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PARLIAMENTARY DEBATES
(HANSARD)

# HOUSE OF LORDS
## OFFICIAL REPORT

*ORDER OF BUSINESS*

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The first time a Member speaks to a new piece of parliamentary business, the following abbreviations are used to show their party affiliation:

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

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# House of Lords

*Tuesday 24 May 2016*

*2.30 pm*

*Prayers—read by the Lord Bishop of Southwark.*

## House of Lords: Composition
*Question*

*2.36 pm*

*Asked by* ***Lord Foulkes of Cumnock***

To ask Her Majesty's Government what plans they have to make the composition of the House of Lords more representative of the nations and regions of the United Kingdom.

**The Lord Privy Seal (Baroness Stowell of Beeston) (Con):** My Lords, Members of your Lordships' House come from all corners of the United Kingdom, but we do not represent those nations and regions. We all work on behalf of the United Kingdom as a whole. Any change in that respect would be fundamental. As is clear from the Conservative manifesto, comprehensive reform of this House is not a priority in this Parliament.

**Lord Foulkes of Cumnock (Lab):** Did the Leader of the House not see the Answer that I received from her colleague in the Ministry of Justice which stated that out of 808 Writs issued to Peers to attend this House in this Parliament, 385 were to Peers living in London, with very few in Wales, in the east and West Midlands, in the north-east and north-west of England and in Yorkshire and Humberside? To reflect all those interests properly, is it not better to have people from all quarters of the United Kingdom? Will the Leader of the House look at ways in which this terrible imbalance can be rectified?

**Baroness Stowell of Beeston:** My Lords, the noble Lord is right that certain parts of the United Kingdom are better represented than others. I believe that for us to be effective as a House it is important that we all offer a range of backgrounds, experiences and expertise. However, because we are unelected and do not have responsibility to represent any parts of the United Kingdom, it is not an easy question for us to remedy, but it is certainly one that I shall reflect on.

**Lord Tyler (LD):** My Lords, does the Leader of the House recall that all her colleagues in the Cabinet of the coalition Government supported the 2012 Bill which would have rectified the problem to which the noble Lord, Lord Foulkes, referred? Does she also recognise that the House of Commons gave that Bill a huge majority, of 338? Does she further recall that the colleagues in the other House of the noble Lord, Lord Foulkes, played party games and prevented that Bill proceeding?

**Baroness Stowell of Beeston:** The noble Lord is absolutely right that it was in the House of Commons where the Bill failed and did not proceed. In light of that attempt having been made and not succeeding, this party in government has made it clear that it is not something that it wishes to attempt in this Parliament.

**Lord Maginnis of Drumglass (Ind UU):** My Lords, the Secretary of State for the Home Department warned us about an increasing threat from dissident IRA, yet when I lobbied each Member of this House from Northern Ireland I learnt that not a single one had been contacted by either the Home Secretary or the Secretary of State for Northern Ireland. Does it really matter where we come from if we are treated in that fashion?

**Baroness Stowell of Beeston:** The Government take seriously their responsibility to consult people about serious and important matters of policy, and that includes consulting Members of your Lordships' House. I am sad to hear what the noble Lord said but this is usually something that we do very well indeed.

**Lord Hunt of Kings Heath (Lab):** My Lords, I have the figures here. Can the noble Baroness confirm that we have almost as many Members whose main residence is overseas as we do Members who come from the east Midlands? Is it not time for a moratorium on the appointment of new Peers from London and the south-east so that we can rebalance the membership? Come to think of it, should we not have a moratorium on all appointments? Can she confirm that it is her and the Prime Minister's intention to pack her Benches with yet more Conservative Peers in the next few weeks?

**Baroness Stowell of Beeston:** New appointments are a matter for the Prime Minister and I am not going to speculate on that. However, this is more complex than just a question of where we come from and where we live. One interesting thing in the data from which the noble Lord is quoting is that there are more Labour Peers than Conservative Peers with London addresses. As an example, I live in London but am from Beeston, just outside Nottingham. Although I do not represent Beeston, I like to think that I bring some knowledge and experience of where I was born and brought up, and I hope that that adds to my contributions in this House.

**Baroness Hayman (CB):** My Lords, the noble Baroness the Leader pointed out that the Conservative manifesto said that there would be no comprehensive reform of this House during this Parliament. In so far as that is shorthand for not introducing a Bill for an elected House, it is very welcome to some of us. However, will she make it clear that it does not rule out sensible, incremental reform of your Lordships' House, which means taking decisive action to reduce the numbers in this House?

**Baroness Stowell of Beeston:** I agree with the noble Baroness about incremental reform. As she knows, and as I have said before from this Dispatch Box, one

[Baroness Stowell of Beeston]
of the great achievements in the last Parliament was the incremental reform which we brought in and which she led through her Private Member's Bill. The other important reform was the facility for Peers in this House to retire—an approach that I very much support. Regarding further steps along that track, if there is broad consensus and we are able to attract cross-party agreement on further incremental reforms, I shall be interested in supporting that. Lady Perry is the most recent example of retirement, and her speech yesterday was a very good illustration of the power of retirement from your Lordships' House.

**Baroness Wall of New Barnet (Lab):** My Lords, does the noble Baroness agree that there is an assumption by my noble friend Lord Foulkes that all of us who live in London now come, like the noble Baroness, from the north-west of England, where we spent most of our lives, and we obviously bring the experiences that we have had there to this House? We may live in London now because it is convenient but our whole background is very different from a background in London.

**Baroness Stowell of Beeston:** I absolutely agree with the noble Baroness. One of my noble friends who is sitting next to me is a former leader of Trafford council. We bring experiences from all over the country, and I am pleased that we do.

## Domestic Abuse: Rural Communities

*Question*

*2.43 pm*

*Asked by* ***Baroness Stedman-Scott***

To ask Her Majesty's Government what steps they are taking to help families in rural communities experiencing domestic abuse and other relationship problems.

**The Advocate-General for Scotland (Lord Keen of Elie) (Con):** My Lords, the Government recognise the distinct challenges faced by victims of domestic abuse in rural communities. The new violence against women and girls strategy sets out our ambition that by the end of this Parliament every victim of abuse, irrespective of where they live, will be able to secure the support they need.

**Baroness Stedman-Scott (Con):** I thank the Minister. Noble Lords will know that the recent storyline in "The Archers" electrified the nation and put a spotlight on this issue, showing that early intervention and prevention are much better than cure, as with so many of the social issues that we face. Can the Minister help us understand in particular what the Government are doing to help people in rural communities earlier rather than later?

**Lord Keen of Elie:** There is no doubt that the problems faced, particularly in rural areas, could be addressed earlier. Indeed, our nationally acclaimed campaign, This is Abuse, has had an impact. We have invested a further £3.8 million in a new campaign, Disrespect NoBody, which we hope will build awareness of these issues.

**Lord Rosser (Lab):** This is also an issue for police and crime commissioners to address in their respective areas, since through the police budget, for which commissioners are responsible, they can determine the resources, finances, staff and training, and the priority that will be given to and by their police forces to address domestic abuse. The police and crime commissioners can then hold their chief constables to account, and then be held to account themselves, if those resources are not effectively and appropriately used for the purpose for which they, as commissioners, have allocated them. Can the Minister confirm that that statement—of the key and powerful accountable role and responsibility of police and crime commissioners in addressing domestic abuse and violence in their respective areas—is a correct statement of the position?

**Lord Keen of Elie:** The position of the Government is that police and crime commissioners will take a leading role in co-ordinating the response to issues of domestic abuse. Indeed, this will be done in parallel to the national statement of expectations, which is a blueprint for local areas and local partnerships, at the head of which will be our successful commissioners.

**Lord Paddick (LD):** My Lords, is the Minister aware of the family relationship centres in Australia? These are local hubs co-ordinating family and relationship services; providing integrated, wraparound family and relationship support. Will the Government look at this initiative as a better way of providing a triage service for identifying needs and making referrals to wider services, particularly in rural areas where such services are unlikely to be easily accessible locally?

**Lord Keen of Elie:** The Government are already making headway in this area, and indeed have expanded the troubled families programme so that it now includes domestic violence and abuse as one of the six core themes.

**Baroness Pitkeathley (Lab):** My Lords, in his Answer, the Minister mentioned violence. Assiduous followers of "The Archers", as I confess I am, will know that it escalated into violence only at the very end of the storyline—actually, I do not think we have seen the end yet, by a long way. The issue is coercive control, which by its very nature is subtle and very difficult to identify. Could the Minister expand on his Answer in relation to that?

**Lord Keen of Elie:** Of course. I quite recognise the point that is being made, although I have to confess not to being a listener of "The Archers".

**Noble Lords:** Oh!

**Lord Keen of Elie:** I am obliged for the sympathy of your Lordships' House. Let us be clear, social isolation is one of the issues that can cause the development of

abuse. Social isolation can be made worse because of geographical isolation. Therefore, rural communities can be more susceptible to these developments. What we have to be able to do is come in and deal with these problems at an earlier stage. That is one reason why we introduced the new law in December 2015 with regard to domestic violence, to ensure that coercive behaviour—not necessarily physical—could be addressed more effectively.

