th birthday—when we should be celebrating its success—its future once again looks uncertain. It is worth reminding hon. Members just how much we get out of the BBC. It is not only a news and broadcast service envied around the world, it provides a huge number of skilled jobs for people the length and breadth of the UK. It gives us a sense of—particularly regional—identity and unity, and that has been reflected in today's contributions.

The BBC has a diverse range of content across multiple platforms, which appeals to people of all ages, areas and backgrounds. It is because of the licence fee that BBC Bitesize came to the aid of 5.8 million children during lockdown as parents juggled work with the challenges of home schooling. BBC content creators pulled out all the stops to continue educating our young people during the biggest public health crisis in a century. It is far more than just a producer of programmes; it is a curator of content from children's television to hard-hitting documentaries and in-depth global news reporting. Of course, the digital and streaming revolutions are upon us, and the BBC must continue to keep pace with the changing media landscape as it has done with BBC iPlayer and BBC Sounds. However, the Government need to be clear about how the broadcaster will be funded beyond 2027.

With inflation running at a 40-year high and in the light of the licence fee freeze, the broadcaster has already had to start prioritising some sorts of programming over others. Further delay will only lead to British jobs and content being outsourced abroad. As the shadow Secretary of State, my hon. Friend the Member for Manchester Central (Lucy Powell), said,

"cultural vandalism is not patriotic."

The BBC is one of the most powerful aspects of our soft power. Around the world the BBC is trusted and respected for its impartiality, professionalism and skilled reporting. Nowhere has that come more to the fore than in its reporting on Russia's criminal invasion of Ukraine. The Government like to talk about the UK being a soft power superpower, but how can that status be enhanced or maintained when they place such uncertainty on a cultural institution as important as the BBC? It is the only public service broadcaster from any country that reaches half a billion people a week.

Many questions remain on the future capability and ability of the BBC to continue as a world-class news broadcaster. It is still unclear how the merger between BBC News and BBC World News will look in practice and what effect that will have on how much it can cover, particularly when it comes to investigative international reporting. Our international news reporting is the envy of the world but, as we have heard clearly from around the Chamber, we must remember the dedicated teams and crews that make up local news reporting across the United Kingdom. Local news reporting is such an important grassroots component of the BBC, connecting communities to the issues happening locally around them. I therefore agree that it is disappointing that, as part of the digital first strategy, local news coverage is being squeezed, with dedicated frontline reporting one of the casualties.

As we have heard, local news bulletins on BBC One in Cambridgeshire and Oxfordshire will be scrapped, with a single pan-regional edition of "South Today" from Southampton taking their place and covering the whole region. The recently launched regional investigative news programme "We Are England" is also to be scrapped barely a year after it was commissioned.

My hon. Friend the Member for Cambridge (Daniel Zeichner) and others talked about the importance of the local aspect of news reporting, and many communities outside the big cities will fear that with a reduction in frontline journalists and more regional programming, they will become merely a footnote in the broadcaster's output. The BBC says that it will keep its news gathering teams in both the Oxford and Cambridge hubs, but I absolutely understand the worries expressed by Members from those areas that they will not have their own dedicated regional coverage.

An increased digital presence is welcome in the modern age, but it cannot replace journalists on the ground in their communities, reporting for their communities, understanding the issues on the ground and reflecting them in regional coverage. The Government say that their priorities are to ensure that the nations and regions of the United Kingdom, and not just London and the south-east, are prioritised for jobs, infrastructure projects and economic development. The BBC's Media City in Salford, close to my constituency, provides more than 3,000 skilled jobs and has helped to foster a dynamic economic cluster. I have to say that it has raised house prices in my constituency. That would seem a model example of what levelling-up looks like in action, creating more skilled jobs and roles outside the capital.

To appreciate the BBC, we should look at the statistics. BBC services are used by nearly 100% of UK adults every month. The BBC is the most popular media brand among young people, reaching 80% of young adults on average per week. Over the covid

period when schools had to shut their doors and move online, millions of families discovered the brilliance of BBC Bitesize.

Even those who are sceptical of the BBC, when tested, had a new-found respect for it. The BBC recently published the findings of a deprivation study in which 80 homes had no access to BBC services or content for nine days. It found that 70% of those who initially said they would rather do without the BBC, or prefer to pay less for it, changed their minds and were willing to pay the full licence fee or more to keep BBC services and content.

Rather than the constant sniping and funding insecurity that we see under this Government, a Labour Government would work towards a long-term settlement that would ensure that our great British content and great local reporting could survive and thrive. We would talk up rather than kick down the brilliant reporters, presenters, musicians, actors and technical staff who make our soft-power giant what it is.

The licence fee still represents excellent value for money for consumers, so the Government need to confirm that any future funding model that they might contemplate will continue to offer viewers and listeners so much and such value. The BBC needs clarity about its future so that it can continue to modernise and continue to inform, educate and entertain for the next 100 years as it has done so brilliantly for the past 100 years.

10.18 pm

The Minister of State, Department for Digital, Culture, Media and Sport (Matt Warman): It is a pleasure to serve under your chairmanship, Mr Robertson, and it is a pleasure to be back, however briefly. I thank hon. Members for their kind words.

I feel that I should join the ex-journalist fest. As a former journalist, I never had the pleasure of working for the BBC, but my first job was to be paid to watch its output. I promise that, as a first job out of university, being paid to watch television is less fun than it sounds, but it is pretty unusual. Among a whole host of other things, I covered the launch of BBC iPlayer in 2007 as a journalist, and in some ways I think that tells us how far the BBC has come and how much it has changed since then. It is as much a technology company as a broadcaster.

The thread that runs through all of that period, and which predates it by some way, is the value of regional news output. I think that the continued preservation of that output is something we would all like to see the BBC look to. The Government would, of course, like to see it preserve and enhance its regional output as much as possible, but that is a matter for the BBC. We have all paid tribute to our local news organisations, but I could not stand here without mentioning the giant that is Peter Levy on "Look North".

Turning to the substance of the debate, as the Secretary of State and many others have said, the BBC is a global British brand. The Government want the BBC to continue to thrive in the decades to come and be a beacon for news and the arts around the world. The royal charter, underpinned by a more detailed framework agreement, guarantees the BBC's current model as an independent, publicly owned, public service broadcaster.

John Howell: Has the Minister been struck, as I have, by the similarity between what we are asking for for local investigative journalism and how the brand operates at a global level? It seems that at the global level the BBC has appreciated that it can only achieve its aim by investigative journalism and working in small groups, which is to its credit. We see that every day on the television.

Matt Warman: I wonder whether my hon. Friend has read my next paragraph. The value that we have seen recently from the BBC in the reporting on the crisis in Ukraine is not the whole story. We have to look at the huge value it adds in its heroic reporting and investigating of local issues just as much as its value on the world stage.

The charter and framework agreement set the BBC's mission and public purposes, which establish the BBC's responsibilities and what it must do. Those responsibilities include the provision of impartial news and information to help people understand and engage with the world around them—of course, that is a world that is experienced locally, nationally and internationally.

On 17 January, the Secretary of State announced in Parliament that the licence fee would be frozen for the next two years. The BBC will continue to receive around £3.7 billion in annual public funding, allowing it to deliver its mission and public purposes and continue doing what it does best. Under the terms of the charter, the BBC is operationally and editorially independent from Government—quite right, too. As Members have acknowledged today, there is no provision for the Government to intervene on the BBC's day-to-day operations. That means that it is for the BBC, subject to Ofcom's regulation, to decide how best to use its funding as it delivers its remit and meets its mission and public purposes. Of course, as my hon. Friend the Member for Aylesbury (Rob Butler) implied, as Ofcom is set up by the Government, there is a role for the Government within this. However, I have to stress that Ofcom regulates that aspect of the BBC, rather than the Government.

On 26 May 2022, Tim Davie set out his vision for keeping the BBC relevant and offering value to all audiences in the on-demand age, with a particular focus, as has been referred to, on a digital-first BBC. This included an announcement that while the BBC will maintain its overall investment in local and regional content, some services and bulletins will be merged or ended, as we have discussed today. In the BBC's explanation for this change, it set out that a small number of changes to its regional TV output will help strike a better balance between broadcast and freeing up money to invest online.

The announcement also confirmed that the BBC will continue to support the local news sector through the £8 million it spends each year on the local news partnerships and the Local Democracy Reporting Service, and that it will increase investment in local current affairs by creating a new network of journalists to focus on investigative journalism in communities across England. Of course, the Government welcome the maintenance of support for the LDRS during this charter period. It is an effective model for collaborative working between the BBC and local commercial news outlets.

As the BBC's independent regulator, Ofcom is responsible for setting out the regulatory conditions that it considers appropriate for requiring the BBC to fulfil the mission and public purposes that my hon. Friend the Member for Aylesbury referred to. Those conditions are set out

[Matt Warman]

in the operating licence, and Ofcom is conducting a public consultation on proposed changes to the current licence.

The Government firmly believe that public service broadcasting plays an important role in reflecting and representing people and communities from all over the UK. The BBC has a particular role to play and must ensure that it meets the responsibilities set out in its charter. That will be regulated by Ofcom, including through an annual assessment of the BBC's performance.

Regional news and local current affairs play a vital role in bringing communities together—as the hon. Member for Cambridge (Daniel Zeichner) said—and providing shared experiences across the UK. In that context, we recognise the continued requirement for the BBC to produce and schedule regional news programmes on traditional platforms. The value of television remains immense; whatever the changing figures of its reach, for a large number of people, it is obviously hugely and uniquely valuable.

We also recognise that the remits of all PSBs, including the BBC, must be updated to reflect the rapidly changing sector, where that mixture of online and digital distribution is of increasing importance. We therefore welcome Ofcom's consultation on the BBC's operating licence to ensure that the BBC continues to be allowed to innovate and respond to changing audience needs through greater recognition of those online services. We look forward to seeing the consultation's results in due course.

It goes without saying that the BBC needs to consider whether local news meets the needs of local communities. That is, of course, its ambition and what Ofcom looks to ensure that it achieves. However, in my own community for instance, people in Boston will think that Hull is a very long way away, just as people in Oxford and Cambridge may think they do not have much in common with the Isle of Wight, as the hon. Member for Cambridge pointed out.

Among the actions we are taking to support the sector, we have committed to a series of measures that we intend to deliver through a media Bill. It will support PSBs by updating decades-old rules to give them more flexibility in how they deliver on their remits across their services. They will also have their online prominence guaranteed.

While there are some excellent examples of effective news services provided by local TV, the picture is more mixed for local TV as a whole. A number of local stations have been granted permission by Ofcom over the past few years to reduce local news and local content production to sustain services. By the end of the year, we will consult on the process for licensing local TV after 2025, and will gather views on whether to offer renewals, and the terms under which they should be offered. We will consider whether to set minimum local news requirements as a condition of renewal.

The Government also fund the community radio fund, which gives grants to help fund the core costs of running Ofcom-licensed community radio stations, such as management and administration. As my hon. Friend the Member for Aylesbury mentioned, those radio stations reflect a diverse mix of cultures and interests and provide a rich mix of mostly locally produced content, typically covering a small geographical area. Their value in the mix cannot be overstated. However, specifically on the BBC, we are evaluating how the BBC and Ofcom assess the market impact and public value of the BBC in the local news market through the mid-term review.

To conclude, noting our manifesto commitment to support local newspapers as vital pillars of our communities, it is important, in a debate about regional TV programming, to consider the sustainability challenges faced across the broader local news market, and the extent to which the BBC can help. My hon. Friend will be aware that the Digital, Culture, Media and Sport Committee is conducting an inquiry into the sustainability of local journalism, and I look forward to seeing its report in due course.

We all know that the BBC is a great national institution; we all want to see it thrive. Over the past 100 years, as has been said already, it has touched the lives of almost everyone in the UK and made a unique contribution to our cultural heritage. The Government are clear that the BBC must continue to adapt if it is to thrive in the decades to come, but, of course, we all want to see it serve local, regional and international audiences to the best of its ability. I think we would all like to see it define that in ways that are understood by the general public.

The BBC needs to represent, reflect and serve audiences, taking into account the needs of diverse communities of all the UK nations and regions. It is vital that the BBC continues to meet that requirement, and it is vital that it is held to the highest standards in doing so. On that note, I congratulate my hon. Friend the Member for Aylesbury on securing the debate, which has been an important part of holding the BBC to those standards, alongside the work of Ofcom and others.

10.30 am

Rob Butler: I am glad to have had the opportunity to raise concerns in the House of Commons about the BBC's axing of the Oxford edition of "South Today" and the Cambridge edition of "Look East", and to set out why I believe that is in contravention of the BBC charter. Axing those dedicated programmes will make a fundamental difference to the way in which people in the areas around Oxford and Cambridge find out what is happening, why and who is responsible.

There has been remarkable cross-party support from hon. Members for local journalism from the BBC. Those who have spoken today did so with a common sense of purpose and of valuing the BBC. The hon. Member for Cambridge (Daniel Zeichner) highlighted the BBC's investigative news at local and regional levels, and the disappointment in his local area, which there is in mine, over the plans to close the programmes that we have been discussing, as well as the irony of the BBC turning away from a fast-growing sub-region. A similar point could be made about Aylesbury, where tens of thousands of new homes are due to be built in the coming years.

I thank my hon. Friend the Member for Henley (John Howell) for his kind remarks about our shared background in broadcasting. He highlighted the significance of local investigative journalism and pointed out the lack of impartiality among other online sources of news.

The hon. Member for Caithness, Sutherland and Easter Ross (Jamie Stone) illustrated the impact of cuts to local BBC services in his area, vividly describing what happens in local communities when those services are cut. I hope that might give the BBC pause for thought.

From time to time, I shared a TV studio with the SNP spokesman, the hon. Member for Ochil and South Perthshire (John Nicolson). I do not share all his views on the BBC or many other issues, as he would expect, but I note that he had an experience similar to mine in preparation for today's debate of struggling to get meaningful answers from the corporation.

