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House of Lords

Friday, 17 July 2015.

10 am

Prayers—read by the Lord Bishop of Portsmouth.

Arrangement of Business

Announcement

10.06 am

Lord Taylor of Holbeach (Con): My Lords, we have three Second Readings to get through today, and by custom we try to finish by 3 pm, although that is not rigidly enforced. For that reason, there is an advisory speaking time of six minutes. I hope that noble Lords will try to adhere to it so that those speaking at the end of today's proceedings can also go home when they should. I thank noble Lords for adhering to this.

Accessible Sports Grounds Bill [HL]

Second Reading

10.07 am

Moved by ***Lord Faulkner of Worcester***

That the Bill be now read a second time.

Relevant document: 5th Report from the Delegated Powers Committee

Lord Faulkner of Worcester (Lab): My Lords, I start by expressing my thanks to all noble Lords who have indicated their wish to speak. I hope very much that the Government and the football authorities in particular will appreciate the great support that exists in this House and outside for the principles underlying this short but necessary Bill. Its purpose is to create a civilised and safe environment for disabled people who want to watch sporting events at football and other stadiums. The Bill does so by giving local authorities a discretionary power to refuse a safety certificate to sports grounds which do not comply with the accessible stadia guidelines published by the Sports Grounds Safety Authority. I am proud to declare my unpaid interest as a vice-president of the charity Level Playing Field, which has done so much to raise the profile of disabled sports fans and to campaign effectively on their behalf. I pay tribute to the zeal, courage and dedication of LPF's chair, Joyce Cook OBE, who has raised to great effect the needs of disabled fans in Britain and indeed in Europe.

Your Lordships will be aware that this is not the first time that I have raised the subject in this House. Almost exactly a year ago, on 14 July 2014, I asked an Oral Question about how the Government planned to ensure that professional sports clubs follow the accessible stadia guidance. I drew attention to the letter written in April 2014 by Mr Mike Penning, the then Minister for Disabled People, to all professional clubs, in which he described the situation with professional football as,

"'woefully inadequate', when it was revealed that only three clubs in the Premier League, the richest league in the world, comply with the requirements for the number of spaces for supporters in wheelchairs".

I said that,

"the time has now come for equality law to be properly enforced and the guidelines, which have been in place since 2004, properly implemented".

Answering for the Government, the noble Lord, Lord Gardiner of Kimble—who I am delighted to see is in his place on the Front Bench—said that,

"the Government are committed to ensuring that all spectators have enhanced and appropriate access to sporting venues and services, and that professional sports clubs are aware of their responsibilities towards disabled spectators. The Department for Culture, Media and Sport is working with the Department for Work and Pensions on a range of measures to ensure that the rights of disabled spectators are met by professional sports clubs … Premier football clubs have considerable means and I think that they should be looking to do very much better".—[*Official Report*, 14/7/14; cols. 374-75.]

I think that we can all say amen to that. The "considerable means" to which the Minister referred included the clubs' share of the latest broadcasting deal, which amounts to £5.34 billion.

Let us consider the depth and impact of the problems faced by disabled sports fans. More than 12% of the UK population is disabled, with one in four families having a disabled member. This number is expected to rise significantly over the next decade or so as healthcare continues to improve, with survival rates and life expectancy increasing year on year. At any given time, more than 40% of the population requires easy access. This includes families with young children, senior citizens and people with temporary injuries or ill health. The annual spending power of the UK disabled community, which is our largest minority group, is estimated to be more than £80 billion. Accessible venues are more sustainable, and inclusive facilities and services make good business sense. When disabled people are unable to attend a public event or use a service because of poor access, then most often neither will their family or friends. This means that inaccessible venues lose business and also owners lose their reputation.

Attending a live football match or sporting event and supporting your local team or club is an integral part of our culture and traditions. Matchday crowds are at last becoming more diverse and representative of our wider society. This should naturally include many more disabled people. Social inclusion and equal access is a basic human right and a fundamental pillar of social justice. It is clear that many people experience great joy and a sense of belonging in being able to follow live sporting events and their local team alongside fellow fans, family and friends. But for our disabled fans, that cannot happen unless our sports stadia and venues are truly accessible and inclusive. Service providers and public venues have a legal duty under the Equality Act 2010 to provide accessible facilities and to remove the barriers that may prevent disabled people from using their services.

The Act requires disabled individuals to challenge service providers who are not meeting their legal obligations through the civil courts, but it is neither

[Lord Faulkner of Worcester]

realistic nor fair to expect disabled fans to take this on individually. We would be asking them effectively to sue their own club—something that is anathema to most sports fans because of the life-long, loyal relationship that they may have with the club that they support. Disabled fans who have considered taking such action will tell your Lordships of the threats that they are subject to if they take on a multimillion pound club.

This is not a new issue. We have been aware of the problems faced by disabled sports fans for more than 25 years. Following the Hillsborough disaster, Lord Justice Taylor made a series of recommendations for disabled fans back in 1990. Then, in 1998, the report of the football task force, on which I served as deputy chairman, went further than Lord Justice Taylor and made 52 recommendations to set mandatory requirements on the minimum number of wheelchair-user spaces and adapted seats for disabled people. The report recommended improvements for disabled fans in line with the Disability Discrimination Act 1995, including decent views, shelter from the weather, and access to toilets, refreshment bars, ticketing and stewarding. It also proposed annual visits by hit squads to all the grounds to conduct access appraisals of facilities and to monitor progress. That report was agreed to by all the parties represented on the task force, including the Premier League.

Following those recommendations, the National Association of Disabled Supporters—the predecessor of Level Playing Field—carried out access appraisals of all football clubs in the professional game between 2000 and 2002. Yet no further funding or follow-up was provided to continue with that important work. In 2003, the Independent Football Commission reported on the lack of progress in implementing the 1998 football task force recommendations in the annual report.

Football should do better and can do better. For an indication of what can be achieved, we should look at what happened with the London Olympics in 2012. Access and inclusion were integrated at all stages of the planning and everyone was committed to ensuring that it was there from the outset. I suspect that we may hear from the noble Lord, Lord Moynihan, and possibly the noble Lord, Lord Holmes, on that subject during this debate.

There is often talk about the difficulties of improving access to existing football stadia because of their age. This is an indefensible argument, especially when we consider the extraordinary wealth of the Premier League clubs. They have no difficulty in finding money for improving and extending their hospitality and media areas or in spending incredible amounts of money on players and managers. Earlier this week your Lordships may have read in the sports pages the report of Raheem Sterling's transfer from Liverpool to Manchester City. Monday's *Guardian* states:

"Agreement was … struck on Sunday afternoon on a deal which will cost City an initial £44m, with a further £5m due in add-ons. The player is now formally free to discuss personal terms and undertake medical checks with his new employers. A long-term contract worth around £200,000 a week"—

I repeat, £200,000 a week—

"has in effect already been agreed".

The accounts for all Premier League clubs for 2013 have recently been published. The annual wage bill for all Premier League players was £1.85 billion. The weekly wage bill was £35.4 million, and the daily wage bill, based on a five-day working week, was £7 million. If all Premier League players donated just one day's pay, their clubs could reasonably improve their disabled fans' facilities to meet at least football's own minimum standards. As I have said, the minimum standards of football are significantly lower than those set by other bodies such as Sport England, the London 2012 Olympic Delivery Authority and the International Paralympic Committee. Football's own standards are less than half of what those bodies have accepted.

Only 14 of the 92 professional football clubs in England meet football's minimum numbers. Of these, only three Premier League clubs exceed those standards and more than one-third meet less than 50%. Top clubs not meeting the standards include Chelsea and Manchester United. Almost 1% of the population uses a wheelchair, yet Old Trafford provides only 120 wheelchair-user spaces, which is equivalent to less than 0.15% of the overall stadium capacity.

Disabled fans at 55 of the 92 professional clubs have no choice but to sit with home fans as away supporters, and many have stopped travelling to away games because the situation is so awful. Disabled fans are often asked to hide their team colours and to refrain from celebrating goals. It can be an intimidating and hostile experience. They have been verbally abused and threatened, and some have had coins, cigarette lighters, urine and other items thrown at them. The *Accessible Stadia* guidelines state:

"Designated viewing areas should be provided for both home and away",

disabled spectators.

Let us be clear about the matchday experience. Surveys show that 82% of British football fans agree that being around other fans in the atmosphere of the grounds is as important as watching the game itself, and 85% associate football with friendship and camaraderie. Disabled fans should not be deprived of this experience. Being able to sit with your family or friends at a match is taken for granted by most fans but that is frequently denied to disabled fans and they often have to sit in a completely different stand or even use a different entrance. Recently, a father of three young sons, a Manchester United fan, was told to go and support Stockport County if he wished his disabled son to sit with the rest of the family. There are reports of walking aids being confiscated and of guide dogs being banned.

Poor sightlines within disabled fans' seating areas are commonplace, with views blocked by stewards, police, players warming up on the touchline, match officials and other fans who insist on standing. Several clubs have resorted to putting signs on the back of seats asking non-disabled fans to remain seated. Not only does this not work, it is ridiculous. Fans always jump to their feet at crucial moments of a match and block the view of the fans behind them. In some Premier League grounds, persistent standing is commonplace, with disabled fans often located at the back of stands behind such fans. Accessible parking

and accessible amenities are often limited, of a poor standard or non-existent, and there is a lack of suitable drop-off points. The situation is especially difficult for some older fans and those with limited mobility.

Let us be clear: when a disabled person is denied access or provided with a lesser service, it is discrimination and exclusion in its worst form. It sends a message to disabled people that they are somehow less important, less valued and less worthy. Is that the reputation that we wish for our sports, our national game, our clubs, our leagues or our governing bodies, or do we seek true inclusion? It is now clearly time for new measures. Everyone has so far failed in their efforts to persuade the clubs to do the right thing and to play their part. It is apparent to all of us who have been involved over the last few years that the clubs will not fix these issues themselves. It is time for effective regulation. That is why this Bill, or one drafted along these lines, is so urgently needed now. I beg to move.

10.21 am

Lord Holmes of Richmond (Con): My Lords, it is normally a pleasure to speak in your Lordships' House on sport. Today, there is a sadness, because we should not need this Bill or this debate. Football should have sorted access at stadia long ago. I speak today merely as a Peer and for no other organisation.

Let us consider some of the facts. Earlier this year, the Premier League was officially declared the richest football league on the planet. Some of the best players in the world play in the English Premier League, which is broadcast right around the globe. This is a great British success story. It is a fabulous brand, a fabulous broadcast and a fabulous export. So such sadness is amplified by the almost complete lack of ability to sort it when it comes to access.

The reasons are many but not that varied: stadia are too old, it is too difficult. But let us consider a different league. We all know who raised the Premier League trophy earlier this year. The teams have got their place in the Champions League. But let us consider the league table that ranks Premier League clubs on their provision of accessible seating. Does that mirror roughly how the teams finished on their points, on the park? It does not. Only three Premier League clubs meet those minimum standards, agreed by the task force in 1998, which the Premier League was part of, and put into the 2003 guide: Swansea, Bournemouth, and Leicester City. The Emirates is impressive at 96% and great progress has been made by Manchester City. But what about some of the other big guns in the top five or the top 10? No: Chelsea is in the 12th spot, Liverpool in 15th, Manchester United in 16th. If we measured clubs on the provision of accessible seating, these clubs not only would not be winning a place in Europe, but would be looking dangerously close to the drop zone.

The excuses are that the stadia are too old, that it is impossible or much too difficult. I went to a Cambridge college that had buildings that dated back to the 15th century. Those buildings were made accessible, yet it is too difficult for some of the richest football clubs on the planet to make their stadia accessible. Tranmere Rovers is firmly, completely committed to disability access. Is it a club awash with funds? At the end of this season it was relegated from the Football League, yet its commitment to disability access and its desire to be a leader in this area holds true. Perhaps it is a new stadium; perhaps that makes it easier? Prenton Park dates back to 1912. It is hats off to Mark Palios and the leadership he shows there, demonstrating what can be done.

It is not a question of the age of the stadium, it is a question of leadership. There is an incredible lack of leadership—a vacuum in this space—from the Premier League, the chairmen and the chief executives of the clubs. When you have a leadership vacuum, pernicious forces step in. The *Premier League Handbook*, which is binding on all clubs, has one line on disability access, rule K.34: the clubs must,

"provide sufficient and adequate facilities for disabled supporters".

There are pages on the provisions for the media. This shows the lack of leadership when it comes to disability access.

As I said, inevitably where there is a lack of leadership, pernicious forces step in. We saw it at Liverpool earlier this season, where disabled fans were verbally abused and received death threats when they simply tried to see what was going on on the pitch. At Manchester United, an 80 year-old gentleman had his walking stick taken off him. A man in his 20s who had a cast on his foot had his crutches taken away. I was fortunate to see the police statement on those incidents, which said that the behaviour of the stewards was extraordinary and astounding. I do not necessarily seek to blame the stewards; I would be very interested to understand what diversity and inclusion training they had received. At Chelsea, a fan too scared to give his name said he was told he would just have to wait until 2022 for the new stadium for more seats to arrive.

This is constantly being pushed into the long grass. For far too long, discrimination and a lack of disability access have tarnished football. If progress is not made, I believe that sponsors should consider their connection and relationship to football and how that fits with their ethical state. I believe that what we see is nothing short of shambolic. Feeble excuses begone! They have been used for far too long. The Premier League has been in existence for more than 20 years and we do not have even minimal access for disabled fans. Yet when it comes to new cameras and media positions the changes are made in a trice. So-called old grounds have been rebuilt from the inside out, with new media positions, new commentary booths, new VIP and hospitality facilities. Yet, when it comes to disability access, it is too difficult. It has been far too long, yet my Cambridge college could make 15th -century buildings accessible.

Today, I will write to the sponsors of the Premier League and the broadcast partners to suggest that, if there is not considerable progress in this area—so far, we can describe it as glacial progress—they should consider their relationship with football and how that fits with their ethical state in the market. These sponsors and broadcasters are brilliant brands, fabulous market leaders with great corporate social responsibility programmes. How does football fit with that?

I would like to ask my noble friend the Minister two questions. First, in her previous business life, if one of her stores said, "We can admit only three wheelchair

[Lord Holmes of Richmond]
users per day", what would her response have been? Secondly, will the Government support this Bill and end this iniquity once and for all? If they will not, will my noble friend work with the Secretary of State to bring legislation forward at the first possible opportunity to put this situation right? Whether it is the FIFA debacle, casual sexism or the national disgrace of disability access, the need has never been greater for football to discover its moral compass. It is our national sport and yet for far too long the beautiful game has been for many disabled spectators an ugly, ugly experience.

10.30 am

Baroness Grey-Thompson (CB): My Lords, I warmly welcome the Bill proposed by the noble Lord, Lord Faulkner. It is indeed shameful that we have to have this debate today.

I have been a wheelchair user since I was seven and have a lot of experience as a spectator, admittedly quite mixed. I have experienced all the things that the noble Lord, Lord Faulkner, mentioned. For any fan it can be hard to get a ticket, but, for a disabled fan, even if there happens to be an open purchasing policy, it is more challenging because tickets are sold or given away in a pair as a wheelchair user and companion or carer. Imagine the difficulty of having a husband who is a part-time wheelchair user and a daughter, and trying to obtain three tickets for us to sit together, or going with a friend in a wheelchair, as the stewards desperately try to figure out who is caring for whom. When my daughter was very young, we went to a sports venue and I was told that, as my five year-old was not my carer, she could not sit with me. It was suggested that she might like to go and sit in a bank of seats at least 10 rows away from where I was, where I had no access to her.

The issue about the number of seats also hides a wider problem of sight lines, accessible toilets, access to food and drink, and, in the case of football, home and away fans being able to sit together, which are compounded by the lack of seats and understanding of disabled people. This is about respect for disabled fans. I think the Bill is making a reasonable request and is not asking for special treatment. The Sports Grounds Safety Authority is best placed to take on this challenge. I completely understand that you cannot have totally flexible seating with no limit on the number of wheelchair spaces However, disabled people should not be fighting for something approaching equality. This is dreadful. Is it too much to ask? I do not think so. It may take some imagination, perhaps some money, but we have the richest clubs in the world. I do wonder what message these stadia are sending out to supporters. Is it that wheelchair users are welcome to attend as long as there are not too many of them? What message do wheelchair users hear? Is it that they have to be grateful for what they receive? Is it that they are not good enough to be part of the fan experience?

I have been disappointed by the attitude of the larger football clubs. It is great that they support educational programmes and most of the big clubs support wheelchair football, but I wonder how many of those players can actually get in to watch a first team game. When I started looking at the statistics for accessibility, I was shocked. They are all available on the Level Playing Field website. In previous debates, I have pointed out issues around Manchester United, which has been in touch with me and asked me to visit, and we are, indeed, trying to find a suitable date. I quote directly from the email I received:

> "Your exchange on Twitter, as attached, could be seen by some as indulging in matters which you remain uninformed of and accepting our invitation could be the beginning of an understanding which brings to the fore the many operational features that come together on a match day in a stadium capable of holding upwards of 75,000 people".

I have been privileged to be at a lot of very big sporting events—six Olympics, seven Paralympics, 11 World Championships, Europeans and Commonwealth Games, plus individual events at venues with far more than 75,000 seats. I have had some great experiences at Wembley, but Trailblazers has found that other people have not. The fan experience will vary. In the lead-up to 2012, this is one of the things that I worked on with LOCOG, when the whole of the Olympic Park was in operational mode. I am delighted that the noble Lord, Lord Holmes, is in his place and thank him for his contribution on many areas. The fact that you could go into the Olympic Park and have no worry whatever that you could sit with the people that you went with was incredible. You cannot underestimate the power of being able to sit with your friends and family. Until you have experienced exclusion, it is hard to imagine what it feels like. I do hope that the Equality and Human Rights Commission will look at this further. Surely what is happening here is discrimination, but are we too afraid to call it such? Surely this has to be on the same page as racism, homophobia and all other forms of discrimination. When you exclude disabled people, you are being discriminatory.

It is a shame that those who run the stadiums talk about CSR and community engagement when wheelchair users are far more likely not to have the same experience as non-disabled people. I suggest that this is just an outdated way of looking at this. We should be forward thinking and inclusive. It is not just about the fans. I wonder how many disabled people actually work in sports stadia.

Wrexham also got in touch with me via Twitter and adopted an altogether more positive tone. The club is 100% fan owned and the ownership body is Wrexham Supporters Trust. The stadium is owned by Glyndwr University and is the oldest international football stadium in the world still in use. The club is not making any excuses about the age of the stadium. It is a non-league club and receives no FA/Football League pre-season "solidarity" payments or parachute payments, and, because of its status, its football in the community and centre for excellence are also unfunded by the FA and Football League. However, the club has done some incredible work. It sanctioned and facilitated the UK's first ever autism-friendly football match and donated two separate cheques received from the proceeds of the FA Charity Shield for its FA Cup runs. Admission prices are fixed at the lowest ground rate for wheelchair fans based on the lack of choice that they have in viewing the match. The club does so much more. Its

first wheelchair viewing platform will be available next week on Wednesday 22 July. Twenty of its season ticket holder fans voluntarily moved their seats to allow wheelchair users to watch the match. The club has a commitment to raising funds for two more wheelchair viewing platforms, one of which will be for away fans. This is a club that genuinely cares about its spectators.

The big clubs are hiding behind all sorts of reasons. I do not generally think that we should be legislating for this. What has changed my mind? It was the fact that a really big, powerful, rich club is able to tell a family with a disabled son that they should perhaps go and support a smaller club like Stockport, which might be able to accommodate them. Those clubs do not deserve those fans, and that is why we should support this legislation.

10.37 am

Baroness Thomas of Winchester (LD): My Lords, I congratulate the noble Lord, Lord Faulkner of Worcester, on this Bill, which I warmly support. The noble Lord is a fellow member of the recently established committee looking at the Equality Act 2010 as it affects disabled people, and his experience in this area is invaluable.

I confess that I have never been to a football match in my life. I went to Twickenham once for an international rugby match, where I had the great good fortune to sit next to the noble Lord, Lord Brougham and Vaux, who could explain the finer points to me—basically why the ref kept blowing his whistle.

My interest in the Bill stems from my love of cricket, and in particular test matches at Lord's Cricket Ground, where I hope to be tomorrow. I think I am right in saying that, if this Bill becomes law, the Sports Grounds Safety Authority's statutory responsibilities will extend to cricket grounds such as Lord's, although I am not clear whether we are talking about refurbishment of existing areas or new build only. I am a proud member of its Disability Access Users Group, set up two years ago by Marylebone Cricket Club, which owns Lord's. The MCC, as many will know, has set out on a redevelopment programme for Lord's that will see most spectator areas and facilities rebuilt or renovated over a timescale of more than a decade. The Disability Access Users Group has provided a valuable opportunity for those who are affected by poor access to put our oars in at the crucial planning stage of alterations and rebuilds. Some among our number are expert in asking the right questions of the architects and planners, and we have not been holding back in our views. The question of enough accessible lavatories able to accommodate wheelchair users as well as ambulant disabled people is of particular importance, and has been the subject of lively debate. All disabilities are being covered, not just mobility problems, and I commend the good practice in this field undertaken by Lord's.

I must say that the welcome that those of us with mobility problems receive at Lord's from all the stewards—particularly, in my part of the ground, from Steve Crocker and his team—is wonderful and makes all the difference to our enjoyment of the day. Plans for the redeveloped stands either side of the famous pavilion have 1% of spaces accessible for wheelchairs, including some flexible seating to allow for multiple companions; a further 3% of seating is allocated as amenity seats, with greater legroom, width, height or armrests, for ambulant disabled people. The MCC has also initiated a programme of disability awareness training for all its full-time staff, with some also undertaking specialist training in areas such as dementia awareness, to support community activities aimed at making Lord's a more inclusive venue. The importance of this kind of training cannot be overstated, as I am sure the noble Lord, Lord Faulkner, would agree.

However, the *Accessible Stadia* document was drafted with new stadia in mind, and numerous older sports grounds—including Lord's, of course—will struggle to comply if the guidelines are to be made compulsory and retrospectively applied, although I take the point made by all noble Lords who have spoken so far that the age of the ground is not in itself an excuse for inaction. It would be most unfortunate if, in seeking to make compliance mandatory, the Bill in its current form risked driving sports grounds towards meeting only the minimum standard, thereby discouraging innovative approaches such as those taken at Lord's.

To sum up, Lord's is in the process of providing much-needed extra facilities for disabled people, while acknowledging that there is a still a long way to go, particularly in view of the rapid increase in the number of elderly and disabled people. I look forward to hearing the Minister's response, and wish the Bill well.