**The Lord Bishop of Southwark:** My Lords, following on from that point about isolation, with rural areas often isolated from dedicated support services, local clergy can be particularly well placed to act as a conduit between victims and the relevant authorities. Can the Minister inform the House whether any steps are being taken to provide training to local professionals in rural communities, such as clergy and GPs, to help improve reporting and communication and to ensure that victims receive the help they need?

**Lord Keen of Elie:** One of the difficulties in rural communities is often that victims will not come forward, even to their general practitioner, for fear that knowledge of their situation will become more widespread. They are concerned by that. That is why we are advancing the national statement of expectations as a blueprint for rural and urban areas in order to bring together a partnership of health experts, social workers, the police and the Church.

**Lord Farmer (Con):** My Lords, rural populations also experience a higher suicide rate than urban areas despite comparable depression prevalence. What are the Government doing to prevent these suicides in rural areas?

**Lord Keen of Elie:** Clearly, every life lost to suicide is a tragedy. We know that individuals living in rural areas may experience feelings of isolation and that individuals working in some industries, such as agriculture, are at a higher risk of suicide. The national suicide prevention strategy aims to reduce the risk of suicide in high-risk groups. Indeed, in 2014, we launched the crisis care concordat so that there is a crisis care action plan in every local area to support those who may be susceptible to suicide.

**Baroness Howarth of Breckland (CB):** My Lords, will the Minister join me in commending the areas that have set up hubs and are working together, such as has happened in Norfolk, where there is a new hub in Diss and organisations are trying to work together? Will he say how the learning from those projects will be promulgated right through services so that we do not have a postcode lottery? If you are domestically abused, you will be fine if there is a service, but not if there is not.

**Lord Keen of Elie:** Again, I go back to the national statement of expectations, which is intended as a blueprint for all local areas. In addition, the Home Secretary has made it clear that she wants to go back to the College of Policing in order to ensure that proper training is given to police forces so that they can address these issues.

**Baroness Farrington of Ribbleton (Lab):** My Lords, would the Minister care to agree that one of the common threads for people who end up in trouble in the courts and in prison is that they come from violent and abusive backgrounds? While the Government are looking at reforming the Prison Service and reducing juvenile crime, will they also bear in mind that the money spent on combating domestic violence should be linked to their other strategy as well?

**Lord Keen of Elie:** I entirely agree with the noble Baroness. It is quite clear from data that have been collected over the past two years that there is a common factor identified between domestic violence in the family and subsequent conduct on the part of such children. That is why we have expanded the troubled families programme in an effort to address that.

## Assets of Community Value

*Question*

*2.52 pm*

*Asked by* ***Lord Kennedy of Southwark***

To ask Her Majesty's Government what plans they have to review and strengthen the law concerning assets of community value.

**The Parliamentary Under-Secretary of State, Department for Communities and Local Government (Baroness Williams of Trafford) (Con):** My Lords, in their 2015 manifesto this Government committed to strengthening the Community Right to Bid. We have spoken to stakeholders—from local authorities and community groups to property owners—listening to their reflections and experiences of how the Community Right to Bid is working in practice. Their views will allow us to develop options to strengthen the policy, as we set out in the manifesto commitment.

**Lord Kennedy of Southwark (Lab):** My Lords, I declare an interest as an elected councillor in the London Borough of Lewisham. Moving the definition of "assets of community value" from just land and property would enable the concept of community value to be extended further. For example, the loss of a rural bus route or the closure of a local newspaper are issues of real community concern. Will the noble Baroness agree to meet with me and campaigners to discuss the issue further and discuss anomalies in the implementation of the policy since its inception?

**Baroness Williams of Trafford:** I will certainly undertake to meet the noble Lord—I have seen a lot of him over the last few months—and conversations like that will inform the development of the policy.

**Baroness Bakewell of Hardington Mandeville (LD):** My Lords, is the Minister aware that such assets have often been the only public house in an area? Often, local communities have plans to continue that use and expand to include accommodating a shop, post office

[Baroness Bakewell of Hardington Mandeville] or community library, but their plans are thwarted by the breweries giving insufficient time for them to raise the necessary cash. What plans do the Government have in place to support such communities in their ventures?

**Baroness Williams of Trafford:** The noble Baroness is absolutely right: things such as pubs, shops and post offices are the hub of community life, particularly in rural areas. One thing that is being considered is the length of the moratorium for sale. I am sure that some of the feedback we will get will inform our thinking on this.

**Lord West of Spithead (Lab):** My Lords, the Minister may be aware that it is getting harder and harder to find petrol stations in London as they are all being sold off and turned into lovely flats, for example. Is there any control over the total number of stations and some way of ensuring that we do not end up with none within the London area?

**Baroness Williams of Trafford:** I am sure the noble Lord has asked me a question about petrol stations in the past, but I cannot quite remember in what context. Petrol stations are a bit like buses—you either see none, or loads of them within a confined area. I can certainly take that question away regarding how to protect such assets for communities.

## Schools: Modern Languages

*Question*

*2.55 pm*

*Asked by* ***Baroness Coussins***

To ask Her Majesty's Government what is their response to the announcement by OCR that they are to discontinue GCSE and A-level examinations in French, German and Spanish.

**Baroness Coussins (CB):** My Lords, I beg leave to ask the Question standing in my name on the Order Paper. In doing so, I declare an interest as co-chair of the All-Party Parliamentary Group on Modern Languages.

**Baroness Evans of Bowes Park (Con):** The number of pupils entering for a modern language GCSE has risen by 20% since 2010, reversing the previous 10-year decline. It is of course disappointing that OCR has decided to discontinue modern foreign language qualifications, but fewer than 10% of students currently take their qualifications in these subjects. We do not believe that OCR's decision will have a significant impact, and of course schools will be able to choose from the courses offered by the other exam boards.

**Baroness Coussins:** My Lords, I am pleased to hear the Minister sounding so optimistic, but can she give the House a categorical assurance that if the OCR decision should trigger a domino effect among the other awarding bodies, Her Majesty's Government will put as much effort into stopping it as they did recently and so successfully into saving exams in less-taught languages such as Arabic and Polish? In the meantime, is the department prepared to consider a mechanism such as a minimum service agreement for the other exam boards to ensure that French, German and Spanish are secure?

**Baroness Evans of Bowes Park:** The good news is that increasing numbers of young people are taking modern language GCSEs, and I can certainly reassure the noble Baroness that in September schools will still be able to choose from 27 GCSE, AS and A-level courses in French, German and Spanish. The three other exam boards are continuing to offer these courses, and with increasing numbers of pupils sitting them we are confident that they will continue to do so.

**Lord Kinnock (Lab):** My Lords, I welcome the Minister's optimism and her positive response, but perhaps I may put it to her that in a globalised world, where communication is obviously at a premium, the decision of even one exam board to retreat from modern languages provision is a retreat from reality and from opportunity for young people. Will the Minister be more assertive in the view that, should there be any further deterioration, the Government will resist the spread of the practice of withdrawing essential modern languages from the examination curriculum?

**Baroness Evans of Bowes Park:** As I have said, we are seeing an increase in the number of pupils studying languages and we want that to continue. I certainly agree with the noble Lord about the importance, and in fact the value, of modern languages to young people in the global economy. Businesses greatly value language skills, which is why we are increasing the amount of training and help that we provide to teachers in order to teach modern languages curricula. Across a number of projects we have invested £1.8 million around the country to help schools to support one another in order to ensure that teachers are able to teach modern languages to the highest standard, because, as we know, inspirational teachers are the ones who really help young people to achieve and excel in their subjects.

**Baroness Garden of Frognal (LD):** My Lords, the Minister has referred to the welcome increase in the take-up of GCSEs in modern languages, but there has been a dramatic fall in take-up at A-level, with a consequent knock-on effect on university places and of course the start of a vicious circle there. What specific measures will the Government take to promote an increase in the number of A-levels in modern languages being taken?

**Baroness Evans of Bowes Park:** Again, I am pleased to say that A-level entries in modern languages have increased by nearly 4% since 2014, but I accept the point that we need to do more. Obviously through its support for strategically important subjects, HEFCE has invested £3.1 million in trying to increase student

interest in modern languages. That includes engaging with employers to stimulate demand, promoting the employability of graduates, and increasing the participation of students in spending a year abroad. Although universities are autonomous, a number of them offer free language courses to students studying other subjects. Particularly in science, for instance, a number of universities offer chemistry with, say, German in order to encourage more young people to keep up their language skills.

**Baroness McIntosh of Hudnall (Lab):** My Lords, it is pretty well known that learning a language is easier the younger you start. A number of primary schools in the country—probably quite a large number—now offer modern language opportunities for their students. Can the Minister tell us how that programme is working out and whether there is any evidence yet that it is affecting the numbers who are choosing to take modern languages once they get to secondary school?

**Baroness Evans of Bowes Park:** I am afraid that I do not have the figures specifically on primary schools, but I can say that with the freedom that we are giving head teachers through our education reforms we have seen a number of bilingual primary schools open for the first time. The Judith Kerr Primary School, for example, offers bilingual education, providing lessons in German alongside English, and the La Fontaine Academy offers French alongside English. Both are primary schools. I absolutely agree that we want to encourage children to start speaking languages at a young age, which is why, as I mentioned, we have invested in a number of projects to help encourage teaching. The Rushey Mead Academy in Leicester, for instance, is working with five other teaching alliances to focus and help primary schools on grammar and assessment. The Association for Language Learning is working with 500 schools across the north-east, the east of England and the Midlands to set up regional centres to improve teaching and training and to share best practice. We want school-to-school collaboration to help this to go through the system.