Labour's spokesman, the hon. Member for Manchester, Withington (Jeff Smith), underlined the significance of regional programmes in forging an identity. It is important to say in this conversation that local news reporting is a significant grassroots part of the BBC. It is a shame that it is being squeezed.

I am pleased to see the Minister back at DCMS, and I was glad to hear his support for regional news and that the BBC needs to consider whether local news really does meet the needs of local communities. I accept entirely his point that day-to-day operational decisions are for the BBC, not the House or the Government, but my concern is about the BBC's compliance with the royal charter. Those concerns remain, and I hope BBC management will reflect on today's debate. The BBC does some excellent work, and I hope that that excellence will perhaps stretch to its capacity to listen to its audiences, listening to Members who have spoken today, and reversing its decision.

I thank you for your chairmanship, Mr Robertson, and I thank all Members who have spoken today.

Question put and agreed to.

Resolved,

That this House has considered the BBC Charter and the closure of regional TV news programmes.

10.33 am

Sitting suspended.

Free School Meals: Eligibility

11 am

Mr Laurence Robertson (in the Chair): In a moment, I will call Emma Lewell-Buck to move the motion and later I will call the Minister to respond. There will not be an opportunity for the mover of the motion to wind up, as this is only a 30-minute debate.

If anyone wishes to remove their jackets, they should please feel free to do so.

Mrs Emma Lewell-Buck (South Shields) (Lab): I beg to move,

That this House has considered eligibility criteria for free school meals.

It is a pleasure to see you in the Chair, Mr Robertson. There is nothing more grotesque than a Government who not only preside over thousands of children going hungry but who actively pursue policies that plunge them into hunger and poverty. As we debate the issue, nearly 4 million children in Britain are living in poverty, more than 800,000 are missing out on free school meals and hundreds of thousands are missing out on school breakfasts.

In my part of the world—the north-east—such figures are not decreasing but rising rapidly. Just this morning, the North East Child Poverty Commission revealed that our region now has the highest rate of child poverty in the UK, with 38% of our children now living in poverty. In South Shields, that rises to over 42%. It is clear that levelling up, just like the northern powerhouse before it, is a vacuous, empty phrase that was never intended to, and never will, do anything to improve the life chances of children in my area.

Hungry children, no matter how talented they are or how dedicated their teachers are, simply do not learn. When children spend their day worrying about where their next meal will come from, or about when their mams, dads and siblings will be able to eat again, their learning will inevitably be hindered.

The impacts of child hunger are well documented. Numerous studies have shown the links between nutrition and cognitive development. Hungry children suffer developmental impairment, language delays and delayed motor skills, not to mention the psychological and emotional impacts that can range from withdrawn and depressive behaviours to irritable and aggressive ones.

Pre-pandemic, we even saw rising numbers of hospital admissions for children through malnutrition and a resurgence of Victorian diseases such as scurvy and rickets. If it was not for the nearly 200,000 food banks in the UK—those are the ones we know of—as well as kind neighbours, faith groups and charities, many more children would simply have gone without.

When I was a child protection social worker, it was the children suffering from severe neglect who would be going without on such a scale, but now we have a generation of children for whom hunger and grinding poverty have become the norm. Back in 2019, the United Nations special rapporteur on extreme poverty and human rights visited the UK and found that the driving force of that Government was not an economic goal but rather a commitment to achieving radical social re-engineering and sending messages about lifestyles. His well-evidenced and thorough assessment was rejected outright and his recommendations were ignored.

[Mrs Emma Lewell-Buck]

When it comes to free school meals, what support the Government have put in place has been hard-fought for by charities, faith groups, Opposition MPs and celebrities.

Afzal Khan (Manchester, Gorton) (Lab): I thank my hon. Friend for securing the debate and for the excellent remarks that she is making. Over 40,000 children in the city of Manchester are now eligible for free school meals. As the summer holidays loom, thousands of families in my constituency face the prospect of choosing between eating and paying rocketing utility and fuel bills. Does she agree that it is high time that the Government ensured that councils have the funding they need to support children and families during the school holidays?

Mrs Lewell-Buck: It should come as no surprise to anyone that I agree with my hon. Friend completely; indeed, I will echo some of his comments later in my speech.

Let us just consider the Government's abysmal record throughout covid. First, we had the ridiculously chaotic voucher scheme being contracted out to a private company; then the Government tried to withdraw support in the half-term and Easter holidays; and then when it came to the summer holidays, Tory MPs voted to withdraw support for free school meals, only to have their votes overturned when footballer Marcus Rashford shamed the Prime Minster into a U-turn. That was followed by meagre food parcels containing—for 10 days—a loaf of bread, half a cucumber, one pepper, a few potatoes, a block of cheese, four pieces of fruit and some salty snacks.

The holiday activities and food programme was again hard fought for from 2017 onwards, but it was not until 2021 that the Government decided to roll the programme out. Even now, the overriding focus of the programme is on activities, with a vast amount of money being spent on admin, bureaucracy and communications. If it had not been for the crowdfunding of my big-hearted constituents in South Shields, alongside Feeding Britain, KEY2Life, the North East Combined Authority and Hospitality & Hope coming together over those summers, children in South Shields would have gone without.

My fully costed school breakfast Bill would have seen nearly 2 million children start the day with full stomachs. Instead, the Government introduced a scheme that provides support to only 2,500 out of the 8,700 schools they have identified as eligible. Hungry children never have been and never will be a priority for the Government. If the political will was there, they would listen to the myriad voices from charities, organisations, faith groups, Opposition MPs, a few Members on their own side and Henry Dimbleby, who they appointed to lead the national food strategy. They are all pleading with the Government to at least expand free school meal eligibility to all families receiving universal credit or equivalent benefits. That would mean that a further 1.3 million children living in poverty would at least get a free school meal, and would also be eligible for the holiday food programmes.

According to the Child Poverty Action Group, that expansion would cost the Government an additional £550 million a year. The Minister knows as well as I do that that is small in terms of Government spending. Just look at the billions wasted on faulty personal protective equipment and gifted to Tory friends and donors for inadequate contracts throughout the pandemic, as well as the billions written off in covid fraud.

Furthermore, alongside that reform, the Government could introduce an automatic registration scheme for free school meals. At present, more than 200,000 children miss out because of the overly bureaucratic nature of the registration process. Those measures should then be followed by a move to universal free school meals for all children, as in Labour-led Wales, because no child should ever feel stigmatised or singled out.

Ian Byrne (Liverpool, West Derby) (Lab): I thank my hon. Friend for securing the debate, and for the incredible work she has done campaigning on this issue for many years. Does she agree that the bureaucracy and means testing for free school meals only increases stigma and also means that many children fall through the cracks and go hungry? Does she agree that the Government should look at providing universal free school breakfasts and lunches for all children in schools as a matter of urgency? The difference that investment would make to the education and lives of children in Liverpool, West Derby and beyond cannot be stressed enough. I have made that point to the Minister.

Mrs Lewell-Buck: I thank my hon. Friend for the work he is doing on his Right to Food campaign, and all the work he does in his patch raising money for local food banks. He is right that there is another factor: means testing costs more. Universality is cheaper, and that is where the Government should be heading.

The hungry children are the children of key workers. Those key workers are working for their poverty. They are the key workers who kept us going and cared for our loved ones throughout the pandemic—they risked their lives for us. What chance do those children have when the newly appointed Under-Secretary of State for Education, the hon. Member for Bassetlaw (Brendan Clarke-Smith), along with his colleagues, voted during the pandemic to deny children free school meals in the holidays, and has said he believes that free school meals amount to "nationalising children"? He also went on to add that it was simply not true that people cannot afford to buy food on a regular basis, saying

> "If you keep saying to people that you're going to give stuff away, then you're going to have an increase I'm afraid".

I have a feeling that in his response the Minister will regale us with details of the cost of living support packages that the Government have put in place through previous support grants. The reality is that they are all one-offs; they are piecemeal, they are sticking plasters and they do little to address the root causes of child poverty. It should be to the utter shame of every MP in this Government that in a country as rich as ours, children are going to bed hungry and waking up hungry. I look forward to the Minister letting us know in his response what he intends to do to remedy that, because our children need and deserve better.

11.10 am

The Minister of State, Department for Education (Will Quince): It is a pleasure to serve under your chairmanship, Mr Robertson. I congratulate the hon. Member for South Shields (Mrs Lewell-Buck) on securing a debate on this important subject. I echo the comments

of other colleagues about her tireless work to raise awareness of the challenges that our most disadvantaged children face. Indeed, she raised this issue as recently with me as last Monday at Education questions, although it feels almost a lifetime ago.

Let me also put on record how pleased I am to be back at the Department for Education, after a 24-hour interlude. The hon. Lady knows how passionate I am about this work and how delighted I am to be able to continue it. She also knows of my long-standing interest in this issue, both in the past 10 months as Minister at the Department for Education and over the previous two and a half years as a Minister at the Department for Work and Pensions.

This Government are committed to supporting those on low incomes and continue to do so through many measures, such as spending over £108 billion a year on working-age benefit support and by recently taking wide-ranging action, to which the hon. Lady rightly pointed, to directly address cost of living pressures. She specifically referenced free school meals, and I will focus my comments on that area.

The Government and I are committed to providing free school meals to children from households who are out of work or on low incomes. This is of the utmost importance, both to me personally and the Government. Under the current criteria, there are around 1.9 million pupils who are eligible for and claiming a free school meal at lunchtime, which saves families hundreds of pounds per year per child. This number equates to approximately 22.5% of all pupils and is up from around 15% of pupils in 2015. The increases are due in part to the protections during the roll-out of universal credit. In making sure that these children receive a healthy, nutritious meal, we are helping to ensure they are well nourished, develop healthy eating habits, and can concentrate and learn—points that the hon. Lady rightly raised.

Mrs Lewell-Buck: The Minister will be aware that lots of school food providers have said that, because of the cost of living crisis, nutritional standards are going to go down and they will have to substitute food for something else. What will he do about that?

Will Quince: I thank the hon. Lady for that question. I have heard the call from the sector. We have increased funding for the universal infant free school meals rate to reflect this. Also, the core schools budget is increasing. I am acutely aware of the global inflation pressures. Schools are not immune to that. I will continue to work with the sector and with schools to ensure that schools are able to provide healthy, balanced and nutritious meals.

I mentioned the 1.9 million eligible pupils. A further 1.25 million infants are supported through the universal infant free school meal policy, as I just referenced. Already the greatest proportion ever of school children—around 37.5%—are provided with a free school meal at lunchtime, at a cost of over £1 billion a year. However, we do not stop there. Last year, more than 600,000 children were provided with healthy food and enriching activities through the holiday activities and food programme, which is provided in all the major holidays, including over the summer. We have committed to spending an extra £200,000 per year throughout the spending review period, and I am pleased to say that all 152 local authorities across England are delivering this programme.

We then have our £24 million national schools breakfast programme, which means thousands of pupils are benefitting from a healthy, nutritious breakfast. There are also 2.2 million key stage 1 pupils provided with a free portion of fruit or vegetables every day. For the youngest in our society, we have the healthy start voucher scheme, which provides a vital safety net for hundreds of thousands of lower-income pregnant women and families with children under the age of four.

I understand that the hon. Lady wants us to go further and extend free school meal eligibility. I will come to some of the points she raised in a moment, but I will start by setting out what we have already done in this area. Under this Government, eligibility for free school meals has been extended several times and to more groups of children than under any other Government over the past half a century. That includes the introduction of universal infant free school meals and the further education entitlement.

Mrs Lewell-Buck: Will the Minister give way?

Will Quince: I will give way in a moment. I want to mention a piece of work in which I have been specifically involved, both in my previous role at the Department for Work and Pensions and in my current role: permanently extending eligibility to children from families with no recourse to public funds, which is hugely important but subject to income thresholds. That came into effect at Easter.

Mrs Lewell-Buck: The Minister is being generous in giving way. Does he not accept that eligibility has had to be extended repeatedly because there are more and more children in poverty? When are this Government going to get to grips with the root causes of the endemic poverty that children in this country are suffering from?

Will Quince: I hear what the hon. Lady says. I have always said to her that I continue to keep eligibility under review for the reasons she has mentioned. We could have a separate debate on the root causes of poverty, and I could talk about the work undertaken in my previous role by the Department for Work and Pensions over the past two and a half years to support people and empower them into work, but that is a debate for another day.

I shall focus on free school meals in particular, although I will touch on universal credit because the protections in place as we roll it out are important. All children eligible for a free school meal at the point at which the threshold was introduced and all those who become eligible as universal credit is rolled out will continue to receive free school meals, even if their household circumstances change dramatically. For example, if those circumstances improve and move them above the earnings threshold, they will not lose that eligibility, which they otherwise would. Even after protections end, if they are still in school, those children will continue to be protected until the end of their phase of education, whether primary or secondary.

Let me turn specifically to the points that the hon. Member for South Shields made about the universal credit threshold. Free school meal eligibility has long

[Will Quince]

been governed by an earnings threshold. That was the same under the legacy benefits system under the previous Government. In April 2018, we updated our eligibility criteria to include the earnings threshold of £7,400 for families on universal credit. That was forecast at the time to increase the number of eligible pupils when compared with the legacy benefits system. That was a direct comparison, and it was designed to increase the number.

It is absolutely right that our provision is aimed at supporting the most disadvantaged—those out of work or on the lowest incomes. The current household earnings threshold is a bit misleading: we put it at £7,400, but that does not include benefit receipt, which means that total household income could be considerably higher than that while someone is receiving a free meal.

Ian Byrne: Where are we now in society? Come September or October, we will see further rises in the cost of heating a home. We have seen exponential price rises, as prices have moved massively and become totally unaffordable. Is it not time for the Minister to acknowledge that so many people who are above the threshold for universal credit are struggling, and to look to other nations in Europe that have implemented universal free school meals for data on the advancement of and the benefits to those societies, both economic and educational? I name Norway and Portugal.

Will Quince: I hear what the hon. Gentleman says, and I will continue to look at European and other comparators, and at eligibility.