10.42 am

Baroness Deech (CB): My Lords, I may seem an unlikely figure to be concerned about sports grounds. However, my involvement with the Lords Equality Act 2010 and Disability Committee has highlighted to me that we all become disabled in the end—it is just a question of how quickly and how severely the conditions present themselves in one's life. Sports grounds accessibility is also a metaphor for the whole of our public life. Attending matches and other sporting activities is an integral and vital part of our culture and tradition. Sports grounds are not used just for sport; when matches are not being played they are frequently made available for community activities, so accessibility is vital for non-sports events as well.

The requirements of the *Accessible Stadia* guidelines referred to in Clause 1 are not rocket science. They list the elements common to our movement around our towns and buildings, and they symbolise the need for the whole country, in building and designing, in offering services and communication, to be proactive in thinking about accessibility. In general, we should not wait for a disabled person to discover an insuperable barrier and complain. We should be planning ahead for accessibility for all; today it is them, tomorrow it will be us who need that. Accessibility needs to be mainstreamed and built into all our plans.

The guidelines referred to in the Bill require that adjustments should be made to:

"Transport and access to the stadium … Information and signage … Parking … Ticket outlets and designated entrances … Movement and circulation in and around the stadium … Lifts, ramps and staircases … sightlines … Toilets … Restaurants and bars … Directors' boxes … Hospitality suites … Retail and commercial activities … Press and media … fire and emergency warning".

[Baroness Deech]

These are all, with a moment's thought, essential parts of everyday life not only in stadia but generally. As the noble Lord, Lord Faulkner, pointed out, 40% of the population currently require easy access, not just the 12% who are formally disabled persons, but senior citizens, families with children in buggies, and people with temporary conditions that inhibit their fitness. We all have the right to participate fully in society. Human rights in all their particularities must apply to the disabled and the less fit just as they do to the fully capable.

Sadly, the promised Olympic legacy of wider participation in sport has not materialised. Nevertheless, it was wonderful to see the Paralympics and the enthusiasm for them. The organisation of the Paralympics showed what could be done successfully to enhance accessibility. But that extraordinary display of the abilities of the disabled sports men and women, whose prowess belied the term "disabled", should not lead us to think that there are no barriers to the ordinary non-sporting disabled person. Too many of them have never participated in sport activities or attended a public event. They are therefore excluded from the social interactions—the enjoyment of shared experiences, triumphs and losses—that focus so intensely in our everyday chat about what is going on in national sport. Young people, particularly disabled young people, feel very badly their inability to access sports grounds, to have a decent sightline and to sit with their friends and fellow fans. The Bill is an honourable and sensible step to rectify that limitation.

There is also a business case for the Bill. Increased attendance at stadia, opening up the retail and refreshment facilities there, can only be good for business; nor is there any shortage of the resources needed to make the adjustments called for in the Bill. As others have said, football is awash with money. If clubs can afford the salaries we read about, if they are getting £5 billion for broadcasting deals, this must be the first call on their funds. Huge sums change hands when necessary. Some of the richest clubs are among the worst offenders in terms of access. I see that, among others, the following clubs provide far fewer wheelchair places than the recommended number: Manchester City, West Bromwich Albion, Newcastle United, Stoke City, Everton, Liverpool, Chelsea, Manchester United, Tottenham Hotspur, Burnley and, last but not least, Aston Villa—of which Prince William is reportedly a fan; as president of the FA he could exert his persuasive powers. We should not have to wait until Prince George is old enough to be going to matches with his father.

A major moral call on the football wealth is accessibility for the disabled fans. New stadia must have the necessary adjustments built into the design; existing stadia must also be adapted, and not all the adjustments are expensive. The clubs must be held to account to ensure that they are doing the right thing. They should not have to be coerced but the Bill will ensure that the adjustments are carried out through the requirement in Clause 2.

I am very glad that the noble Lord, Lord Faulkner, has introduced this excellent Bill. I call on the Government to support it, and wish it well.

10.48 am

Lord Rosser (Lab): My Lords, I declare my football interests as set out in the register, in particular my interest as a vice-president of Level Playing Field, the charity which campaigns to promote good access to sports venues for all fans and disabled fans in particular.

Under the Equality Act 2010, and previously under the Disability Discrimination Act 1995, sports bodies have a legal duty to make,

"reasonable adjustments to remove barriers",

that put disabled people at a substantial disadvantage in comparison with people who are not disabled so that they can access sports grounds. The Equality and Human Rights Commission has expressed concern that there is a lack of commitment from some sporting bodies to improve access for disabled people to their venues. In particular, the commission says that its discussions regarding football have indicated some reluctance to take the actions necessary to deliver the improvements needed within a reasonable timescale.

Why is this reluctance being encountered? It could be that clubs at the top level feel that making the reasonable adjustments to remove barriers that put disabled people at a substantial disadvantage would use up space into which a rather larger number of fans who are not disabled either are currently, or could be, accommodated. That rather larger number of fans would generate more income for the club than the much lower number of disabled fans who could be accommodated in the same space. It could also be that the clubs feel that the cost of making those reasonable adjustments does not represent for them the best use of capital, as determined by the rate of return received. It could be that the governance arrangements for the Premier League militate against any decisive leadership being shown on this specific issue or that there is just a straight failure of leadership on it. Whatever the true reasons, the present situation is unfair and discriminatory.

Disabled fans can be placed at a substantial disadvantage in comparison with people who are not disabled in a number of ways, not just through a failure to provide the required level of accommodation and facilities for such fans. Level Playing Field has carried out a survey of match ticket availability and proof of disability policies at Premier League clubs. Disabled fans find it increasingly difficult to purchase tickets for Premier League matches, since ticketing policies and procedures are often much more complicated or completely inaccessible when compared with access for non-disabled fans. Only two Premier League clubs have facilities for online ticket purchases for disabled spectators. It is impossible to purchase a disabled fan's ticket online at 18 of the 20 Premier League clubs, yet all Premier League clubs offer online sales to non-disabled fans.

Some clubs have complex ticketing policies for disabled fans. For example, four of the biggest Premier League clubs require disabled fans to be members of both the club and their disabled supporters' association before they can even qualify to apply for tickets. This practice is surely discriminatory. Non-disabled fans are not required to become a member of a specific fans' group at the club to apply for tickets, and those non-disabled fans who are not club members can still purchase tickets on general sale.

As has already been explained so powerfully today, it is almost impossible for a disabled fan to attend a match with other family members at the majority of Premier League clubs, and disabled family members will often be located in a different stand from the rest of the family. For parents with children, this can cause real problems. The example has already been quoted of Manchester United telling a father of three young boys to follow another team if he wished to attend with all his sons. His eldest son is a wheelchair user, while he is a lifelong fan who hopes that his sons will follow in his footsteps. Sadly, that hope does not appear to be shared by Manchester United Football Club.

Many believe that the only reason for the kind of complex, unfair and discriminatory schemes for disabled fans which I have been able only briefly to outline is to enable the Premier League clubs at fault to manage the effects of the deliberate, continuing severe shortage of required facilities and accommodation for them at nearly all grounds—a shortage judged, I emphasise, against football's own minimum requirements.

Level Playing Field has recently undertaken a review with leading stadium architects and quantity surveyors to ascertain the ballpark costs in making the required access improvements at Premier League and Football League stadia. The estimated cost to make the required improvements at all Premier League clubs to meet football's own minimum standards is less than £8.5 million. To make these same improvements to the very highest standards, with all wheelchair user spaces provided in the upper tiers of stands and across the stadia, would be no more than £25 million. To put that in context, there are reports in the papers even this morning of one Premier League club being about to purchase a player from another for £32.5 million, which is more than 25% higher than the cost of making the required provision for wheelchair user spaces to the very highest standards, and four times more than making those improvements to the minimum standards.

A lack of willingness to act unless compelled to do so is at the root of the problem. For that reason, I support my noble friend's Bill. There is also a safety issue because the lack of required accommodation for disabled fans means that away disabled supporters too often find themselves with, or adjacent to, home supporters. That presents safety problems all too often. The need for a fair deal for disabled football supporters has been pushed to one side for far too long, and with it the implementation of both the terms and spirit of our equality laws in this field. The time for decisive action is now. The question that will be answered shortly is: is that also the Government's position?

10.55 am

The Lord Bishop of Portsmouth: My Lords, I am pleased to welcome the Bill of the noble Lord, Lord Faulkner, and to support it this morning. I am grateful for his and others' determination to make good provision for disabled people at sports grounds a requirement and not just a vague aspiration. Were this not a sitting Friday and it my responsibility to lead the Prayers of this House, I would instead this morning be at Lord's for the second day of the Ashes test. My ticket—obtained long before today was fixed as a sitting Friday—is being put, I trust, to good use. As a keen sports fan, particularly of football and cricket, I find it disappointing and sobering that so very many grounds have such poor provision for people with disabilities of various sorts. Although there is a small number of examples of thoughtful and good provision, the overall situation is not just disappointing but bad. Out of care for each other and common decency, it is right to give everyone the dignity of access and safety.

Where money can surely not be judged a mitigating factor given lucrative sponsorships, high admission prices and the years that there have been to implement recommendations, it is surely clear that voluntary compliance with best practice has occurred only in isolated instances. I can only wonder, with some incredulity, why at the pinnacle of professional sport there is not the will to implement change, even where there is the way. If the richest clubs, some with the most modern stadia, will not voluntarily accede to reasonable encouragement and exhortation, something stronger is needed.

A few years ago, my daughter worked for a while for Muscular Dystrophy UK. One project in which she was involved is the already mentioned Trailblazers young campaigners' network, through which young people with different types of muscle-wasting conditions campaign for better access, including to sports and leisure facilities. Its 2013 report *Game On* reported, in particular, on squalid accessible toilets, poor views of the game from the designated places, separation from families and friends and being allocated places among rival fans—all of which we have heard about already—along with a limited, and often very limited, number of places allocated to those with a disability. There are too many examples, some of which can be seen in individuals' comments shared on Facebook: how thoughtless to allow disabled toilets to be used by anyone in the crowd; how thoughtless that a retaining rail is at eye level from a wheelchair; how thoughtless to suppose that seating friends close to but behind someone in a wheelchair enables the togetherness which is such an important part of watching sport.

My support for the Bill might be less passionate, though still strong, if the top clubs and grounds had over the years steadily moved towards compliance. The noble Lord, Lord Faulkner, suggested that we could all say amen to the view that Premier League clubs should do better. Appropriately, your Lordships may judge, I repeat that amen. If, with only a handful of exceptions, they have not voluntarily complied, there is no trickle-down encouragement for smaller stadia and clubs to move in the right direction. What is needed is the requirement to comply. I hope that the Bill receives from the House and the Minister the support it deserves.

11 am

Lord Moynihan (Con): My Lords, I congratulate the noble Lord, Lord Faulkner, on introducing his Bill. The noble Lord deserves the respect of the whole House for all the work that he has done behind the scenes on the development of grass-roots football, for the importance he attaches to accessibility and for the care he has always given to both players and supporters, not just recently but over many decades. The House is greatly indebted to him for that work.

[Lord Moynihan]

The noble Lord briefly referred to the 1980s in his introductory remarks. I remember, as a Minister, introducing the first review chaired by a Minister of Sport for those with disabilities. The review included the issue of access and made the vital point that we needed to make progress. One of the recommendations was that we set up a British Paralympic Association. The Secretary of State at the time was Nick Ridley, who taught me one or two things about how to handle the House of Commons. I had been going religiously to football matches as Minister for Sport, simply to be able to answer the question that the shadow Minister at the time, Denis Howell, was bound to ask the moment I got on to my feet to introduce a highly contentious Bill to address issues related to hooliganism in football. Nick Ridley, in characteristic form as Secretary of State, had asked which was the most difficult Bill due to be taken that week. He looked at me and said, "It's yours, Colin, isn't it? I'll do Second Reading". I looked at him and said, "You're not in the least bit interested in football or sport; how on earth are you going to do it?". He said, "I'll definitely do it. The Secretary of State's job is to take the toughest Bills and give the young Ministers the opportunity to shine with some rather easier material". So up he got on his feet, with the House absolutely packed. Denis Howell, sitting opposite, intervened after about a minute and said, "I'd like to ask the Secretary of State when he last went to a football match", to which he responded, "At Eton, under duress". That completely defused the situation in the House of Commons and left me sitting there thinking that I was going to football matches every Saturday, irrespective of whether they are First, Second, Third or Fourth Division, simply to meet that question.

At the end of the inquiry into sports for those with disabilities, we had the usual Wednesday morning meeting with Ministers. Nick Ridley asked whether any follow-up was needed, apart from considering the recommendations. I said, "Yes, Secretary of State, we need £1 million to start the British Paralympic Association". He just said, "Yes", and walked straight out of the office before there were any supplementary conditions. We took the £1 million and made quick progress, which later led to us going to the International Olympic Committee to urge it to ensure that any city bidding for the Olympic Games would also bid to host the Paralympic Games. I am grateful for the comments that have been made about the work of the Olympic Board on London 2012, which was the culmination of a lot of work from people on all sides of the House. It is interesting to note that everybody who has spoken in the debate, on all sides of the House, has done so from a lifetime of experience, commitment and passion on the subject. This is not a subject where people have just picked up the order of proceedings and come in to speak. I hope the Minister takes that into account as well as the fact that there is all-party support for the noble Lord, Lord Faulkner.

I have one or two observations about the noble Lord's Bill, which I hope we might be able to look at as we make further progress. I declare an interest as a member of the Delegated Powers and Regulatory Reform Committee, which has looked at the Bill and will no doubt be reporting in due course, although I emphasise that I am speaking as an individual and certainly not on behalf of the committee. It strikes me that one of the issues is that the principal purpose here is to provide for greater accessibility at large sports grounds for spectators with disabilities. As drafted, the Bill relies on the definition of a large sports ground being one that, in the opinion of the Secretary of State under the Safety of Sports Grounds Act 1975, provides,

"accommodation for more than 10,000 spectators".

As we make progress on this, it may be worth while debating whether that is too high a threshold and whether, given the objectives that we are seeking to achieve here, a lower threshold might be more appropriate for this Bill.

There is also the well-trodden difference between compliance and guidelines. Compliance and guidelines, as all noble Lords know, do not sit comfortably in legislation. *Accessible Stadia*, as noble Lords will all have noted, consists of some 607 pages and is an outstandingly good work. If my memory serves me correctly, the document was significantly influenced by Peter Lee, one of the unsung heroes of our time in sports administration, who does an enormous amount of good work. However, *Accessible Stadia* consists of guidelines, and it is quite difficult to request in a Bill that the certificate from the Sports Grounds Safety Authority confirming that a ground complies with guidelines has legal backing. Those guidelines may be amended and changed from time to time. Clause 1 clearly talks about the guidelines, while Clause 2 would add a new subsection to Section 2 of the Safety of Sports Grounds Act to say:

"A safety certificate shall contain a condition that the sports ground must comply with the … guidelines published".

It does not say it must comply with the guidelines if they change, and we might wish to amend that to clear up that potential loophole. It is worth looking quite closely at how you have compliance and advice in one clause and then, in the next clause, seek to enact that through legal requirements.

The noble Lord, Lord Faulkner, will be aware that I put a Bill before the House on sports policy shortly before the last election, not because I anticipated that it would go through to become law but because I hoped that, during the following five years, many of the issues that were floated in the Bill would be seriously considered as different pieces of legislation were presented to your Lordships' House for consideration. When drafting it, I felt that the Secretary of State might be given the power to make regulations in respect of access for disabled athletes, and indeed disabled spectators, in sports venues and at sporting events if he or she thought fit, including in relation to technical specifications. I also hoped that those regulations would make sure that venue design in the future took into account all the recommendations made by the accessibility guide and the inclusive approach to the Olympic and Paralympic Games which was issued by the International Paralympic Committee in June 2013. That might strengthen part of what the noble Lord, Lord Faulkner, is seeking to achieve. It might also address the question of the 10,000 threshold and the discomfort of having guidelines on the one side and making them mandatory on the other.

Those, however, are recommendations to strengthen the Bill. As for the Bill itself, and as for the work that the noble Lord, Lord Faulkner, has put into this, I cannot but commend him very strongly. I will do everything I can to help. I know that those I have spoken to on these Benches who are passionate about sport echo the gratitude to the noble Lord, Lord Faulkner, and to those in the House so actively supporting the Bill today.

11.09 am

Baroness Brinton (LD): My Lords, I declare my interest as a trustee of UNICEF UK for reasons that will become apparent in a minute. I am also a member of Southampton Football Club, and usually a season ticket holder—but not in a general election year. I am not quite sure why. I offer my thanks to the noble Lord, Lord Faulkner, for bringing forward this important Bill. It is utterly reasonable, and rightly brief. As the noble Lord, Lord Moynihan, said, I should like a couple of details to be discussed, for reasons that I shall come to.

I am in a wheelchair these days, and I want us to pause for a second over the meaning of "accessible". There are many other forms of disability that provide problems for people trying to access stadia. I have progressed from being fully fit and walking many miles a day through to using a stick, finding that I have to pause, having balance problems and then moving into part-time and then full-time wheelchair use. My experience at Southampton Football Club has been to watch my own progressively more disabled position and see how the club has responded to my needs—and it has been a very positive story.

We need to think clearly about how training happens for staff, not just for disabled access officers or stewards but right the way through the organisation, from that first moment when you telephone and ask for a ticket, so that the right questions are asked to facilitate us as best as possible. I, too, have had the problem of not being able to have my family sit with me. My brother is usually my neighbour, but sometimes we like to go as a fairly large family. In the past, they have often had to sit many rows behind us—but I now find that when I ring and ask, the first thing that the ticket people do is to ask how many tickets I need for the family, and they see how close they can find them. It is quite often my fault because, without a season ticket, I am booking very late. None the less, they go out of their way to help.

There are some other things, too, about training. That is what is missing from this Bill and from the accessible stadia guidelines. For example, are stewards trained to spot somebody who may have a problem? Stewards started coming up to me when I was using a stick saying, "Would you rather come through the side door than use the turnstile?". Then there is making sure that there are enough benches on the route to the stadium, which can be very long these days, to make sure that someone who cannot walk very far can pause and rest for a moment. It is sometimes necessary to point out when there is no space where a wheelchair can be stored during the game, so my brother can take me to my seat and then take the wheelchair and park it somewhere else. Most importantly, in the run-up to the game, you sometimes have to ask people to move from standing right in front of wheelchairs, having a look at what is going on. They obviously have to move as the game starts. Stewards need to keep their eye out for that, so that we as disabled people do not have to say to other fans, "Would you mind moving?". All those things are good practice, and I am proud that my club makes training such a key part of that.

As the noble Baroness, Lady Grey-Thompson, said, it was wonderful at the Olympic Stadium—and I have seen Wembley Stadium as well. My disappointment came last year in the Commonwealth Games. I am a trustee of UNICEF UK, which was a co-sponsor and ran a very unusual scheme during the opening ceremony, whereby we highlighted disabled children throughout the Commonwealth countries. But there were no wheelchair spaces in the VIP seats, so I was the only trustee of the sponsoring organisation who had to sit elsewhere in the wheelchair seats because the stadium just did not provide them.

As we have heard, it is not good everywhere else. I wanted to highlight two points that young Trailblazers raised personally—because, while we anonymise it, we do not get the feeling of the frustration of the fans. Mansoor Ahmad told us:

"I go to Chelsea often. Access is fine but the view in west stand is poor, especially depending on how high or low your wheelchair is. At my eye level I see shins and feet of players depending on where they are on the pitch. They should raise it".

Jo McNicol, who is a regular spectator at premier league football games, told us:

"I have been to loads,"

of stadiums,

"and I hate the grounds where as a",

disabled,

"away fan you have to sit with the home fans. At Liverpool's Anfield Stadium, you sit in front of home fans then get told off for cheering your team by stewards … The stewards threatened to throw my friend out … as he was shouting",

for his team,

"which we always do and we were told we couldn't shout or cheer as home fans were behind us. If we were sitting with our fans it would not have mattered. I want to be able to sit with the fans of the club I support so I am able to enjoy the match and not worry about the other fans' abuse".

Let me make a political analogy. It would be like asking a member of the Conservative Party in the Lords or the Commons to sit with Labour or the Liberal Democrats for a long debate and asking them to be completely silent for the four or five hours of a Budget debate. We would think that was not on.

I want to contrast that with some of the very specific things, other than disabled seating, which I know that Southampton and some of the other clubs provide elsewhere. There are RADAR locks on all the concourse-accessible toilets, so that only people with a RADAR key—therefore, disabled—can use. That is important, because some disabled fans also have illnesses that mean that, if a toilet is dirty, it is a dangerous place for them to go. Accessible toilets have painted contrasts for the fixtures, so that you can see grab rails easily, improving the facility for visually impaired supporters. They work closely with guide dogs and canine partners and assess the allocated spaces specifically

[Baroness Brinton]

for supporters with assistance dogs. There are lowered counters at all units and ticket office windows. I hate having to buy a hot drink of coffee at nose level; it is not safe. They provide DAB radios for visually impaired supporters, so that they are provided with a full match commentary. There are six disabled parking spaces for away fans, reduced ticket prices and free enabler tickets anywhere in the stadium, and dedicated accessibility stewards to help to support us. There is also a disabled drop-off point outside the main entrance in the lay-by, giving access on the main match day, which was vital in the days when I had a stick and could not walk the half a mile plus from where I usually park.

One thing that I am really pleased about are the new UEFA regulations, which mean that disability access officials will become mandatory. However, there are disturbing reports and stories that some disability access officers at some of the high-profile clubs that have been mentioned today are gatekeepers not facilitators. They sometimes prevent disabled supporters from getting tickets because they have "caused trouble" in the past, in their view. Disabled access officers should not be handing out tickets; they should be making sure that those who do so at that club are doing so correctly. They should be accountable to the board and, at the minimum, there should be an annual report every year. I would like to see the guidelines for accessible stadia to include training and specific responsibilities for disability access officers in future.

Finally, there is no more time to go through it but there is one extra hidden benefit from allowing disabled sports supporters to really enjoy their sport. It is not just about viewing sport; the good clubs provide foundation money for disability sports in their communities. Southampton is one among many that does that.

To end on a warning note, the Equality and Human Rights Commission says that it always aims,

"to work with organisations to help them improve their equality practice, in order to avoid costly legal proceedings. However, we also continue to consider whether future action is needed to ensure clubs comply with their legal duty to make reasonable adjustments to improve access for disabled people".

I and other disabled fans will hold the Equality and Human Rights Commission to that promise.

11.18 am

Lord Stevenson of Balmacara (Lab): My Lords, like others I congratulate my noble friend Lord Faulkner on his persistence and tireless campaigning on this whole issue, as well as his ability to get to the top of the queue and bring forward his Bill so that it gets the maximum chance of being considered before your Lordships and, I hope, be endorsed so that it goes forward. He made an excellent speech which reflected on the long history that is antecedent to this issue. In doing that, he has also brought out of your Lordships' House a range of fantastic speeches, which have covered all the issues with knowledge, compassion and humour—and has also opened to those of us who are not as knowledgeable about this some of the extraordinarily bad practices that are going on. I hope the Minister has noted that, as the noble Lord, Lord Moynihan, said, this is a non-party issue. This is an all-party issue as well as a non-party in the sense that all sections of your Lordships' House have supported what is being said. It is very important that the Government reflect on the fact that there is a huge amount of support for this issue.