**Baroness O'Neill of Bengarve (CB):** Has the Minister noted the reason OCR has given for discontinuing these examinations, which is that the time needed to prepare for the mode of assessment was excessive and it did not feel that it could do it responsibly within the time? This was a particularly well-reputed set of language exams. Does the Minister agree with me that the assessment tail is wagging the education dog here?

**Baroness Evans of Bowes Park:** As I have said, we are disappointed in OCR's decision, but, once again, the three other exam boards will continue to offer 27 GCSE, AS and A-level courses in French, German and Spanish. So the other exam boards are continuing to show commitment in this area.

**Baroness Falkner of Margravine (LD):** Is the Minister having discussions with employers' organisations about the need for qualified graduates with modern languages? One of the huge competitive disadvantages faced by United Kingdom firms is that they have to recruit abroad for modern languages, because there is an insufficient number of people capable of speaking those languages who are home-grown here.

**Baroness Evans of Bowes Park:** Certainly it is very clear how much business recognises the value of languages. Indeed, a recent report by the CBI, published last year, said that 70% of businesses value foreign languages, particularly in the context of building contacts and relationships overseas. As I said, universities in particular are playing a role in discussions with employers to help to make sure that graduates understand the opportunities that are open to them. Of course, as we look to improve careers education within the school system, that will be another way to drum the message into young people about the value of languages, and I hope that with inspirational teachers to help them we will see a continuing growth in the number of young people speaking a foreign language in this country.

**Lord Watson of Invergowrie (Lab):** My Lords, there are two issues here. First, although the Minister said that the teaching of modern languages increased with the introduction of the English baccalaureate, it has since begun to decline again. I fear that that position might well be exacerbated by the unfortunate decision of OCR. Secondly, the Government's qualification reform programme is massive in scale and has been pushed through to a rather unrealistic schedule, as alluded to by the noble Baroness, Lady O'Neill. We are almost at the end of May, yet a number of teachers in about six disciplines still do not know what they will be asked to teach their students in September. Can the Minister say who she holds responsible for this? Is it the Department for Education or Ofcom?

**Baroness Evans of Bowes Park:** The noble Lord is quite right that the EBacc has had a positive impact on the number of children taking up languages in schools. Our goal is for 90% of pupils to take the core academic subjects, including languages at GCSE, so we hope to see that continue.

**Lord Aberdare (CB):** My Lords, the UK's poor performance in language teaching and learning is surely one of the factors that hinders our international competitiveness. Given that HMG recently announced that they were investing £10 million in promoting Mandarin in schools, will the Minister consider allocating a similar sum to boost the take-up of other languages that are important to our economic, diplomatic and cultural success, including French, German and Spanish?

**Baroness Evans of Bowes Park:** The Chancellor specifically announced funding for Mandarin because we start from a very low base. With China's increasing importance in the global economy, it was an area where we felt that additional investment would be welcome. As I said, French, German and Spanish remain the languages that are most often taught in schools. We are certainly trying to continue to increase the quality of language teaching. I mentioned several projects where we have given additional funding. We also want

[Baroness Evans of Bowes Park]
to encourage our best language graduates to go into teaching, which is why we have increased the amount that they can get in bursaries if they decide to do so. We hope to continue that.

**Lord Christopher (Lab):** My Lords, following the question from my noble friend Lord Kinnock, to what extent has the Minister's department considered the economic implications of the present policies? How do we compare with other countries in Europe, which I am confident we will decide in a few weeks to remain with? At a funeral a few days ago, I met a young English boy who attends a school in Amsterdam. He is quite proficient already in Chinese. What is the position in Belgium, for example, where two languages are compulsory? Even when I was in school in the 1940s, two languages, in addition to English, were compulsory.

**Baroness Evans of Bowes Park:** I certainly agree that learning a language is hugely important and beneficial, which is why, as I have said, we are delighted to see an increase in the number of pupils at GCSE studying languages and a more modest increase in pupils at A-level. But we also want to encourage pupils to get a taste of other cultures, which is why, in 2014, the British Council launched a campaign calling on schools to back more overseas exchange trips. In secondary schools, actually quite a small percentage of children get the opportunity to do that. Going to another country whose language you are learning can often help to instil a further love of that language. There are certainly a lot more things that we can do to ensure that we give our young people the best opportunities to take the advantages that learning language skills can give them.

## Armed Forces Deployment (Royal Prerogative) Bill [HL]

*First Reading*

*3.06 pm*

*A Bill to make provision about the approval required for deployment of Her Majesty's Armed Forces by the Prime Minister in the event of conflict overseas.*

*The Bill was introduced by Baroness Falkner of Margravine, read a first time and ordered to be printed.*

## House of Lords Act 1999 (Amendment) Bill [HL]

*First Reading*

*3.07 pm*

*A Bill to amend the House of Lords Act 1999 to remove the by-election system for the election of hereditary peers.*

*The Bill was introduced by Lord Grocott, read a first time and ordered to be printed.*

## International Development (Official Development Assistance Target) (Amendment) Bill [HL]

*First Reading*

*3.07 pm*

*A Bill to amend the International Development (Official Development Assistance Target) Act 2015 in order to provide for a five year reporting period instead of an annual reporting period.*

*The Bill was introduced by Lord Lipsey, read a first time and ordered to be printed.*

## Lobbying (Transparency) Bill [HL]

*First Reading*

*3.07 pm*

*A Bill to establish a Registrar of lobbyists, a register of lobbyists and a Code of Conduct for lobbyists; and for related purposes.*

*The Bill was introduced by Baroness Donaghy (on behalf of Lord Brooke of Alverthorpe), read a first time and ordered to be printed.*

## Budget Responsibility and National Audit (Fiscal Mandate) Bill [HL]

*First Reading*

*3.08 pm*

*A Bill to amend the Budget Responsibility and National Audit Act 2011.*

*The Bill was introduced by Baroness Kramer, read a first time and ordered to be printed.*

## Counter-Daesh: Quarterly Update

*Statement*

*3.08 pm*

**The Minister of State, Ministry of Defence (Earl Howe):** My Lords, with the leave of the House, I shall now repeat a Statement made early today by my right honourable friend the Secretary of State for Defence on the counter-Daesh campaign. The Statement is as follows:

"With permission, Mr Speaker, I want to update the House on the counter-Daesh campaign, following the December and February Statements by my right honourable friends the Foreign Secretary and the International Development Secretary. The attacks in Brussels in March remind us of the importance of defeating this terror. Since December's decisive vote to extend air strikes to Syria we have stepped up our air campaign and today I want to set out the UK's contribution to military operations and our wider efforts to defeat Daesh.

We now have 1,100 military personnel in the region on this campaign. I know the House will join me in paying tribute to them and their families. The RAF conducted 761 airstrikes in Iraq and, since December, 42 in Syria—more than any nation besides the United States. As well as providing close air support, we are targeting Daesh's communications, command and control, and infrastructure. We also provide crucial intelligence and surveillance.

We have more than 250 troops in Iraq, who trained more than 13,000 Iraqi security forces, mainly in countering improvised explosive devices. The extra troops I announced in March have started to deploy and 22 Engineering Regiment in Wiltshire is providing bridge-building training, while MoD Hospital Unit Northallerton is providing medical expertise. The military campaign is making progress. In Iraq, Daesh is on the back foot. It has lost territory, its finances have been targeted and its leadership has been struck. Around 40% of Daesh-held territory has been retaken, including Ramadi and, last month, Hit. Preparatory operations for the encirclement of Mosul are under way, and at the weekend Prime Minister al-Abadi announced the beginning of an operation to retake Fallujah—but this will be a long fight.

In Syria, the civil war, the persistence of Daesh and Russia's intervention create a complex situation. Despite the so-called cessation of hostilities, the regime continues to hammer the moderate opposition. In Aleppo, hospitals and schools have been repeatedly shelled. On 4 May, the UK called an urgent session of the UN Security Council to highlight the regime's atrocities. Russia, the Assad regime's protector, must apply pressure to end this violence. None the less, Daesh has lost ground and been driven from al-Shadadi, a major supply route from Mosul to Raqqa. Coalition airstrikes destroyed an estimated $800 million of Daesh's cash stockpiles, while the RAF struck oilfields in eastern Syria which were major sources of revenue. We must build on this progress. Earlier this month, coalition Defence Ministers reviewed what further support coalition countries could offer and we are looking at what more the UK can do.

Daesh cannot be defeated by military means alone. This brings me to our wider strategy. First, on counter-ideology, the UK led the creation of a coalition communications cell to undermine Daesh's failing proposition that they are winning militarily, building a viable state and represent the only true form of Islam. Some in the media criticised our proactive efforts to discredit Daesh's perverted ideology. We make no apology for seeking to stop people being radicalised and becoming Daesh suicide bombers or foot soldiers. Secondly, we support political reform and reconciliation in Iraq, the ending of the civil war in Syria and the transition of Assad from power. The UK is helping to stabilise areas liberated from Daesh so people can return to a safe environment. We have contributed to UN-led efforts to remove improvised explosive devices, to increase water availability to above pre-conflict levels in Tikrit, and to rebuild schools, police stations and electricity generators across Anbar and Nineveh provinces.