In relation to what the hon. Gentleman—and, indeed, the hon. Member for South Shields—proposes as an in-work and out-of-work benefit, it is important to reference the fact of those on universal credit having that £7,400 earnings threshold. There will be people whose income exceeds £40,000 a year. I know there are people struggling across the country, even on what many would consider a reasonable income, because there is an inflationary shock for many people, and they have outgoings that reflect their earnings.

I will come to that, but while it is right that those families continue to receive a small amount of universal credit, which tapers as their earnings increase, not least to encourage and incentivise work, we have to recognise more broadly—notwithstanding the current inflationary pressures and cost of living pressures—that these are not the most disadvantaged households, which we want to target, or arguably should target, with support in this specific way.

That does not mean we should not be helping those people with specific, targeted support in other ways, which I will come to, but extending free school meal eligibility to all families on universal credit would, without question, carry a significant financial cost—one that I think would be much higher than that which the hon. Member for South Shields has referenced, although we can discuss that another day. It would quickly run into billions of pounds over a spending review and result in around half of all pupils becoming eligible for a free meal, which would have substantial knock-on effects for the affordability of linked provision—for example, the pupil premium, which is linked to eligibility for free school meals.

Having said all that, I understand and appreciate—I have a constituency myself and I speak with people every weekend—that many families are finding it tough, given the global inflationary pressures that affect the cost of living. The question is whether a permanent change to the eligibility criteria for free school meals is the right thing to do now—whether it is affordable and sufficiently targeted, and whether it could be delivered quickly enough if we wanted to operationalise it. My answer to all those points at the moment is no. As I say, the Government understand the pressures people face with the cost of living. These are global challenges, and that is why the Government are providing over £15 billion of further support, targeted particularly at those with the greatest need. We should not forget that this package is in addition to the over £22 billion that was announced previously, with Government support for the cost of living over the course of this year totalling over £37 billion.

Afzal Khan: The Minister says his answer is no. In Manchester, Gorton, a survey has shown that 80% of families are cutting back on food. Does he not agree that every young child deserves a good start in life and that food is one of the basics?

Will Quince: Of course, I agree. I do not want to see any child in this country going hungry or a single family in poverty. The hon. Gentleman raised support for councils in his intervention on the hon. Member for South Shields, and that is important. I referenced the £37 billion. I am biased because I originally set up the covid winter grant scheme, which has turned into the household support fund, and I am proud of the support it has provided to councils. That £37 billion includes an additional £500 million to help households with food and essential items. That is on top of what we have already provided since October 2021, and brings total funding for the household support fund to £1.5 billion. We did so because I genuinely believe that local authorities know their communities and those who are in need best and how to target them. There is another £421 million of additional support, which will run until March next year, with the devolved Administrations receiving an extra £79 million.

Let me turn to funding, which the hon. Lady also raised. In order to deliver the free school meal provision, we have increased the core funding for schools with the FSM factor—that is a bit of a mouthful—in the national funding formula. It has increased to £470 per eligible pupil this year to recognise rising inflation and the associated cost pressures, and from speaking with the sector and knowing the challenge that schools face. That was after the NFF rates were set, and we provided core funding through a schools supplementary grant. As a result, core mainstream schools funding will increase by £2.5 billion in 2022-23 compared with last year.

As I say, we already spend around £600 million on universal infant free school meals each year. The per meal rate, which I referenced earlier, was increased to £2.41, because I recognised that that needed to be done, and importantly I backdated that to 1 April this year, which represents an extra £18 million, in recognition of recent cost pressures.

Mrs Lewell-Buck: The Minister is doing as I expected and listing some of the things the Government have done, but what about the 800,000 children who are

missing out? There will be more of them as the year continues. What support is there for them? Clearly, the support at the moment is not enough because they are still going to foodbanks, so what will he do for those children?

Will Quince: Of course, I work with colleagues and counterparts across Government to ensure that we are supporting people as much as we possibly can, and it is vital that that support is targeted. I referenced the £37 billion. Much of that is yet to come, such as the grants specifically for families and support via the household support fund. One thing I would say, having worked with the Chancellor of the Exchequer when he was Education Secretary, as well as with the previous Chancellor, is that they take an evidence-based approach, and if there is need out there, the Government will step up. I found that to be the case at the Department for Work and Pensions throughout the course of the pandemic. The Chancellor consistently stepped up to support the poorest and the most disadvantaged and vulnerable in our country, and I have no doubt that the Chancellor and the Prime Minister will continue to do so.

As I said, this is a hugely important issue, and I know how it affects some of the most disadvantaged children across our country. I thank the hon. Lady for raising it. It is important that the Government continue to be push to see how much further and faster we can go on these issues. Of course, as I said, I will keep all free school meal eligibility under review to ensure that these meals support those who need them most. As I have said, extending eligibility would be extremely costly, especially if the link between free school meals and other funding is included, such as the pupil premium. A threshold has to be set somewhere, and the current funding is targeted at those who need it most.

Question put and agreed to.

11.25 am

Sitting suspended.

Cost of Living: Support for Farmers

[Mr Philip Hollobone *in the Chair*]

2.30 pm

Alicia Kearns (Rutland and Melton) (Con): I beg to move,

That this House has considered support for farmers with the cost of living.

It is a privilege to serve under your chairmanship, Mr Hollobone. I wish to quickly put on record my declaration of interests: I am chair of the all-party parliamentary group on dairy, co-chair of the APPG on farming, and chair of the APPG on geographically protected foods. On that note, I shall move on to the actual business.

The importance of food is finally returning to the national conversation. From food security and supply chain costs, to questions of quality, sustainability and the locality of our produce, our country's relationship with food is a topic that breaches all divides and impacts on us all. During the pandemic, we all recognised the importance of buying local, and it was wonderful to see people going to the farmer's gate and talking about how proud they were to support local producers. Fewer have been doing that of late, however, as people have returned to mass marketplaces.

In the recent debate on food and the cost of living, there is one constituency that has been consistently overlooked in our discussions about how to support our constituents through the cost of living crisis. It is our farmers who are most underappreciated and underdiscussed. They are the agricultural backbone of our nation, and they are under a tremendous amount of pressure. Rapid inflation in the sector is driving up the price of everything—from fuel and fertiliser, to machinery and labour costs. The crisis has coincided—and not by the Government's doing—with the agriculture transition plan of the Department for Environment, Food and Rural Affairs, under which the old support payments to farmers under the common agriculture policy are being reduced.

Although the Government are in the process of rolling out new support measures, the schemes are not ready for farmers to fully access them. The National Farmers Union, the National Audit Office, the Public Accounts Committee and the Institute for Government have all expressed serious concerns about the shortfall in support that is currently in place. The risks of the pressure being experienced—which, sadly, looks like it will become more and more sustained, and more and more heinous—are difficult to overstate. A recent NFU survey has demonstrated that 33% of arable farmers are planning to reduce their cropping next season; that 7% of dairy farmers plan to leave the industry altogether; and that 15% of pig producers have done so in the past six months alone.

The decline in agricultural output will spell disaster for the UK if we are not careful. It will result in food costs rising and our dependency on imports increasing, which is something that our constituents will notice. All of this will happen at a time when supply chains are buckling. Farms such as L&J Stanley in Harby, in my constituency, rightly point out that we should be making

[Alicia Kearns]

a greater effort to increase the amount of food that we grow in the UK. There are real ways in which the Government can step up and support farmers through this difficult period. As several of my colleagues compete for the privilege of serving as Prime Minister, I say to each of them—because I am certain that they are watching this debate—that a Conservative Government are a Government who support British agriculture, and that rurality and supporting our food makers and those who allow us to feed our families should be at the heart of our future policies for the economy.

On labour shortages, we all know the challenges that farmers are facing are severe, and our response therefore has to be significant. The public are acutely aware of the crisis in farming. We have all seen the photos of unpicked crops wilting in the sun, heard the stories of healthy livestock being unnecessarily culled due to a lack of abattoir workers, and felt the impact on our wallets of increased prices in shops and supermarkets. Constituents are particularly concerned when they see security markers and buttons put on products such as Lurpak, and people are unable to afford prices of £8 or £9 just to buy some butter.

A recent survey conducted by dairy giant Arla Foods, which operates in Melton Mowbray in my constituency, found that 80% of farmers looking for workers have received very few or zero applications from people with the right experience or qualifications. Looking back to my education at school and the quiz that pupils did to find out what job or profession they should do when they got older, I do not remember a single person being told they should be a farmer. Are our educationalists pushing people? In my neighbouring areas of Stanford, Peterborough, Corby, Nottingham, Leicester and so on—I have 13 neighbours; is a very busy neighbourhood—people would say that farming is not brought up as a legitimate career, even though the 460 square miles next door in Rutland and Melton offer amazing agricultural jobs. We have to start at the very base—looking at how we get people into the industry—because worker shortages are hammering farmers.

In the dairy sector, milk volumes are down by about 3%, compared with last year, and according to Arla's survey a scarily high 11.9% of dairy farmers are considering leaving farming altogether if the situation does not improve. In the first instance, we urgently need to address labour shortages across the industry so that we can keep supply chains running and shops stocked. Contrary to certain popular perceptions, agriculture is a highly innovative and technological sector, but many of those innovations are in their infancy, and they cannot currently address a shortfall in labour. They definitely cannot do it when it is acute, quick and coming at farmers at great speed, in addition to the increased costs all around them.

We have to ensure that open positions are added to the Government's shortage occupation list, to broaden the labour pool and help farmers keep their operations running. I also urge the Government to expand the seasonal agricultural workers scheme to satisfy the demand for labour, and ensure those seasonal visas cover work that needs to be done in the winter too, including the production of Stilton in my constituency—Stilton was invented in Little Dalby, and Long Clawson has amazing creators such as Tuxford & Tebbutt. Those businesses need workers between October and December, which is often not when the Government and civil servants think of providing additional visas.

The next issue is rising costs. We are all struggling with inflation, but the NFU estimates that agricultural inflation stands at over 25%. The Government's agricultural price index shows that in the 12 months to April 2022, the price index for agricultural inputs increased by 28.4%.

I have spent the past few weeks speaking to farmers in my constituency ahead of this debate. One farmer, who represents I.W. Renner & Sons, which is one of our great farms in Normanton, told me that his main concern is the impact that inflation is having on the cost of fertiliser. Heavily linked to gas, fertiliser is an essential input related to crop yields, and rapid price increases have had a severe impact on output. Ammonium nitrate, a key component of fertiliser, cost £200 per tonne in January 2021, but now costs £900 per tonne if you are lucky. That quadrupling of costs is pushing farms to the brink, reducing product yields and quality and forcing them to transfer some of the costs on to consumers. Additionally, the recent closure of the CF Fertilisers Ince production site, which was once responsible for roughly 50% of domestic fertiliser production, has exacerbated the problem. The Government's decision not to treat the facility as strategically important will have serious consequences for farming.

The significant increase in costs and the reduced availability of fertiliser will also likely reduce crop yields in UK farms in the coming years, much to our detriment. Many of my farmers are deciding not to grow any more bread wheat, and are changing to growing other types that require less fertiliser and are of lower quality.

The Government can make a real difference. Farmers in Rutland, Melton, the Vale and Harborough villages want us to boost domestic fertiliser production and secure domestic supplies as a priority. I also want to see us open our export markets to places such as Jordan and Canada, to broaden our farmers' opportunities and move away from taking fertiliser from eastern Europe, which we know will continue to be a volatile market for a long time.

Finally, farmers ask that we increase transparency in the fertiliser market by establishing a gas-fertiliser index. Although we must accept that the Government cannot control the price of fertiliser, fertiliser markets are far too opaque. They threaten business confidence and farmers' ability to invest for the long term. We all know that our farmers ask for as much resilience, certainty and stability as possible. The establishment of a trusted gas-fertiliser index within DEFRA, with relative global benchmark prices accounted for, would go a long way to help farmers prepare for market volatility. Given that such indices exist in the grain, dairy and meat markets, it is not unreasonable for farmers to expect greater transparency for fertiliser.

The next area of work is flexible support. As I said, the challenges facing farmers are being exacerbated by the fact that DEFRA is currently transitioning to alternative programmes of support, which most hon. Members fully support, but that is leaving funding shortfalls and hampering business confidence. Farmers are resorting to using all available support to tackle inflation and fund operational inputs, rather than look at structural investment. Jan from

Northfield Farm in Whissendine in Rutland wrote to me about this, and she captured the essence of what farmers want to see from the Government:

"The support farmers most need is not some sort of handout, it is a programme that helps us to underpin our business across a wide range of areas."

We can all agree that if we keep applying sticking-plaster solutions, our farmers will struggle to innovate, to compete and to continue to provide the vital products that we all take for granted. I ask the Government to look into introducing farm business loans to provide farms with the capital they need to break the inflationary cycle.

Key to the success of such a scheme would be repayment flexibility—for example, weighting repayments to a period of good return. DEFRA must be more sensitive to the economic cycle of farming, which I know the Minister understands full well, in order to make the most out of support measures. There exists ample opportunity for creating viable investment into modem and productive farming infrastructure.

It is clear that British farming is in a state of flux, and international and domestic pressures are significantly impacting on the sector. While some of the causes are far beyond the Government's control, we need to tackle those challenges head on; otherwise, we will see an even more significant contraction in production over the next few years. For several of the issues I have raised today, there are concrete steps the Government can and should take to support our farmers.

When I talk to my farmers, it is clear that they are united—whether they represent the most remote Harborough village, are up in the Vale providing milk, or down on pig farms producing livestock down in Rutland. We have to assist with labour schemes, introduce a gas-fertiliser index and create flexible loans to boost investment. Those are the key asks from my farmers. I believe, as I know the Minister does strongly, that our farmers have stood by us over what have been a very difficult past two and a half years. They have kept high-quality, good, nutritious food on our tables. They have fought off vegan militias invading their lands.

I urge the Minister to look at my amendment to the Public Order Bill. I know that it is not in her brief, but it recognised that farms, food production sites and abattoirs should be considered sites of national infrastructure. That would prevent those vegan militias from breaking on to their sites, setting loose livestock, and abusing, intimidating and attacking my farmers. We have seen a big increase in that. Over the summer, shamefully, activist groups are planning to disrupt national dairy supplies across the entire country. These are organised groups, with over 500 people planning to do that.