On this side of the House, we believe that everyone should be able to watch sport in safety, security and comfort, and we support all measures that improve the current situation, which we find completely unacceptable. As the noble Baroness, Lady Grey-Thompson, said, this is an issue about respect. We need to look at all aspects of this issue, not just the simple but obviously rather complex issue of access, but ticketing processes, family access, the training that is provided and the catering—the noble Baroness, Lady Brinton, made a good point about the way that is operated. If you bundle this up together, it is really about the culture in which we engage with sport and not just sport. As has been pointed out, many of these stadia and facilities are also used for other purposes. We need to think much wider than we would perhaps otherwise have done.

When this issue has previously been before the House, we argued that the SGSA should have powers to address accessibility issues directly and that it should also look at spectator safety issues in the round; in other words, the gap between what the SGSA does and the responsible safety authority, which is usually the local authority, has become too great. That needs to be looked at more closely so that any recommendations that can improve the situation we have been hearing about have an immediate impact. At the moment, it is a requesting situation, not a directing situation. As the noble Baroness, Lady Deech, reminded us, we all have an interest in this because we are all going to be in this situation sooner or later—hopefully later. Importantly, there should be no question that the duty required should be anticipatory, not one that is left to those who have an issue to raise. It should not be contested in the courts because it should already have been sorted by those who have the responsibility to do it.

Several noble Lords mentioned the Equality and Human Rights Commission. The noble Lord, Lord Holmes, and my noble friend Lord Rosser, referred to its briefing note. It is extraordinary that the law to require this matter to be resolved is already in place. It is interesting to read in the briefing that the FA Premier League rule book, which is binding on clubs, already has a rule, albeit a very simple one, which deals with disabled sport. A number of noble Lords mentioned the contrast between it and Rules 44 to 124 which deal, broadly, with what media facilities have to be provided. They show up by their prescription the enormous gap between the attitude that FA Premier League clubs seem to have towards disability issues as opposed to media and other faculties. For example, Rules 53 and 54 require clubs to provide,

"at least three UK TV Commentary Positions on the Television Gantry"

and that each seat must,

"be no less than 3 metres wide and 1 metre deep".

Rule 66 provides that,

"each club shall make available … at least 25 seats for the use of accredited representatives of Overseas Broadcasters, to be situated in close proximity, and with easy access, to the tunnel area".

Rule 86 requires clubs to provide,

"a minimum of 50 seats for the use of accredited representatives of the media".

Really, what a ridiculous way to behave. To set out in such detail that sort of provision for media access when the line for disabled supporters is:

"Each club shall provide sufficient and adequate facilities for disabled supporters",

is to rub people's faces in the issue. I thought it would be a trivial, but rather interesting, reflection to read the phrase which I have just quoted at length from Rule 66 substituting "disabled supporters" for "accredited representatives of broadcasters" and see what impact that would have.

The Government are in a mess of their own making on this issue. The legislation is either available and ready to sort this mess out, in which case the Government need to explain why it is not being enforced fully, and I look forward to the Minister's comments on this matter, or it may be that the legislation is in some way deficient, in which case, they need to explain to this House and to disabled fans, their families and the world at large why they will not act.

This is a short, but necessary, Bill, in my noble friend's words, but it is one that we want to see progress. My noble friend Lord Rosser said that the figures involved are really quite small relative to the overall economy of football. At the moment it is about £9 million, so what are the Government going to do about it? Are they feart, or are they unwilling to take on the vested interests which seem to be the block here? The current situation is a stain on our country and on our reputation for fair play, and it is unacceptable that those who own and run our national game continue to evade their legal, let alone their moral, responsibilities. Surely it is time to sort this out. The Government should either take over this Bill or perhaps do what the noble Lord, Lord Moynihan, said and take powers to make regulations. The status quo is unacceptable.

11.25 am

The Parliamentary Under-Secretary of State, Department for Business, Innovation and Skills and Department for Culture, Media and Sport (Baroness Neville-Rolfe) (Con): My Lords, this has been an important debate. The Bill seeks to use the existing safety certification process undertaken by local authorities for designated sports grounds, as set out in the Safety of Sports Grounds Act 1975, as a means of ensuring that sports grounds comply with the guidelines set out in the *Accessible Stadia* publication. The right of disabled people to be treated equally is fundamental and, as we have heard in this debate, has been upheld passionately and sincerely.

I echo the praise for the noble Lord, Lord Faulkner of Worcester, not only for what he said today but for all that he has done for sport and the disabled in the public and private spheres over many years. I echo everything that was said, especially by my noble friend Lord Moynihan and the noble Lord, Lord Stevenson, about his contribution: thank you very much. This House is a better place because we have noble Lords who argue the case for the neglected, the powerless and those who need help. The noble Lord, Lord Faulkner, spoke from the heart. The noble Lord, Lord Rosser, has made a contribution in a similar field and brought his knowledge to our debate.

We also heard from those with experience of being disabled and attending sports events. It was great to hear from my noble friend Lord Holmes and the noble Baroness, Lady Grey-Thompson, about their experiences. It was good to listen to the noble Baroness, Lady Thomas of Winchester, talking about cricket. As some noble Lords know, with three cricket-playing sons, cricket is my love. Lord's Cricket Ground is potentially in scope of this proposal. The noble Baroness, Lady Brinton, described her own case, with some very positive comments about Southampton Football Club, which is my local club too. The noble Baroness, Lady Deech, was right to underline the way that many of us will become disabled, a point which the noble Lord, Lord Stevenson, picked up. The right reverend Prelate the Bishop of Portsmouth expressed his surprise that some of the richest clubs in the world are not rising to the challenge.

This is an important debate for sports lovers, not only those of us here today but those more broadly in the country at large. The Government are committed to ensuring that the owners of stadia are aware of their responsibilities towards disabled spectators. I endorse what my noble friend Lord Gardiner said in the past on this matter. Professional sports clubs and sporting venues already have a legal duty to provide equal access for disabled supporters. It is not a legitimate excuse for clubs to say that reasonable adjustments to accommodate disabled spectators apply only to new stadia because the law, which I will come on to in a minute, applies across the board.

My noble friend Lord Holmes asked me to look back at my business career. I would simply say to him that, as with any good business, it is up to clubs to take their obligations seriously. There is, of course, no one-size-fits-all, but clubs need to work to address their unique circumstances. The noble Baroness, Lady Thomas of Winchester, talked about Lord's. As I have said, it would be covered. It is worth repeating my note on which stadia would be covered by the Bill. Massive stadia would be covered, such as Wembley and Twickenham, as would Premier League club grounds, Championship club grounds and home grounds of clubs in Leagues 1 and 2. That picks up the point that was made by my noble friend Lord Moynihan about the reach of the Bill. I think he felt that any steps we should take should go wider than that list.

We have heard about a lot of disturbingly bad cases today and a disappointing attitude from some of the Premier League clubs. However, I wanted to pause on some good practice, because it is important to do so in order to encourage the good. Derby County Football Club's ground, Pride Park, is an exemplar of what can be achieved to accommodate disabled spectators with regard to dignity and equality. The ground offers both pitch-level and elevated wheelchair and assisted seating, hearing-loop-equipped seating, dedicated seating for ambulant and visually impaired supporters, disabled toilet facilities and accessible catering facilities throughout the stadium. That is a good example of how things can be.

[Baroness Neville-Rolfe]

Blind or partially sighted supporters at Tottenham Hotspur, which is still in the Premier League, can enjoy match commentary provided at all home games via specialist headsets. Sevenoaks Town Football Club, which plays in the Southern Counties East Football League, is building a new stand for its growing ranks of disabled spectators. The club has said that it wants to,

"provide these loyal and valued supporters with a quality viewing experience of the exciting games we play here".

And of course all the facilities in the Queen Elizabeth Olympic Park, as well as the park itself, continue to offer exemplary access. That is a key aim of the London Legacy Development Corporation, which manages the park. The noble Baroness, Lady Grey-Thompson, rightly spoke of the wonderful Olympic experience for the disabled. The main stadium, of course, is still in the process of transformation into a multi-event facility, able to stage athletics and Premier League football with West Ham as well as concerts and other large-scale events, and the converted stadium will offer a similarly high level of disabled access to that created for the other venues in the park. The noble Baroness, Lady Thomas of Winchester, spoke inspiringly of the provision at Lord's Cricket Ground and of the MCC's disabled training programme.

I want to pick up a final point regarding good practice, which is that the little things matter. This is a theme that came through quite strongly from the debate. Small problems can be a problem as well as big problems, and those are the things that are not expensive to change. That shows that clubs and venues at all levels and across a variety of sports can accommodate disabled fans so that they can enjoy the sports they love; there can be no argument that such accommodation cannot be provided. To pick up my noble friend Lord Holmes's helpful intervention, we are supportive of initiatives such as his to make clubs take seriously their obligation to provide accommodation for people who cannot otherwise attend games because of their disability.

Having celebrated good practice, it is right to mention the four-letter word of cost, especially for the smaller clubs, although I was glad to hear about examples such as Tranmere Rovers. Requirements have to be proportionate and take account of this, but of course they need to comply with the law.

That brings me on to the Equality Act. The Government do not wish to seek out new legislation where a mechanism exists to achieve an aim, and the provision in the Equality Act 2010 requires providers of services to the public, such as a sports stadium, to make a reasonable adjustment. For example, a club's ticketing arrangements for disabled supporters should provide the same level of service as is provided to non-disabled supporters so that disabled people are not placed at a substantial disadvantage compared to non-disabled people. Premier League clubs, as the noble Lord explained, are adequately resourced to provide proper access for disabled supporters. Unfortunately, the blanket approach adopted by this Bill departs from the careful balance sought to be achieved in the Equality Act 2010. To date, no disabled spectator has brought a case under the reasonable adjustment provision of the Act—I am not sure what the reason for that is, although the noble Lord speculated on it—so it is untried and untested in the very area where he wishes to enact new legislation.

Moreover, the Bill seeks to redefine the very nature of the Sports Grounds Safety Authority. Access is primarily an equality issue, not a safety issue. It is stretching both the remit and the powers of the Sports Grounds Safety Authority too far to seek to give the SGSA responsibility for general accessibility matters, as the Bill seeks to do. For the Bill to be effective, the powers of the SGSA would need to be extended beyond its current safety focus to include accessibility. The SGSA's internationally renowned publication, the *Guide to Safety at Sports Grounds*—or the *Green Guide*, as it is known—contains guidance on disability issues, such as instructions on evacuation and sightlines for disabled spectators, which are matters relating to safety, but it does not have the power or expertise in relation to matters of accessibility more generally.

So where do we go next? The Government's sports strategy will be published later this year, and one aspect of the strategy will be accessibility. We will be consulting the public and stakeholders in the coming months on what they want to see in the strategy. Specifically, we will be asking how to tackle this issue, not just from a narrow safety perspective, as the Bill does, but more broadly. Noble Lords' points about accessibility that have been raised in the debate today, and which will arise with the Bill that has been put forward, will of course be considered. I picked up my noble friend Lord Holmes's point about what diversity training stewards had had, and on training more broadly; my noble friend Lord Moynihan's advice on the reach of anything that we do on accessibility; the point made by the noble Baroness, Lady Brinton, about future guidance; and the point that was made today about the difference between the provision for the media and the provision for the disabled. Other points that were made in this important debate will help us in getting that consultation under way and asking the right questions.

My noble friend Lord Holmes, ever challenging, asked whether, if we could not support the Bill, we would bring legislation forward. We need to do consultative work before considering whether legislation or indeed other measures are necessary, but I am sure that today's debate will be an important input into this very important process.

I am grateful for the comments from noble Lords on this important issue and have found this debate very informative. I thank the noble Lord, Lord Faulkner, for his Bill. While the honourable intentions behind the Bill are clear in seeking a catalyst for action to ensure that stadia are made accessible for disabled spectators, I am afraid that the proposed mechanism to achieve the desired objective is flawed and that, as I sought to explain, existing legislation on this matter is untested. The Government are compelled today to voice reservations about the Bill while setting out their plans to tackle accessibility more generally. Still, I thank the noble Lord, Lord Faulkner, for his persistent and courageous efforts, which I acknowledge are in a very good cause.

11.39 am

Lord Faulkner of Worcester: My Lords, I thank all the speakers who have contributed to this debate. It is unusual for the three main-party speakers, the Cross-Bench speaker and a right reverend Prelate all to meet on exactly the same side, promoting the same cause. I am grateful to every one of them for such powerful and, in some cases, entertaining speeches. I hope that ears are burning at certain clubs. I am perhaps thinking of one club up in the north-west which I am sure will read the remarkable account by the noble Baroness, Lady Grey-Thompson, of the emails that she has exchanged with Manchester United. Other reports will come out of the debate that are of great significance.

I am grateful in particular to the noble Lord, Lord Moynihan, because of his experience and because, as he said, we worked together on some of these issues in the 1980s. I like his thought that the Bill would benefit by being strengthened. That is not exactly what his noble friend on the Front Bench said in her reply a moment ago. However, I can assure your Lordships of my intention to continue with the Bill into Committee, and I am very willing to consider amendments from whatever source they come. I have already made an offer to the Minister for Sport, with whom I discussed the Bill on three separate occasions, that if the Government would like to see amendments made to it, we will consider them, and I am sure that there will be amendments, perhaps along the lines of those proposed by the noble Baroness, Lady Thomas of Winchester, the noble Lord, Lord Moynihan, and other noble Lords.

Quite frankly, the talking needs to come to an end on this issue and there needs to be some action. With great respect to the Minister, disabled people do not need yet another period of consultation on what they need when they attend sports grounds—rather, the consultation that has gone on almost without cessation over the last 20 years needs to be taken into account, and action needs to be taken now.

We have heard from all noble Lords in the Chamber today the feeling that using cost as an argument is completely unacceptable, particularly in a sport where the sums of money involved are absolutely eye-watering. Therefore to use cost as a way of not making progress is not a good argument.

I was particularly grateful to the Minister for reaffirming something which I do not think I have heard a Minister say before, that the accessible stadia guidelines apply equally to old stadia as well as to new. Some people in the Premier League have said that they apply only to new stadia, so the fact that the Minister has said that they apply to old ones as well is of great importance.

I should say that I had a conversation with a very senior official of the Premier League while waiting for a train three weeks ago. He said, "How's the Bill going?", and I replied, "I think it's going to get a lot of support in the House". He said, "We can't say so publicly, but we think our clubs need a nudge". This will be quite a big nudge, and we will go on with the Bill in the autumn. For the moment, I ask the House to give the Bill a Second Reading.

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

Online Safety Bill [HL]

Second Reading

11.42 am

Moved by ***Baroness Howe of Idlicote***

That the Bill be now read a second time.

Relevant document: 5th Report from the Delegated Powers Committee

Baroness Howe of Idlicote (CB): My Lords, I am very pleased to introduce my latest Online Safety Bill, which is my fourth over four Sessions. I am particularly pleased that the Government have taken some important steps over that period to engage with this issue. The voluntary filtering agreement, announced by the Prime Minister in his seminal July 2013 NSPCC speech, between the big four internet service providers—which I shall refer to as ISPs for the rest of my speech—was of course very welcome. I am also particularly encouraged by the key developments this year, namely the headline "Conservative manifesto commitment to introduce age verification for all sites showing pornographic material". The Prime Minister must be congratulated on his strong personal leadership on this issue.

However, despite this very welcome progress, the problems remain. In March 2014 the ATVOD report *For Adults Only? Underage Access to Online Porn* showed that at least 44,000 primary school children had access to adult websites in December 2013, as well as 200,000 under-16 year-olds. A European-wide piece of research into violence and abuse in teenage relationships published in February 2015 found that 39% of boys in England aged 14 to 17 regularly viewed pornography. An IPPR report published in August 2014 revealed that eight out of 10 18 year-olds thought that it was too easy for young people to accidentally see pornography online, and a March 2015 poll commissioned by the NSPCC of 2,000 11 to 17 year-olds found that one in 10 children aged 12 to 13 was worried that they might have become addicted to pornography.

For all the progress over the last few years, very significant problems remain which require equally significant changes in our online child protection arrangements. The purpose of my Bill is to rise to this critical challenge. My speech today is divided into three central components, which reflect the three central components of the Bill. I begin with adult content filters.

While the Government's self-regulatory solution regarding adult content filters is a welcome step forward, it suffers from two critical limitations. First, the agreement only pertains to the big four ISPs and leaves a good 10% of the internet market, and therein many thousands of children, beyond its reach. I do not suggest that none of the remaining smaller ISPs offers good filtering options. However, according to my research, of the 14 smaller ISPs that service homes rather than businesses, only four were found to offer something comparable to default-on. One of them even boasted of the fact that it deliberately did not filter. Unless we are prepared to say that the rights of some children who have the opportunity of protection through adult content filters are less than those of others, that arrangement cannot be regarded as satisfactory.

[Baroness Howe of Idlicote]

Secondly, and more importantly, the voluntary agreement does not provide age verification to establish that someone seeking to lift adult content filters that were put in place at the set-up is indeed an adult. The ISPs could unwittingly be allowing children to access adult content. When pressed on this matter, the industry suggested that they would send an email to the account holder to let them know that the settings had been changed. However, even if the account holder was exceptionally diligent, checking their emails every hour and opening and reading every new email as it came through, that arrangement would still allow children to have access to adult content for a good hour or more.

In the real world, however, we know that that would not work. ComRes, polling for the charity CARE, demonstrated that a total of 34% of British adults—16.3 million people—said that they would not read an email from their ISP immediately, 11% said that they would probably leave the email unread for up to a week, 9% would be likely to leave it for more than a week, and a staggering 14% said that they were unlikely to read any email from their ISP at all. The common-sense understanding of age verification is that it is conducted before an age-restricted activity is permitted. The idea that this very half-hearted excuse for child protection can be regarded as age verification is simply not credible. My Bill addresses both these shortcomings.

Clause 1 requires that all ISPs ensure that households, schools and businesses with public wi-fi must face an unavoidable choice about adult content filters. Clauses 1 and 2 introduce proper age verification, requiring that anyone electing not to have adult content filters should confirm that they are 18 years old or over before being permitted to access adult content. Despite the voluntary code of practice adopted by some, I have included mobile phone operators—MPOs—in my Bill because, as well as the ISPs, the code does not cover all mobile providers. Moreover, it has not been as effective as a statutory approach. In 2010 it became apparent that BlackBerry had been ignoring the code, and in 2013 precisely the same happened in relation to Tesco Mobile. Both companies subsequently put their houses in order, but it is inconceivable that there would have been such widespread flouting of the code had it been statutory.

Since 2013, the British Board of Film Classification has acted as an independent regulator of content delivered via the mobile networks of EE, O_2, Three and Vodafone. Clause 2(7) is included in the Bill so that the BBFC can—and, indeed, I hope that it will be able to—continue in this very important role. The provision for this statutory approach to filtering with robust age verification for all ISPs and MPOs is entirely possible and, I stress, vital if we are to make the internet as safe as possible for our children.

I now move to wider issues of age verification in relation to adult content websites. Page 35 of the 2015 Conservative manifesto states that,

"we will stop children's exposure to harmful sexualised content online, by requiring age verification for access to all sites containing pornographic material".

That commitment is very welcome. However, it was noticeably absent from the Queen's Speech. When I asked the Government why that was and whether they would set out their plan during the Queen's Speech debate, no answer was forthcoming. I have since been informed by the Minister, who very kindly met me on Wednesday, that the Government are actively thinking about this. I was greatly encouraged by her very real enthusiasm for the commitment, as well as by her very wide knowledge of the whole communications industry.

As the Government consider their options, I suggest that they need look no further than Clauses 6 to 11 of the Bill, which introduce a robust system of age verification. The current law, the Communications Act 2003, recently amended by the Audiovisual Media Services Regulations 2014 to include Section 368E, requires sites based in the UK that provide R18 on-demand programme services—that is, the opportunity to watch restricted films that can be bought only from sex shops if purchased as physical media—to make their services available in such a way that they cannot be accessed by children. The Authority for Television On Demand, ATVOD, is given the job of policing this.

The provision of that legislation is very welcome but there is a major problem, highlighted by ATVOD's 2014 report *For Adults Only?*. The vast majority of such material accessed in the UK is streamed into this country from websites based outside the UK that are untouched by the legislation. In December 2013, 23 of the 25 top adult websites visited by UK internet users provided instant free and unrestricted access to hardcore pornographic videos and to still images with no barriers to underage viewing. Given the increasing number of court cases during which it has become apparent that young boys committing sexual crimes against girls have been acting out R18 material that they have viewed online on computers in their bedrooms, it is clearly vital to protect children from material that comes from abroad, as well as from that streamed from within the UK.

Regulating online service provision from beyond the UK presents challenges but these are not insurmountable. The Government have just introduced a framework through the Gambling (Licensing and Advertising) Act 2014 for regulating online gambling providers based outside the UK. The Act requires all online gambling sites based outside the UK to get a UK Gambling Commission licence to access the UK market. If they do not do so and seek to sell their services to people in the UK, the commission will direct financial transaction providers not to process transactions between people in the UK and the sites in question. They must either cease trading with people in the UK or get a Gambling Commission licence.

Clauses 1 to 7 are based on the principle of the Gambling Act. They require those seeking to stream pornography into the UK from sites based in other countries to have a UK licence to do so legally. One of the conditions of the licence is that there must be robust age verification checks. If a site is directed to the UK market without a licence, Clause 10 gives the UK licensing authority the power to direct financial transaction providers not to process transactions between such websites and people in the UK.

The truth is that, while some sites provide free material to draw people in, at some point they start charging to make money. If they cannot sell to people

in the UK, they must either leave the UK market or introduce appropriate age verification so that they can get a licence. Given that the Communications Act already requires R18 on-demand programme services based in the UK to be made available in such a way that children cannot access them, and given that the vast majority of porn accessed online in this country comes from sites based outside the UK, the central challenge facing the Government is honouring their commitment to stop children's exposure to harmful sexualised content online by requiring age verification for access to all sites containing pornographic material. That means that the central challenge will be the foreign sites, but Clauses 7 to 11 provide a mechanism for rising to that challenge. This priority, I may add, is strongly backed by public opinion. A ComRes poll of 2,058 adults conducted last weekend for the charity CARE in preparation for today's debate revealed—these figures were released only this morning—that 74% of people believe that the Government's age verification commitment must apply to sites based both in the UK and outside the UK, and only 13% of people disagree with that.