In Syria, long-term success means a political settlement that delivers a government representing all Syrians and whom we can work with to tackle Daesh. Last week, the International Syria Support Group reaffirmed its determination to strengthen the cessation of hostilities and set a deadline of 1 June for full humanitarian access to besieged areas. It is concerning that, despite this agreement, attacks have continued and armed groups are on the brink of withdrawing from the cessation of hostilities. We support UN Special Envoy de Mistura's efforts to resume Syrian peace negotiations, the success of which depend on respect for the cessation of hostilities, humanitarian access and discussion of transition by both sides.

Thirdly, the UK is playing a full role, alongside our partners, in addressing the humanitarian crisis. At the London conference, we doubled our commitment to Syria and the region to £2.3 billion, which has already delivered 20 million food rations and relief items for more than 4.6 million people. But there remain 13.5 million people in need inside Syria. The regime continues to remove vital medical supplies from aid convoys, violating international law. It is outrageous that aid has become a weapon of war.

Fourthly, we are stemming the flow of foreign fighters, including supporting improved international co-ordination. At least 50 countries and the UN now pass fighter profiles to Interpol—a 400% increase over two years. The coalition estimates that the numbers of fighters joining Daesh have fallen to around 200 a month from a peak of up to 2,000. As Daesh is squeezed in Iraq and Syria, we have seen new branches appear, most concerningly in Libya. The Foreign Secretary visited Tripoli last month to reiterate support to Prime Minister Sarraj, and I spoke to the new Libyan Defence Minister yesterday, repeating our offer of assistance to the new Government of National Accord.

Last Monday, the international community reaffirmed support for the new Government and underlined the need for enhanced co-ordination between legitimate Libyan security forces to fight Daesh and UN-designated terrorist groups. Britain would provide training and support only at the invitation of the Libyan Government or other authority. I reiterate: there are no plans to deploy troops in a combat role.

Since this House supported extending military operations, we have intensified our efforts to defeat Daesh. There is a long way to go, and political progress must match military progress. But we should be encouraged. The fight may be long, but it is one we will win. I commend this Statement to the House".

My Lords, that concludes the Statement.

*3.17 pm*

**Lord Touhig (Lab):** I thank the Minister for repeating the Statement and join him in paying tribute to our service men and women and their families, whose support and affection is constant and much needed.

It is important that Parliament is not ignored and is kept up to date by the Government when our forces are in action, wherever that is in the world. For some years now our democracy has benefited from the convention that government should consult Parliament when planning to send forces into conflict, and testing the opinion of Parliament in a vote in the other place. On top of this, we have come to demand that the

[LORD TOUHIG]

Government keep Parliament informed whenever our forces are engaged in conflict. After all, has not Parliament just passed the Armed Forces Act, without which there is no legal basis to maintain an army in this country in peacetime?

Having said that, we recognise, of course, that at times there is a need for very tight security surrounding some operations. The war waged against humanity by this evil ISIL has shocked people around the globe. Britain, like many other nations, has joined battle with the evil in Iraq, Syria and elsewhere, and it is right that we have done so. The Government, for their part, have published considerable detail of our air strikes and are to be congratulated on their transparency.

In answer to a Written Question I tabled in March, the Minister said:

"Between 2 December 2015 and 14 March 2016 there were 36 UK airstrikes in Syria and 236 in Iraq".

He went on to say:

"Among the targets successfully engaged by UK aircraft were oil facilities, which Daesh used to generate revenue to fund their campaign, and command and control centres".

This is welcome news, but throughout our exchanges going back months on this matter, the Minister will remember that on this side we have pressed strongly for our air-strike capacity to be deployed to destroy ISIL's oil-exporting capability.

The Statement today gives some detail of our successes in attacking oil fields in eastern Syria, but can the Minister say more about the extent to which our air strikes have degraded, and indeed destroyed, ISIL's oil-exporting capability? More than that, is it true that ISIL is exporting oil through Turkey and through Syria in areas controlled by the Assad regime? If the former claim is correct, have we raised the matter with the Turkish Government? If the latter is correct, what steps have we taken, both militarily and diplomatically, by raising the matter with the Russians, whose influence on Assad is as strong as ever?

During our debate on Syria on 2 December last year, I said that tracking money around the globe is more of a challenge. Since then, we have seen the publication of the Panama papers. That issue, together with last week's anti-corruption summit, which it is hoped will lead to greater transparency in global financial dealings, must afford an opportunity to do even more to cut off funds for ISIL. The Statement reveals that we have destroyed an estimated $800 million of ISIL's cash stockpiles, presumably located in Syria. However, London is the world's chief marketplace for financial transactions. I understand the need for caution here, but can the Minister say, even in the broadest terms, what success we have had in cutting off ISIL's international funding for its evil exploits?

At the time of the SDSR, the Government announced massive increases in spending on cyber. Have we had success in employing cyber intelligence to track and cut off ISIL's money and investments? I accept the need for caution here so as not to impede operations already in place, but can the Minister say what success we have had in discovering which organisations are being used to move ISIL's funds around the globe, especially through London?

At the start of our debates on action in Syria, we were told by the Prime Minister that there were some 70,000 fighters not infected by ISIL or some other terrorist group, waiting to join us and our allies to defeat ISIL on the ground. What success have we had in engaging, collaborating and working with these fighters? I have no doubt that the defeat of ISIL will not be achieved by air power alone; it will need ground forces.

Finally, will the Minister say a little more about the peace talks? When my noble friend Lady Smith opened the Syria debate on this side, she stressed the importance of gaining a peaceful outcome for Syria and its people. The Statement today rightly describes Russia as Assad's protector. Will the Minister say more about Britain's role in trying to bring all sides together, especially in engaging with the Russians, without whom there will be no peace in Syria?

**Earl Howe:** My Lords, I am very grateful to the noble Lord for his comments and questions. He asked a number of the latter, the first of which was about access by Daesh to oil. We have no evidence that Governments in the region are buying Daesh oil, with the exception of the Assad regime. Regional countries, including Turkey, have increased their efforts to counter smuggling. The majority of Daesh oil is sold internally, within Daesh-held territory. There is no doubt that our international efforts, including sanctions, have made it harder for Daesh to trade oil. Our military effort with coalition partners has successfully targeted Daesh oil facilities and infrastructure. We have destroyed or damaged over 1,200 oil infrastructure targets and reduced Daesh oil production by around 30%.

Broadly, the military operation has enabled us to drive Daesh out of territory from which it takes tax revenues. We are militarily degrading its ability to earn revenue from oil and we are using international sanctions to cut it off from external sources of revenue. The issue of countering Daesh finances is regularly raised at meetings with officials and Ministers around the region, including at the recent Coalition Counter-ISIL Finance Group, the Financial Action Task Force meeting in Paris in February, and the Chatham House counterterrorism funding conference on 8 February.

I mentioned Turkey a second ago. We regularly engage the Turks on the issue of Daesh's finances. I say again: there is no evidence that Turkey is purchasing Daesh oil. In fact, Turkey has taken very active steps to tackle oil-smuggling across its border with Syria, including by greatly increasing the number of border guards. The Turks have reported that 79 million litres of smuggled oil were intercepted in 2014. In the period January to October 2015, that had dropped to 1.22 million litres. So it appears that they are making a very considerable difference.

The noble Lord asked about our support for fighters in the region. Subject to parliamentary approval, the MoD is planning to provide the Kurdistan Regional Government of Iraq with more than £1 million worth of ammunition to equip the Peshmerga. The UK is providing significant support to the Kurdish Peshmerga to assist them in the fight against Daesh. We have already provided them with more than 50 tonnes of

non-lethal support, 40 heavy machine guns, nearly half a million rounds of ammunition, and £600,000 worth of military equipment. To date, we have trained more than 3,300 Kurdish Peshmerga.

As regards the negotiations to bring about a peace in Syria, UN Special Envoy de Mistura has conducted three rounds of talks with the parties in Geneva, and this pattern is set to continue. We never expected the UN-brokered negotiations to deliver instant results. We are clear, however, that a negotiated political settlement is the only way to end the conflict, and we are working with our international partners to help to create conditions on the ground that are conducive to negotiations continuing. In its statement of 17 May, the ISSG reaffirmed its determination,

"to strengthen the Cessation of Hostilities",

and,

"to ensure full and sustained humanitarian access",

so that the parties can return to negotiations to reach agreement on political transition. We hope the parties will resume negotiations soon.

**Baroness Jolly (LD):** My Lords, I, too, thank the Minister for repeating the Statement. I join him and the noble Lord, Lord Touhig, in commending the work of our service men and women. This was echoed in yesterday's debate.

There must be absolute clarity about what Syria and Iraq would look like post-Daesh and about what post-conflict strategy, including an exit strategy, will give the best chance of avoiding a power vacuum. It might seem optimistic to think of Syria post-crisis, but what stage has been reached in determining what needs to be done? Is there any sort of embryonic Marshall plan? As the Minister said, clearly Kurds are at risk in Syria and Iraq. He has outlined some of the steps that the Government have taken in training, but will he indicate what support has been given by Turkey?