Our farmers have fed us, protected us and kept our green and pleasant land exactly that. They have stood up against those vegan militias and have continued to look after us despite an enormously challenging two and a half years. Now that they are in a grave situation that is not of their making, I ask the Government to stand by them as they have stood by us.

Several hon. Members *rose—*

Mr Philip Hollobone (in the Chair): The debate can last until 4 pm. I am obliged to call the Front Benchers no later than 3.27 pm. The guideline limits are 10 minutes for the SNP spokesperson, 10 minutes for Her Majesty's Opposition and 10 minutes for the Minister. Alicia Kearns will then have three minutes to sum up the debate. Six Members are standing. We are in Back-Bench time until 3.27 pm, so with a seven-minute limit, everybody will be able to have their say.

2.42 pm

Helen Morgan (North Shropshire) (LD): It is a pleasure to serve under your chairmanship, Mr Hollobone. I thank the hon. Member for Rutland and Melton (Alicia Kearns) for securing this important debate, and for her incredibly useful opening remarks.

A few weeks ago, I met a number of farmers and farming representatives in my constituency of North Shropshire, at a lovey farm near Whitchurch. Despite the warm welcome and a tour of the state-of-the-art calf shed, the subject matter of the meeting was very sobering. Living in a rural area, often off-grid, in older and less energy-efficient houses, and with little access to public transport means that farmers and their neighbours are experiencing the cost of living crisis to a significant degree. However, for our farmers, it is not just a cost of living crisis—it is a cost of doing business crisis.

Farmers have told me, and we have heard colleagues raise the issue a number of times in the House, that rocketing input costs are putting them at risk of going out of business. Even where increased selling prices are helping to offset that, the cash-flow impact of increased input prices, months before crops are harvested or animals sold, will be enough to put some of our critical food producers out of business. We are all aware of the scale of those input cost prices: the cost of fertiliser has increased more than fourfold; diesel prices have nearly doubled; and the price of animal feed and energy costs are all increasing. Agriflation is hitting the sector really hard.

Those price increases are compounded by other challenges, as the hon. Member for Rutland and Melton has mentioned, such as the shortage of labour for tasks such as harvesting and milking. Pig farmers face an especially tough period, with labour shortages at meat processing plants leaving pigs on farm, and they still need feeding and caring for. I have met pig farmers in North Shropshire whose only option now is to shoot pigs that cannot be processed on farm and think about shutting up shop.

The nail in the coffin for many farmers is the manner in which the basic farm payment has been phased out before its replacement—the agricultural transition plan—is ready to roll. The biggest farms are seeing 40% cuts in their payments, and smaller family farms are seeing cuts that mark the difference between staying in business and going bust altogether. Although the new support schemes are a good idea in principle and I support them, farmers in North Shropshire report that they are not ready to be implemented, require too much up-front investment and will not make up the shortfall in the time required. The National Farmers Union, the National Audit Office and the Public Accounts Committee have all agreed with that bleak assessment.

In the spirit of being constructive, I have some suggestions. As an accountant, I back the call of the NFU to introduce farm business loans to support the cash flow of agricultural businesses through that critical period between input, cost and harvest, as well as its suggestion to improve the transparency of fertiliser market prices and enable greater certainty over the price of fertiliser for next year's crop.

[Helen Morgan]

I also ask the Minister for some additional support for our farmers. At a time when food security can no longer be taken for granted, the Government's broken promise to maintain the historical levels of support for the transition period is putting the farming sector at high risk. Local farmers have been clear with me that while they support the idea of a payment system that encourages more sustainability in farming, they will not be in business to use it and exploit it after years of falling income and high levels of up-front investment. They have also expressed concern that some of the larger types of regeneration scheme proposed will discourage food production, rather than find a way to improve production on a sustainable basis.

We need an effective strategy to deal with the labour shortages affecting the ability not only to harvest but to process that food once it has been reared and sent off to processing. Farmers need confidence for the future, not just to plant next year's crop but to invest for greater productivity. I would like the Minister to commit that trade deals done by this Government will not undercut our family farms by allowing cheaper, lower-quality food into the country. We should be proud of our higher animal welfare and environmental standards and lead the world by insisting on a level playing field when we agree to trade with our competitors.

I would like to reflect for a moment on the impact on the people whose businesses are affected by this crisis. They already suffer high levels of isolation and poor levels of mental health, and the situation is worsened by the cruel financial pressure they find themselves under. Visiting a farm close to me on Open Farm Sunday, I met representatives from Shropshire Rural Support, a charity providing a vital component of support for farmers and agricultural workers who need additional help with their mental health. They have reported a noticeable increase in people turning to them for help as the business climate has worsened.

It is vital that we remember the human cost as well as the financial one for those working hard to keep Britain fed. The challenges facing the farming industry are significant and are global in nature—we recognise that. But the Government can take steps to mitigate their impact. I look forward to the Minister's response.

2.48 pm

Selaine Saxby (North Devon) (Con): It is a pleasure to serve under your chairmanship, Mr Hollobone. I thank my hon. Friend the Member for Rutland and Melton (Alicia Kearns) for securing this important debate.

Devon is home to 8% of agricultural holdings in England—a full 514,000 hectares, of which 92,000 are in my constituency, which boasts 1,442 agricultural holdings. Our Devon farms are relatively small, with an average size of just 60 hectares, compared with an English average of 85, and that magnifies some of the challenges that they currently face. My local NFU details that, as small businesses and consumers, farmers are grappling with spiralling costs in both their businesses and households. Agricultural inflation is running higher than consumer inflation. DEFRA figures show that it is at 28.4% for all inputs in the 12 months to April 2022.

In north Devon, most farm businesses involve livestock of some sort or another. The welfare of those livestock is always a primary concern. Farmers are grappling with how to afford feed and bedding for the coming winter. Nearly all farmhouses are off the gas grid and rely on heating oil in the main, which has had massive spikes and is not protected by the price cap of the electricity market. Some farmhouses are listed buildings, so it is difficult to make them energy efficient. Farmers, like others in rural areas, rely on motor vehicles to get to shops, schools and other facilities. The massive increase in fuel costs has a higher impact on those who live in rural areas.

Although I do not think that the solution is to increase rural fuel duty relief—a very specific tax relief that applies only to Lynton and Lynmouth in my rural constituency, as it relates to the distance from the refinery—we need to look for affordable and green solutions to tackle our reliance on the fossil-fuel powered vehicles in more rural parts of the country. It is not right that one set of consumers should pay less for their fuel, as it distorts the market and results in people driving to fill up more than they need to. We need to ensure that the existing fuel duty cut reaches the pump—the Competition and Markets Authority is already investigating the matter—because doing nothing is not a solution.

I would prefer a further fuel duty cut, but until we are confident that it will reach consumers, we must recognise that it may not deliver what we wish. We urgently need better charging infrastructure to enable more of us to switch to electric vehicles, and to look at other creative ways of reducing the cost of transport. In my North Devon constituency, buses are few and far between, and are clearly of no help at all for the transport of livestock or crops.

I recognise that half the basic farm payment has been brought forward, but farmers need more. It is just a matter of cashflow management. For farmers, the uncertainty brought about by much change—new schemes coming onstream, no security of revenue streams, and such surging costs—makes leaving fields fallow preferable. At a time of food insecurity, we need to ensure that every piece of fertile land is used for sustainable food production. That is why I am so exasperated to find that a major national landowner has evicted an organic dairy farmer in my constituency to rewild the land. I know that we need biodiversity, and I support it, but it should not come at the expense of food production. We need sustainable farming, and I urge the Minister to fix rapidly those unintended consequences of DEFRA policy to prevent further evictions and ensure that our productive and fertile land is used appropriately.

Alicia Kearns: I thank my hon. Friend for her point about protecting good-quality agricultural land to feed our nation. It is absolutely wrong that we have so many solar national infrastructure projects going through the Government, but no national oversight of where they are all happening. Masses of our land will end up covered in solar plants, reducing our agricultural capabilities, not least in Rutland, England's smallest county, where there is a proposal to cover good-quality agricultural land with a 2,100-acre solar plant—it will be built with Uyghur blood and slave labour, although that is another debate. Does she agree that there should be a national strategy on solar plants?

Selaine Saxby: I agree entirely. We need to work out how our land is used. We must tackle not only solar plants, but the issue of growing fuel where we could grow crops. We need to rebalance our land use to ensure that things are actually going in the right direction. I hope that we prevent further evictions.

I welcome the new support and investment schemes for our farmers—as do they—but many of the schemes are far too complex. The Minister has already met my local enterprise partnership and the NFU, which are seeking help to set up an advisory body to ensure that farmers do not have to write to their MPs to try to weave their way through DEFRA bureaucracy. I hope that the Minister will take this opportunity to help to secure the small amount of funding—just £250,000—that Devon farmers are asking for to test having an advisory board to help them through the transition from the old payments schemes to the new. We are dealing with so many small businesses, and that little leg up would enable them to achieve what they are driving for, and what we want them to achieve.

Can we also slow the pace of change between the new and old systems in recognition of the unique role that our farmers play at this time of dramatically increased energy prices, alongside growing concerns about global food security? We know that, in the main, energy prices are being driven upwards by Putin's vile invasion of Ukraine, and we all support the investment into the war effort of our brave Ukrainian friends, but withdrawing one payment before its replacement arrives is counterproductive.

As I said in my maiden speech, farmers are the custodians of the countryside, and we need to look after them at this difficult time. Some farm-gate prices have jumped, but costs have also escalated beyond all recognition. We can all do our bit and support our farmers by buying British, which is high quality and locally sourced. We have dug for victory before. We need to look to do the same again and support our fabulous farmers to ensure they can do what they want to do—farm sustainably and improve our food security.

2.55 pm

Justin Madders (Ellesmere Port and Neston) (Lab): It is a pleasure to see you in the Chair, Mr Hollobone. I thank the hon. Member for Rutland and Melton (Alicia Kearns) for her excellent introduction and for raising a comprehensive range of issues. I will focus on just one of the issues she mentioned, which is fertiliser production, as I have a significant constituency interest in the matter.

As we know, fertiliser is critical to food production. An increase in its cost has an impact on yields. We are in a cost of living crisis and I am afraid that this could make matters significantly worse. We should want to encourage as much UK-based fertiliser production as possible. Indeed, maximising self-sufficiency is one of the aims of the food strategy. If the past few months have shown us anything, it is that the risk associated with food security leaves us exposed to global shocks. We are hearing how the recent increase in energy costs, as well as the increase in fertiliser costs, has had an impact on our farmers, but I am sorry to say that that could be just a taster of the trouble we will face if action is not taken now.

I want to make it crystal clear that I am extremely worried that we may be sleepwalking into a desperate situation of too much pressure on fertiliser costs and consequentially on food prices, because of the situation at CF Fertilisers in my constituency. As the Minister knows, CF Fertilisers is a longstanding plant in Ince, near Ellesmere Port, which employs over 300 people and has been a historical and significant source of fertiliser for the UK agricultural community. Last month, its American owners announced their intention to close the plant and begin consultation on the consequent redundancies with the trade union.

I am grateful to the Minister for her offer to have further discussions on the matter and to the Secretary of State, who met with me last month to discuss the situation. At that point, there was still some hope that a commercial solution could be found. After all, the site has been profitable for many years and has a highly skilled and committed workforce, which we want to retain in those valuable jobs. Unfortunately, various newspaper reports over the past few days have indicated that a sale agreement is unlikely to go ahead. That is extremely worrying. The concern I have, which has been conveyed to me by a significant number of the workforce, is that it is not in the parent company's interest to sell the site as an ongoing concern.

If the site closes, CF will have no domestic competition for fertiliser sales. It plans to retain its site in Billingham in the north-east—for now, at least—but like every other site, that site can be closed at short notice for technical reasons or, as we saw last year, financial ones. It also requires shutdowns for several months at a time every three years or so. Given what we know, it is not a prudent strategy for the nation to put all its eggs in one basket, particularly when that basket is owned by an overseas company that has shown it is ruthlessly guided by the bottom line.

The fear articulated to me by many people is that CF do not want to sell the site to a potential competitor. It would rather see the machinery and plant equipment sold for scrap than lose its monopoly position in the UK market. Look at its financial performance: it makes an awful lot of money. Its earnings before interest, taxes, depreciation and amortisation in the first quarter alone was $1.68 billion. It increased its dividend by 33% in the first quarter of the year. CF could give the site away for nothing and it would not materially affect its bottom line, but it does not want to do that because it would deny them the opportunity of seizing every last penny from UK farmers. How is it in the national interest to let that happen? How is it sensible to allow a situation in which we know this course of action will put even more pressure on food prices? How is it levelling up to allow 300 highly paid, well-skilled jobs in the north-west go, when we know that there is a viable business there? If there is a way forward, it should be allowed to continue.

I cannot overstate to the Minister just how concerned local people are about the parent company's true intentions. It is clear from talking to them just how little trust they have in CF now and how they believe the consultation process to be, frankly, a sham. The process ends in just a few weeks and, unless there is a dramatic change of approach, we will lose all those jobs and be in a hugely exposed food-security position in future. This cannot wait for a new Prime Minister. I urge the Government

[Justin Madders]

to intervene and for members of the Cabinet, for a minute, to stop jostling about their own jobs and to think about my constituents' jobs, because those will be gone in a few weeks, with knock-on effects on jobs in the agricultural sector generally.

Please, will the Minister do everything in her power to keep the plant open? I want to be clear: if it is allowed to close, the ramifications of that decision could be felt for years to come. People will rightly ask, "What did the Government do to stop it?"

3.1 pm

Daniel Kawczynski (Shrewsbury and Atcham) (Con): I congratulate my hon. Friend the Member for Rutland and Melton (Alicia Kearns) on securing this important debate on farming and our farmers. She made an eloquent speech, but she was far too kind to our Government. I intend to highlight some of my concerns to the Minister.