The second difficulty with the current legal framework in relation to protecting children from watching adult on-demand programming relates to the fact that it seeks to protect them only from watching R18 material. If we as a society have determined that it is not appropriate for children to watch 18-rated material and we have the technology to introduce age verification, how can it be right to seek to protect children only from watching R18-rated material? Frankly, this approach does not make much sense. If we say that children should be protected from watching, say, "Fifty Shades of Grey" in the offline world, why not in the online world? Do children change as they move from the offline world to the online? Do they therefore become less vulnerable? I think not. This point is again backed up by ComRes polling from the weekend, which demonstrates that 73% of people think that 18-rated on-demand programme services should be subject to age verification. Just a small proportion, 13%, disagrees. Again, my Bill addresses this shortfall. Clause 6 makes it clear that a robust age-verification policy should apply to 18-rated as well as R18-rated material.

The final component of my Bill relates to education, which is key because some online challenges relate to accidentally coming across unwanted adult content. Here, filtering and age verification are helpful. Some online behavioural challenges, such as cyberbullying, sexting and grooming, can be addressed only by better education. Clause 3 places a duty on ISPs and MPOs to make available information about online safety to account holders in a prominent and easily accessible format throughout the duration of their contract. Clause 4 places a duty on the Secretary of State to empower parents with information about online safety so that they can better help to prepare their children to deal with cyberbullying, sexting and grooming.

Working together, the three components of my Bill—filters, age verification and better education—will help make the internet a safer place for children. In bringing my comments to a close, I should like to highlight the key question that the noble and learned Lord, Lord Mackay, put to the previous Minister the last time this matter was debated. Sadly, the noble and learned Lord cannot be with us today but he has encouraged me to ask the question once again. How can it be right that in the offline world we say that statutory protection is important, and yet in the online world, with the exception of R18-rated material that is live-streamed from the UK, self-regulation will do?

In a context in which we seem to have laws for everything, it makes no sense to suggest that child protection is all-important but then say that we can uphold it through self-regulation. If that is sufficient, why do we not abolish statutory child protection for the offline world and have a consistent self-regulatory approach across the board? The truth is that if child protection is sufficiently important to merit statutory protection offline, the same must of course be true online.

I very much hope that the Government will take up the Bill. It provides a means whereby they can fulfil their manifesto commitment on age verification and ensure that adult content filters apply to the whole marketplace and cannot be lifted without age verification. It provides a means whereby we can hold our heads up high and say, "Yes, child protection is just as important online as it is offline and we will accord it the same level of statutory protection". Finally, in providing a statutory basis for the voluntary filtering arrangements currently in place, the Bill does what I understand the recent telecoms directive says the Government must do anyway—namely, set out our filtering provisions in law.

Mindful of these considerations, I believe that it is a Bill whose time has come and I commend it to both the Government and the House. I beg to move.

The Earl of Courtown (Con): My Lords, for the convenience of the House, I remind noble Lords of the advice of my noble friend the Chief Whip at the beginning of business today that there is an advisory speaking time of six minutes for Back-Bench speakers.

12.05 pm

Baroness Finlay of Llandaff (CB): My Lords, I support the principles of the Bill because it aims to support good parenting. It is difficult for parents to talk with children about sexual relationships, and we live in the new world of the internet, in which children are more familiar with finding their way around than their parents.

It is interesting that the BBC programme "Porn: What's the Harm?", aired last year, showed that 60% of young people were 14 or younger when they first viewed porn, and a quarter were 12 or under. It is worth noting that one in 14 was under 10—so they certainly had not achieved any sexual maturity—and only one-fifth were actually looking for porn the first time they saw it online. The result was that about 50% said they watched porn every day, or at least once a week.

What are the psychological effects of porn? I want to focus on that question and the effects on the brain of repeated viewing because it can result in neuro-adaptation, whereby the brain adapts and changes the circuitry, especially in the pleasure and reward pathways.

[Baroness Finlay of Llandaff]
Watching porn repeatedly induces alterations in neurons in an area called the nucleus accumbens, which are also seen in drug abuse, and increases a neurotransmitter called deltaFosB in the nucleus accumbens, so that reward behaviour can result in hypersexual syndrome. Excess consumption of porn leads to dopamine surges of the neurotransmitter, addiction and structural changes in the pleasure reward pathways. This addiction manifests itself in ways similar to overeating, gambling and other sexual addictions. As the circuitry changes, porn viewing becomes normalised and viewing habits become more extreme and hardcore as the brain becomes accustomed and the person is trying to achieve the same kick from the viewing as they did previously. The chemical changes result in cerebral dysfunction and hypofrontal syndromes, which feature impulsivity, compulsivity, emotional lability and impaired judgment. Patients have been shown to have reduced activity in the part of the brain that is required for rational decision-making.

The difficulty is the normalisation of sexual violence. Research has shown that watching degrading porn increases users' dominating and harassing behaviour towards women, and decreases compassion towards rape victims in male viewers. It is worth noting that the young people and children viewing porn are, by and large, male. Porn viewers are more likely to express attitudes that support violence towards women. ChildLine reports a 124% increase in referrals relating to online and offline sexual abuse. It seems to be linked to sexting, an increased number of calls about it, and abuse through sexual images, whereby 40% of girls and 32% of boys said that they had sent a sexual image or video via text. That, of course, can be used against them when a relationship breaks up.

Because of time, I will conclude my remarks and emphasise that three-quarters of young people in Britain thought that porn had affected men's expectations of sex. The most common reason given is that they expect young women to behave like those in the porn films. Some 10% of young people said that porn made young women expect to be sex objects, that it objectified women and was unrealistic. The difficulty is that if we are exposing young people to porn without allowing parents the help of having controls over viewing it, we may well be stacking up appalling behaviour towards human relationships, sexual relationships and violence in the future.

12.09 pm

Lord McColl of Dulwich (Con): My Lords, I very much support the Bill, but everything that I was going to say has already been said by the noble Baroness, Lady Howe, so there is no point in me repeating it—except to say that I strongly support the Bill. It is the desire of every parent to see their child flourish and develop to their fullest potential in a way that is safe and enjoyable. The approach that we take to online safety must be holistic. It is not a case of education or adult content filters or age verification—it is all three. This Bill meets that need and builds on the work of the Government in recent years. I very much hope that the Minister will feel able to support this important piece of legislation.

12.10 pm

The Lord Bishop of Chester: My Lords, I follow two Members of the House with very distinguished medical careers who speak with great authority, which I cannot match. However, I want to approach the subject in a slightly different way.

I join noble Lords in congratulating the noble Baroness, Lady Howe, on introducing her new and improved Bill. Though the Bill has been drafted very properly with children in mind, I want to refer to its potential relevance for adults who are struggling with pornography. I am grateful to the charity Naked Truth, which seeks to support adults caught in the net of pornography addiction, for briefing me for the debate.

Clause 1 would allow any and all households to decide that they did not want to access so-called adult content. I do so dislike the description of pornography as "adult content", but that seems to be part of our language, sadly.

There is an illuminating parallel between addiction to pornography and addiction to gambling. However, whereas the economic and social costs of gambling are relatively well understood, the equivalent damage caused by adult addiction to pornography is much less appreciated in our society. Research findings across a number of studies suggest that the use of pornography in an addictive way is a significant factor in at least half of all relationship breakdowns. The leading UK health website NetDoctor states:

> "Various experts from Relate and the College of Sexual and Relationship Therapy … have reported that solitary use of porn is a huge factor in relationship breakdown and that it is 'spiralling out of control'".

Testimony to the US Senate by Dr Jill Manning claimed that in over 50% of divorce cases, one party having an obsessive interest in pornography was a significant contributor to the relationship breakdown. There are many more examples of expert testimony that could indicate that adult addiction to porn has pernicious effects, not only on individuals and their close relationships but on wider society.

This has to be set in the context of the huge cost to the Exchequer, which means to all of us, of relationship breakdown. The latest estimate from the Relationships Foundation is no less than £47 billion a year. Even if that figure can be disputed and it is, say, only half that, it is still a huge amount of money and more than 50 times the amount that will be saved this year by the so-called bedroom tax or spare room subsidy, which has attracted so much attention but is only a fraction of the cost of the effect of pornography in our society. Beyond the direct financial costs there are other impacts on society, not least the effect on women in the workplace who see colleagues misusing equipment to access pornography.

One of the ways in which gambling addiction has been addressed is through the principle of self-exclusion. This is now a well-respected tool to address the problem. Perhaps the Bill could be strengthened by explicitly offering that option in the case of pornography addiction.

The recent gambling legislation has found a way to address the regulation of websites situated outside the UK. This Bill could offer an opportunity to do the same in relation to the very many sites that are dedicated to pornography. Of course, many of them are free,

but, as was said earlier, often the free sites are there to entice people and trap them into subscribing to fee-paying sites. I very much hope that we can adopt a similar approach to attempting to regulate pornography on the net as we have done in relation to gambling.

In conclusion, I very much welcome this Bill but would wish to see it strengthened to provide a more explicit benefit to adults who suffer from addiction to pornography, as well as to strengthen child protection. This would also carry huge benefits for wider society.

12.14 pm

Lord Framlingham (Con): My Lords, it is not my intention to rehearse in detail the contents of the Bill. The noble Baroness, Lady Howe, whom we should all thank for both her concern and tenacity, has done that with her customary skill and clarity. There can be no doubt about what the Bill is seeking to achieve and how it plans to do it. I sincerely trust that we will give it a Second Reading today.

I start by saying that the two watchwords to deal with this appalling problem must be "need" and "speed": to acknowledge the need and to act with the utmost speed. To our national shame, our country is awash with horrid details of sex abuse in all its nasty forms, and particularly of children. A judge is coming from New Zealand to spend a large chunk of her life revealing just how wide and deep the problem is in our country today. We can all remember events and images that made lasting and often unpleasant impressions on us when we were young—and that was in the days before this dreadful scourge had infected our world and our children's lives.

There are lots of good things that the internet can do. We can gain information, book a holiday or even order food. Soon, its use will be compulsory for many day-to-day tasks, whether we like it or not. But there are many bad things that the internet has spawned, including networks for the spread of terrorism worldwide and a massive pornography industry. It is this adult pornography that our children are watching in ever-increasing numbers that is causing so much harm and distress. There is compelling evidence from cases in our courts, confirmed by the judges trying them, that some of the most brutal sexual acts, often by young boys on younger girls, result from their imitating acts that they have watched online.

When last we debated this problem, I quoted—it has been quoted again today—the horrifying statistic that in one month 44,000 primary school children had watched adult pornography. Since then I have realised that this is roughly one a minute. So in the course of this debate so far, 32 young children will have experienced adult pornography and had their minds permanently affected.

When it comes to the question of age verification, which is crucial in this matter, it might be thought by the layman or woman that the process would be complex and lengthy—but nothing could be further from the truth. A system has already been designed and successfully put into operation by the gambling industry that allows age verification to take place, as I understand it, in a matter of seconds. So this cannot be an excuse for delay.

I have already said that speed is of the essence in this matter. Of course there are other important matters facing us as parliamentarians: the problems facing Greece and the eurozone are immense but will take a long time to resolve; the grave situation in the Middle East will rumble on indefinitely; and English votes for English laws and all our constitutional issues are weighty matters that will take time to deal with properly. But this Bill represents something that we can do now for the sake of our vulnerable children, and we must press on without delay.

The Bill of the noble Baroness, Lady Howe, may not be perfect in every detail, but the Government must not use that as an excuse for procrastination. Since the general election, the Prime Minister has said on many occasions, "It is in our manifesto and we will do it". For the purposes of this Bill, I quote directly from the Conservative manifesto, which states that,

"we will stop children's exposure to harmful sexualised content online, by requiring age verification for access to all sites containing pornographic material".

No ifs, no buts, no maybes—we will stop it.

I said at the beginning of my remarks that the watchwords for this problem were "need" and "speed". Need is often associated with parliamentary legislation. Sadly, speed is less commonly associated with it. I urge the Minister and the Government, who have already acknowledged the need to act with all possible speed, to give this Bill a fair wind and to protect our children as soon as possible.

12.20 pm

Lord Ramsbotham (CB): My Lords, this is the third time that I have spoken at Second Reading on an online safety Bill brought forward by my noble friend Lady Howe. I salute her for her perseverance and her determination. Perhaps I may also welcome the Minister and say how glad I am that she is where she is with her undoubted experience and understanding of the issues that will be raised.

Like other noble Lords, I do not intend to repeat what I said in the other Second Reading debates because all that has been said comprehensively by my noble friend. However, in line with what the noble Lord, Lord Framlingham, has just said about need and speed, I want to offer the Minister a context in which this might happen.

I am currently a member of the Joint Committee on the National Security Strategy. Recently, the committee has been trying to persuade the Prime Minister that it is essential that there should be a national security strategy to underpin both the strategic defence and security review and the comprehensive spending review which are promised in the near future.

Traditionally, defence has been conducted in the three elements, land, sea and air, but recently and increasingly, a fourth element has become much more important: cyber. This issue lifts itself into the cyberdefence of the nation and the protection of the citizens, not least the protection of those on whom the future of this nation depends; namely, our children. Rather than seeing this Bill again in a competition for Second Readings on a Friday and possibly getting very little further, I would like to see it lifted out of that and hope that the Minister will take it to the Prime Minister

[LORD RAMSBOTHAM]
and have it included in the discussions on the national security strategy and therefore put on the plane where it ought to be.

12.22 pm

Baroness Healy of Primrose Hill (Lab): My Lords, I welcome the opportunity to support the Online Safety Bill of the noble Baroness, Lady Howe of Idlicote, at its Second Reading. I thank her for her sterling efforts in continuing to bring this very important issue to the attention of both Parliament and the public. It cannot be right that we live in a society where nearly one in 10 children aged between 12 and 13 is worried that they have become addicted to online porn, with 18% having seen shocking or upsetting images according to a recent ChildLine poll.

The fact that pornography on the internet is so widely available poses a challenge to all who are concerned about our children's welfare. No one thinks that it can easily be dealt with, but this Bill goes a good way towards finding a workable solution.

Today, as the noble Baroness, Lady Howe, has pointed out, we find ourselves in an odd situation where, offline, child protection provisions are statutory and robust, but, online, they are voluntary, incomplete and very weak. Although the Conservatives rightly promised to force hardcore pornography websites both in the UK and overseas to put in place age restriction controls or face being shut down during their election campaign, they did not follow through in their Queen's Speech, as the noble Baroness, Lady Howe, said. The voluntary approach promoted by the previous Government during the last Parliament leaves out 10% of the market. Therefore, thousands of children remain at risk without a robust form of age verification. Filtering can be credible only if age verification is employed to check that those electing to lift filters and opt in to adult content are indeed 18 years of age or older. The Bill of the noble Baroness, Lady Howe, addresses these problems and proposes effective methods of control, because it is increasingly obvious that voluntary restraint has not worked and we can wait no longer.

This is a serious problem and even those who believe any regulation of services provided by the internet could be a threat to personal choice must surely be concerned by the recent Europe-wide research project on violence and abuse in teenage relationships published in February this year which found that 39% of boys in England aged 14 to 17 regularly viewed pornography, as the noble Baroness, Lady Howe, has already mentioned.

As NSPCC chief Peter Wanless has warned:

"The easy availability to children of online pornography, much of it extreme, violent and profoundly degrading, is of deepening concern. It can leave them feeling frightened, confused, depressed or upset. The number of Child Line counselling sessions regarding pornography more than doubled last year to over 1,100 with some young girls revealing they were being pressured to mimic scenes from adult films".

The acting director of the End Violence Against Women Coalition, Sarah Green, has recently said:

"Surveys have shown that more than half of young people have seen online pornography by the age of 14, and that many see it without even seeking it out as links are shared on social networks. Research has found that young people's exposure to porn is linked to beliefs that women are sex objects and to negative and even fearful attitudes towards sex".

The NSPCC would like to see the Bill include social media platforms as well as ISPs and mobile phone operators. It believes that such sites should be held to account for the content transmitted and take more seriously their safeguarding duties to protect children and young people.

We know that the UK is facing a worrying increase in mental health conditions among the young, and the failure to regulate their access and exposure to extreme pornography can only increase the crisis. I hope that the Government can support this important Bill, as the Conservative manifesto proposals were in keeping with many of the ideas of the noble Baroness, Lady Howe. I shall quote it again, as other noble Lords have done. It states that,

"we will stop children's exposure to harmful sexualised content online, by requiring age verification for access to all sites containing pornographic material".

There must be an independent regulator with the power to compel internet service providers to block sites which fail to include effective age verification. This Bill requires the Secretary of State to designate a body to be the licensing authority to license foreign pornographic services, gives the ability to set fees and other licensing conditions, and allows the authority to revoke a licence and direct financial transaction providers not to conduct transactions between people in the UK and websites which fail to obtain a licence. It is believed that credit card companies would be happy to withdraw payment facilities from non-compliant sites. Only by financially threatening such sites can the authority have a real impact. So far, providers have shown no desire to accept responsibility, and self-regulation cannot be relied upon.

It is now time to act, for every civilised society acknowledges its primary and overwhelming obligation to the security and nurturing of its young, and any policies or practices in any field which are inconsistent with that obligation fall outside the bounds of acceptable behaviour. We as parliamentarians have a duty to support this Bill.

12.28 pm

The Lord Bishop of Portsmouth: My Lords, the provisions of this Bill are an important, indeed essential, part of a robust strategy to protect young people and children from the dangers of exposure to inappropriate material. I welcome it warmly.

There is no doubting the widespread support for the aims of the Bill, welcomed by the previous Government when it was debated two years ago as a common objective. Today, I hope that the Minister can give substance to this shared ambition and welcome the Bill as a neat way of beginning to meet a manifesto commitment.

Opting in to receive adult or explicit material on the net must be a requirement and not just an objective or aspiration. Care for young people demands that, when the internet is an integral part of their lives and predominantly beneficial, such a requirement is needed.

I spoke of this Bill as an essential part of what needs to be done; we shall need to do more. Access to inappropriate or explicit material is a clear risk, but

there is also the risk of grooming, exploitation and the taking and sharing of explicit, self-generated images. The speed of the internet and social media means that an error or a bit of experimenting quickly escalates as control is lost of images.

To enable young people to stay safe, it is vital that they themselves, not only their parents and other adults, are educated and empowered. The Bill puts welcome emphasis on educating adults—that is essential. We should not overemphasise the role of parents and other carers nor underestimate the pressures that young people face online from their peers as well as from adult perpetrators. The reality is that teenagers choose to explore their sexuality online these days in ways that people of my generation find difficult to comprehend, and even find offensive because online forums are a full and normal part of their lived experience.

In addition to statutory controls for safeguarding, it is also critical to give children and young people the tools and the language with which to understand where they put their boundaries, and when to say no when those boundaries are impinged upon. Education about online safety, which is key to the Bill, needs to be about more than just enabling parents to choose which websites their children see. It also, just as importantly, needs to be about helping young people to work out and enforce their own boundaries online.

When my children were at school there was a campaign called Just Say No. As your Lordships will no doubt recall, it was about drugs. However, I hear it echoing in my head around all kinds of boundary issues—sex, money, emotional manipulation, for instance. Perhaps in addition to internet settings we need a Just Say No campaign that enables children and young people to say no to invitations to share material with each other, or to look at material other people are trying to draw them into.

The increasing time that young people spend online means that for those professionals working with them the internet is an inescapable part of the role. Clear guidelines and safeguarding procedures now exist for how professionals can engage with young people in the workplace or in other real situations. In the church we strictly enforce the rule that no adult works alone with a child, there is always a DBS check and proper procedures are in place. However, we need to go beyond that. We need to ensure that in online relationships, as the internet is used more widely, there is proper training and support so that youth leaders, clergy and others who engage with the community online are engaging in ways that keep both the young people and the professionals safe.

I welcome and support the Bill. It is one important step in minimising access to harmful material. We must give increased emphasis on equipping children and young people for when they encounter this material—as they almost inevitably will—as well as doing our best to reduce their risk of exposure.

12.34 pm

Lord Browne of Belmont (DUP): My Lords, I congratulate the noble Baroness, Lady Howe, once again, on raising the important issue of online safety.

In March 2014, the Authority for Television on Demand report, *For Adults Only? Underage Access to Online Pornography*, showed that at least 44,000 primary school children had accessed an adult website in the space of a single month, as well as 200,000 under-16s. These figures are staggering.

Access to this kind of material, not surprisingly, can have adverse effects. Take, for example, the story of the 12 year-old boy who raped his seven year-old sister after watching hardcore pornography on his Xbox. The *Telegraph* explained the details of the case, which was heard in Blackburn youth court. The boy had watched pornography at a friend's house and this had resulted in the boy wanting to try out what he had seen. The consequences of the boy watching this material were no doubt immense, not only for him but for his entire family. The Government should certainly be congratulated on taking some action in this area but it falls short of what is required.

I know that they are proud of the agreement between the big four ISPs but the flaws associated with this arrangement are significant. First, there is the 14% of the market that is not covered and the many children affected. I am aware that although some of the smaller providers are not party to the agreement between the big four, they none the less offer good filtering options. Phoning around the smaller providers, however, suggests that while four out of 14 provide age verification that is nearly comparable with that provided by the big four, in other cases it is weaker and in one case non-existent. This is simply not good enough.

The Government cannot have it both ways, saying, on the one hand, that the protection provided by the big four is important but, on the other, that they want to settle for a solution that means a group of children will have less chance of protection when they could apply the approach agreed by the big four across the board by adopting the Bill of the noble Baroness, Lady Howe. If the Government believe that what they have persuaded the big four to do is important for child protection—as I certainly do—to settle for not applying it to all households will create two classes of children. I hope that when the Minister responds she will acknowledge that the Government cannot have it both ways and that all children are worthy of the same level of respect, and thus the same chance of protection.

The fact that Conservative MEPs are saying that new European telecoms legislation means that the Government will now have to legislate for filters in any event makes the Howe Bill even more timely.

Secondly, the thing that bothers me about the filtering that is being provided by the big four is the lack of robust age verification in relation to disabling filters. I am delighted that the Conservative Party manifesto made a clear commitment to introduce age verification for all websites with pornographic content. That is very welcome indeed.

However, there is another context where age verification is badly needed. What happens if parents put filters in place but their children subsequently seek to lift them? I have been advised that this point was raised with the big four ISPs but they declined to provide age verification before processing requests for filters to be lifted. Instead, they offered to send an email to the account holder, who must by definition be an adult, telling them that

[Lord Browne of Belmont]
the filter settings have been changed. The fact that 34% of people polled admit they would not open an email from their ISP for quite some time—and may, indeed, never open it—demonstrates, as the noble Baroness, Lady Howe, has explained, how completely inadequate this arrangement is. How can this possibly be defended? I am delighted that Clauses 1 and 2 include age-verification requirements prior to raising filters and for the whole market, not only the four ISPs. Again, I hope that the Government will adopt this important provision.

Turning now to adult-content websites, there is no doubt that the ATVOD report, *For Adults Only?*, was a real wake-up call. I welcome the fact that the Government responded positively to the proposal in the report that the UK law regarding those offering R18 and unrated on-demand programme services should be tightened up. The introduction of the Audiovisual Media Service Regulations last year was very welcome.