Finally, the battle against Daesh in Syria and Iraq is ongoing, but will the Minister give us some indication of the work that is being done against Daesh here in the UK? At the beginning of the Statement, he highlighted the events in Brussels. Brussels is down the road. I would be really quite interested to hear what progress we are making in beating Daesh in the UK.

**Earl Howe:** My Lords, I thank the noble Baroness for her very relevant questions. She asked about the post-settlement strategy in Syria. It is perhaps too early for me to give her substantive information on that. Clearly, the priority is to achieve that settlement. We are actively supporting the negotiations through our participation in the ISSG, including in the ISSG task forces on the cessation of hostilities and humanitarian access, and our engagement with the opposition. The Foreign Secretary has attended all four meetings of the ISSG and a ministerial meeting of the United Nations Security Council on 18 December, at which UN Security Council Resolution 2254 was passed. We are also offering technical advice, including on strategy and diplomatic handling, and logistical support to the opposition negotiating team, alongside our international partners. However, I can tell her, as I am sure she knows, that as and when a settlement is achieved, the UK has promised a further £1 billion to assist in the reconstruction of Syria.

As regards Turkey, there is no doubt that Turkey is making a critical contribution to the international campaign against Daesh. It is a key member of the global coalition and co-chair of the foreign terrorist fighters working group, and it is making a really strong contribution to stopping extremists from reaching Iraq and Syria. The Turks have detained more than 2,500 Daesh suspects. We should remember too that Turkey has itself been a victims of Daesh attacks in Ankara, Istanbul and elsewhere. It is also housing 2.7 million refugees. We should pay tribute to the efforts that the Turks have made in this very difficult area.

The noble Baroness asked about the effort at home. We are continuing the Prevent strategy, which has undoubtedly made a difference. Thousands of people in the UK have been safeguarded from targeting by extremists and terrorist recruiters, which incidentally includes those at risk from far-right and neo-Nazi extremism as well as those vulnerable to Islamist extremism. In the last year, we have considerably increased our programme of Prevent activity through our network of Prevent professionals, working with more than 2,790 different institutions and engaging nearly 50,000 individuals during last year. Although to some the Prevent name has acquired a slightly pejorative ring to it, nevertheless it is the right thing to be doing to protect those most vulnerable.

*3.32 pm*

**Lord Carlile of Berriew (LD):** My Lords, would the noble Earl add to his plaudits those non-military government officials who have been working in parallel with the military? In particular, in relation to Prevent, which he has just mentioned, would he confirm for example that RICU, the Research Information and Communications Unit of the Home Office, has taken down many thousands of violent Islamist and other extremist sites? Would he also confirm that the balance of the propaganda battle is now against Daesh and in favour of our authorities?

**Earl Howe:** I agree completely with the noble Lord, Lord Carlile. Since December 2013, 101,000 pieces of unlawful terrorist material have been taken down from the internet. That brings the overall total to 120,000 since February 2010, when the police Counter Terrorism Internet Referral Unit was set up. The unit makes 100 referrals a day related to Syria.

**Lord Robathan (Con):** My Lords, the military action against jihadism started in Afghanistan in 2001. My noble friend may have seen reports that al-Qaeda is regrouping in Afghanistan and indeed plotting attacks against the West from there. Could he give me any indication as to whether those reports are to be given credence? Secondly, if so, what can or should the British Government do in conjunction with allies and the Afghan Government to counter this?

**Earl Howe:** My noble friend has strayed slightly from the anti-Daesh theme of the Statement, but I can tell him that we are concerned that al-Qaeda is regaining

[Earl Howe]
some of its former footholds in Afghanistan. Indeed, the Taliban has made recent gains as well, particularly in Helmand. This is something that we and our allies are looking at very closely. The Afghan armed forces have risen to the challenge that has faced them, but we are in no doubt that that challenge is increasing.

**Lord Reid of Cardowan (Lab):** My Lords, the Minister mentioned that the Government had received criticism for their proactive countering of the Daesh and jihadist narrative and ideology. My own view is that the Government are absolutely right and deserve the support of this House. This phenomenon will not be defeated by force of arms alone: countering both the narrative and the underpinning ideology of the jihadists is an essential component in countering radicalisation, recruitment and ultimately their operational effectiveness.

The Minister mentioned the flow of jihadist recruiters to Syria. He did not say anything about the returnees. Will he say a quick word about what action is being taken to ensure the protection of the United Kingdom from those returning from Syria and, in particular, surveillance or deradicalisation programmes?

**Earl Howe:** My Lords, I agree with the noble Lord about the Prevent strategy. Currently, the greatest threat comes from terrorist recruiters inspired by Daesh. Our Prevent programme will necessarily reflect that by prioritising support for vulnerable Muslims and working in partnership with British Muslim communities and civil society groups. I do not have up-to-date information about the extent to which we have been able to intercept and assist—in the right sense—those returning from the Middle East, but I shall gain data from the Home Office, if I may, and write to the noble Lord about that.

**Lord Singh of Wimbledon (CB):** My Lords, Daesh cannot be defeated by military means alone. It lives and exists on a distorted ideology of religion. It is important to look at religion itself. If religions tell people what to do, they should be open to criticism. The Koran is an historic text. There are things written in the Koran for a particular period for a particular purpose. They have no relevance at all and it is false and wrong for anyone to say that any religious text is the word of God. The Koran says some good things about how to treat slaves better, but would we say today that the Koran condones slavery? It is very important to ensure that religious texts are taken in context and common sense is used to interpret them. Words such as "prevent" and "radicalisation" actually fog meaning rather than explain it. We need to get at what we are actually teaching, and the Government need to do much more with the Muslim clerics to explain Islam in the context of today, so that people know that this is a false ideology.

**Earl Howe:** The noble Lord makes a series of very good points. Only this morning, I was down in Shrivenham, at the international military religious leaders' conference, where from 19 nations we have 40 representatives of mainly Muslim denominations, all of them Army, RAF or Navy officers, coming together to share experiences in this area. I attended a lecture on the very subject that the noble Lord mentions. I have personally visited mosques and spoken to imams, and there is no doubt that around the country the Government are engaging with Islamic religious leaders to ensure exactly the point that he makes: that where the Koran is preached, it is preached correctly and no fog of meaning surrounds the words that are bandied about.

**Lord Campbell-Savours (Lab):** My Lords, following up that question, have Ministers had time to consider the reports in the press last weekend of concerns expressed by Sir Michael Wilshaw about illegal schools, often Islamic schools, operating here in the United Kingdom teaching in a way that promotes extremism? What action are the Government taking to sort out this problem, because these schools are often recruiting areas for people who end up with Daesh?

**Earl Howe:** The noble Lord makes a very good point. It is slightly outside my brief, as that is a Home Office matter, as he will appreciate. But I am aware that there is considerable concern across government about schools of the kind he mentioned, particularly unregistered schools, where a false ideology is being promoted. Again, I shall consult Home Office colleagues and, if I can give the noble Lord up-to-date information, I shall be happy to write to him.

**Lord Ramsbotham (CB):** The Minister mentioned the spread of Daesh to Libya—and one of the principal victims of Libya is, of course, Egypt. What help are we giving to Egypt to counter the increased Daesh activity on its borders?

**Earl Howe:** My Lords, we are in close touch with the Egyptians about this, and we share their concern about the spread of Daesh in Libya. We welcome the signing of the Libyan political agreement in December for the establishment of a Government of National Accord to restore a measure of security and stability in Libya. We know that the Egyptians are also supportive of the new Government in any way that they are able. All I can say to the noble Lord is that we will continue to play an active role and encourage the Government in Libya to make sure that, as the Libyan state authority is re-established across national territory, we see respect for human rights being considered as an important part of rebuilding governance—and, of course, we impress that message on the Egyptians as well.

**Lord Campbell of Pittenweem (LD):** The noble Earl will forgive me if I press him a little further on the issue of Libya, where Daesh has now established bases on the southern shore of the Mediterranean, within easy reach of southern Europe. I also ask him to take into account the well-founded reports that Daesh has formed an association with Boko Haram. Military success is obviously to be welcomed but, if a consequence of that is displacing the activity of Daesh into further acts of terrorism, it is clear that we must have a strategy to deal with that. Precisely what is that strategy?

**Earl Howe:** My Lords, clearly, there is concern about the spread of Daesh's influence and geographical presence in Libya. We have been very clear that we have the convention, which we should observe, that, if we had plans to send conventional troops for training in Libya, we would of course consult Parliament. That is why the noble Lord has heard nothing to date about that. Nevertheless, we look with concern at what is happening. Now that there are a Government of National Accord in Libya, we look to them to request help from us if they so choose. For example, we stand ready to send British resources to assist in training the Libyan army. As for the link-up with Boko Haram, there is prima facie evidence that what the noble Lord says is correct, which must be another issue of concern. We are in touch with allies such as France in that connection. This is quite a fast-moving situation; I will be happy to update the noble Lord if there is further detail that I can provide him with.

**Lord Green of Deddington (CB):** My Lords, the noble Earl has acknowledged that the struggle against Daesh will not be won by military means alone. I commend the Government for their growing realism in their approach to the Assad regime. The enemies of our enemies may not be our friends, but they can be useful in this very long struggle.

**Earl Howe:** My Lords, the noble Lord makes a profound point. Nevertheless, we are clear that Assad cannot form part of a long-term solution in Syria. He has passed the point where that might once have been an option. It is clear that the Syrians want change, and we think that the Syrian peace process in Geneva is the route to that change.