I very much enjoyed a young farmers' event in Much Wenlock, which I visited the other day, just on the border between my constituency and that of my right hon. Friend the Member for Ludlow (Philip Dunne). I met so many young Salopian farmers who were at the conference. I saw the energy, dynamism and conviction they all have, and it gave me real hope for the future of farming, bearing in mind how thriving Shropshire young farmers are and the tremendous work they do and continue to do.

I campaigned for Brexit to ensure that regulations and rules affecting our farmers were made here in Westminster, not in Brussels. As the Minister knows, farming is very different in each of the 27 European Union countries. Clearly, the one-size-fits-all system under the common agricultural policy has failed spectacularly, in particular for our farmers here in the United Kingdom. Now, we are freed from those regulations, so the Minister and the Government are solely responsible for the regulatory and taxation framework affecting our farmers.

The opportunities are vast, but I am not satisfied that the Government are doing enough to support our farmers. I say that from the great deal of feedback that I received from my local Shropshire farmers. More than that, the Government are not turning this industry into one of the most exciting opportunities for young graduates and young people looking for work. In 2002, the Labour party abolished the Ministry of Agriculture—I am not sure why, but perhaps the representatives of the Labour party might explain why—but we now need a new Ministry of Agriculture and Fisheries, and that is why I am speaking in the debate.

I have sent a message to all the candidates standing to be the next leader of the Conservative party to ask whether they will commit to creating a new Ministry of Agriculture and Fisheries, and to a dedicated Secretary of State sitting at the Cabinet table, responsible for farming, responsible and accountable to the NFU and to farmers, and someone who can be challenged here in the House of Commons on all aspects of agriculture.

I pay tribute to the Minister. All my interactions with her have led me to believe that she is not only very efficient, but highly capable and knowledgeable about agriculture. However, she is not a Secretary of State. I would like her to be a Secretary of State—she would make an outstanding Secretary of State. We need that voice for agriculture round the Cabinet table.

We have all the attributes of being one of the most highly efficient and productive agricultural countries in Europe. We have some of the best agricultural institutions in Europe, one of them in Shropshire—the Harper Adams college. We are extremely proud of that extraordinary, world-beating institution in Shropshire. I hope the Minister will agree in her winding-up speech to come before too long to Harper Adams to see the work taking place there. We have the talents of young farmers and arguably some of the best soil conditions in Europe and the best climate conditions to turn this country into an agricultural superpower in Europe, unconstrained by the dead hand of EU bureaucracy. But that is not happening and it needs to change.

I met the other day the new chair of the EFRA Committee, my right hon. Friend the Member for Scarborough and Whitby (Sir Robert Goodwill), and we had a one-hour online call with my association chairman, who is involved in agriculture. I am extremely pleased that the new chair of the EFRA Select Committee has an agriculture degree himself. I wish him every success in holding the Government to account.

Michelle Donelan (Chippenham) (Con): Skills and education not only help people get on in life, but help drive forward our agricultural sector and really turbocharge it and make sure that it is fit for the future. Colleges such as Lackham in my constituency are right at the front and centre of that. Will my hon. Friend pay tribute to all land-based colleges across the country?

Daniel Kawczynski: I will of course join her in paying tribute. We are all seeing her meteoric rise up the ranks of the Conservative parliamentary party, and I will pay tribute as long as she takes the message back to the Cabinet that we need a Secretary of State for agriculture.

My association chairman, Mr David Roberts from Halfway House, runs GO Davies, Shropshire's largest agricultural feed and seed merchant. He has been bending my ear almost on a daily basis about fertiliser costs and the security of production in the United Kingdom. He is not satisfied by the responses that we have had to date. We have been tabling a lot of written parliamentary questions on the issue. As others have said, ammonium nitrate has gone from £200 per tonne in 2021 to over £900 per tonne today. Fertiliser plants in the United Kingdom have closed and others are vulnerable.

I shall say something now that I have not said before in my 17-year career as a Member of Parliament: we need to nationalise the plants. I never thought that as a Conservative I would call for the nationalisation of anything. I am normally highly opposed to the concept of nationalisation, but I agree with the hon. Member for Ellesmere Port and Neston (Justin Madders). Bearing in mind how extraordinarily important food security is becoming—the consequences of the war in Russia are only just starting to have an impact—and how vulnerable the plants are, I fundamentally believe the Government have a responsibility to take control of the plants, nationalise them and guarantee the future security of fertiliser production in the United Kingdom.

I am running out of time, but, finally, I concur with the sentiments about mental health. We here in the House of Commons benefit from the health and wellbeing team that can help us at times when we suffer mental health problems. We do not have that support across

many rural areas, and I am extremely concerned about some of the anecdotal evidence I have heard about mental health problems and increasing suicides in farming. We should celebrate our farmers and our British agriculture, and I look forward to hearing what the Minister says in her wind-up.

3.9 pm

Ben Lake (Ceredigion) (PC): It is a real pleasure to serve under your chairmanship, Mr Hollobone. It is also a pleasure to follow the hon. Member for Shrewsbury and Atcham (Daniel Kawczynski). It might surprise him and other Members to hear that I very much agree with many of his remarks, especially his point that farmers in Shropshire, like those in my constituency, have long felt that Governments have not always appreciated the importance of their contribution to the nation's wellbeing, and the importance of food security. I also associate myself with his comments about the strategic importance of fertiliser plants. He proposed the good idea of greater state intervention in those strategically important sites, and I will touch on that in a moment.

I congratulate the hon. Member for Rutland and Melton (Alicia Kearns) on securing this important debate. She eloquently set out the grave backdrop to it and the many challenges our farmers face. It is sobering to reflect on the fact that so many farmers, facing rising input costs and cost of living challenges, are considering leaving the industry. She said that 11.9% of dairy farmers are contemplating that, and I know anecdotally that a number of livestock farmers in Ceredigion are considering whether they have a future in the industry. It is little wonder, given that agflation, or agricultural inflation, stands at 28.4% according to the agricultural price index. The latest estimates from independent consultants the Andersons Centre have agricultural inflation standing at over 25%.

I spoke to some farmers in Wales recently. Many people say that they have better prices at the market, and that of course is true, but we do not always hear about the rising cost of production, so farmers very much need those higher prices. Although the prices have risen, they have seen little difference in their profit margin, and that is fuelling a great fear of a departure from the industry, which we can ill afford given the many concerns that have rightly been raised in recent months about our food security. The war in Ukraine has brought that into sharp relief. The challenge before us is to increase, not reduce, our agricultural productive capacity.

The hon. Member for North Devon (Selaine Saxby) made several important points, but one that struck a chord with me was about the need for more co-ordinated land use planning to overcome some of the many competing challenges. We need to return to that matter in earnest, because we cannot waste much time.

We have heard about rising fuel prices, and there is room for us to explore expanding the rural fuel duty relief scheme, although I appreciate that that is not within the Minister's remit. Fertiliser has been mentioned a few times. To add to the remarks of the hon. Member for Shrewsbury and Atcham, I know of farmers who, just this last year, have seen orders for fertiliser increase significantly. They were quoted prices of about £200 per tonne last year, and now it is not uncommon to see prices upwards of £700 per tonne, plus VAT. The inability to plan amid such volatility is a real challenge for our farmers, and puts pressure on their margins. It is often said that farmers find it very difficult to eke out a living even in the best of times, but the added volatility and the price hikes that they have to navigate make it an almost impossible task.

In Wales, the average farm holding is 48 hectares. Anybody who cares to look at farm business incomes in Wales will know that most farms in Wales do not have much discretionary income with which to absorb these additional prices. It is time that we look at interventions to support farmers with rising input prices, particularly the cost of fertiliser.

The hon. Member for Rutland and Melton said that the Government need to establish a gas-fertiliser price index to help improve transparency in a very opaque market. That might not necessarily help to bring down prices, but it would at least offer a bit of a helping hand in planning and managing a bit of the volatility.

With regard to how we help with the costs of fertilisers, in addition to those points made by the hon. Members for Shrewsbury and Atcham and for Ellesmere Port and Neston (Justin Madders) about the strategic importance of fertiliser plants, is it perhaps time for us to consider again the VAT treatment of some of those inputs into agricultural production? I appreciate that that is for the Treasury, but perhaps the Farming Minister could consider having a discussion with Treasury colleagues.

In the short term, many Members representing rural constituencies will know that the price of heating homes is a real concern, especially for those in properties off the mains gas grid, including farmhouses. Under the energy bill support scheme, some £400 is due to come in the autumn, but a question remains as to whether farmhouses will be eligible, primarily due to how they tend to have commercial electricity contracts as opposed to domestic ones. The Department for Business, Energy and Industrial Strategy is looking at options to ensure that farms do not lose out under the scheme, but will the Minister impress on it the importance of us finding a way to include farmhouses in the scheme? Although it might not make the world of difference, every little will help in the coming economic storm, so it is important that we ensure that farmers do not lose out.

3.16 pm

Cherilyn Mackrory (Truro and Falmouth) (Con): I congratulate my hon. Friend the Member for Rutland and Melton (Alicia Kearns) on securing this hugely important debate, which is fundamentally important to the people of Cornwall. I speak as the Member for Truro and Falmouth, an area with a long history of farming and with 82% of its land used for agriculture.

Farming is a vital industry in Cornwall and has helped to shape the landscape that we see today. Almost every type of farming practised across the UK can be found in our Duchy. Our food industry is worth about £2 billion, and one in three jobs in the county—equating to about 60,000 people, and growing—has some attachment to the Cornish food and drink production industry. We have hundreds of fantastic farmers from all backgrounds who are passionate about growing an abundant supply of food, produced to world-leading standards and sustainability. We must enable those farmers to produce

[Cherilyn Mackrory]

food efficiently if they are to continue to play their essential role in the south-west's rural economy and deliver environmental benefits.

I recently met the National Farmers Union and farmers at Sixty Acres farm in Truro. That was a really positive meeting at which farmers raised many of the issues that we have heard about today. They also voiced their appreciation for what the Government have done to help support them so far.

A couple of weeks ago, I visited Carruan farm in the constituency of my hon. Friend the Member for North Cornwall (Scott Mann). We heard from farmers about how we can meet our net zero and carbon targets, deliver on nature recovery and boost sustainable food production. At the farm, they are successfully trying to do that. They are finding out which of their fields are non-productive and doing more with that. I will come to some of its concerns later on.

As we have heard, the key concern shared by farmers throughout Cornwall is the struggle to absorb rising input costs, which are increasing three times faster than the headline UK inflation rate. As we have heard, agflation topped 30% in April and is currently at about 28.4%. The war in Ukraine has pushed up the already sky-high input costs of the three Fs: fertiliser, fuel and feed. This year, fertiliser trebled in price, and red diesel, as I have heard from my fishermen and farmers, has doubled in price, which is a much larger increase compared with road diesel. In March, concentrate animal feed prices had increased by about 15.6% compared with the previous year. Those price rises come at a time when the industry faces longer-term challenges due to not only the transition away from the basic payment scheme but labour shortages and the impact of new trade and environmental policies. Alongside the variable role of the weather—of course—the decisions that farmers are making feel more like a gamble than ever before.

I thank the Government for listening last winter and extending the seasonal agricultural workers scheme to our daffodil pickers in particular, because there was going to be a disaster in the making. It took a lot of effort—it was not the Minister but the Home Office that we needed to convince—but we were listened to in the end and that saved an awful lot of jobs and gave security to our farmers.

Those challenges are impacting on the food we are producing as a nation, and leading to a crisis of confidence among our farmers. The cost of living crisis will only worsen if our domestic food security is undermined. Although they are larger than they used to be, farm businesses in Cornwall are smaller than the national average, and they are more likely to be livestock-oriented and still family-based. Small livestock farms have higher costs and smaller revenue, and they are more reliant on support payments for now, meaning that BPS reductions have hit hard and early in the transition.

In 2020, Cornwall received £51.6 billion in BPS payments. The reason for highlighting that figure is not to suggest that we are merely swapping this for a smaller-size replacement, but the future of sustainable farming will not be built on the same old subsidy models. I raise this issue so that the Government can think proactively about mitigating the adverse impacts on the farming community and the business ecosystem of the Cornish countryside of simply withdrawing that payment, and I urge the Government to produce on-farm business advice to support the transition. I believe we heard that earlier, and it was one of the main points that come out of our farm visit in North Cornwall a couple of weeks ago.

There seem to be a lot of grants available for farmers—a huge number are out there for them to access—but the time-consuming and complicated nature of the grant application is causing them huge issues. What they are really looking for are people who have local knowledge on the ground in the county and who can help guide them through the cost of living crisis, be it through the local enterprise partnership, the council or DEFRA agents. Farmers really need on-site support, and they also need effective business plans with a clear direction of travel to improve productivity.

The Government have taken a range of actions to tackle the challenges, including delaying the introduction of changes to urea fertiliser for at least a year and the recent launch of the new grant scheme for storing slurry on farms. The Government have also committed to spending £600 million on farm-based innovation over the next three years, and have laid out further details of the sustainable farming incentive. That will reward farmers for promoting the common good and bolstering our food security.

However, farmers are still under real pressure, and the Government have a range of options available for further support. The Government must focus on protecting UK food production and security by assisting farmers and managing the high costs. That includes working with farmers to diversify inputs, and investing in new technologies that will improve their resource and efficiency. We must also support farmers to find new ways to manufacture more organic-based fertiliser products and utilise techniques, including using nitrogen as an alternative fertiliser. The other thing that I learned on the farm visit a couple of weeks ago, and from speaking to other farmers in Cornwall, is that one size does not fit all, even in Cornwall. Somebody three miles down the road will have completely different soil, so what works for them will not work for their neighbour, which is why we need people on the ground who can really help in these situations.

The Government should look at encouraging the uptake of regenerative farming to reduce input costs, encouraging more pasture-fed livestock to reduce feed costs, and supporting new production methods in the forthcoming food strategy White Paper. I also support calls from the NFU for Ministers to assess the impact of any new policy or regulation on domestic food production, which is hugely important at the moment.