However, serious problems remain. ATVOD was clear that the vast majority of the R18 material accessed in the UK comes from sites based outside the country. Some 23 of the 25 sites most accessed are located outside the UK. If we seek merely to regulate those seeking to access the UK market from the UK, we will engage with only the tip of the iceberg. Consider the Experian Hitwise statistics for UK visits to just six "tube" sites—again the figures are staggering. I understand that there are a total of 240 million hits from the UK in a single month to adult sites without any form of on-site child protection. None of these sites is based in the UK. Clauses 7 to 11 of the Online Safety Bill adopt the model that was introduced in the Gambling (Licensing and Advertising) Act 2014, and I believe that the same can be applied to these sites.

I assume that the Conservative manifesto commitment to introduce age verification for all sites showing pornography stands, given that most of the sites used by people in the UK to access pornography are not based in this country. I hope that the Government will support this Bill. Finally, I believe that the key to online safety is in education.

12.41 pm

Lord Morrow (DUP): My Lords, I, too, very much support all aspects of the Online Safety Bill, but in the time available today I want to focus particularly on the issues raised by Clause 7 in Part 3: "Definition of a foreign pornographic service". The question is how to regulate websites that originate outside of the UK, which are currently unregulated. I was very disturbed by the statistics in the report published last year by the Authority for Television on Demand. I am sure that noble Lords agree that it is concerning that in December 2013, some 44,000 primary school-age children visited an adult website from a PC or laptop—and that does not include the figures for other types of device. If we look at children aged between six and 17, the report estimates that at least 473,000 have accessed an adult internet service, mostly offshore. ATVOD also stated in its press release about the report:

"Most of the major offshore adult services are unregulated and allow free, unrestricted access to hardcore porn to visitors of any age—this includes 23 of the 25 adult websites most commonly accessed from the UK".

This situation surely must be a concern to policymakers. ATVOD recommended in its report:

"One option would be to mirror the licensing requirements being introduced for foreign online gambling services. It may be possible to establish a similar licensing regime for foreign porn services whose services are being used in the UK".

Other noble Lords have referred to this, and I commend the noble Baroness, Lady Howe, for bringing such a proposal to the House today.

A similar scheme was debated last year when the House considered amendments tabled by the noble Baroness, Lady Thornton, on the second day of Committee on the Criminal Justice and Courts Bill. The noble Baroness reminded the Committee that technically, foreign-owned websites could be prosecuted under the Obscene Publications Act 1959, but reported that no such prosecutions had taken place since 2005. No other regulation of foreign-based websites exists, which means that they have no obligation to provide any of the age verification requirements that parents hope for—yet parents expect that sort of age verification to be available on our high streets when a young person buys a DVD. I am pleased to support the proposal in this Bill that ATVOD should also be ensuring that age verification is in place for 18-rated material as set out in Clause 6, and that it extends into the licensing scheme proposed in Part 3.

From a logical point of view, it seems unsustainable that the same situation does not apply online as it does offline when the material originates outside the EU. How can that be right? A young person may not be able to buy a DVD, but could in theory access the same content or stronger in a coffee shop with unfiltered wi-fi on the same high street. Indeed, when asked recently about the need for age verification of such websites, 74% of those questioned said that age verification should apply to websites based both in the UK and outside it.

One element that was not debated last year with a similar licensing scheme was the option of blocking payments to websites. I am pleased to see that the Gambling Commission is successfully using this approach with unlicensed gambling websites. In this regard, the publication on Monday of its 2014-15 annual report is exceptionally timely for the purposes of today's debate. It states:

"Of the small number of illegal operators identified, some responded immediately to our request to stop operating, while others have been cut off from accessing the British market by the main payment providers and advertising platforms.

"Arrangements with payment service providers, platforms such as Google and Facebook and with advertisers are working well and we have received a great deal of support in disrupting the activities of the unlicensed operators. We have used these arrangements successfully, specifically with payment providers, on five occasions between 1 November 2014 and 1 April 2015 to prevent unregulated access to the British market".

It is very encouraging to know that this approach works and I hope that noble Lords will support such an approach to foreign pornographic websites.

ATVOD, in its report from which I have already quoted extensively, states that it has been working with the UK payments industry, which has made it clear that without clear case law they cannot prevent payments for fear of legal challenge. Part 3 would give

legal certainty. There is much more that I would like to say but I must have regard and respect for the time limit, so I will stop.

12.47 pm

Baroness Newlove (Con): My Lords, I thank the noble Baroness, Lady Howe, for her consistency of approach to bringing the attention of your Lordships' House to the important issue of online safety for children. We are all aware of the advantages the virtual world offers but some are prepared to challenge this and to make mischief. This Bill needs to mean what it says on the tin; that is, access to any internet-enabled platform in the virtual world should have the right protection and foundation in place to prevent harm to our young people.

As Victims' Commissioner for England and Wales, I am concerned about the many victims who fall prey to harmful material and predatory behaviour through online services. Children can access harmful content so easily online. This material might be accessed through computers, mobile phones, gaming systems or other internet-enabled devices, or through material made available through social networking sites, chat rooms, or other social media platforms. But regardless of where and how it is accessed, the bottom line is that our children need to be kept safe from harmful material and those who prey on them.

We have heard this week of the successes of protective filters that parents can apply on their home internet so that children cannot accidentally or even deliberately access adult content. This is a huge step forward. However, I remain concerned that there is a long way to go. Ofcom cannot be the sole enforcer of all internet providers. Its current regulatory role is difficult enough. I fear that to ask it, through this Bill, to regulate all internet service providers and mobile phone operators is to ask it to provide a regulatory role for the wider internet. We know only too well that to police the internet would be impossible. In fact, police officers up and down this country do tremendous work every day. What they see is truly unbelievable and harmful. We must thank them for everything they do to protect our society. We need to think about how the conditions we are attempting to place on internet service providers and other operators can be enforced and not just regulated.

Our children should be protected from harmful material but this needs to be holistic and about online safety for all harms and not simply about adult pornographic material. Our children can be harmed by so much more. By accessing certain material, children can easily become victims of crime. We have heard about child sexual exploitation and sexual grooming occurring online, and about children lured into accessing certain services or chat rooms and then being bullied, blackmailed, or exploited further. Our children need protecting from all this and parents have an important role to play, as do schools or other bodies. But can we fight for or demand more?

Children have much more technological knowledge than their parents. Despite our best efforts to introduce age verification processes and filters through this Bill, we need much more protection. We need our efforts to be well thought-out, future-proofed and conscious of the ways that these protections can be overcome or circumnavigated. So that we do not have these same discussions and debates time and again, we must keep up with technological changes.

Internet service providers will be integral in making sure that age verification controls work. The experience of the gambling industry has shown success with age verification controls but we have also seen, albeit a minority, some who find ways around these controls. I strongly believe in the spirit of this Bill and support the Government's efforts, but for the sake of our children we need to take this further than pornographic material. Age restrictions should be considered for other harmful material; for example, extremist or offensive doctrine, certain chat rooms and other online opportunities where our children may be harmed. This will be a difficult and challenging task and I am aware of the progress that the Government have made so far. I commend the Minister because I know that she has the skills and talents, and that she does outstanding work and is very proactive in all sectors of the virtual world.

In the length of time given to two speakers in this important debate, a child will have been sexually groomed. This Bill cannot simply provide the perception that something is being done. We need a strong position on protecting our children and a clear method of enforcing that position. We need to move faster and smarter because the virtual world is catching up too quickly and we need to protect children now.

12.52 pm

The Earl of Erroll (CB): My Lords, this Bill has absolutely the right good intentions and I am not opposed to what it tries to do; namely, to protect our young from online inappropriate material and adult content. This also applies to other things which the young can access online. The real problem is whether the mechanism will work. Will trying to do it this way be effective? Because I have been involved in the internet and the IT world for a very long time, I do not think that it will and I will explain why. There are other things we should do. First, I declare an interest: I am the unpaid chair of the Digital Policy Alliance. We have been looking at this for some time and have a discussion group going on it.

I will talk about the practicalities and the real difficulties. The internet is complex and it can be all too easy to circumvent any controls put in if they are in the wrong place. The gambling controls referred to work because they are enforced at the end point—at one of the ends of the internet—and not by the system that routes the communications, which the ISPs are part of. That is where you connect in. An ISP is defined in the Communications Act as amended, which is mentioned in the Bill. The Act states that an internet service provider provides an internet access service that consists,

"entirely or mainly of the provision of access to the internet".

It allocates an IP address; that is all it does. ISPs do not actually interfere with the transmission of material through it. They are basically just a connection. That is the challenge: everything goes through an ISP, but

[The Earl of Erroll]
they do not do anything with it. They are like a telephone directory. You have a thing called a domain name server, which looks up the thing you have typed and routes you off to wherever it is going. That is pretty well it.

ISPs can interfere a little bit. People say that the Internet Watch Foundation and the Digital Economy Act managed to block sites. Yes, but what happens is that the website's address is put on a blacklist and rerouted elsewhere automatically. It does not interfere with the transmission. Part of the problem with doing this at the ISP level is that it will not help with things such as Netflix and Amazon, where there is some unsuitable content on the website: you will block the whole of Amazon, Netflix or whatever. It cannot block selectively. What it comes down to is that you have to do it where the material is being accessed. The other trouble is that the person who switched on the computer in the morning, which is when the ISP knows who might have switched it on, is not necessarily the person using it later in the day. You also have to find out who is accessing the website. These things can be done.

There is a further problem: the EU is about to interfere with all this. The telecoms single market regulation protects the ISPs from having to do these sorts of things. It says, "You're just a communications medium". The EU is about to rewrite, or is in any case looking at, the audiovisual media services directive, which concerns some of these issues. That will be about European-wide stuff. The regulations apply directly to us. We cannot do anything about them. We can tamper with the directive, but maybe we should wait and see what comes out. I am not for waiting for the sake of it, but we have to take it into account.

In the mean time we can do something. This is being discussed in several groups because people want to find a solution to it. It has been noted that it also involves, for instance, tobacco, alcohol and gambling—although they are doing something about that effectively. E-cigarettes are now involved. There are crowdfunding sites where people are trying to invest in things. Education also has requirements of material for certain age groups. Also, one wants to protect children's groups from overaged people trying to come in and access their little groups. Age verification in general will be of vital interest at any age, but all this requires age verification at the point of supply—where you access the websites—not at the point where you go on to the internet. They are the only ones who know what the requirement is, be it over the ages of 15, 18 or 21, or aged under 30.

One place where this is being discussed, which I am involved in, which is why I declared my interest, is in a neutral forum hosted by the Digital Policy Alliance. There, we have a cross-cutting group from a lot of different industries, because we want to produce something that can be used by everyone. You then put some teeth into how you enforce it. You could put some penalties in there that make people want to comply. The debate on this is being observed by government departments. There are a lot of different attitudes towards it as to what they want. The identity providers have one way of doing things; others have other ways. The important thing is that we should be able to identify any age range. The other thing that has come into this is that some of the foreign businesses are sitting in this because they want to do something about it too. They know that they are going to come under attack, particularly foreign suppliers of "adult content", as they like to call it. They would like to do something that can be rolled out abroad as well. If that happens, we will suddenly get it globally. To me, that is very interesting.

Separately, the British Standards Institution is starting work on a publicly available specification or PAS, which is like a standard, that might do something about this. It will not specify an exact methodology or technology; this whole thing will be technology neutral. It will then come up with something that can be used when the Government formulate some regulations and laws around this. It can be used to say, "If you don't comply at least to that standard, you're in trouble and we'll enforce some nasty stuff against you". A prescriptive method, as in this Bill, I am afraid will kill a lot of the positive discussion and positive work being done on this. I would like the Bill to go on the backburner, but it has inspired the most useful conversation and has given it a huge shot in the arm to get discussions going fast.

12.59 pm

Lord Stevenson of Balmacara (Lab): My Lords, I join others in congratulating the noble Baroness, Lady Howe, who is such a doughty campaigner on this issue. She said that this is her fourth Second Reading, which must be something close to a record. I think I have been in on all the debates. I have been watching her with interest. She is so clever at getting these things up and speaking so well about them. She set out the ambitions of the Bill with great clarity. In turn, it has set the tone for what has been a very interesting and good debate. I say at the very start that we on this side of the House support the Bill's ambitions.

In passing, I ask the House to note that, until now—and, I hope, for a long time to come—the approach to the issues raised in this Bill has never split along party lines. We have been able to maintain broad agreement on all sides of the House about what should be the main thrust of policy.

Like the noble Lord, Lord Ramsbotham, I welcome the noble Baroness, Lady Shields, to what I think is her first appearance at the Dispatch Box. She must be quivering with nerves and worry about it. I reassure her that her experience and skills in this field mean that she is well equipped to lead policy in this area. I am sure that what she says will be of great interest and we look forward to it.

The answer to many of the issues that have been raised in this debate is education. Indeed, that is reflected in the Bill, although it comes quite late in a number of paragraphs. It will get us a long way down the road, but, as the noble Lord, Lord McColl, said in his refreshingly brief intervention—I am afraid that he is not in his place—education is necessary but it may not be sufficient.

I note from the Library's helpful briefing note for this debate that in December 2014, the Government announced an extra £500,000 of funding for the Safer Internet Centre, which aims to provide advice to schools about online safety, which has also been added to the

national curriculum. Recently, the Prime Minister also announced actions to tackle online child sexual abuse at an international level. I would be grateful if the Minister could update us on progress on both those issues.

Since the last debate in your Lordships' House on this topic, I have been involved with the Metropolitan Police's parliamentary programme. As part of that, I visited the child pornography unit. That visit shocked me considerably and has changed my mind about this issue. The volume of activity referred to by the noble Baroness, Lady Newlove, in a very powerful intervention, and the growing problem of the way in which those who participate in this action do so through the dark web and encryption, means that the resources which are available to pursue this are very stretched. I pay tribute, as she did, to the staff of this unit for the exceptional work they do. I do not know how they do it. I certainly could not do it but their persistence and skill should be commemorated in some way. They are, of course, absolutely at the forefront of the protection of vulnerable children. I drew from my discussions with the staff in that unit the fact that there was a need for legislation to bolster the work they do. That is something we should bear in mind.

I noted that the noble Baroness, Lady Howe, quoted in her opening remarks something that was said to her by the noble and learned Lord, Lord Mackay of Clashfern, about the difference in approach towards online and offline material in this area. There is a good foundation of statutory provision for offline material, which other noble Lords have mentioned, whereas online material is left to voluntary arrangements. Our position on this has been that self-regulation should be tried first. However, we have made it clear that if satisfactory agreements are not forthcoming on a voluntary, self-regulatory basis, we think that there is a case for legislation. So the question is: has this Bill's time come?

As the noble Baroness, Lady Howe, said, the Conservative Party manifesto seems to imply that the Tories would introduce measures to compel pornographic sites to adopt age verification measures. Like others, I would be grateful if the Minister would say specifically and without doubt whether or not this is the Government's policy. Clearly, this Bill is an opportunity to deliver that statutory underpinning—if it is there. The noble Baroness will tell us whether or not the Government are going to pick up this Bill, but it would certainly mean an early resolution of the points made by senior Ministers, including the Prime Minister, and would, I think, get her out of a difficult spot.

Like the noble Lord, Lord Morrow, I think there is a need to build on age verification by "following the money". I understand that the credit card companies have said that they would happily withdraw payment facilities from non-compliant sites. The noble Earl, Lord Erroll, referred to technical issues. We should listen to him because there are problems with regard to, on the one hand, the internet being considered as merely a vehicle for communications and, on the other, the fact that it links up to services which may need to be regulated. We need to find a solution that is regulatory possible and compliant and technically feasible. Nevertheless, the idea that the money would not follow those who wish to reach unlicensed sites seems to be working in the gambling area, as we have heard, so that is something the Government should take advice on and possibly pursue.

This debate has been largely about children—rightly so—but, as the noble Lord, Lord Ramsbotham, said, there are wider issues of cybersecurity in play, which we need to bear in mind. Also, as the noble Baroness, Lady Newlove, reminded us, we have to consider social media sites and a much wider concern about bullying and the impact of peer-on-peer pressure through the internet. But there is also another dimension to this. Research shows that those who are vulnerable—those with disabilities, those in low socioeconomic groups and families who have suffered trauma—are also much more vulnerable when they are online. As the right reverend Prelate the Bishop of Chester said, there is probably a much larger group of people who are at risk than simply children. Perhaps later stages of the Bill might address that point.

Finally, we have heard from the noble Earl, Lord Erroll, that there is an EU interest to be accommodated here. I would be grateful if the Minister could bring us up to date with what is happening in Europe, particularly on the telecoms single market directive. As I understand it, the final text of the directive will go for ratification to the relevant European institutions later this year. I understand it is likely that the directive will require every member state to enact legislation to allow the deployment of parental-control software at network level. We do not currently have such legislation so the implication is that what we currently do in the UK, which is largely voluntary, would not be able to continue once the directive is in force. Clearly, if that is the case, the Bill could provide the vehicle for the Government not only to do some good in this area but—perhaps uniquely—to prove their good EU credentials, and get ahead.

1.06 pm

The Parliamentary Under-Secretary of State, Department for Culture, Media and Sport (Baroness Shields) (Con): My Lords, I take this opportunity to thank the noble Baroness, Lady Howe, for her tireless work and determination to protect children from harmful content online and for introducing this most important Bill. I am pleased that she agrees that progress has been made over recent years and we acknowledge that her continued commitment to pressing the Government on online safety has enabled the voice of this House to be heard. I also thank all noble Lords who have contributed to this most important debate.

Online safety is a major priority for the Government. Under the Prime Minister's leadership over the past five years, the UK has become the world leader in the fight to combat online abuse, exploitation and content that is harmful for children. My appointment as the first Minister for Internet Safety and Security is just one marker of our commitment and urgent intent to continue this vital work to keep children safe as they experience all that the internet has to offer.

The free availability of online pornography is a horrific problem that Governments across the world have sought to tackle—with very limited success. As many noble

[Baroness Shields]

Lords have said, the internet has no borders and therefore the UK cannot solve these problems alone. International co-operation is vital and the #WePROTECT global alliance, which we created in the previous Government, has shown us what can be achieved when government, industry, law enforcement and NGOs work together. In response to the noble Lord, Lord Stevenson, the #WePROTECT summit held in December last year brought together 50 countries and international organisations in a global statement of action and commitment to build databases and core competencies around the world to identify child sexual abuse material, working with Interpol to ensure that we can better identify victims and track down the criminals who are responsible for these horrific crimes.

I emphasise from the outset how strongly I believe the motivations of the House to be aligned in this area, and state my personal commitment to this work. This was clear throughout today's debate and, while great progress has been made, we remain acutely aware of the risks and dangers that young people face online. The noble Baroness, Lady Finlay of Llandaff, mentioned the psychological effects and neuroadaptation, and the potential for sexual addiction. We recognise and note the urgency of this issue. That is why we made a commitment in the Conservative Party manifesto to protect children from harmful content,

"by requiring age verification for access to all sites containing pornographic material",

and we are committed to that.

Before I address the various parts of the Bill of the noble Baroness, Lady Howe, I will reiterate that as part of that commitment we are determined to hold the adult industry to account for its business practices which, inadvertently or not, cause distress and harm to children. We entirely agree with the sentiment behind the noble Baroness's Bill. We are deeply concerned about the ease with which minors can access pornography, and the effect it can have on their sexual development and overall health and well-being. The noble Baroness makes excellent suggestions and we are grateful to her for introducing the Bill. However, much of what it proposes is either already happening or will be the subject of the Government's own considerations in meeting the manifesto commitment. I assure the noble Baroness, and the House, that the Government are committed to further action to address specifically the issues raised today and that we will bring forward our own proposals.

For further clarity, I will briefly address the three parts of the Bill. The first part would place additional duties on UK internet service providers, mobile phone operators, Ofcom and the Secretary of State in relation to the provision of filters and online safety information. As many noble Lords have mentioned today, we already have a robust filters regime in place in the UK. More than 90% of consumers are offered a choice to configure their internet service easily through family-friendly filters. All mobile operators in the UK now automatically set filters to be default-on and only adults, who must provide proof of age, can turn these off. The major public wi-fi providers have made family-friendly wi-fi available wherever children are likely to be accessing the internet unsupervised. These are significant achievements but we acknowledge that there is much more work to be done, as one child being harmed is one child too many.

The noble Baroness has expressed concerns that children may be able to get around these filters. While no solution will ever be foolproof, three-quarters of parents in the UK are confident that children are unable to bypass these tools. But to mitigate any further risk, as has been said today, ISPs email the main account holder when filter settings are set or changed. The noble Baroness, Lady Howe, and the noble Lord, Lord Browne, raised the concern that households served by smaller, filterless providers must be taken into consideration. It is important to note that these providers state at installation and on their marketing materials that they do not have child safety credentials. However, parents must remain vigilant and engage with children about their internet use.

Your Lordships may have read in the news and heard from other noble Lords today that recent European regulations around net neutrality, which were agreed in June, will restrict ISPs from blocking access to content. This will impact our family-friendly filters regime but I reassure the House that throughout the negotiations, we have made sure that our current world-class child protection measures will remain. We will take all steps necessary to ensure that we are able to protect children from harmful content and that our current regime will stay in place, in line with the new regulations.

Returning to the provisions in the noble Baroness's Bill, educational information for parents and consumers is today widely available and accessible on providers' websites and through a range of NGOs and organisations that offer advice. Putting these well-established practices and activities into legislation is therefore unnecessary. While it is not mentioned in the noble Baroness's Bill, this Government have also recognised the need for a robust education programme in schools. I know that the noble Lord, Lord Stevenson, feels strongly about this issue. As of September 2014, e-safety is now a compulsory part of the national computing curriculum. In response to the point made by the right reverend Prelate the Bishop of Portsmouth, my colleagues at the Department for Education are keen to take further action to strengthen online safety education and are exploring options through personal, sexual and health education, the national computing curriculum, cyberbullying and statutory guidance. This will be supported by the work of the UK Council for Child Internet Safety.

We also support wholeheartedly the iRights campaign of the noble Baroness, Lady Kidron, which is gaining traction in the UK and around the world. It seeks to ensure that internet and digital technologies are designed and delivered around the needs of young people.

The second part of the noble Baroness's Bill would require on-demand programme services in the UK to have specific age verification schemes in place. It would also extend the current regime to cover content classified by the BBFC as equivalent to 18 as well as to R18. The Authority for Television on Demand, ATVOD, already regulates video on demand content that might seriously impair the physical, mental or moral development of

minors, and requires robust age verification, such as through credit card checks. Our current regime, with its classification system, stems from the EU audiovisual media services directive, which is now being reviewed in Brussels and will focus on the protection of minors. The Government and key stakeholders will contribute to this review process. At this stage, we would be unwise to pre-empt the review by making any changes to existing legislation.