**Lord Stoddart of Swindon (Ind Lab):** My Lords, the answer to the previous question does affect very many people. Is it not a fact that, unless the Assad problem can be solved and the United States Government and our Government withdraw their demand that he should be deposed, it would be far better to end the war with Assad and then have elections so that he can be tested by the will of the people?

**Earl Howe:** My Lords, there is no doubt that Syria needs transition to a new Government able to meet the needs of the Syrian people as a whole. That is why our position on Assad is unchanged. That regime is responsible for the current crisis in Syria. The barbarity it has meted out—the barrel bombs, the chlorine, the siege tactics, the interception of medical supplies to those in need—is the main driver of the refugee crisis. We do not think that Assad can form any possible part of a future regime, and the transition has to take place by another means.

**Lord Hannay of Chiswick (CB):** My Lords, will the Minister enlighten the House as to how many elections President Assad won without the will of the people?

**Earl Howe:** My Lords, I am sure the noble Lord is better informed than I am of the political history of Syria. There is no doubt that Assad does not now command the support he once clearly did.

# Queen's Speech
*Debate (4th Day)*

*3.47 pm*

*Moved on Wednesday 18 May by* ***Lord King of Bridgwater****, as amended on Monday 23 May*

That an humble Address be presented to Her Majesty as follows:

"Most Gracious Sovereign—We, Your Majesty's most dutiful and loyal subjects, the Lords Spiritual and Temporal in Parliament assembled, beg leave to thank Your Majesty for the most gracious Speech which Your Majesty has addressed to both Houses of Parliament, but regret that the gracious Speech did not include a bill to protect the National Health Service from the Transatlantic Trade and Investment Partnership".

**The Minister of State, Ministry of Justice (Lord Faulks) (Con):** My Lords, it is a privilege for me to open the debate on Her Majesty's gracious Speech in which we will be considering the Government's priorities on the matters of home, legal, constitutional and devolved affairs in the year ahead. Underlying all these priorities, I should emphasise, is our commitment to be a one-nation Government who seek to extend opportunity wherever they can and help everyone in this country reach their full potential.

I turn first to the Government's legal business. The prison and courts reform Bill included in the gracious Speech is, above all, part of a comprehensive strategy to reduce crime. It will reduce reoffending by making prisons places of education and purpose and ensure that our court system is accessible and proportionate. There is no doubt that our prison system is in need of reform. Those who work in our prisons—prison officers, governors, probation officers, charity workers and volunteers—do so tirelessly to support the individuals in their care and address the causes of their offending, and yet the system they work in hinders, rather than helps, their commitment to rehabilitation. They have to deal with an ageing estate, elaborate and centralised rules and regulations and increasing levels of violence and self-harm.

Those barriers to rehabilitation are reflected in reoffending figures. At present, nearly half—46%, to be precise—of adult prisoners are reconvicted within one year of release. The Government must therefore act to reduce those figures, cut crime and make our streets safer. The public would expect nothing less. However, an effective criminal justice system cannot afford to ignore the evidence on the causes of crime. We know, for example, that prisoners come disproportionately from harsh and violent backgrounds. Around two-fifths of them observed domestic violence as children, nearly one-quarter were taken into care and 47% do not have a single school qualification. So there will be a new emphasis on rehabilitation, based on a belief in the innate worth of every individual. Offenders, the Government argue, should be seen not simply as liabilities but as potential assets—people who can redeem themselves and contribute fully to society.

[Lord Faulks]

To achieve that, we need to unlock the potential not just of those in prison but of those supporting them, giving those at the front line the freedom to pursue what works. We will start by creating six reform prisons, where governors will be given more freedom over budgets, staffing and their relationships with business and charities. The Bill will support the creation of new reform prisons and provide that they are independently run and legally separate from the Secretary of State. The lesson of other public service reforms is that greater autonomy generates innovation. By giving such freedoms to governors we will allow them to choose the best education, training, healthcare and security for their prisoners. Reducing violence and self-harm will be a high priority since a calm, orderly environment is critical to the opportunity to rehabilitate.

These reforms will also allow for better accountability. There will be comparable statistics for each prison on reoffending rates, employment on release, and levels of violence and self-harm. That is how we will identify successful innovations and replicate them. These new freedoms for governors sit alongside our commitment to replace 10,000 places in ageing and ineffective prisons with new establishments better suited to the needs of prisoners today, to be built with £1.3 billion of investment announced at the spending review.

We also need to make sure that our courts and tribunals are operating efficiently and effectively and are able to deliver a system that is just, proportionate and accessible. The Bill will make justice more accessible to users by digitising the courts and tribunals system, making our systems easier to use and built around those who use them, while supporting those who are digitally excluded. It will enable us to get cases out of the courtroom that should not be there, so that a judge and a courtroom are used only where necessary. Across all jurisdictions, trained case officers will carry out routine case management, and technology will help to progress cases more efficiently and resolve more of them online. This will make for a more efficient courts estate.

We are making our family courts more focused on outcomes. More collaborative problem-solving approaches will be used, promoting better outcomes for families in the public and private family courts. We are also continuing the drive to make it easier for disputes to be resolved through mediation.

I turn now to the rule of law and to a crucial aspect of it: human rights, here and abroad. The Government remain committed to human rights, but we are committed to reforming domestic human rights law so that we can have a system that protects people's rights but also commands the confidence of the public. This country has a proud tradition of respect for human rights, which stretches back centuries—long predating, I should stress, the Human Rights Act 1998. With that tradition embodied in Magna Carta, the Petition of Right, the Bill of Rights, the Claim of Right and other statutes, this country has always been a beacon for liberty and democracy. Indeed, our rights tradition has been exported all over the world.

That continues today. The UK has played a key role in dealing with the human costs of the conflict in the Middle East. We have contributed £2.3 billion to the Syrian crisis since 2012 and have committed to taking in more than 20,000 Syrian refugees by 2020. We have transformed the fight against sexual violence in conflict, persuading more than 150 states to agree for the first time that sexual violence should be recognised as a grave breach of the Geneva Convention.

That commitment to human rights and civil liberties is matched at home. The coalition Government scrapped ID cards and cut pre-charge detention. This Government brought forward the Modern Slavery Act 2015. The Government were elected with a clear mandate to reform the UK's human rights framework. I know that noble Lords have eagerly awaited our proposals for a Bill of Rights, and I hope they will not be waiting much longer.

**Lord Foulkes of Cumnock (Lab):** Having spoken about treating prisoners more humanely, the Minister is now talking about human rights. Why do the Government not accept the decision of the European Court of Human Rights in relation to prisoners' votes?

**Lord Faulks:** The noble Lord will know that both Houses of Parliament have had a chance to consider this issue on more than one occasion. The House of Commons has decided by a significant margin that it does not wish prisoners to have the vote, and that remains the position.

As I indicated, the Government have a clear mandate, but I want to address some worries that have been raised and talk about what our proposals will not do. Our reforms are not about eroding people's human rights. They are not about walking away from the list of fundamental rights set out in the European Convention on Human Rights. The Government are and will remain committed to the protection of those rights.

The problems that have been highlighted by many—all over this House and in the other place—about the way in which human rights have been applied are not to do with the text of the convention itself. Rather, they are to do with its interpretation, which has been extended far beyond what those who drafted it ever planned.

**Lord Falconer of Thoroton (Lab):** Can we take it from that incredibly encouraging part of the Minister's speech that the Human Rights Act as currently in our law will continue to reflect in its wording that of the European Convention on Human Rights?

**Lord Faulks:** What I in fact said was that the Bill when it emerges will reflect all the rights contained in the European convention, not the Human Rights Act. The Human Rights Act indeed reflects the convention. The way in which the convention has been interpreted is our quarrel with the Human Rights Act, not the contents of the convention itself.

We have seen claims brought by people who have themselves shown a flagrant disregard for the human rights of others. Even where claims are unsuccessful, the fact that they can be brought at all serves to undermine public confidence in the Act. So we will bring forward proposals for a Bill of Rights to replace the Human Rights Act. We want our Bill to protect

fundamental human rights but also prevent their abuse and restore some common sense to the system. Our proposals will focus on the expansionist approach to human rights taken by the Strasbourg court. These are of course matters of great importance and there will be passionate views on different sides of the debate, but I hope that noble Lords will approach our proposals with open minds when they are brought forward for detailed consultation.

In that context, I was disappointed to read that Alistair Carmichael MP, the Liberal Democrats' home affairs spokesman, said last week of the Bill of Rights:

"We will try to torpedo this plan in the Commons and Lords".

First, we have not yet published our proposals, so it is a somewhat premature observation. Secondly, it is a clear manifesto commitment. Surely scrutiny, rather than destruction, is appropriate in the circumstances. Thirdly, if a torpedo is to be fired, the Liberal Democrat numbers mean that its arsenal is located here in Your Lordships' House, the unelected House. I wonder whether the noble Lord, Lord Marks, when he comes to wind up for his party, would reassure your Lordships that, however rigorous the scrutiny of our proposals might be, it will not amount to an attempt at wholesale destruction. The public who elected this Government surely deserve better than that.