Our farming industry is facing very difficult circumstances, with many farmers struggling to pay their bills. That is threatening food security and worsening the cost of living crisis for us all, but they are a resilient bunch. I look forward to continuing to meet our farmers, listening to their concerns and talking to our Government. I will work with the Minister and my neighbours on both sides—the Secretary of State and the new Under-Secretary of State for Environment, Food and Rural Affairs, my hon. Friend the Member for St Austell and Newquay (Steve Double)—to make sure that we back this vital industry going forward.

3.23 pm

Alyn Smith (Stirling) (SNP): It is great to see you in your place, Mr Hollobone, and I warmly congratulate the hon. Member for Rutland and Melton (Alicia Kearns) on bringing forward this very important issue. I will never tire of stressing the importance of farming and agriculture to all our lives, never mind to all our constituents and constituencies. It is also important for us to recognise the severity of the crisis that farmers are all facing.

If you ate today, thank a farmer. Farmers are fundamental to our existence as a species, never mind as a society. What they do is integral to how we see our land, how we steward the animals on it, the quality of our water and where people live, and it is vital for vast chunks of the four nations of this Union.

Agriculture will always be close to my heart. I served very proudly on the European Parliament's Agriculture Committee for the best part of 15 years, designing the current common agricultural policy. I represent the Stirling constituency, which is the size of Luxembourg and has some of the best—and, indeed, some of the worst—farmland in Scotland, and I am proud to work with and for Scotland's farmers and growers.

In all our countries, agriculture is a hugely sophisticated, science-intensive, innovative business. In Scotland, it employs 67,000 people directly and supports a further 320,000 people, with a gross output of £3.3 billion annually, as well as producing the food we eat, which is quite important.

Of course, agriculture is largely a competence of the Scottish Parliament. We have made several different decisions where necessary, but many of the issues that our farmers face cross borders within this Union, but also on a far wider, global scale. Many of the ideas we need to share are things we need to work on together. We are in a crisis, in Scotland, England, Wales and Northern Ireland. Farming is in crisis right now, and we need to be real about it—we need to be serious.

Many policy levers are reserved to this place. I am talking specifically about trade policy, competition policy, procurement policy—especially in the light of the passing of the United Kingdom Internal Market Act 2020—energy policy in part and, ultimately, budgets as well, given the financial situation of the current devolution settlement.

The Scottish Government are taking this seriously, and we would like to do more. The EU is taking this seriously, creating a £1.5 billion crisis fund to support EU farmers. I am calling on the UK Government to do more and am pledging my support for anything that helps farmers anywhere. Now is the time to put our differences to one side and to focus on where we can make a difference to the people we all serve. That is not to say I am putting them aside forever, because that might be part of the solution from our perspective. I suspect we will come back to that point.

Food security has to be viewed as—from the contributions in the debate I think we agree on this point—if not part of our national security, then certainly as part of our national resilience, however nationalis defined. As we face a summer of increasingly high temperatures and possible drought, we need to be serious about where our food is coming from and how it is produced.

We are all agreed we need to support farmers. The best way to support their incomes is to ensure profitable market return. That is my first point about UK Government policy. Too many farmers find that the market is stacked against them. There are many ways that we could boost demand, including through increasing local, domestic demand. That could be more money for buy local, buy Scottish, buy British schemes. There have been a number of good examples and now is the time to put more resource to that. There should also be more support for quality schemes, such as run by Quality Meat Scotland north of the border, and various farm assurance schemes elsewhere. We are seeing some farmers walking away from those schemes, which is deeply regrettable because consumers want local food produced to high standards.

Procurement policy is one area where I might agree there could be a benefit of Brexit. I have struggled to find many, but this might be one. I can point to parliamentary questions I have asked in Brussels and Strasbourg where the European Commission said, quite explicitly, that carbon emissions could be used as a procurement criteria, boosting local procurement of food, however local is defined. Even within the EU that was possible. Surely, outwith the EU, there is now lots more that could be done through procurement policy to boost local demand for agricultural products, providing a better market for our farmers.

Ensuring a fair market also needs more attention on monopolies and opaque markets. I think particularly of supermarkets and the fertiliser sector. We have a supermarket regulator. That regulator needs far more powers and far more teeth to do what needs to be done.

Market conditions are pressing for farmers. We particularly need action on input costs. There is a need for temporary support and the Scottish Government are looking at various ways of taking that forward. This is an opportunity for the whole of the UK to support farmers. Fuel, fertiliser, labour and feed are all going up at unsustainable levels. Farmers need help now.

On fuel, there is already red diesel support, but we need gas support as well. As we have heard, many farm holdings are off-grid and are becoming increasingly expensive. On fertiliser, there is a clear need for market intervention and support for fertiliser costs. On labour, there is the seasonal workers scheme and we need action on visas to allow more people to help with the work. Many costs have gone up 25% to 45% in recent times. That is absolutely unsustainable for working an agricultural balance sheet. There is a strong case, which I appreciate is outwith the Minister's remit but I make the suggestion constructively, that we could find ways in which to support those points, including through soft loans and loan guarantees.

Agricultural policy is entirely distinct between Scotland and England, and I am glad that we have made the decisions we have made in Scotland, especially to maintain direct payments. During the current period that is a great safety net for Scottish farmers and I urge the UK Government to revisit that, although that it is a competence outwith my remit.

We also need to see policy coherence over land use. Photovoltaic plants and rewilding have been mentioned, but I would add forestry to that discussion. It is right that we see competing land use purposes, but we must agree that food has to come first. Anything that cuts across food production needs to be deprioritised. I am

[Alyn Smith]

not hostile to any of the things mentioned, but when I was on the Agriculture Committee of the European Parliament, the intention was to see the bits and parts of unproductive land go to those purpose. Surely it cannot make sense to take prime agricultural land in any of our countries out of production.

We have already had many happy adventures with the Minister about our difference of opinion on trade policy. I am not hostile to trade deals with countries on the other side of the world, but I do not want to see those trade deals undercut domestic food production. Putting that to one side, the closest, biggest market to the UK is the EU, in both directions. Our farmers are struggling with particularly sticky customs routines and the phytosanitary and veterinary checks. I was in Brussels two weeks ago, and it is quite clear that there is a huge appetite for a specific veterinary and phytosanitary agreement with the UK that would help all our farmers to export and import, freeing up production and hopefully lowering prices. That is on the table in Brussels; it needs to be taken forward by a Government that is going to take this, and indeed international law in Northern Ireland, seriously.

It is a pleasure to sum up in this debate. There have been several good suggestions for the Minister to take forward to her colleagues. Where there are sensible suggestions to take forward for the benefit of all our farmers, I will work together with colleagues to make that happen.

3.31 pm

Daniel Zeichner (Cambridge) (Lab): It is a pleasure to serve with you in the Chair, Mr Hollobone. I congratulate the hon. Member for Rutland and Melton (Alicia Kearns) on securing the debate. I do not always find myself in agreement with her. She is an eminent plotter, of course, but I certainly found myself in agreement with many of the points she made today.

I noted the comments made by the newly liberated hon. Member for North Devon (Selaine Saxby), who has discovered the horrors of DEFRA bureaucracy made in Britain. It is interesting to see how the last week has panned out, Mr Hollobone. We also had a fleeting appearance from a former Secretary of State for Education, the right hon. Member for Chippenham (Michelle Donelan), which was fascinating.

All the powerful contributions from across the House indicated that these are very tough times for farming, just as they are for the wider environment. We need support for both, not least because on the Government's watch I am afraid the farming sector has suffered crisis after crisis. Prices may be good at the moment, but just look at input costs—and shudder and be worried. Look at the continuing pig backlog, with tens of thousands of healthy pigs already culled, as we heard from an earlier speaker. Look at avian flu—the worst for many years—which many fear may become a recurring annual issue. At these times, when other nations in the UK and in Europe, have provided the farming sector with much-needed support, this Government have consistently refused to lend a helping hand to English farmers. The basic message is that they are on their own and the market will sort it out. Some of them will go to the wall, but "them's the breaks."

The current challenges bearing down on the agricultural sector are the most severe that many farming businesses have ever faced, with inflation, lack of seasonal agricultural labour and a botched roll-out of the environmental land management scheme all putting British agriculture and food security at risk. The Opposition take a different view. Intervention is not alien to us. We back British farmers and have consistently raised concerns that many farms will be unable to cope with soaring inflation.

We have heard many figures. The Government's own agricultural price index shows that in the 12 months to April 2022, the price index for agricultural inputs increased by over 28% and Andersons' latest inflation estimate for agriculture is over 25%. We all know the effect of the war in Ukraine and significant gas price rises worldwide. Not only do they put farms at risk; they also threaten Britain's food security.

The Lea Valley Growers Association has warned that the UK will harvest less than half its normal quantity of sweet peppers and cucumbers this year after many greenhouse growers chose not to plant in the face of surging energy prices, and producers have warned that yields of other indoor crops, such as tomatoes and aubergines, will also be hit. Far from producing more food in the UK, under this Government we risk seeing less being produced.

We had a good discussion about the fertiliser issues. I pay tribute to my hon. Friend the Member for Ellesmere Port and Neston (Justin Madders) for the fight he has been conducting on behalf of his constituents and the wider points that he made. I will not repeat those points, but I ask the Minister to set out, after months of dither and delay from the Government, what steps her Department is taking to help farmers to access affordable energy and fertiliser now. What are the Government doing in response to the powerful points made by my hon. Friend? How do the Government intend to curb agricultural inflation, and does the Minister have any plans to help support domestic fertiliser production?

If farmers were only facing inflation, that would be more than bad enough. However, as we have heard, there is a chronic shortage of seasonal agricultural workers. That is a crisis of the Government's own making; they initially announced 30,000 horticultural seasonal worker visas, but then that number was upped to 40,000—although 2,000 went to poultry workers. Throughout that debate, the NFU and others estimated that we needed 70,000 workers. Why did the Department's calculations differ so much from those on the ground and in the industry? I am sure the Minister will remember the woeful performance of the Immigration Minister, the Under-Secretary of State for the Home Department, the hon. Member for Torbay (Kevin Foster), before the Environment, Food and Rural Affairs Committee—Committee members were certainly not convinced.

Survey data from the NFU for April showed an estimated national seasonal worker shortfall of 12% in horticulture—three times the figure for the same month last year. Industry experts say that labour shortages on British farms this summer have led to catastrophic waste of homegrown fruit and vegetables. A survey by British Berry Growers showed that annual food waste almost doubled, from £18.7 million in 2020, to £36.5 million in 2021, due to worker shortages. It could be even higher this year. I ask the Minister what support she

will be offering farmers struggling to find seasonal labour, and what plans her Department has to put an end to the shortage.

The latest crises take place against the backdrop of the slow and painfully complicated introduction of the environmental land management scheme. The Government are currently phasing out direct payments and farmers have already received significant cuts to those payments, with further to come this year. The Government always suggested that the payments would be replaced by the environmental land management scheme. While the Opposition support the principle of paying farmers to provide environmental goods, the Minister will remember that I warned during the passage of the Agriculture Act 2020 that farmers would be unwise to imagine it would be a straightforward replacement. That has turned out to be the case.

The NFU, the National Audit Office and the Public Accounts Committee, as well as farmers and Opposition Members, all warned that those new schemes are simply not ready for farmers to access them and start making up the shortfall. Will the Minister confirm how she intends to support farms struggling with the transition? What plans does her Department have to speed up the introduction of the ELM, and the sustainable farming incentive in particular?

Will the Minister confirm the budget allocated to the landscape recovery scheme tier 3, following the extraordinary story briefed to newspapers a few weeks ago that it would be hugely reduced? In *The Sunday Times,* it was described as being reduced to just £50 million over three years. The paper said that DEFRA insiders believed that the scheme was likely to be scrapped after that. Will the Minister clarify whether that story was put out ahead of the Tiverton and Honiton by-election to buy a few votes, or is it actually Government policy?

Although the Conservatives may be unwilling to support British agriculture, Labour takes a different view. On ELM, we have supported the NFU's calls for basic payment reductions to be paused for two years to provide more time. Frankly, we think that it will take that time to get it sorted out. We do not want to see more stewardship agreements rolled out so that people get paid for doing what they are doing already. We want genuine environmental gain. We would reprioritise ELM to secure more domestic food production in an environmentally sustainable way as part of our plan to support farmers to reach net zero. That plan is conspicuously lacking in DEFRA.

On seasonal labour, through our five-point plan to make Brexit work, Labour will deliver on the opportunities Britain has, sort out the poor deal signed by the—I was going to say previous, but he is still in place—Prime Minister, and end the Brexit divisions once and for all. We will seek new flexible labour mobility arrangements for those making short-term work trips. On inflation, Labour will support struggling agricultural businesses through our plan to make, buy and sell more in Britain, invest in jobs and skills and use the power of public procurement. There is another away: a fresh start to get us to net zero; a fresh start for our food system; and a fresh start for our farmers. That is what support for farmers looks like.

3.39 pm

The Minister for Farming, Fisheries and Food (Victoria Prentis): It is a great pleasure to serve under your chairmanship, Mr Hollobone, as it has been to listen to the constructive suggestions across the House on how to deal with the very real difficulties in the sector, largely caused by high rises in input costs. I will start by addressing the various issues that colleagues mentioned, and will do my best to answer the very wide-ranging group of issues raised as comprehensively as I can.

I thank my hon. Friend the Member for Rutland and Melton (Alicia Kearns) for securing the debate. I also thank our former DEFRA Parliamentary Private Secretary, my hon. Friend the Member for North Devon (Selaine Saxby), who served the Department with great distinction and a great deal of hard work. She is a real champion for Devon farmers. I have heard her and have met her farmers with her on many occasions as they tell her what they need. I reassure her that the advisory board conversation will continue in the next few weeks.

My hon. Friend the Member for Truro and Falmouth (Cherilyn Mackrory) made a comprehensive speech. Again, she frequently buttonholes me on behalf of her farmers and her fishermen. The future farming resilience fund is available to give exactly the sort of advice that she envisages. I would love to talk to her about that outside the debate, if that would be helpful to her.