The third part of the Bill concerns the licensing of foreign pornographic services. As I have said, we are committed to requiring that adult sites introduce age verification control. None of the 10 most popular sites in the UK for pornography access requires robust age controls. This is clearly unacceptable; I agree with the noble Baroness, Lady Healy, on this point. Companies delivering content in the UK must make best commercial efforts to ensure that these sites are behind age verification controls. We will make sure that they do.

The noble Baroness, Lady Howe, asked about a point raised previously by the noble and learned Lord, Lord Mackay. In the offline world, DVDs containing explicit pornographic content are subject to age controls in licensed sex shops. I assure my noble friend Lord Framlingham that my department will be consulting on proposals in due course to develop ways to bring online content in line with physical media in this regard. We will consider the noble Baroness's solution among other options that have been put forward.

We have already solicited feedback and advice from ATVOD, the BBFC, the Digital Policy Alliance and representatives of the adult industry in the UK and abroad. Much work is under way. I am particularly supportive of the idea being pursued by the Digital Policy Alliance and the British Standards Institution, which was mentioned today by the noble Earl, Lord Erroll, of a federated approach to age verification. This is particularly promising as it offers us scope to develop a "verify once, use many times" model for adult sites and also for gambling and e-commerce. As my noble friend Lady Newlove mentioned, we must ensure that this applies to all harmful content, not just to pornographic material. The approach put forward by the noble Earl, Lord Erroll, and the Digital Policy Alliance is a very promising development indeed.

No system can be perfect and some minors will always be able to find ways around any measures that we put in place. We must not be naive. We need to give careful thought to what solutions will make the biggest impact in a proportionate manner. While the protection and welfare of children online is our top priority, I want to be clear that the Government have no wish to restrict adults' access to legal pornographic content. This is about protecting young people from harm.

In my meeting this week with the noble Baroness to discuss the Bill, we confirmed that we are happy to consider the approach that she sets out in her Bill, alongside other options we are considering. Our ambitions in fact exceed the scope of the Bill. We need a multifaceted approach to prevent harm to children and young people in general, grounded in robust evidence, and we are taking action in all the areas addressed by the Bill. We will consider any proposals that are likely to be effective and proportionate to tackle harmful content online and we welcome your Lordships' suggestions. We will achieve our manifesto commitment, while addressing recent developments in European regulations, and will reach out to children through education and support parents in the crucial role that they must play. I also confirm that the child abuse and exploitation online issue is being considered as part of the strategic defence and security review, and I will come back to the noble Lord, Lord Ramsbotham, on this point.

There is clearly a shared resolve in this House, as there can be no higher priority than keeping children safe online.

1.19 pm

Baroness Howe of Idlicote: My Lords, I am most grateful to everyone who has taken part in today's debate. It has ranged very widely, and I was—obviously—particularly interested to hear what the Minister had to say on all the points that have been raised by noble Lords who have spoken. I gained the impression that the manifesto commitment will be achieved, albeit not at this moment, not least because of some of the interesting but clearly difficult proposals being debated on the European scene. So I think we will have to wait for some time.

The whole business about protecting children was fairly crucial in what noble Lords have been saying, and I agree with the noble Baroness about that: it is about protecting children. But one or two points were raised that are even wider than that. I would have thought that the issue of adults with pornographic addictions was pretty concerning to most people who think about the effect that this may have on behaviour right across all relationships between men and women—and, indeed, attitudes to what is and is not acceptable behaviour.

I am very grateful to all noble Lords for what has been said today, and I very much look forward to the various debates that will no doubt take place in the forthcoming months. I shall try to keep in touch with what is going on in the European scene, because that will be particularly important to how we progress in determining the future of this very important area. I thank all noble Lords very much indeed.

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

Constitutional Convention Bill [HL]

Second Reading

1.23 pm

Moved by ***Lord Purvis of Tweed***

That the Bill be now read a second time.

Relevant document: 5th Report from the Delegated Powers Committee

Lord Purvis of Tweed (LD): My Lords, I am most grateful to noble Lords for taking part and being here today, and for the strong support from many more

[LORD PURVIS OF TWEED]
who are unable to be here today. I see from the speakers list that my noble friend Lady Suttie and the noble Lord, Lord Kerr, will be taking part, so I know that this debate will not only concern our United Kingdom but will have an international perspective as well. I look forward to all the contributions from noble Lords today. I am grateful, too, to those outside this House, in the other place, in academia and in citizen organisations, who are supporting the Bill. These range from signatories to an open letter in the *Times* today, right through to the Local Government Association.

The questions we must all ask ourselves are: will our current approach to the constitution of our union be stable and sustainable for the long term; and has our piecemeal approach to reform in recent years been the best way to secure this—indeed, is it secure at all? In looking forward to the Minister's response, I recall that he answered a question from his noble friend Lord Lexden, whom he said had marked his work when he hired him to the Conservative Research Department. In the debate on the office of the Lord Chancellor on 7 July, the noble Lord, Lord Lexden, described a constitutional convention as an,

"obvious means by which coherence could be brought to sets of separate initiatives and the framework created for a new constitutional settlement that would stand the test of time".—[*Official Report*, 7/7/15; col. 123.]

I agree with him. In fact, I will struggle to put it better today, so I am hoping that his protégé, the Minister, will do so too and gain good marks for a positive response to this debate.

One of the arguments against a convention is that it is simply the recourse of inaction when political parties cannot agree or do not know how to proceed on policy. Thus a convention may be a long-grass exercise with a veneer of activity. In response to a Question by the noble Lord, Lord Forsyth, the Minister, the noble Lord, Lord Dunlop, said that Harold Wilson once remarked about royal commissions, "They take minutes and last years". He is actually reported to have said, "They take minutes and waste years". We all know that there have been occasions when royal commissions have met because conferences have been convened, but not all of them have secured the delivery of their proposals.

I am not discouraged by the fact that there have been attempts at bringing people together. Rather, I am encouraged by a degree of consistency that suggests that constitutional policy should try to be forged from as wide a consensus as possible. This could be described as "the British way". The groundwork for the establishment of the Scottish Parliament was done because of the Scottish Constitutional Convention. There have been debates on the balance of powers and responsibility of that Parliament since—I have sought to lead some of them—but its founding was based on wide consensus. It also benefited from agreement at the outset on a clear outcome, and thus sought consensus on how to get here. I will return to this important point later.

First, I will consider where we are today. There is much constitutional activity by this Government, some of which I agree with and some of which I do not. There will be much burning of constitutional calories, but the union will not be fitter as a result. In the recent Labour Party debate, I said that I feel our union is not at ease with itself. I believe that profoundly, and it concerns me. The referendum in Scotland was not just something I had to endure as a supporter of the union; it was a profound and challenging time with consequences that are still unknown. We have been too quick to assume that we know what they are, and we have not acted appropriately. It highlighted how many of us struggled to have a coherent and forward-looking definition of what our union is and what it means to young people and generations to come. We have seen nationalism coming to the fore in all parts of the union. I have spoken about this in the House before on a number of occasions, so I need not rehearse my view this afternoon, but I will return to it briefly before I conclude.

There is a real practical benefit to having a government-sponsored process with full technical assistance from the Treasury, DCLG, the national offices and Secretaries of State and the Cabinet Office to bring together the disparate changes proposed so that they are part of a coherent whole. It was rather telling that in the debate this week on the changes to universal credit, the Minister making the case for the change across the UK was unaware of the fact that the Government's Scotland Bill, which is before Parliament, proposes the part devolution of that power. He was therefore unable to say how it would work and what a "concurrent" responsibility, which is in the Scotland Bill, means. The tensions over EVEL, the clumsy shorthand for English votes for English laws—or, as I suggest, EVET, English votes for English taxes—highlight the difficulty of a reform in isolation approach.

I am looking forward to my noble friend Lady Randerson's speech. I suspect her strong Welsh experience and knowledge may form part of her contribution. The same could be said for the human rights agenda and for the proposals for the Welsh Assembly to become a parliament with full powers.

All these areas have recently seen Ministers at the Dispatch Box with the greatest confidence in their approach, only to be followed by pause, delay or retreat because the issues are complex and interrelated and require consideration as a whole. The list is even longer when we add the changes within England, where the approach that the cities Bill is taking has been challenged in this House and is asking more questions than it seems to answer.

We do not have a properly considered view on what powers should permanently be held within the union Government and what naturally should be the remit of the nations and of the regions within England. Neither do we have a properly considered view about the financial powers that could be balanced, and upon what principles across the union that could be done. Indeed, I see that the noble Lord, Lord Forsyth, has a question on the Order Paper about the Government moving ahead in spite of there being no fiscal framework agreed between the Scottish Government and the UK Government.

Within England, the impressive paper on English devolution by the Local Government Association is useful to highlight this issue too. How will the new

powers on tax and welfare for Scotland interact with each other, and what role does this place have within the union overall in this changed landscape? How are disputes resolved, and how will the Government work when in many areas it is an English and Welsh Executive who will become almost exclusively an English Executive? Its relationship with Parliament and the other Governments is not forming part of a holistic whole.

These are no longer theoretical questions for cerebral discussion in the academic seminar rooms or the Edinburgh salons. These are questions that we must resolve now, primarily as we are starting from a base of reform in recent years, but which need to be brought together as we are not resolving them satisfactorily by our piecemeal approach. The issue is how we resolve them, not whether they need to be resolved. Would a convention take minutes and waste years? I do not wish us to waste further years on discussing process.

I turn to the substance of the Bill and why I believe that it is a timely, focused and sensible measure that will produce a mechanism to gain wider consensus on a practical way forward for constitutional reform, and will not waste years but take only one. The Bill is already the result of a move to gain cross-party consensus. Its drafting reflects the legacy paper of the All-Party Parliamentary Party on Reform, Decentralisation and Devolution in the UK—yes, I confess that we could have come up with a better title for the all-party group. The group has been generously supported by the Wales Governance Centre and then more recently by the Local Government Association, and my co-chairman, the noble Lord, Lord Foulkes, and I are grateful for the input across the parties. The draft terms of reference for a convention and its composition were agreed within this wider group, with considerable external academic support.

Clause 1 outlines the proposal on how the convention would be established. Clause 2 proposes the terms of reference—a narrow list but a broad one, with the issues necessary to be discussed. Clause 3 states that the convention must not take longer than a year—a tight timeframe for some, I know, but equally I believe that it needs to have a focused timeframe. Clause 4 proposes its composition and that it be inclusive, geographically and politically. It also means that the convention must have a majority citizen-led composition. This is because of my strong conviction that the convention will not work if it is simply a lowest-common-denominator agreement between political parties. It must have depth and, if we are defining what the union is and what it offers, we must take stock of the wider view of citizens. There are models for how the citizen component will be constituted, and this will be resolved before regulations in Clause 5 are brought forward. I am pretty convinced that work on how that could be brought about will have been done in government, both before and during the general election, so I look forward to hearing the Minister respond on that point.

So what might a conclusion of a convention be? There needs to be a balance of allowing the convention to take its own form and make its own conclusions but I offer my view that, as I said earlier, minds are focused when a proposed outcome is in mind; joint ownership of that outcome becomes stronger and is more sustainable.

I conclude by suggesting what an outcome could be for the convention. Some years ago I published a cross-party devo-plus paper, arguing for a statement of the new union, outlining in brief terms the necessity of a formal statement of union. I believe that the outcome of the convention should be a royal charter of new union, formed from the citizenry and in the name of the monarch. In many respects, the legacy of her own reign, with her own family, seems secure for generations to come. We cannot say that politicians are offering a similar legacy for the union for generations to come.

A charter of the new union can be a legacy from the head of state who has seen the union in peril from external foe but also from internal angst. Such a charter, perhaps ratified by plebiscite, would also be of a sufficient constitutional standing that it would stand the test of time. It also can act as a complementary statute of the United Kingdom that would be the machinery of government to resolve many of the questions I have raised today about how our multilevel and multisphere Government will operate in the union to come.

Again, I am grateful for the wide support already received, and I sincerely request that the Government retain an open mind, even though I am aware that this is not yet on their agenda: to allow this proposal to develop, to allow citizens' groups, academics and those within all parties who believe that a process such as this is necessary to come together, and to allow the technical expertise of the Treasury and other departments to assist in that process. Our all-party group will make an exciting announcement next week to show that even wider support is emerging. I am grateful to those who are taking part today, and to those who share my view and that of the noble Lord, Lord Lexden, that we seek coherence that will stand the test of time. I beg to move.

Baroness Evans of Bowes Park (Con): My Lords, I apologise for interrupting the debate, but for the convenience of noble Lords who might have missed the announcement made earlier by my noble friend the Chief Whip, I remind the House that the advisory time for Back-Bench speeches is six minutes.

1.36 pm

Baroness Suttie (LD): My Lords, I congratulate my noble friend Lord Purvis on introducing this timely and extremely important Bill.

In recent years I have had the privilege of engaging in democracy and capacity-building training work abroad, in north Africa, the Middle East and the former Soviet Union. Almost wherever you go in the world, the UK is held up as a solid and stable democracy, where the mother of parliaments—symbolised by these very buildings—is held in high regard. Judged purely on the basis of the years of democratic stability that we have enjoyed in this country, this reputation is well deserved.

It has been the British way to approach constitutional and political reform in an incremental and ad hoc basis. Our very stability and lack of revolutionary zeal has discouraged us from looking at these issues in the round in an overarching, interconnected package.

[Baroness Suttie]

However, while working abroad in these fledgling or challenged democracies, it always becomes a little more complicated when I am faced with more detailed questions about our British democracy. Countries that look to us as a role model find it more than a little mysterious when I explain that we have no written constitution; have an appointed second Chamber; have an unbalanced and uncodified settlement between the four nations of the United Kingdom; and have a voting system for Westminster elections whereby earlier this year UKIP received 3.9 million votes and only one MP, and the SNP received 95% of MPs in Scotland on 50% of the popular vote—not to mention that we have no fewer than five different electoral voting systems in use in the United Kingdom.

For many years political and constitutional reform has been a subject of minority interest, perhaps favoured in particular by my colleagues on these Benches. However, we have now reached the stage where the Scottish question is no longer just the West Lothian question but is connected to the English question and to the question of the roles of London, Cardiff and Belfast. In addition, following the expenses scandal in the run-up to the 2010 general election, many people have begun to ask profound questions about the quality of our representative democracy. It is testament to the growth of the importance of this subject that a commitment to some form of constitutional convention appeared in four of the UK political parties' manifestos during the election earlier this year.

Back in 1992 I took part in the rally to campaign for a Scottish Parliament in the Meadows park in Edinburgh along with over 25,000 others. At that time the Scottish Constitutional Convention had been meeting for several years and included people from civil society and the churches, as well as politicians. I remember the great atmosphere at that rally, where I think everyone felt that they were fighting for something historic. The objective of re-establishing a Scottish Parliament was clear, and people were prepared to work across parties and reach out to civil society to achieve this goal.

The trouble with many of the more recent attempts to achieve political reform—this was perhaps particularly true in the last Parliament—is that they have been attempted on an ad hoc basis with a top-down approach. Indeed, in a sense, people have often been presented with the solution to an issue when they have been unaware of there being a problem.

As a Scot living in England, I am all too aware that the elasticity of tolerance towards the Scottish problem has its limits, but I fear that English votes for English laws is yet another example of a stop-gap solution that does not even begin to address the complexity of the subject. Although fixing these problems with yet another layer of "make do" solutions may politically suit nationalist parties on both sides of the border—not least as they are predestined to fail—I argue that dialogue and discussion based on inclusiveness are always going to be preferable to crisis and division. To engage in successful political reform, you have to take people with you.

In conclusion, I believe that a UK-wide constitutional convention is a concept whose time has come. It should be inclusive and, as the Bill sets out, at least 50% of its membership should come from outside the political world. As my noble friend Lord Purvis explained so eloquently, it should aim to tackle all aspects of the constitutional make-up of 21st-century Britain: relations between the four nations, voting reform, voting age, parliamentary democracy and active citizenship. Media, academics, think tanks, unions and religious organisations should all be involved. It is an opportunity to breathe new life into our democracy.

Some might say that if our democratic system is not actually broken, there is no need to fix it, and that people are much more concerned about the economy, jobs, schools and tangible things that affect their everyday lives. However, I fear that if we do not come up with a credible alternative to the seductive but simplistic charms of nationalism, the threat to our union will grow. We will need to take people with us when drawing up proposals for the future democracy of our country. I believe that the convention offers just such an opportunity to breathe new life into our democracy and to meet the challenges of an increasingly globalised world.

1.41 pm

Lord Forsyth of Drumlean (Con): My Lords, it is a pleasure to follow the noble Baroness, Lady Suttie. I have been on record on a number of occasions as trying to persuade the Government to set up some kind of constitutional convention or body to look at the issues that are threatening our United Kingdom, as the noble Baroness said. However, she will forgive me for pointing out that it was a constitutional convention and the creation of the Scottish Parliament on an asymmetric basis that got us into this mess in the first place. The failure to address both the funding of that Parliament and the West Lothian question is what we are wrestling with now. She will also forgive me for pointing out that in the last Parliament it was the Deputy Prime Minister who was responsible for these piecemeal reforms. We did indeed have a proper referendum on the alternative vote and the British people gave a very clear answer, showing what they thought about electoral reform and retaining our present system.

I am somewhat embarrassed because my heart is with the noble Lord, Lord Purvis, in trying to find some way of bringing the parties together to look at these issues as a whole, but I cannot support the Bill. The terms of reference for the convention set out in the Bill are to cover,

"the devolution of legislative and fiscal competence to … Scotland, England, Wales and Northern Ireland … the devolution of legislative and fiscal competence to local authorities within the United Kingdom … the reform of the electoral system … the reform of the House of Lords"—

which we have been discussing for 100 years—

"constitutional matters to be considered in further conventions, and … procedures to govern the consideration and implementation of any future constitutional reforms".

On top of all that, Clause 3(1) says:

"The convention must publish recommendations within the period of one year".

It is an impossible task to do all that within one year. It is far too big a menu or agenda and it is not what needs to be focused on now. The current threat is to the United Kingdom and we should limit our considerations to issues concerned with that.

I am also concerned about the composition of this constitutional convention. Clause 4 says:

"The convention must be composed of representatives of the following … registered political parties within the United Kingdom".

I do not know how many registered political parties there are in the United Kingdom. The clause goes on to include representatives from,

"local authorities ... the nations and regions of the United Kingdom".

Then it says:

"At least 50% of the members of the convention must not be employed in a role which can reasonably be considered to be political".

What does that mean? There is no mention of Parliament. These are matters which ultimately must be decided by Parliament, not by anyone else. Of course it is important to have views from outside, but the Bill is going down a wrong track and I do not think that the Government will agree to it.

Yesterday in this House, we had a short debate led by the noble Lord, Lord Butler, who, when I was in government, we regarded as second only to God in his authority. He suggested that we ought to have some kind of Joint Committee of both Houses. I believe that there is a Motion on the Order Paper to be debated on Tuesday to that effect. I very much hope that the Government will take on board that idea. I support what noble Lord, Lord Purvis, is trying to achieve, which is some kind of coherence rather than the mess that we are getting into on English votes for English laws, further powers to the Scottish Parliament and the issue of funding. It seems to me that that could be dealt with by a Joint Committee.

I say to my noble friend Lord Bridges that it is perfectly obvious what is going on here. The noble Lord, Lord Foulkes, said it yesterday in his speech. I take the noble Lord, Lord Dunlop, at his word in speaking from the Front Bench in answer to a question which I raised: if the Government are not prepared to set up a constitutional convention, he said that the Government did not mind if others did so. Others will do so. The Government and Parliament should continue to hold control of the agenda here, and I believe that a Joint Committee of the House of Commons and the House of Lords could achieve that—not just in the context of EVEL, which I regard as being spelt with an "i" rather than an "e", because it will do untold damage to both Houses of Parliament and to the United Kingdom itself.

In the debate yesterday, we did not get very far, but I pointed out that at the last minute, the Standing Orders had been amended to include Finance Bills. That is a huge step. That means that a Government would be able to get a large source of their revenue only if they commanded a majority in those parts of the United Kingdom outside Scotland. That is a major constitutional change and not something that can be done by Standing Orders or dismissed by the Front Bench as mere administrative housekeeping in the other place. If we reach a position where both Houses of Parliament can pass legislation but the legislation will fall because one section has not voted for it, we are in real trouble.

I do not for the life of me understand that, when the Government wish to reduce the size of the House of Commons. In the previous House of Commons, the then First Minister in Scotland, now a Member of the other place, Alex Salmond, said that he would accept a reduction in the number of Scottish MPs in return for extra powers for the Scottish Parliament. That has been the form which we have accepted for Northern Ireland for years: when we have had direct rule, they have had more Members of Parliament; when they have had more devolution, they have had fewer Members of Parliament. That is what Gladstone struggled with for 20 years. It was the final conclusion of the Irish home rule deliberations. That seems to me to be a much more sensible approach, which would meet the need to address the concern behind English votes for English laws, the concern about the asymmetry which arises from devolution—but I do not want to pre-empt any Joint Committee. I think that we should have a Joint Committee; it should take evidence; it should be given enough time to consider these matters; and its terms of reference should be narrowly focused on the issues which threaten the United Kingdom at present.

I very much regret that I cannot support the Bill as constituted. The noble Lord, Lord Purvis, said that at the end of all this the constitutional convention would have a plebiscite. A plebiscite is a referendum. The very last thing we need in these uncertain times is another referendum in Scotland on the issue of the United Kingdom. If this continues for much longer—if we continue to allow the nationalists to create dissidence and disillusion on both sides of the border—I fear that we will be unable to win in a referendum in England on the issue of the United Kingdom.

I hope that my noble friend will respond to the Bill, which is clearly not going to reach the statute book, by acknowledging that the Government need to set up a Joint Committee of both Houses to consider these issues.

1.49 pm

The Lord Bishop of Southwark: My Lords, I congratulate the noble Lord, Lord Purvis, on securing time for this Bill—a Bill that, in making provision for a constitutional convention, I am happy to support. I note that a growing consensus is emerging for the constitutional questions that we face to be addressed. To use the terms of the noble Lord, Lord Hennessy, when he recently addressed the House of Bishops, we are faced with a constitutional building site and no blueprint of what it is we are trying to construct. A convention could at least help provide that blueprint.

It was in 2011-12, when the right reverend Prelate the Bishop of Leicester served on the Joint Committee on House of Lords Reform, that we on these Benches first made public calls for a convention. A sizeable number of members of that committee, from across the spectrum, decided that the problem with trying to address as serious an issue as House of Lords reform was that the process was fundamentally flawed, for it sought to address issues of form rather than function. No one had adequately set out for debate the question about what the House of Lords ought to be doing. Naturally, it makes greater sense to settle the question of powers and function before getting into issues of form. That basic question is easily extrapolated into other similar constitutional questions, such as devolution.