I shall now address the Government's priorities on matters of home affairs. First, I turn to the Investigatory Powers Bill, which will govern the use of those powers by law enforcement, the Armed Forces, security and intelligence agencies and other public authorities. The Bill responds to three independent reviews of investigatory powers, including the statutory review conducted by the Independent Reviewer of Terrorism Legislation, David Anderson QC. The two other independent reviews, conducted by the Intelligence and Security Committee of Parliament and the panel convened by the Royal United Services Institute, have also been carefully considered.

Last autumn, a draft Bill was scrutinised by three parliamentary committees, which received a significant body of written evidence and heard from government and many other groups. The revised Bill, along with further explanatory material, reflected the majority of the recommendations of all the committees and reviews.

I reassure noble Lords that the Government appreciate that these powers, which have an impact on privacy, must be used with great sensitivity. Privacy is at the heart of this Bill, as it provides for greater protections and safeguards for existing powers and ensures that any misuse is punished. Powers are necessary to uphold the security that allows the public to enjoy that privacy. In the revised Bill we made privacy safeguards stronger and clearer, incorporating additional protections for journalists and statutory protections for lawyers. We have provided the time needed for a full parliamentary passage to ensure that Parliament gives the Bill the scrutiny that such an important piece of legislation deserves.

I am sure that noble Lords will agree that our pluralistic values make Britain a civilised country in which to live, but extremists with dangerous views try to undermine those values. We cannot tolerate this promotion of hatred and intolerance, which divides communities and sets people against each other. People in Britain today should never have to suffer hatred and violence because of their race, religion or sexuality; women should not be denied equal access to rights; and children should never be taught to despise the values that we all hold dear. We have delivered the counterextremism strategy to defeat all forms of extremism. As part of this strategy, we will bring forward new legislation to ensure that we are equipped to confront extremists and protect the public.

The gracious Speech also includes the Policing and Crime Bill, which will continue our reforms of the police. Since 2010, a radical programme of police reform has been under way. It has seen the introduction of directly elected police and crime commissioners to ensure greater accountability and transparency in policing. I pause there to congratulate the noble Lord, Lord Bach—not currently in his place—who was recently elected a PCC for Leicestershire. Although I am not sure that the party opposite wholly welcomes police and crime commissioners, it is good to see that they are joining in the system and embracing it fully.

The programme of reform has driven through efficiencies of £1.5 billion in cash terms. Crime has fallen by more than a quarter since 2010, with 2.9 million fewer crimes a year, according to the independent Crime Survey for England and Wales. The Bill will make the police more efficient and effective, enhance democratic accountability, build public confidence and ensure that the right balance is struck between the powers of the police and the rights of individuals. By providing police and crime commissioners with the ability to create more collaboration between police and fire services, the Bill also enables both emergency services to make significant savings in the delivery of their back-office functions.

The gracious Speech includes a Bill to introduce important changes to the way that this country tackles money laundering. This country has a robust anti-money laundering regime, but we must ensure that we can tackle the increasingly complex mechanisms used to launder illicit funds in order to allow our law enforcement agencies to identify and seize criminal assets. These changes will result in greater disruption of money laundering and activities that finance terrorism, as well as the prosecution of those responsible and the recovery of the proceeds of crime.

The gracious Speech sets out measures on how power is to be distributed across the UK and how decisions are taken. The Government are committed to establishing a secure settlement for the constitutional arrangements across our country—arrangements that provide the different nations of the United Kingdom with the space to pursue different domestic policies should they wish to do so, while protecting and preserving the benefits of being part of the bigger United Kingdom family of nations.

We said we would move quickly to implement the further devolution that all parties agreed for Wales and Scotland and deliver the Stormont House agreement in Northern Ireland. That is what we are doing. The Wales Bill would make the devolution settlement in Wales clearer by introducing a reserved powers model, like the system already in place for Scotland. The National

[LORD FAULKS]
Assembly for Wales will be able to legislate on any subject unless specifically reserved to Parliament. This Bill will also reflect the permanence of the Assembly and the Welsh Government in statute.

**Lord Hain (Lab):** Will the Minister confirm that in the definition of the reserved powers, significant changes have been made to the draft Wales Bill which was widely criticised for clawing back, in effect, many of the powers that had been de facto devolved already?

**Lord Faulks:** There have been significant changes.

The Bill would also remove the requirement in the Wales Act 2014 for a referendum before a proportion of income tax is devolved. As I said, the National Assembly will be able to legislate on any subject unless specifically reserved to Parliament. The Bill will also reflect the permanence of the Assembly and the Welsh Government in statute.

Your Lordships' House has a vital role as the scrutinising and revising Chamber of Parliament and will discharge, I am sure, the role with its usual diligence. But this Government firmly believe that the elected House of Commons should have the final say on the laws that Parliament makes. That should be the case for all legislation, however it is made. Last year, my noble friend Lord Strathclyde was asked to come forward with proposals to secure the decisive role of the House of Commons in the passage of secondary legislation. We are considering his recommendations carefully, alongside the recommendations of a number of committees of your Lordships' House and the other place, and will respond in due course.

I know noble Lords will agree with me that there is a great deal in this important and highly topical legislation to consider. Much of the legislation has not yet been published. When it is, I feel confident that it will be carefully scrutinised. In the meantime, I much look forward to the debate today in your Lordships' House, which I am sure will contribute greatly to the Government's thinking. It is possible that the debate will not involve the forthcoming referendum, but I rather doubt it.

*4.07 pm*

**Lord Falconer of Thoroton:** My Lords, I thank the noble Lord, Lord Faulks, for his exposition of what was in the gracious Speech. He is a fine advocate on a sticky wicket. Looking at his profile on the Ministry of Justice's website, I noticed that he used to work for the literary agents Curtis Brown. I am glad to say that my very good friend Ed Balls has chosen Curtis Brown as the agents to promote his new book, *Speaking Out: Lessons in Life and Politics*—available in all good bookshops from 16 September. I would be happy to arrange for the noble Lord a signed copy and the opportunity to learn whatever lessons are going. In exchange, I wonder whether he could get me a copy of another book currently being promoted by Curtis Brown—*The Churchill Factor*, by Boris Johnson.

Moving on from works of fantasy, I turn to the gracious Speech. It seems a long time ago that it was delivered. Hardly was the ink dry on the vellum than the Government were willing to regret the contents of their own gracious Speech by agreeing the TTIP amendment. Historically, as noble Lords will know, the last time that a gracious Speech was amended was in 1924 and the then Tory Government, led by Baldwin, fell.

That doomed gracious Speech has echoes of the speech that we debate today and included the following line:

"You will be asked to develop the … system of dealing with offenders".—[*Official Report*, 15/1/1924; col. 8.]

The gracious Speech had a more direct tone in those days. That gracious Speech lasted just six days before being defeated on 21 January 1924. Three weeks later, Ramsay MacDonald, having deposed JR Clynes as the party leader after the general election, then became Prime Minister. I hope that this does not give political plotters on either side any ideas.

I know that noble Lords in this House are sure that the Conservatives are currently entirely focused on the national interest and not on badmouthing each other. One should completely discount the Minister, quoted in today's *Sun*, who said:

"How the f*** are they going to put the party back together after all this?",

or the reports in today's *Daily Mail* of a senior Back-Bencher who said:

"People want a date when they know that he"—

I believe that to be a reference to the Prime Minister—

"will be gone. There is real anger".

I am sure that the *Daily Mail* has got it completely wrong this morning with its headline: "Knives out for Cameron". It may well be that we are the only part of the political system that is taking the trouble to analyse this gracious Speech in any detail. I very much look forward to the winding-up speech from the noble Lord, Lord Bridges of Headley. I note from his website that he was the assistant political secretary to Mr John Major from 1994 to 1997, so he is a bit of an expert on blue-tinged civil war. He will know that his then boss between 1994 and 1997, the noble Lord, Lord Hill, the former Leader of this House, chose to leave the country in anticipation of what is happening.

My final point in introduction is that it is so encouraging that the current Lord Chancellor, Mr Michael Gove, has remained above the fray. Take, for example, his claims that the European Court of Justice is undermining the security of the United Kingdom. Those were described by the former Conservative Attorney-General, Mr Dominic Grieve—who turns 60 today, so we wish him a happy birthday—as "unfounded and untenable", "simply wrong", and that the Lord Chancellor was,

"labouring under a very serious misunderstanding",

of the way the European Union worked. Or take the Lord Chancellor's claim that up to 5 million new immigrants would arrive in the European Union from Turkey and four other alleged new joiners by 2030. This was based upon the proposition that Turkey would have joined the European Union by 2020—a view to which nobody, apart from the Lord Chancellor and other committed Brexiteers, appears to subscribe.

I turn to the gracious Speech.

**Noble Lords:** Oh!

**Lord Falconer of Thoroton:** I knew that noble Lords would be pleased.

First, there was the reference to a British Bill of Rights, which has now featured in the gracious Speech for two years in a row, and in almost identical terms. The Human Rights Act 1998 has effected a fundamental change in the relationship between the overmighty state and its citizens. The effect of the incorporation of the convention into our domestic law has been to force Governments and state organisations to think about the citizen in a different way. Examples of this are legion. The second Hillsborough inquests would not have taken place without the Human Rights Act; the Government's attempts to introduce oppressive security laws after 9/11 were struck down in the Belmarsh cases because of the Human Rights Act; and the decision of a local authority that tried to separate a couple who had been married for 60 years into separate care homes was struck down as contrary to their basic human rights.