I have frequently discussed farming issues with my hon. Friend the Member for Shrewsbury and Atcham (Daniel Kawczynski) and the farmers he represents so well. I agree that the opportunities for the future of agriculture are vast. Let me put on record how pleased I am that we passed, with agreement broadly across the House, Committee stage of the Genetic Technology (Precision Breeding) Bill last week. In a week that was perhaps difficult for the Government, that was a high point and is exactly what my hon. Friend means when he says that there are real opportunities for the future of agriculture if we are able to grasp the regulatory space. I would be delighted to visit Harper Adams, although my hon. Friend the Member for Bury St Edmunds (Jo Churchill), who so recently and sadly departed from the Department, visited extremely recently and came away full of ideas.

I was interested to hear what the hon. Member for Ellesmere Port and Neston (Justin Madders) said. He and I have spoken, as he has with my Secretary of State, about the difficult issues facing Ince. My understanding is that discussions, which are commercially sensitive, are still under way. I would welcome the opportunity to talk to the hon. Gentleman directly about the current situation. I am also very happy to make his points across Government if he feels that would be helpful. The situation with Ince is worrying for all of us who care about fertiliser prices, although I recognise that it is particularly difficult for those whose jobs are at risk.

These are not easy times for our farmers, who face increasing costs, particularly for fertiliser, animal feed, fuel and energy. Undoubtedly, that is creating short-term cash flow pressures. The Government have announced a series of measures to help farmers with those pressures and to support them through an undoubtedly difficult time. From the end of July, we are bringing forward half this year's basic payment scheme payment as an advanced injection of cash to farm businesses. That is a practical

[Victoria Prentis]

and appropriate solution to current input problems. Payments will be made in two instalments each year for the remainder of the agricultural transition period. I am very pleased with that policy decision.

I am fully aware of the cost of fertiliser. The current cost is a little lower than my hon. Friend the Member for Rutland and Melton suggested—it is between £700 and £750 a tonne, although I accept that that is considerably more than usual. As a purchaser of fertiliser, I am always extremely aware of that market, as are most farmers. Although cereals farmers, such as me, often buy ahead and will be able to manage for this year at least, livestock farmers often buy much later in the season, and we need them to have the confidence to make purchasing decisions and put in orders so that we are assured that enough fodder crops will be grown in the next 12 months.

I have worked extremely closely with farmers' representatives—the NFU, the Country Land and Business Association, and the tenants—to build confidence through cross-Government and industry working, and by ensuring that the Government pull all the levers we can to make the situation better, short, frankly, of writing the cheque for everybody's fertiliser bill. We have issued updated guidance to provide clarity to farmers about how they can use slurry and other manures during autumn and winter. We have delayed the changes to the use of urea fertiliser, and we have introduced new slurry storage grants to help farmers to comply with the farming rules for water. The aim of all that, of course, is to reduce the dependency on artificial fertiliser.

My hon. Friend asked about the potential to increase transparency in the fertiliser market through the NFU suggestion of a gas fertiliser index. We are currently working with the Agriculture and Horticulture Development Board, the Agricultural Industries Confederation and the NFU on how best to achieve fertiliser price transparency. My hon. Friend should please keep talking to me about how that can be best achieved. Some sensible suggestions were made today, not least by the hon. Member for Ceredigion (Ben Lake), but there is a bit more work to be done. We need to continue to work on this policy area to get it absolutely right. The fertiliser taskforce, which I chair with my hon. Friend the Member for Bury St Edmunds, is very much continuing, and I believe we have a meeting next week. This is ongoing work. It is not easy, but we are doing our best to be flexible and react where we can.

We recognise that feed is a particular issue for the pig and poultry sectors. As of 1 June, we successfully concluded the removal of section 232 tariffs, allowing us to remove the 25% tariff on US maize imports. That was a key industry ask and should be an important step in opening alternative sourcing options. Again, we remain very open to working with the industry on specific asks.

We are the only sector with a carve-out for seasonal labour, and I think that is absolutely right. I am convinced that seasonal worker visas are a critical part of how we bring the harvest home. I am happy to continue to make the case for them across Government. We have achieved an extra 10,000 visas through the seasonal agricultural worker scheme route, so we have 40,000 visas for this summer and winter, which are critical to maintaining the agricultural labour provision.

Through the Agriculture Act, we have taken powers to look at supply chain fairness in more detail. We started by dealing with the dairy sector, and we plan to take regulatory action in it as a result of our work later this year. It is complex and we need to get it right. We are about to launch a review of the pig sector supply chain. I look forward to announcing that formally shortly and to giving more details of the consultation process.

My hon. Friend the Member for Rutland and Melton asked about farm business loans to support farmers with rising costs. My officials in the Department regularly meet the agricultural leads of major banks, and I have done so on several occasions. I have also had a special meeting with agricultural leads about the pig sector. In the most recent meeting, on 7 July, the banks suggested that the level of debt among UK farmers is low in comparison with other European countries, and that they are very willing to view farmers as a good industry to lend to. We will continue to engage closely with banks to monitor the situation, but as yet I am not hearing evidence from the industry that it is not getting loans where that is appropriate.

In the briefing that the NFU prepared for this debate, it called for mandatory food resilience assessments of new policies. I reassure Members that the Ag Act already commits the Secretary of State to consider the need to encourage the production of food. That is the basis of our new schemes and is very much part of the food strategy that was published a few weeks ago and embedded in departmental policy.

I want to briefly touch on the NFU survey that was mentioned by my hon. Friend the Member for Rutland and Melton, which suggested that a certain proportion of farmers are intending to reduce production or exit the industry. Surveys are useful and a helpful gauge of what is happening, but not all farmers are members of the NFU. It is important that we continue to monitor the situation closely. I am confident that we have strong and resilient food production in this country. The pig sector in particular is facing challenges. We believe that close to 60,000 sows may have been taken out of production over the last year, but we must put that in context: in 2021, the pig herd grew by nearly 10%, to the biggest it has been in 20 years.

I have worked extremely closely with the pig industry over the last nine months. There is still money being made in the pig world—not by the producers, I agree, but I am determined that the supply chain review is the way to go. I encourage anybody involved in the sector to lean in extremely heavily to the work we are about to launch in that sector. We need to make sure that the supply chain is fair, and we need to eat more British pig. We produce in this country about 60% of what we consume. I would very much like that figure to go up, not least for animal welfare reasons. I will do everything in my power to work with the pig industry—producer, processor and retailer—to achieve that.

In the arable sector, we are expecting increased yields this year, although I must confess that, as a cereal farmer, I look out of the window at very dry weather and worry—that will not surprise anybody—although our wheat area is in fact forecast to be up a little, by a percentage point. Winter barley is up about 10% and rape up about 9% from last year. There are of course real concerns about profit margins, and we have rehearsed

the reasons why, although current indications are that the crop is expected to be good—as a farmer, I almost cannot say that sentence for fear of upsetting the harvest, but at the moment we are hopeful and confident in this year's supply.

On the agricultural transition, direct payments are not a system that I am prepared to defend. Some 50% of direct payments go to 10% of the largest farms and landowners. There are better ways of spending the agricultural subsidy pot. Smaller farmers might well need further intervention if input costs continue to rise, but I am convinced that there are more targeted ways that we can help.

We opened the new sustainable farming incentive on 30 June and are pleased with the application rate so far. I should emphasise that throughout the agricultural transition, which is by its nature slow—we have purposefully worked over a seven-year period to enable farmers to adapt, change their ways and plan for the way that they run their businesses—the pot of money available to support farmers will remain the same for this Government. It will, however, be more targeted and be used to support public goods. We have ambitious environmental goals, which are generally supported across the House. Farmers want to help us to achieve those, and we want to reward them for doing so.

There have never been arbitrary divisions in how much money attaches to each sector of future farming schemes. Those schemes are very much designed to be stacked, so the SFI is not in itself intended to replace fully BPS, but should be stacked with the other schemes to ensure that farmers are properly rewarded.

In my view, subsidy is useful in agriculture, and I am very happy to argue across Government for the pot to remain at £3.7 billion. I think that is a good figure for us to spend on helping our farmers to produce public goods.

Cherilyn Mackrory: Briefly, on the payments being stacked, my farmers say that there seems to be a lot more that they have to do to get the same payments. How can we streamline the process?

Victoria Prentis: As I said, I do not think that direct payments are defensible. We as farmers received money for doing nothing but owning our land. In the future schemes, farmers may have to change their behaviours or work in a slightly more environmental manner. In some cases, they may have to change very significantly what they are doing on parts of their land. I accept that. This is change. This is difficult, but it is worth it for those nature gains and environmental and carbon capture gains, on which I know there is great consensus across the Chamber.

Farmers are dealing with this period of change and transition by voting with their application forms. Now, more than half of farmers, including myself, are in a stewardship scheme. Those are mid-tier schemes, and we have said that we will seamlessly transition farmers in such schemes into the mid-tier of the new future farming schemes. That is not a complete solution but it is a coherent interim one while we continue to work on the agriculture transition to get the policies absolutely right.

I think the food strategy will be welcomed by all Members who have spoken. The goal of food security has been mentioned across the Chamber, as has buying British. The land use strategy, which we will work on in 2023, will deal with some of the specific points raised in the debate, not least by my hon. Friend the Member for Rutland and Melton. As ever, I am happy to meet any Member's farmers if they would find that useful. I accept that change is difficult. We need to help farmers to manage that and to continue to produce not only the food we love, but the public goods for which we are very keen to continue to pay them.

3.57 pm

Alicia Kearns: Thank you for your chairmanship, Mr Hollobone. I thank all those who have spoken with such unity. I particularly thank the Minister for her comments about land-based colleges—Melton Brooksby is one such exceptional establishment—and her commitments to the land use strategy and to continue conversations on labour schemes, gas fertiliser indexes and flexible loans.

This may be my last Westminster Hall debate with the Minister in her place, because she may be the Secretary of State by September—who knows?—or anything else. I thank her for her constancy, for her meaningful and heartfelt support for farmers across our country, for how hard she works, and for genuinely knowing her brief and fighting for it. I thank her on behalf of us all.

Question put and agreed to.

Resolved,

That this House has considered support for farmers with the cost of living.

Night-time Economy: Hertfordshire

3.59 pm

Mr Philip Hollobone (in the Chair): I will call Dean Russell to move the motion, and then I will call the Minister to respond. There will not be an opportunity for Mr Russell to wind up, so he and the Minister get one go each. The debate is due to finish at 4.30, and I am advised that there may be five Divisions called then, so the Minister may want to ensure that she concludes her remarks before then.

Dean Russell (Watford) (Con): I beg to move,

That this House has considered Pryzm nightclub and the night-time economy in Hertfordshire.

It is a pleasure to serve under your chairmanship, Mr Hollobone, and I am delighted to bring this debate to Westminster. The situation in Watford is worrying. Our high street, like everywhere over the pandemic, has been hit by challenging times, and Watford has one of the best high streets in the country. We have an incredible wealth of brilliant stores, organisations and small businesses that we need to continue to support. What I have found over the past few years, especially during my time as the Member of Parliament for Watford, is how much our community comes together, works together and supports each other, and that includes supporting our small businesses as we move forward.

We have a challenge: one of our most popular night-time destinations, Pryzm nightclub, is under threat. The situation at the moment is that there is a planning application in place to turn the nightclub and surrounding businesses into homes. I am not against new homes—it is important that we have them. I am not too keen on very tall towers, which is a totally different debate that I am sure we could have another time. The nightclub would close not because people are not going through the doors. It would close merely because a landlord wants to change it into something else—something that is not part of the night-time economy. The reason why that is a challenge is that the night-time economy, as we all know, is not just one place. It is not one nightclub; it is a whole ecosystem. It is an incredible ecosystem that includes local restaurants, bars, food outlets, takeaway places and our brilliant taxi trade, which all rely on the thousands of people who come to Watford every weekend to go to the nightclub.

Closing the nightclub would pull the rug from under those businesses and hard-working people who have struggled to get through covid over the past few years and have come through the other side. They survived it and are on the verge of thriving, but that would be cut off. My request to the Minister today, and I have a few points I would like to raise with her, is about how we can support the night-time economy in general. I appreciate that these are national debates, but Pryzm is a good example of the challenges we face as a community and as a Government who support small business. Losing places like nightclubs that allow the night-time economy to thrive would risk setting off a domino effect of closures and high streets not surviving, which will also impact tourism, trade and opportunity.

I would like to thank a few people. First, I thank Maria Manion, the chief executive of Watford business improvement district, or the BID, as it is often known. It has done incredible work looking at the impact of the closure and what it would mean locally, but it also does incredible work to support local businesses. I thank Dave Vickery, the manager at Pryzm Watford. I have been down there a few times—I can confirm I did not dance or drink. Dave is absolutely passionate, and I could tell the care his staff have for the people who go to the nightclub. They ensure that people have a safe and enjoyable evening out and that when they go back out on the street at the end of the night, they continue to have a safe journey home and a safe environment to go to the other businesses locally.

I have heard from Dave that places like nightclubs are communities. They are places where people go to see their friends at the end of each week, to start to relax and to use it as a release each week—one thing I am passionate about is people helping their own mental wellbeing. When we lose that, it has a damaging effect on not just the economy, but people.

Anyone watching the debate, especially from Hertfordshire—I am sure millions will be tuning in to this Westminster Hall debate—will know that Pryzm nightclub has also been known as Oceana, Destiny, Paradise Lost, Bailey's and many other names. It has been on the parade for nearly 40 years, so it has not just popped up; it is part of the legacy there. I hope that I am not breaching their confidence, but there are people working in Parliament who met their partners there. The club has a legacy of people forging relationships and friendships there over many years, and it presents an opportunity for people to come together, celebrate and release after a hard week at work.

People might not be aware, but Pryzm does incredible work for local charities, including Watford Mencap, which I visited recently. The Mencap team takes 70 people—or clients, as they call them—to Pryzm for a safe night out on the last Friday of every month. There, they can have a drink in a safe environment and see friends whom they would not usually see. If Pryzm closes, nothing else they could do would come close to providing similar enjoyment in a safe community space.