[The Lord Bishop of Southwark]

Turning to the substance of the Bill, the proposal that 50% of the members of the convention should not be employed in political roles is much to be welcomed. It was a point that the House of Bishops made in its pastoral letter ahead of the election, when we called for the wide involvement of the whole nation and community in discussions about the constitution. To focus equally on those who are not employed in formal political roles argues for strong representation from churches and other faiths as key components of civil society. I wonder whether the Bill might be strengthened by the naming of such groups as being specifically included in a convention. The established church, which has been involved in every constitutional discussion since Magna Carta, would clearly have a locus in any discussion around the future of the constitution. I can confirm the willingness and active desire of the Church of England to be involved in such work.

While welcoming the broader thrust of the Bill, I am cautious about some of its rather ambitious proposals. To seek to make recommendations on such a broad list of issues as the Bill requires is a mammoth task. To do this within 12 calendar months might be considered to be Herculean.

However, there is perhaps a greater problem here. It is widely noted that public trust in our political system and class is at a very low ebb. Much of this is based on the perceived self-interest of political parties and a sense that short-termism that gives political advantage is often a governing factor in proposals for change and reform. If we are adequately to engage the people of this nation in a conversation about the nature of our constitution, this surely is a much bigger challenge to overcome.

In the list of things that a convention would address, this Bill rather assumes that there are things, such as the voting system, that need to be fixed. Such suppositions betray an underlying political conviction, and we ought perhaps to be wary of them. The 2011 referendum on the voting system confirmed as an important part of our democratic system that an MP represents a defined geographical area and is accountable to his or her constituents. A general election is still a collection of 650 local polls with the aggregated result determining the Government. It is not a single national poll, no matter how much our media and political system have portrayed it as such at successive general elections.

So questions about reform need to begin with function, not form, rather than assuming that the voting system needs changing. We should begin with questions about what is important in terms of representation and the nature of the key relationship between those who are represented and those who represent them. The same question about function and form can, as I have suggested, be asked about other areas of the Bill, too.

I turn finally to one thing of which there is no mention in the Bill: the lack of remit to examine the relationship between church and state, or the monarchy's position in relation to the church. It will not surprise your Lordships to learn that I believe this to be right, and I welcome it. If there were ever an appetite to address these questions, they ought really to be looked at separately. However, I note that one of the terms of reference in the Bill is to look at what ought to be matters for future conventions. I imagine that this could be an entry point to a debate on establishment, should there be pressure so to do. I would therefore be interested in the intentions of the noble Lord, Lord Purvis, in that regard.

While it will be clear that I believe that there are issues with the Bill, its call for a convention to address the constitutional issues we face is nevertheless much to be welcomed.

1.56 pm

Lord Maclennan of Rogart (LD): My Lords, I, too, congratulate my noble friend Lord Purvis on bringing forward this Bill. I have long advocated a constitutional convention for the United Kingdom to bring together the different features of our existing constitution. We have acted in the past with some disregard for the effect of reforms in one of the four nations of the United Kingdom on the rest of the United Kingdom, and I believe that the public are not happy about the current situation. I accept what the right reverend Prelate said about the public being disaffected with our political system.

I regret that a Minister in the Government has said that a constitutional convention is not a priority. I profoundly disagree with that statement. It is the most urgent priority to hold the four nations of this United Kingdom together if we are going to have any influence in the rest of Europe and the rest of the world. It must be the prime objective of a constitutional convention to indicate how the United Kingdom can be kept together.

We have bodies in Parliament which are concerned about this. We had the committee chaired by Graham Allen in the other place; we have the Committee on the Constitution in the House of Lords of which I am a member; and I believe that the unity of the United Kingdom will be a predominant consideration in the thinking and work of this party.

We need to recognise that political decisions should be taken at the level at which they can be effectively taken. That is why we had decentralisation in Scotland. There were certain differences of culture, of law and of ways of thinking which made it appropriate, but we must not let such differences divide the United Kingdom.

If we are to set up a convention, it should have coherence. I am persuaded by the voice of Professor Alan Renwick, of Reading University, who said that it should be governed by reason, not by interests or passion; that it should be inclusive, representing all parts of the United Kingdom; that it should have public legitimacy through seeking evidence from all round the United Kingdom; and that it should have political legitimacy in that the sovereign Parliament of the United Kingdom should make the final decisions and conclusions.

The reforms that we have made, in which I played some part in the early days of the Blair Government, have been incomplete and uncertain. I advise the Government to think about the effectiveness of the Convention on the Future of Europe—again, a body

on which I served in 2002-03—which produced, after much debate, a consensus, much of which has been implemented subsequently in the treaty of Lisbon.

Who sets the agenda? I think that my noble friend's agenda is probably too long for 12 months. It should be focused on the union. The question of who the convention consults is also important. We need more time if we are to identify the feelings of the citizens of this country. It should be a mixed assembly with a strong element of public participation and representation, including from academia, political parties, civic society and the general public of all of the United Kingdom. The balance between these is still for discussion. The chairman of the convention should be an independent person, perhaps a senior judge or a retired senior judge.

I commend the Bill to the House but it could be amended in ways that would make it more practical.

2.03 pm

Lord Soley (Lab): My Lords, I congratulate the noble Lord, Lord Purvis, on launching this important debate. I support the Bill although I share many of the views expressed by the noble Lord, Lord Forsyth.

To try to cover the details involved in the time concerned is totally unrealistic. What I and many people want much more is for the Government to take a lead. The Government have failed to see this as an important issue for people across all political parties and of no political party. There is a feeling throughout the United Kingdom that the governmental system is not working for people as it should. Frankly, they are right. That is the value of a constitutional convention.

I am worried that the Government, having won the election, sound arrogant and as though they do not want to listen to others on this issue. Why is it that across the political spectrum—the Conservative, Labour and Liberal Democrat parties and many others—people are shouting out for a lead from the Government other than on English votes for English laws? The reason I worry about this is that all of us who strongly support the union feel that the Government are not taking the threat seriously enough and looking at the depth of it. The fox hunting defeat for the Government should be a real warning. It should come as no surprise to anyone that Nicola Sturgeon, having said a couple of months ago that she would not oppose it because it is an English matter, has suddenly done an about-turn. It was a gift to the Scottish National Party.

I ask the Government to look at the agenda of those who wish to break up the United Kingdom. The SNP lost the referendum, and lost it badly, but that does not mean that it has given up the strategy of winning in the long run. It is using tactics which, among other things, are designed to raise English nationalism, and the Government are playing into that. The danger is that if English nationalism is not part of a constructive whole-United Kingdom role, there will be, not surprisingly, many English people saying, "If the Scots want to go, let them do it. Let's have a different party structure". You can see part of that happening within the United Kingdom Independence Party. If UKIP breaks up, I would guess that what will emerge from it is an English national party, and I cannot think of anything more dangerous to the United Kingdom than an SNP and an ENP. We need to address this and the Government must take a lead. I, along with many other people who strongly support the union, do not feel that they are listening. The Government are not talking to all those of us who support the union in the way they need to—and that includes people of no political party.

The right reverend Prelate spoke well on this. There is a widespread feeling that the governmental system is not working, and it is not just about English votes for English laws. One of the key issues to be addressed in this is the nature of devolution. I support devolution, but we need to be clear about what we are devolving and who to. We need to be clear about devolution in Scotland, Wales, England and Northern Ireland, where we also have to be conscious that any change made there must be made very sensitively, bearing in mind that there are international agreements which are lodged with the United Nations. This is a complex area.

Another thing we need to address in relation to that is, in a way, the core issue, one that is often unspoken and simply assumed: what role do we see for the United Kingdom, having devolved all these powers? I can list a lot of things that I think the United Kingdom should do, but we need to discuss them in relation to the issues which are devolved to the four parts of the United Kingdom and within the four parts. That is the strength of what the noble Lord, Lord Purvis, is saying, and it is why I do not mind this Bill going forward. It at least provides one way of debating and discussing these matters. I say to the Government that they need to address them.

The issue that matters here is what sort of second Chamber we want. I am not sure whether the noble Lord, Lord Forsyth, was saying this, but I agree that simply to reform the House of Lords as part of the structure of the Bill would not work very well. But it is inevitable that, if we are looking at what we devolve to the four regions and what we devolve within the four parts of the United Kingdom, it inevitably raises the question of what sort of second Chamber we want. We do not need to discuss it in terms of all its content, but we need to ask whether the second Chamber is to continue in its present role of primarily revising the work of the House of Commons, or does it in some way represent the four parts of the United Kingdom which will have achieved greater power. It is an important question and I do not have a simple answer.

I say to the Minister with all the passion I can bring to this: I want the United Kingdom to survive. It has been a fantastic achievement and the world admires it, as the noble Baroness said. We will lose it unless we start talking about these issues in depth with everyone, and, more than anything else, we start listening. In this case, it is important for politicians of every party to understand that their ears are infinitely more important than their mouths.

2.08 pm

Lord Norton of Louth (Con): My Lords, I, too, congratulate the noble Lord, Lord Purvis of Tweed, on bringing forward this Bill. However, like my noble friend Lord Forsyth, I have various difficulties with it.

[Lord Norton of Louth]

Constitutional change has occurred in recent years on an extensive scale and continues to take place. There are three distinct directions in which we can go in terms of such change. These can be subsumed under the headings of "incoherent", "measured" and "new". We have had major changes in recent decades under successive Governments, but each change has been justified on its own terms. There has been no serious attempt to look at the constitution as a constitution and consider what type of constitution we wish to achieve. There has been an intellectual discourse on different approaches to constitutional change but the measures pursued by government have not adhered to any one approach. There has been no intellectually coherent approach adopted by government. As a consequence, our constitution will be the sum of a range of disparate and discrete measures imposed on our existing constitutional arrangements. Without taking action, we will continue on what is an uncharted and potentially dangerous path.

I move from the incoherent to the measured. This is where there is some consideration of how changes fit within our constitutional arrangements. This entails reflection and dialogue, and seeing how existing and proposed changes impact not only on the constitutional framework of the United Kingdom but on how they relate to one another. No reform is exclusive to itself. Hence, my argument, which I have previously developed, for a constitutional convocation, a body that can make sense of where we are and provide some coherent framework for understanding how further changes relate to existing arrangements and to one another. It would provide some shape but without committing us prematurely to some new constitutional settlement.

This brings me to the third direction. This is where we move to a new paradigm, in effect a new constitutional settlement, which may mean a codified constitution. The vehicle that has been variously recommended for delivering this is a constitutional convention, which, to quote *Black's Law Dictionary*, is:

> "A duly constituted assembly of delegates or representatives of the people of a state or nation for the purpose of framing, revising or amending its constitution".

The Bill is designed to formulate a new constitutional settlement, or at least a part settlement, for the United Kingdom. The sheer scale of change we have witnessed constitutes an argument against establishing a body that would craft a new constitution before we have had time to understand the consequences of those changes already undertaken or to which the Government are already committed. I want us to make sense of where we are, to understand what principles underpin, or have underpinned, the changes of recent years.

We are frequently reminded of the saying, "If I was going there, I wouldn't start from here". My point is that not only have we not determined where we are going, we have not even determined exactly where we are. My argument is that we need a much clearer sense of where we are constitutionally, of how the parts of the constitution as it now is hold together, if they do, before attempting to create a new constitutional architecture.

I turn to problems with the Bill on its own terms. The noble Lord, Lord Purvis, rather skated over the provisions of the measure. It prescribes a limited number of subjects to be considered initially by the convention. I can understand the reasons for that but the parts of the constitution adumbrated in Clause 2 impact not only on one another but on other parts of the constitution not specified in the clause. It does not provide for an extensive examination of one part of the constitution but neither does it provide for looking at the constitution as a whole.

The provisions for a convention are too imprecise in form. Too much is left to the Secretary of State. The intention of utilising a convention, with at least half not drawn from politics, is presumably to establish some degree of public trust but it is not clear how that will be achieved. How many people will be chosen? How will they be chosen? What qualifications, if any, will they be expected to have? Do we go for ordinary members of the public? If so, will they be chosen by election, by lot or by nomination? Election may be preferable for the purpose of trust but, given that a proportion must not be politicians, on what basis will electors be making a choice? I agree with my noble friend Lord Forsyth and others who have spoken in the debate that the convention is given an essentially impossible timetable. If one is going to take seriously the task of examining thoroughly all the subjects specified in Clause 2, it will not be possible to do it within 12 months.

The Bill shows the problems with trying to create a constitutional convention when one is dealing with an extant constitution. We are not in the situation in which conventions normally find themselves. We have nothing approaching a clean slate or even a moderately clean one. Ours bears the markings of centuries, as well as the rushed and extensive writings of recent years. Trying to make sense of that and where we go imposes a particular burden that cannot be borne lightly or undertaken in haste.

2.15 pm

Lord Taverne (LD): My Lords, the more I listen to and read of the discussions on this topic, the more I am convinced of the enormous importance of what we are discussing—it will determine the future of the United Kingdom—and of the great problems that are faced by a constitutional convention, or, indeed, a convocation. A wide range of subjects will have to be considered by any such body. A piecemeal approach is very likely to lead to the break-up of the United Kingdom.

As the noble Lord, Lord Soley, said, an essential part of a convention must be the consideration of the future of this House. The question arises: to whom or to what body will the different regions and countries of this country report? Where will it be represented? To my mind, the most promising model we should look at is the Bundesrat, which represents the different Länder in Germany. A proportion of the upper House depends on population; the representation of the delegations depends on the votes cast in the previous election. That seems a promising result.

Apart from anything else, I do not see how we cannot soon face the problem of the future of this House. The continuous expansion of its numbers makes its operation dysfunctional. Apparently it is going to grow. Unless it is considered as part of an overall

settlement, this House will not be able to function properly. It seems to me from this House's point of view that one has to have a cull of number according either to age, or to length of service. Neither is entirely satisfactory. It must be considered in the wider context, as indeed should be the whole question of the future of representation of different parts of a devolved constitution of this country.

2.17 pm

Lord Kerr of Kinlochard (CB): My Lords, I shall speak on the convention in Brussels to which the noble Lord, Lord Maclennan of Rogart, referred, on which he served with distinction. It consisted of 200 individuals from every member state in the European Union and every candidate member state, from every Government and every Parliament. Some came wanting greater centralisation of power; some came wanting repatriation of powers. In practice, like the previous Government in their balance of competencies review, it could not identify any that it would be in the national interest to repatriate.

The convention worked for 18 months and reached its conclusions by consensus. We neither repatriated powers, nor recentralised them. We aimed at stability, entrenching the definitions of powers, making it more difficult to have creeping extensions of competence. We reached conclusions by consensus. For the first six months we did none of the above; we addressed conceptual papers prepared by the secretariat, which I was privileged to lead. The discussion of those papers led the conventionnel to come to understand each other better: to understand where they were coming from, to appreciate what might and what would not be possible. In the second six months, we addressed particular issues. Only in the third six months—although the thing wound up in 17 months—did we look at particular solutions and drafting issues. We reached consensus.

This is what worries me about this Bill. I support the idea of a convention but find the terms of reference in Clause 2 very hard to understand. I think you have to start from the conceptual and the general, and hone in on the particular when you have reached conclusions on the general. But these terms of reference seem to me to go the other way. I greatly admire the Liberal Democrat enthusiasm for localism, but to start with devolution is wrong. I believe that the noble Lord, Lord Soley, is quite right: you need to consider the countervailing force.

I would like to see us, in the spirit of John Stuart Mill, considering the basic issue of the bargain between state and citizen. What is the relationship between the United Kingdom and its citizens? What is the balance of rights and responsibilities? You need to ensure that a balance is struck between empowering the citizen, ensuring that decisions are taken at the closest possible level to him and involving him to the extent that is possible, and not disabling the state so that it remains able to provide the essential state functions which it is in the citizen's interest are provided centrally, and the democratic control over their provision.

This would be for the convention to explore but I see three categories of state function. I would like to see a narrative develop on the role of the state. What are the functions of the central United Kingdom state? The first is the state's responsibility for security and stability. We all agree that disaggregated defence makes no sense. The same goes for foreign relations, law and order, monetary stability and the currency. I argue that there needs to be some sort of fiscal flywheel to deal with exogenous external shock. When the oil price halves, the national economy greatly benefits but the economy of north-east Scotland does not. The SNP should be careful what it asks for. Had it now got the full fiscal autonomy it sought, and ostensibly still seeks, it would be in dire fiscal straits.

The second category of central state responsibility must be to ensure, although not necessarily to provide, adequate access to education, healthcare, maternity care, care for the elderly and care for the disabled, to which the citizen of every modern state is entitled.

Thirdly, I believe the citizen has the right to expect that the central state will ensure, although not necessarily itself provide, that, wherever he lives, he enjoys equal access to adequate transport links, energy supply and internet connectivity—a sort of public service obligation provision.

If I am right, a fourth point follows. The per capita cost of providing my second and third categories of state services obviously varies with geography and is highest where population density is lowest. Maintaining roads is costlier in the Grampians than in Godalming. If citizens all have equal rights to such services—and I suggest that they do—the need for a central redistributive fiscal mechanism is clear. In all the countries where I have lived, the centre has supported the periphery. But equally clearly, this redistributive mechanism must operate to empirically determined and weighted criteria. It must not be a historical irrelevance like the Barnett formula.

We need a clear rationale and a system that reflects it. All my four categories of function need discussion from first principles. That, in my view, is where a convention should start. What is the union for and how can the services the union exists to provide for the citizen best be provided? The present situation, where the extent of devolution is determined solely by demand, which can never be fully satisfied without abandoning the union of these islands, is profoundly unsatisfactory. We must stop changing the constitution in sudden lurches, like last September's extraordinary "vow", penned by a columnist in the *Daily Record*, which is not normally seen even as a journal of record; or the Prime Minister's extraordinary 7 am broadcast: the EVEL broadcast—I spell it with an "e" in this case in deference to the Prime Minister—or the back-of-the envelope solution to the Prime Minister's question produced by Mr Grayling in the House of Commons this week, which, as a constitutional aberration, is extraordinary in my view. I agree with the noble Lord, Lord Norton, and with what the noble Lord, Lord Butler, said yesterday. This is no way to handle the constitution.

I hope that this House will look very closely at the drafting of the Bill. The principle is absolutely correct but the stability of a planetary system rests on the balance between centrifugal and centripetal forces. As it stands, the Bill suggests that the convention would be about centrifugal forces. I think it also needs to address centripetal forces. The terms of reference should

[Lord Kerr of Kinlochard]
be to find the point of balance and entrench it. When it has been found, the proper handling of issues of devolution—in Clause 2(a) and (b)—will follow; it can be derived from it. Similarly, the parliamentary reform agenda can be derived from it. One needs to start at the beginning. I would drop Clause 2(e), the idea that the convention should draft agendas for future conventions. I agree with the noble Lord, Lord Forsyth, that the idea of a perpetual Maoist revolution, with perpetual conventions—let alone referenda—is not what we want. What we want is stability. Let us stop endless improvisation. Let us pause and reflect. Let us get it right. By all means, let us have a convention. I strongly support the principle of the Bill introduced by the noble Lord, Lord Purvis.

2.26 pm

Lord Trefgarne (Con): My Lords, I apologise for not having put my name on the list. I will detail your Lordships for only a very few moments.

I share many of the reservations that have been expressed about the Bill by those who have already spoken, in particular my noble friends Lord Forsyth and Lord Norton. I believe firmly that a major constitutional event such as is anticipated in the Bill ought to be a public Bill, not a Private Member's Bill considered on a Friday afternoon towards the end of the term. It should be a major public event, which this Bill most certainly is not.

I will touch briefly on one of the issues contained in the schedule of items to be discussed; namely, House of Lords reform. I ask your Lordships whether House of Lords reform is really best considered and recommended upon by representatives of local government or from the regions, or even from a political party that does not have a representative in either House. I think not. We can explore some of these issues when and if we get to Committee on the Bill, and I shall look forward to taking part in that process.

2.27 pm

Baroness Randerson (LD): My Lords, I thank my noble friend Lord Purvis for introducing the Bill and enabling us to have a very important discussion. He is leading where the Government seem afraid to follow. I agree with the noble Lord, Lord Trefgarne, that this should be a public Bill and it should be a government Bill—but unfortunately that is not being produced.

My party, the Liberal Democrats, supports the concept of the convention. We welcome the provision in the Bill for the wide inclusion of members who are not drawn from political parties. This is essential because of the increased desire of the public to be directly involved in democracy. Conjoined with that is the increased distrust of politicians. Of course politicians will have input into this, but that must be balanced by the views of the general public.

Several noble Lords have raised the issue of timescale. I say to them: yes, it is an ambitious timescale but I think that they would agree that it is very important that there is a timescale and that this is not something that can be drawn out so that it is endless and therefore meaningless.

We spend a lot of time in this House discussing the implications of things for Scotland. As ever, I want to redress the balance by referring to the implications for Wales. Wales has a complex devolution settlement which is intertwined with the settlement as it applies in practice to England—and it is legally complex. The annexe to the Command Paper issued following the St David's Day agreement this year illustrates that legal complexity. The annexe is based on current powers and annexe B lists 98 different fields for reservation—so if you rewrote the Welsh settlement on a reserved powers model there would be 98 reserved fields. Annexe C also gives the example of road transport. We all think that road transport is devolved to the Welsh Government. In practice, the example as worked through sets out no fewer than 19 areas of reservation within that power. The effect of this is that entirely English laws are very rare.

Yesterday the noble Lord, Lord Lisvane, pointed out in our debate on EVEL that this House could amend England-only legislation to make it UK-wide, which I anticipate would happen frequently. As long as the Barnett formula remains, anything that affects spending decisions in England also affects Wales, Scotland and Northern Ireland. In preparation for this debate, I have been trying to think for several days of legislation that would not have spending implications across the board. Even something such as hunting would have enforcement costs that would have an impact further down the line. So the concept of the Barnett formula—that funding for the individual nations is predicated on political decisions made for England—inevitably has a consequence across the board.

The noble Lord, Lord Haskel, yesterday gave the example of education. A policy change in England on education which meant a reduction in spending, or even an increase, would inevitably have the same implication for the other countries of the union. That would mean that their Governments would have to change their policies—and this happens constantly—to take account of policy decisions, and hence spending decisions, made in England.

For Wales in particular, there are other ways in which services in the two countries are intertwined because there is a long and porous border. I will take this week's example of seven-day NHS working in regard to cross-border health services. If a decision is made about such seven-day NHS working in Shrewsbury Hospital, it is of legitimate and direct concern to patients living in Wales whose local hospital is in Shrewsbury. The truth of the matter in that it is easy to talk about these issues as points of principle but very complex to bring them into practice.