I will raise with the Minister the impact on jobs and the night-time economy. Pryzm, has about 110 employees, and an average of 3,000 visitors over Friday and Saturday. On big event nights, including performances by big DJs, there can be many thousands more visitors, and Pryzm welcomes about 500 people on Mondays. That is absolutely critical, because each person will spend not just at Pryzm, but in the local area. I am particularly concerned for taxi firms, which had a really difficult time during lockdown. They struggled for every single fare, sometimes waiting hours for the next pick-up, before re-joining the back of the queue. Stopping their ability to earn from the night-time economy is a real travesty. The average spend at Pryzm is about £20 per person, but that equates to about £34 for our local economy.

Let me be clear: this is not just about Watford—I would not be so selfish as to focus only on Watford. If we lose nightclubs and the night-time economy in towns across the UK, we lose not just the economic benefit but part of our culture. Pubs are absolutely critical to what we think when we think of Britain—I do not think there is a single soap on TV that does not feature a pub. Most towns—not soaps—have a nightclub as well, or used to. People used to have a space—or perhaps a disco, for my generation—where they could go, but

those spaces are dying out. That is a real challenge. I will not go into "Saturday Night Fever" mode and start dancing, but those places existed for so long for a reason: they drive so much opportunity for people, who can forge relationships there, as I said earlier.

I am also passionate about the creative arts. So many people get their first start at nightclubs and in night-time bars where music can be performed. It is incredible how many bands start by doing gigs in small towns, building their following until they can, potentially, tour around the world. Everyone wants that first step on the ladder. For creative people, having a home-town audience, or one in the surrounding area, to listen to, support and fund them can make a massive difference. Losing nightclubs would have massive effect on the future of the night-time economy. On the music industry, it is estimated that there were almost 1 million music tourists in the south-east prior to covid, supporting 5,300 jobs in the south-east alone. That is a huge number, and it goes to the heart of my concerns.

I will wind up with a few questions for the Minister because I am conscious that there will shortly be votes in the House. First, is there anything that I can do to encourage the council? I totally understand that it has to follow specific processes to agree or refuse planning applications—I am not trying to force them through—but how could I help before it reaches the point of refusing a planning application? Could I speak to businesses? Are there any support packages that could be used to help them and encourage them not to close this vital part of our community?

The Minister is new to her post, and she is doing an incredible job so far. I look forward to seeing her in post for a long time. I would like to ask what the Government are doing to support the night-time economy so that we can build on that. I think there are three questions. What can I do? What is being done? How are the Government supporting the night-time economy of the future, creative industries and, most importantly, small businesses?

4.10 pm

The Parliamentary Under-Secretary of State for Business, Energy and Industrial Strategy (Jane Hunt): It is a pleasure to stand before you for my first Westminster Hall debate, Mr Hollobone. I congratulate my hon. Friend the Member for Watford (Dean Russell) on securing this important debate. Clearly, this is an important issue for him and his constituents. I ought to say that my hon. Friend does an excellent job for Watford. None of his colleagues could ever say they do not know anything about Watford, because he is constantly going on about Watford. Good for him. It is much appreciated, I am sure.

I recognise that this is a local, commercial planning matter. Providing new homes to ease pressure on the housing market is obviously important. It is also important to preserve commercial areas, which are fundamental to the health of local economies and communities. Hospitality, alongside retail, personal care and leisure, is part of an ecosystem, as my hon. Friend said, that underpins healthy local economies and communities. This ecosystem includes a symbiotic relationship between businesses operating during the day and evening, and businesses operating into the night. I have talked to the Department about the day-time, night-time and twilight economies and the connection between them. I am sure that is where much of that £34 is being spent before people go on into the nightclub.

If the night-time economy fails, it has a detrimental impact on the ecosystem as a whole. As well as providing accessible jobs and stimulating local supply chains, hospitality businesses support tourism, help to attract inward investment, generate income for local authorities to invest in services and infrastructure, connect communities and support mental health, just as my hon. Friend said. All that helps to improve living standards and creates desirable places for people to visit, study, live and work.

While increasing the number of residents living in our town and city centres is a good thing for local economies, businesses and residents need to be able to co-exist. However, we know from experience that residential areas and night-time economy businesses do not necessarily co-exist well. We have seen many cases of long-standing businesses being forced to close under the weight of complaints about noise from new residents. To ensure a healthy business environment that will deliver for local economies and communities, this ecosystem needs to be managed, and it needs to support and complement wider plans for economic development, regeneration and levelling up.

It is important to talk about levelling up. People think about levelling up as being for places other than the south-east. In fact, it is just as applicable to Watford as it is to Loughborough or any other town in the country. Levelling up for most parts of the country will involve improving productivity and economic growth by encouraging innovation, creating good jobs, enhancing educational attainment, and renovating the social and cultural fabric of the parts of the UK that are falling behind. Investing in education, digital connectivity, housing and transport to attract new business investment, as well as attracting and retaining talent, is a key part of levelling up. Increasing the number of overseas tourists visiting the UK and achieving a better distribution of tourism across the UK is also an important part of levelling up.

In 2019, 40.9 million overseas residents visited the UK, spending around £28.4 billion. Of those staying at least one night, 21.7 million visited London, while 2.2 million visited Edinburgh, 1.6 million visited Manchester and 1.1 million visited Birmingham. As my hon. Friend said, this is about Watford specifically, but it is also about the night-time economy across the whole country.

Creating the right environment for high street businesses to flourish is vital to creating destinations that will appeal to entrepreneurs, students and tourists alike. Research by Centre for Cities on healthy local ecosystems for students and graduates highlights the importance of attracting new students to bolster local economies, as they tend to spend their money where they study. A place's ability to attract students from other parts of the country will therefore affect the strength of its economy, and the night-time economy would definitely attract the student population. Moreover, as the UK continues to specialise in more highly skilled, knowledge-intensive activities, the extent to which cities can attract and retain skilled graduates will have a big impact on their economic performance.

As constituency MPs, we know that hospitality and nightclubs are important, and clearly that is why my hon. Friend brought this matter to the House. Nationally,

[Jane Hunt]

hospitality employs 2.4 million people, and there are 167,000 hospitality businesses, creating £83 billion in revenue in 2021.

Dean Russell: Given that I am debating my private Member's Bill on tips on Friday—I just want to give it a plug—I want to point out the importance of the hospitality sector. It is important that staff can keep the tips that are given to them, and I hope the Minister agrees with me on Friday when she is at the Dispatch Box.

Jane Hunt: I welcome the introduction of my hon. Friend's private Member's Bill. Ensuring that tips go to workers is the right thing to do. It is a policy that my Department has worked hard on, and I look forward to responding to him on Friday.

We are working to make permanent many of the regulatory easements that we introduced during the pandemic, which not only provided hospitality businesses with greater flexibility to trade but helped to create the vibrant, bustling outdoor spaces we need to encourage people back into our town and city centres. In July 2021, we published the first ever hospitality strategy, which set out our ambition for the recovery and future resilience of the sector, and we have established a Hospitality Sector Council to oversee its delivery. We did all that because we recognise the importance of hospitality not just nationally but locally. If we are to maximise the potential of hospitality to support our local economies and communities, stimulate inward investment and tourism, and help levelling up across the country, we need to cultivate and nurture our local high street ecosystems. We have talked about those things.

As I say, the planning mechanisms are the way forward, and unfortunately they are not with the Department for Business, Energy and Industrial Strategy but with the Department for Levelling Up, Housing and Communities. However, I understand that DLUHC is bringing forward planning matters that could be dealt with through the Levelling-up and Regeneration Bill, which might include an auction after a year if a building remains empty. I am not sure whether that would happen in this case, but it is still worth bearing in mind for colleagues across the country.

I congratulate my hon. Friend on securing this important debate and giving us an opportunity to discuss this issue in Parliament. Although this is very much a local planning issue, it raises important questions about how we manage the transition of our high streets from being fundamentally retail centres to being more experiential spaces where we meet the needs of local residents and attract new footfall. I believe that, in this case, that can best be achieved by local authorities working closely together with local delivery partners—clearly, that has happened with the bid—interested groups, businesses and landlords. I thank my hon. Friend very much indeed for bringing this matter forward.

Mr Philip Hollobone (in the Chair): I congratulate the hon. Member for Watford (Dean Russell) on securing the debate and the Minister on her debut performance.

Question put and agreed to.

4.19 pm

Sitting suspended.

Sitting resumed—

5.9 pm

Sitting adjourned.

Written Statements

Tuesday 12 July 2022

EDUCATION

School Rebuilding Programme

The Secretary of State for Education (James Cleverly): I am delighted to confirm details of the next 61 schools prioritised for the School Rebuilding Programme.

The School Rebuilding Programme was announced by the Prime Minister in June 2020 and will transform the learning environment at 500 schools and sixth form colleges over the next decade, supporting teachers in England to deliver a high-quality education, so that pupils gain the knowledge, skills and qualifications they need to succeed. The programme will also support levelling up of opportunity by addressing school buildings with the highest condition need across England.

It represents an important commitment to invest in construction sector jobs and skills, helping drive growth in the economy. The programme will have a continued focus on modern methods of construction and provide opportunities across the industry, including for small and medium-sized enterprises.

As with the first 100 schools announced in 2021, this group of schools has been prioritised solely on the basis of the condition of their buildings. The projects include primary and secondary schools, as well as special schools. This also represents a substantial investment in schools in the midlands and north of England, with 37 out of 61 projects in these regions.

The new school buildings will be energy-efficient designs with high sustainability standards, delivering a generation of new school buildings that will be net zero carbon in operation and mitigate the risks of climate change.

The 10-year programme will continue to target school buildings in the worst condition across England. From 19 July to 8 October 2021, we conducted a public consultation with the sector on our approach to prioritising schools for the long-term programme. As set out in the Government's response, we invited responsible bodies—such as academy trusts and local authorities—to submit nominations for their schools with the poorest condition buildings to join the programme.

In 2022 to 2023, we expect to prioritise up to 300 schools in total. We are announcing a smaller group of 61 schools now to maintain the pace of delivery and address some of the poorest condition buildings as soon as possible. We are still assessing all other nominations received and have not ruled out any nominated schools for selection at this point. We plan to make another announcement later this year to confirm further schools selected.

Alongside the rebuilding programme, the Government have committed £1.8 billion in the financial year 2022-23 for maintaining and improving the condition of the school estate.

Further details, including lists of the school rebuilding projects, have been published on www.gov.uk. Copies will be placed in the House Library.

[HCWS197]

HEALTH AND SOCIAL CARE

Patient Safety Commissioner for England

The Parliamentary Under-Secretary of State for Health and Social Care (James Morris): In July 2021, the Government published their formal response to the recommendations by the Independent Medicines and Medical Devices Safety review led by Baroness Cumberlege setting out an ambitious programme of change. As part of our response, we committed to appoint a Patient Safety Commissioner with a remit covering medicines and medical devices.

I am pleased to announce the appointment of Dr Henrietta Hughes OBE FRCGP SFFMLM as the first ever Patient Safety Commissioner for England. This appointment was made following an open competition, in line with the Governance Code for Public Appointments, and following a pre-appointment scrutiny hearing with the Health and Social Care Committee. Dr Hughes will continue working as a GP and remain Chair of Childhood First.

The First Do No Harm report, led by Baroness Cumberlege highlighted the need to avoid harm and protect patients. The Patient Safety Commissioner will add to and enhance existing work to improve patient safety in relation to medicines and medical devices by being a champion for patients and helping us to learn more about what we can do to put patients first. The Commissioner's core duties are to promote the safety of patients, and promote the importance of the views of patients and other members of the public. The Commissioner will act independently, and a memorandum of understanding will be agreed to ensure the Commissioner's independence is safeguarded.

[HCWS198]

Ministerial Corrections

Tuesday 12 July 2022

BUSINESS, ENERGY AND INDUSTRIAL STRATEGY

Draft Construction Contracts (England) Exclusion Order 2022

The following are extracts from the debate on the draft Construction Contracts (England) Exclusion Order 2022 in the Fifth Delegated Legislation Committee on 29 June 2022.

Lee Rowley: That means that if this works, and we have confidence that it will, the risk to the public purse is minimised because companies pay on results, not on proposal, and because a set of companies and individual actors will be entering into a contract to ensure that they price the risk of delivery appropriately and deliver it to get a long-term revenue source from the Government.

[Official Report, Fifth Delegated Legislation Committee, 29 June 2022, Vol. 717, c. 8.]

Letter of correction from the Parliamentary Under-Secretary of State for Business, Energy and Industrial Strategy (Lee Rowley).

An error has been identified in my response to the debate.

The correct response should have been:

Lee Rowley: That means that if this works, and we have confidence that it will, the risk to the public purse is minimised because companies pay on results, not on proposal, and because a set of companies and individual actors will be entering into a contract to ensure that they price the risk of delivery appropriately and deliver it to get a long-term revenue source from **a water company and its customers.**

Lee Rowley: The order, however, relates to the arrangement between two private parties—the water companies and first-tier building contractors—though admittedly for a piece of infrastructure that will be important to the citizenry of the United Kingdom.

[Official Report, Fifth Delegated Legislation Committee, 29 June 2022, Vol. 717, c. 9.]

Letter of correction from the Parliamentary Under-Secretary of State for Business, Energy and Industrial Strategy (Lee Rowley).

An error has been identified in my response to the debate.

The correct response should have been:

Lee Rowley: The order, however, relates to the arrangement between two private parties—the water companies and **SPVs**—though admittedly for a piece of infrastructure that will be important to the citizenry of the United Kingdom.

ORAL ANSWERS

Tuesday 12 July 2022

WRITTEN STATEMENTS

Tuesday 12 July 2022

MINISTERIAL CORRECTION

Tuesday 12 July 2022

No proofs can be supplied. Corrections that Members suggest for the Bound Volume should be clearly marked on a copy of the daily Hansard - not telephoned - and *must be received in the Editor's Room, House of Commons,*

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