The Government's rushed and amended proposals do not begin to address these issues. Their amended plans are so procedurally complex that they are totally opaque and for democracy to work properly, it has to be transparent. I believe that a convention would bring that transparency. There is wide support from almost all parties, except the Conservatives, for a convention—and even on Conservative Benches there is support for the idea, as we have heard today. Many proudly boast that one of the strengths of the UK constitution is its flexibility because it is unwritten, but the Government should heed the signs. That flexibility

or elasticity is being stretched so far that it could snap—a point made by my noble friend Lord Maclennan. The Government must come to terms with the reality of the situation in both Houses in this Parliament and should think seriously about supporting the concept of a convention.

The SNP is in control of a wrecking ball. Northern Ireland is not settling down to democracy as fast as we had once hoped, and Wales has a constant feeling of being disgruntled, because it had a half-baked devolution settlement—which is progressing but is still half-baked—and still has a half-baked funding formula. The Government's EVEL proposals could entrench those problems even deeper. People in all four nations need to feel that there has been a long, hard look at the situation by an independent and fair-minded convention, and I urge the Government not to be afraid to follow the lead of my noble friend.

2.35 pm

Baroness Hayter of Kentish Town (Lab): I, too, thank the noble Lord, Lord Purvis of Tweed, for an important Bill which, if the Government had any sense, they would fast-track and perhaps even trumpet as their own. Noble Lords have succinctly demonstrated the need for a convention of this sort, as well as the risks of not taking such a way forward. What has happened in Scotland increases the urgency of a cross-party, cross-interest review of constitutional changes. As a European Londoner from Wales, I find that there are similar reasons for proceeding in this way, in addition to the rubbishing of the English votes for English laws proposals that we witnessed in this House yesterday.

In the past, of course, the Conservatives were more than happy for decisions affecting one part of the country to be taken by MPs with no interest whatever in that area. I think that some of the guilty men may even be here. In 1985, they used English votes to abolish the Greater London Council without any safeguarding of the votes of Londoners' representatives or giving them a double majority. I assume that the Minister would now chide that Government for that oversight. Indeed, with the last Government's boundary changes, reducing the number of Welsh seats by 10, there was no suggestion of any veto for Welsh MPs. Perhaps the Minister would also chide his predecessors for that oversight. Furthermore, when the statutory instruments implementing those boundary changes go to the Commons, will Welsh MPs be given a double lock over them?

Lord Forsyth of Drumlean: I take the chiding, but does the noble Baroness not recognise that one reason why the Labour Party has been destroyed in Scotland was because it adopted the language of nationalism for years and argued that Conservative Governments did not have a mandate to govern in Scotland because they did not have a majority in Scotland? Should not we learn from that experience that we need to approach these matters on a United Kingdom basis?

Baroness Hayter of Kentish Town: I certainly agree with that statement at the end—these are United Kingdom issues. What happens in one place, whether it is with met councils and how they run their transport, affects all of us. Whether we are planning our business or our lives, you cannot take out geographical areas and think that there is no whole UK effect.

It is the same with the Church of England. We were delighted when the Church of England accepted women bishops and delighted when this House changed the order in which they will appear in this House, but surely there is no idea that only English MPs should debate and take an issue on that, because the bishops of Wales and Scotland are not involved. All these things have cross-UK implications.

On the future, there was a helpful publication, as has been mentioned, by the Political and Constitutional Reform Committee in the other place, called *The UK Constitution*, which had options for reform. It set out a checklist by which we could judge the desirability of any constitutional change, such as whether it recognised every citizen as a partner in government at local, regional and national level; whether it affirmed that each citizen was entitled to fair and equitable treatment under law; whether it protected and cultivated community identities within the four countries of the union; and whether it protected freedoms of thought, conscience and assembly and peaceful dissent against the encroachment of tyranny. That is different from the list set out by the noble Lord, Lord Kerr, but it is a similar approach. There are some basics against which we should measure any constitutional change.

The report also suggested that one way of cherishing but adapting our constitution could be via a standing commission for democracy that would propose constitutional amendments that could be approved by two-thirds of the Members of both Houses. There is little doubt that the UK needs the flexibility for constitutional change to adapt to changed behaviours, assumptions and expectations and, indeed, to changes in technology, as well as to different functions. The last thing we want is the problem the US faces in making changes to its constitution. I am reminded of a wonderful cartoon in the *New Yorker* last year, which showed bearded 18th-century gentlemen sitting around a table finalising the seven articles of the emerging US constitution, with one of them saying something like, "Now let's add a final paragraph that no one's ever allowed to change any of the above". That is not the way we want to go. We need something different, but we need a process which does not spring just from one governing party at one point in time, nor one that is indifferent to the wishes of the wider body politic, the other parts of our democracy, be they the churches, the judiciary, the political parties or, most of all, the electorate—the citizens whom we all serve.

Happily, we have to hand at least one thought-through proposal for a constitutional convention, which was set out by Vernon Bogdanor in his pamphlet *The Crisis of the Constitution*. I may not agree that we need a written constitution and, along with the noble Lord, Lord Forsyth, I certainly do not agree that we want more proportional representation, which has been so damaging to elections to the European Parliament, but his case for channelling the democratic spirit and the desire for change into constructive channels based on reason and trumping some single-party brainwave

[Baroness Hayter of Kentish Town]
is surely unanswerable. Constitutional change without cross-party agreement is a mischief which brings no credit to the Conservative Party.

There are many issues beyond this Bill. There is the EU referendum and what would happen if the four nations voted in different ways. There is the change in the balance of Executive to MPs with the reduction of seats to 600. There is the Government's extraordinary proposal to have 50 fewer elected politicians and 100 more unelected politicians. There are coalition or minority Governments, Civil Service reform, elected mayors, how we work in Europe and our relationship with the Parliament, the European Economic and Social Committee and the Committee of the Regions. There is party fragmentation and all it means. There are the proposals for the recall of MPs. These are complicated challenges that face all of us. In the words of the noble Lord, Lord Norton, we have to see how they hang together and are part of a whole.

It is not simply the English issue, important as it may be. In his pamphlet, Vernon Bogdanor says that as 533 of the 650 MPs represent England, it is slightly hard to conclude that they are not getting a fair say in the laws which govern their territory with its 85% of the UK's population. Indeed, he quotes the case against an English Parliament from the 1973 Kilbrandon royal commission and describes EVEL as "incoherent" and "separatist" leading to two systems of government. It also fails to address the question of why English Ministers should not be treated the same way as the proposals for laws, so that certain Ministers would be excluded from certain discussions, given that most Ministers do not make laws but take decisions day by day. The nonsense of that shows the nonsense of what is in front of Parliament at the moment. It is self-evident nonsense, especially from a Conservative Party that, sadly, seems to have lost the word "unionist" from its title.

Very few pieces of legislation divide neatly into geographical areas. For that reason, the Government are talking more about individual clauses than about individual Bills, with added complexity for your Lordships' House. The proposal will also increase the power of the Executive at the expense of Parliament, since it is the Government who draft Bills and therefore can manipulate whether certain bits might apply to just one part of the union.

Bogdanor's call for a convention—or convocation, to use the word of the noble Lord, Lord Norton of Louth—argues that constitutional reform is a process, not an event, with the issues needing to be seen as interconnected rather than separate and discrete. That is why he calls for a UK-wide convention, with popular participation, to consider the constitution as a whole.

Issues of constitutional importance, whether EVEL or Scottish tax-raising powers, have profound implications for our wider democracy and how Parliament operates. There should therefore be time, space and broad participation to consider any proposed legislation, including its effects on other aspects of how we are governed. I think it is clear from what I have said, and from Ed Miliband calling for such a convention in September last year, that we support the Bill. With reference to some of the comments made by the noble Lords, Lord Forsyth and Lord Kerr, we would want to finesse this in Committee, but a broad-based and, in particular, a cross-party approach is surely what this country needs.

2.46 pm

The Parliamentary Secretary, Cabinet Office (Lord Bridges of Headley) (Con): My Lords, I congratulate the noble Lord, Lord Purvis of Tweed, not merely on securing this debate on his Bill but also on his considerable and thoughtful contribution to the debates on our constitution over a number of years. In preparation for this debate, I have read a number of his great works on devo-plus. I also read a very interesting lecture given some years back by the noble Lord, Lord Kerr, at the British Library. I see in the questions and answers at the end that he said,

"perhaps I should put on record that, if anybody is thinking of having a Constitutional Convention to write a UK Constitution, I am 100 per cent sure that I don't want the job".

I am sure that the noble Lord, Lord Purvis, will take note of that. I thank all those who have spoken in this extremely interesting debate for their thoughtful contributions.

While we may have our differences about the Bill and the matter under discussion today, I hope the debate shows that on all Benches there is a strong wish to ensure that while our constitution will continue to evolve, it does so in a way that safeguards its stability and fairness, the unity of the nation and the sovereignty of Parliament. It is clear that we all agree on the importance of getting constitutional change right. The issue that we are debating today, and which is the Bill in front of us, is not our intent or goal; rather, it is about how we achieve that aim and, specifically, whether a constitutional convention of the kind proposed by the noble Lord, Lord Purvis, would help as things stand today. Furthermore, while I disagree with some of what has been said by some noble Lords, obviously I respect the arguments and applaud the passion with which they are made, especially by the noble Lords, Lord Maclennan and Lord Soley. I assure the noble Lord, Lord Soley, that in no way would I wish to suggest that the Government are in any shape or form complacent about these matters.

Before I talk about the Bill itself, I should like to take a step back. I believe that the British constitution has proved to be one of the most successful and enduring political structures thanks to its flexibility, its sensitivity and its almost infinite capacity to evolve. That adaptation takes place in response to the ever-changing nature of our society, our economy and the world. The shape of our constitution evolves in parallel with the needs and expectations of the nation and all its constituent parts. I respectfully suggest that a convention established as a static entity with restricted membership, defined terms of reference, limited time and specific recommendations might well fit unnaturally in that context.

Here I agree with the noble Baroness, Lady Suttie, that we do not have a revolutionary approach to constitutional change. Lord Hailsham added to the twin pillars of the constitution identified by Dicey—those of parliamentary sovereignty and the rule of law—a third that he described as,

"derived from its essentially flexible and evolving nature".

He went on:

"This is our inveterate and, to my mind, highly desirable habit of being governed as much by convention as by the strict letter of the law. That is what makes the importation of foreign conceptions, American or continental, or otherwise alien constitutional language or thinking, into our constitutional debates so questionable. All may be admirable in themselves. But all are foreign to our way of doing things. Both may be admirable fruits, but you cannot graft a pear on a peach".

I suggest that a constitutional convention of the kind suggested today would be just such a pear and would not graft naturally on to our constitutional tree.

Furthermore, as my noble friend Lord Forsyth suggested, I, too, am a strong believer in the wisdom and sovereignty of Parliament. People look to your Lordships and the other place to debate, scrutinise and legislate, perhaps particularly so on constitutional matters. For example, I warmly welcome the diligent and thorough work of this House's Constitution Committee, which is admirably and ably led by my noble friend Lord Lang. Its reports, so rightly held in high esteem in this House and beyond, provide rigorous and perceptive analysis on some of the most complex and significant issues of the day. It is for that committee to decide on its work programme for the future, and I am sure that the Government will give careful consideration to any reports that it issues in this sphere.

My noble friend Lord Forsyth made a very passionate and thoughtful speech. In response to his specific point on a Joint Committee of both Houses to consider all these issues, not just English votes for English laws, I am sure that your Lordships will wish to mull that over; it merits consideration, and I will bring it to the attention of my colleagues and reflect on it myself.

However, it is right that our constitutional programme is set by the democratically expressed voice of the electorate delivered within our parliamentary institutions. Of course we need to heed the views of the electorate. However, I simply pose the question: what would it say about our own faith in the parliamentary process if we were to handle a matter of this magnitude in the way suggested by the Bill? I am not persuaded that such an innovation as that put forward by the noble Lord, Lord Purvis, would be an improvement on our current constitutional arrangements, which have been developed over centuries and are often the source of envy or inspiration around the world. I fear that it could diminish or negate the proper role of this Chamber and the other place.

Clearly, a number of your Lordships disagree with me. Therefore, my next question is: is there a great appetite for such a convention? Are the guts of the British body politic rumbling and growling with discontent at the lack of a convention? Among some hardened constitutional activists, if I may use that phrase, there is indeed such a gripe, but what about among the general public? I suggest not. That said, there is an appetite for change, and a Government with a mandate to deliver on their commitments to change; not just change as regards devolution and the English question but, for example, change to our human rights laws and to our relationship with Europe.

We are delivering on our pledge to hold a referendum on Britain's renegotiated membership of the EU, which is surely one of the biggest constitutional issues there is, and one that clearly matters to people. Therefore it cannot be argued that the Government wish to stifle public debate about the constitution and how our country is governed. We are more than willing to have that debate and to deliver on our commitments.

Those commitments aim to ensure the continuity and stability of our union and broader constitutional settlement. We are pursuing our policies in accordance with the principles of fairness, respect and opportunity for all. We will govern as one nation to deliver a balanced and strong union, but one that recognises the unique histories and nature of our nations and regions. As Lord Hailsham also once said,

"diversity in unity and unity in diversity are at once the glory and the characteristic of our",

constitution.

A constitutional convention risks undermining the role and the place of Parliament, is unnecessary and has no public support. However, to those who want a convention I say: let us use the Bill before us today to consider how it might work in practice. I start by gently reminding the House of our Constitution Committee's nervousness of skeleton Bills. As recently as last week, when it took evidence from my right honourable friend Oliver Letwin, the committee described such Bills as those which contain few specific provisions and provide significant powers for Ministers to make decisions through regulations. My fear is that the noble Lord may well find that such a description could apply to the Bill, which makes very little provision for the convention that it seeks to establish—perhaps intentionally, to avoid answering some difficult questions—and leaves the Secretary of State to determine much of the detail. Indeed, as skeletons go, the Bill would certainly earn a place in the Natural History Museum.

I turn to the convention's remit, a point to which a number of noble Lords made reference. I suggest that the electorate have already spoken on the issues outlined in Clause 1 and have given this Government a mandate to address them—on Scotland, Wales, Northern Ireland and England. In terms of devolution, for example, only yesterday my right honourable friend the Prime Minister set out our plans for Cornwall. Nevertheless, the Bill rather optimistically provides for the convention to give recommendations on all these complex issues, and to do so within a year. As a number of your Lordships have remarked, this is incredibly ambitious. I know that a week is a long time in politics but, with a scope so broad and varied, I wonder whether the Bill risks setting the convention a truly impossible task. While the ambition may be noble, would a convention really be able to come to a meaningful and considered decision about all these topics in just a year? I am reminded of what Professor Robert Hazell of the Constitution Unit of University College London, warned when he considered a similar list of constitutional conundrums:

"A convention charged with resolving such a wide range of different issues would face an impossible task. Each issue has proved intractable; in combination they are insuperable".

Before I leave that point, I want to highlight a matter raised by the right reverend Prelate the Bishop of Southwark and the noble Lord, Lord Kerr. This convention would spawn a number of other conventions. It would be not the end of the process but the start.

[Lord Bridges of Headley]

However, let us imagine for a moment that a convention proceeds and helter-skelters down this track. The noble Lord has argued that his proposed convention would run in parallel with the devolution of powers to Scotland and Wales. I am glad he concedes that, for the priority must be for the Government to deliver on what was promised to the people of Scotland after the referendum and to fulfil the commitment made to the electorate right across England at the general election in May. However, this begs another interesting question. How could a convention usefully engage in a constitutional deliberation in such a dynamic environment in parallel with legislation on Scotland, Wales and Northern Ireland, consideration of proposals for English votes, an EU referendum and a Bill of Rights?

Turning to the composition of the convention, I note that the Bill suggests that the convention must comprise registered parties—a point mentioned by my noble friend Lord Forsyth. He asked how many registered parties there are. I can tell the House that there are 458. Which of these would be invited to the convention? Would the Fancy Dress Party get a look in, or the Birthday Party? What about the Church of the Militant Elvis party or—my favourite—the Grumpy Old Men Political Party?

Noble Lords: Hear, hear!

Lord Bridges of Headley: Who would determine which parties were represented? Would it be the Secretary of State, the convention chair—if, indeed, there is one—or the public? Then there is the reference to local authorities. Which local authorities, and should this be determined on size? Would it be—I ask this with a certain interest—Surrey County Council or Mole Valley District Council, or would we simply be represented by the LGA? Then there is a vague reference to nations and regions of the UK. Would that include members of your Lordships' House? How many of these representatives would come from England, where most of the population live, and who would choose the regional spread?

That begs another interesting question. Should there be one unified convention or a series of mini-conventions? If just one, how would the voices of each constituent part of the union be fairly heard within that group? Should they have a veto? What if representation from one nation disagreed with that from another? Here, I quote—

Lord Kerr of Kinlochard: The noble Lord picks the nits with great skill and precision but I wonder whether he is going to address the big issues here, particularly that raised by the noble Lord, Lord Soley—the need for a union narrative.

Lord Bridges of Headley: My Lords, I entirely agree that there is a need for a union narrative. I believe that this House has heard that many times—perhaps not many times but a number of times—from my noble friend Lord Dunlop and from me. As I said, it should be based on the principles of fairness, balance, proportionality and respect for different parts of the union, and I believe that, as we continue to debate these issues in, for example, the Scottish Bill and other pieces of legislation coming to this House, we will continue to flesh that out.

As I was saying, Alan Trench, a fellow at the Constitution Unit, commented:

> "What is vital for Wales is of much less importance in eastern England. To the extent there is a 'Scottish', 'Welsh' or 'north-east English' interest in the Union, each of these is different. Trying to set up a convention to resolve these issues without being clear about what the interests of the various groups are, and how they relate to each other, will be impossible".

Finally, there is an interesting reference to the fact that:

> "At least 50% of the members of the convention must not be employed in a role which can reasonably be considered to be political".

I understand the gist of the clause, but I think that a lawyer would be able to rack up quite large bills contesting its implementation. Those considered political might include trade union workers, pollsters and even journalists, while a seasoned activist with very clear political convictions could be considered an ordinary member of the public just by nature of his or her employment. Who these people are and how they are to be chosen is another potentially contentious issue on which the Bill gives little indication. As the outcome of a convention depends on its members, does it not worry noble Lords that there appears to be significant confusion and inconsistency as to who should participate in this one?

Those points may sound frivolous, and the noble Lord, Lord Kerr, may say that I am nitpicking, but they reflect a serious flaw, because the debate over who gets to debate these matters would be acrimonious, generating heat not light. As I said, we would need a convention before the convention has begun just to deliberate on all that.

Lord Forsyth of Drumlean: My noble friend has done the easy bit, which is taking apart the Bill. Will he address the point made by my noble friend Lord Norton of Louth? What about looking at the way that all these piecemeal reforms hang together and where we are now? What are the Government going to do to provide a lead?

Lord Bridges of Headley: I am sorry to beg to differ with my noble friend, but I believe that we are providing a lead by setting set out our plan in our manifesto and now delivering on that plan. That is the lead for which we got the mandate. I am sorry that we disagree on this point, but we clearly do.

Lord Soley: I just want to follow that up, if I may. The noble Lord has done the easy bit of saying what he is against. I understand that. Can he say what he is for? He could perhaps address whether he will consider a committee of the two Houses to look at what the role of the United Kingdom bit should be, because that would help the rest to fall into place.

Lord Bridges of Headley: As I said, this is an idea that my noble friend Lord Forsyth has put forward with great passion and eloquence, and I will certainly

take it away to give it further reflection and bring it to the attention of my noble friend the Leader of the House. But I am in no position to make promises from the Dispatch Box here and now. The noble Lord, Lord Soley, says that this is the easy bit, but this is in fact the essence of what we are debating today: the impracticalities and flaws behind such a convention.

Let me conclude by repeating—I am sorry that a number of your Lordships disagree with it—that now is not the time to attempt to delay the constitution's adaptation in response to the express wishes and needs of the people and communities across the UK. This Government believe that our focus must be on delivering the fair and stable settlement that will ensure the stability and continuity of our uniquely successful constitutional arrangements. I am sure that there will be plenty of opportunities for constitutional scrutiny and debate. I look forward to benefiting from the insight and experience of all noble Lords, especially the noble Lord, Lord Purvis, who, as I said, has done so much to contribute to this debate as a whole.

3.03 pm

Lord Purvis of Tweed: My Lords, I am most grateful to all those who have taken part. If nothing else, I have allowed the Minister to reflect on some contributions about how we may improve how we conduct our business in Parliament. I commend his research in advance of this debate, and I will read *Hansard* to see whether there is any living flesh on the skeleton that I can take as a positive from his speech. He was also most helpful by clarifying that an amendment proposing the noble Lord, Lord Kerr, as chairman of any convention will not be forthcoming. Whether or not the noble Lord, Lord Kerr, is or has ever been a member of the Grumpy Old Men Political Party is for the noble Lord alone—who signals his joy at such a proposition—to say.

There are a couple of aspects of the Minister's comments on which I hope that he will reflect. He said that the Government have what I may describe as an absolute mandate for their agenda. He is going too far down the line when he defines the mandate for his party in government. The SNP says exactly the same thing about Scotland. Let us at least have some form of wider aspect that there are some other views. Indeed, that is what led the Strathclyde commission, from his own party, to propose the establishment of a committee of all the Parliaments and Assemblies of the UK to carry on such discussions. I think that that was a very constructive and positive proposal—some may argue that it is a better proposal than mine. Nevertheless, both the Strathclyde commission and I come from the position that this process simply cannot stand going forward.

I warmly welcome the support of the noble Baroness, Lady Hayter of Kentish Town, who put this into the wider context. I am most grateful for that.

As the noble Lord, Lord Trefgarne, said, in the absence of this being a public or government Bill, it is incumbent on those of us who believe in the proposition to put it forward and allow Members to scrutinise it, as we will be doing further.

My noble friend Lady Suttie highlighted that it is no longer a West Lothian or Scottish question—it is a union question. As a Liberal, I seem to have secured the heart of the noble Lord, Lord Forsyth, which I appreciate causes him unease. However, his subsequent comments, in which he poured scorn on my proposals, restored the equilibrium and reassured us both that his head is not following his heart in this regard. He raised the point about a Joint Committee of Parliament. Although I make no comment on that proposal, I do not think it is any longer sufficient that we look only at the procedures in this Parliament. Noble Lords have indicated that this now impacts on other Parliaments in the United Kingdom and other regions.

I will reflect on the comments made by noble Lords. I have sought to address the dilemma—to try to bridge the gap between the noble Lords, Lord Kerr and Lord Norton—that we start either from grand principles or from where we are currently going and try to create a road map that we understand. That is a dilemma and I have put forward a proposal at least to put it on the agenda, so that we can perhaps refine and reflect on it in Committee.

I reassure the noble Lord, Lord Kerr, that I will reflect on his idea that I have a "little red book" of constitutional reform that will be perpetual reform.

I will not only reflect on the comments of all noble Lords but am also happy to discuss any of their proposals as they seek to amend and improve on the remit, timeframe and composition of the Bill. In the light of that, I ask the House to give the Bill a Second Reading.

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

House adjourned at 3.07 pm.

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