There can be no going back on the rebalancing of the relationship between citizen and state. The Tories have run a campaign against the Human Rights Act since it was introduced. They have found powerful allies in elements of the media who are happy for there to be human rights—but only for those people they like. If as a nation we are serious about human rights, there must be human rights for all, not just for those that the Executive wish to bestow them on or for those of whom the *Daily Mail* approves.

The Tories came out of the general election in 2015 suggesting that they could leave the European Convention on Human Rights if that is what it took to reform the Human Rights Act. The Prime Minister appears to have retreated from that position, as evidenced by the briefing around this gracious Speech. Not so the Home Secretary, who gave a speech very recently saying that we should withdraw from the convention for the express purpose of reducing some people's human rights.

As for the Lord Chancellor, who knows? The noble Lord, Lord Faulks, was careful to give no insight into his thinking. The Lord Chancellor's evidence to the European Union Justice Sub-Committee of this House led it to say:

"The proposals the Secretary of State outlined did not appear to depart significantly from the Human Rights Act—we note in particular that all the rights contained within the ECHR are likely to be affirmed in any British Bill of Rights. His evidence left us unsure why a British Bill of Rights was really necessary".

So I invite the noble Lord, Lord Bridges of Headley, to give this House some clue—not in detail and not breaking any confidences—about what is proposed.

It is a very strange concept: a British Bill of Rights that would be likely to be refused legislative consent by the Scottish Parliament, to be opposed by the Welsh Assembly and would frustrate and complicate the Good Friday agreement. It may be that those rights would remain unchanged; I do not know and the noble Lord, Lord Faulks, has not told us. It may be that the Government will say that the United Kingdom courts should be supreme in determining what the convention means in UK law. Of course, that is what the Human Rights Act already says. It may be that the so-called British Bill of Rights will declare the supremacy of the UK Parliament—but of course that is already the position under the Human Rights Act, as the prisoner voting rights issue demonstrates.

We so damage ourselves as a country by the inability of our Government to accept human rights in a constitutional settlement that works. It goes without saying that the Lord Chancellor should be the champion of human rights within the Government. A commitment to the rule of law carries with it a commitment to defend people's basic rights. It is a fundamental weakness in the Government that the champion of the law will not be straight in his defence of its most basic rights. My plea is that the Lord Chancellor and the Government make it clear that they accept that the rights that Winston Churchill insisted be agreed by Europe after the Second World War are now beyond argument both in their terms and in the fact that they will be enforced by our courts in this country. We on this side of the House stand by the Human Rights Act 1998 and we implore the Government to do the same.

The prison and courts reform Bill contains many measures that we welcome. We welcome proposals to give prison governors more autonomy and to increase the focus on rehabilitation and prisoner education. I congratulate Dame Sally Coates for the impressive work she has done as part of her review into prisoner education and I welcome the Lord Chancellor's commitment last week to review the plight of prisoners serving IPP sentences. But the prison reforms, billed as the centrepiece of the gracious Speech, have no prospect of success unless the fundamental crisis in the prison system is addressed.

First, there is chronic understaffing in our prisons. Secondly, there is chronic overcrowding. Thirdly, there is a chronic rise in violence and self-harm, with 7,000 fewer officers and a prison population which has risen by nearly 3,000 since 2010. There have been six murders and 100 suicides in prisons across England and Wales in the past 12 months—the highest levels seen for at least 25 years. Assaults on staff are up by 36% from the previous year, and overcrowding in prisons is forcing inmates to double or even treble up in cells. I worry, as do many informed observers, that we are on a road which led 30 years ago to the Strangeways riots. I look forward to the speech later of the noble and learned Lord, Lord Woolf, who issued a seminal report after those riots.

The Prime Minister lost his nerve the last time a Justice Secretary tried to reform our prisons and we ended up with Chris Grayling as a result. Until we tackle those issues and see a reduction in the prison population, these reforms are tinkering while Rome burns. I welcome the announcement today of an extra £10 million to spend on safety in prisons. The extra £10 million is to be made available,

"to prison governors for extra prison staff; more training, including on suicide awareness; additional equipment, including body cameras and CCTV; and on additional drug testing, including for legal highs".

The announcement was no doubt timed to coincide with today's debates in your Lordships' House and the other place on prison reform. In the face of the scale of the prison crisis, the £10 million looks risibly small.

[LORD FALCONER OF THOROTON]

If the Lord Chancellor is serious about prison reform, the first step he must take is to reduce the prison population—dealing with IPP prisoners as a matter of urgency. He can take two further steps: first, reduce the number of prisoners who are remanded in custody and then do not get custodial sentences; and, secondly, reduce the length of sentences for non-violent and non-sexual offenders. Not taking these steps makes me worried that prison reform—the centrepiece of the gracious Speech—is not serious but rather an eye-catching initiative designed to distract attention from the troubles of this Government.

The Lord Chancellor speaks of his personal commitment to the issue of prison reform. He gave a detailed interview to the *House* magazine on 13 May of this year, which stretched over five pages—I have to say that one page was a very large photograph of the Lord Chancellor—but he did not mention the question of prison reform once.

I turn now to court reform, and welcome the commitment to it. We should not underestimate the crisis in our courts. Lord Thomas, the Lord Chief Justice, wrote in January this year:

"Our system of justice has become unaffordable to most".

He is right. What is more, this Government and the coalition Government before them presided over the decimation of our justice system. In 2009-10 more than 470,000 people received advice or assistance on social welfare issues. By 2013-14, the year after the Government's reforms to legal aid came into force, that number had fallen to fewer than 53,000—a drop of nearly 90%.

The Briggs report on the civil justice system puts it as follows:

"The single, most pervasive and intractable weakness of our civil courts is that they simply do not provide reasonable access to justice for any but the most wealthy individuals, for that tiny minority still in receipt of Legal Aid … In short, most ordinary people and small businesses struggle to benefit from the strengths of our civil justice system … The civil courts are, by their procedure, their culture and the complexity of the law … places designed by lawyers for use by lawyers".

This is the crisis with which we need to deal. Access to justice depends on a level playing field. The cost of going to court needs to be reduced and the availability of legal aid needs to be increased. It must be wrong that abandoned spouses, whatever their means, cannot get legal aid to sort out their financial position or continued relationships with children unless they can meet stringent tests to prove that they are victims of domestic violence. The whole issue of legal aid needs to be properly reviewed. That is why my noble friend Lord Bach and his legal aid commission are asking hard questions about how to address these problems, including how technological change can be seen as a benefit to be grasped rather than something to be afraid of.

I am surprised by the reappearance of an extremism Bill in the gracious Speech. The key issue there will be the definition of extremism. The Government must be very careful. We welcome the criminal finances Bill—better late than never. The Wales Bill is important. We need carefully to scrutinise the detail to determine whether it does propose the long-lasting settlement that we all want to see. Labour, as the party which established the Welsh Assembly, welcomes the devolution of further powers. That is why we opposed the disastrous draft Bill that was before us last year. The First Minister—I am glad to see him back in that role—was right to say that that process had been, "an avoidable mess" and that the Government,

"need to get into the habit of treating Wales and the National Assembly for Wales with proper respect".

The Strathclyde proposals have all the hallmarks of the Government's approach to human rights: "We say we like them but if they cause any difficulty we then try to take them away".

This is a gracious Speech overwhelmed by the sound of blue-on-blue gunfire, with the Lord Chancellor right in the thick of it. At a time when our prisons and our courts are in crisis and there is real suffering as a result, he is on a front line fighting a different war. I will give him, as will all on this side, full support for genuine and properly thought through proposals to reform our prisons and our courts. My goodness, we really need such proposals. Unfortunately, the proposals in the gracious Speech do not meet the hurdles either of genuineness or of being properly thought through. We do not know whether the Lord Chancellor will ever return from his current war—but if he does, I urge him to lay off human rights and devote his very considerable energies to the progressive reform that is so desperately needed.

*4.25 pm*

**Lord Dholakia (LD):** My Lords, I welcome the sense of humour displayed by the noble and learned Lord, Lord Falconer, but it is now time to become serious on this particular legislation set out in the gracious Speech. I say straightaway that we particularly welcome the reform of prisons and courts. It will put education at the heart of the rehabilitation process. There is hope that old and inefficient prisons will be closed.

I intend to concentrate my remarks on the prospects for reforming the prison system in the light of the Government's proposal for a prisons and courts reform Bill and other recent announcements by the Secretary of State for Justice, Michael Gove. He has a tough task ahead of him. The background to the Secretary of State's proposal is a prison system suffering from chronic problems. Around 70 of the 117 prisons in England and Wales are overcrowded. The number of public sector prison staff is now around 30% lower than five years ago. Even after taking into account the recent small and welcome increase in staff numbers, there are still around 13,000 fewer staff looking after 1,200 more prisoners than five years ago. The numbers of assaults and deaths in custody, mentioned by the noble and learned Lord, are both at record levels. Rates of self-harm among male prisoners have risen by a third over the last five years. Purposeful activity in prisons is currently at the lowest level the prisons inspectorate has recorded.

As a result, all too many prisoners rapidly reoffend after leaving prison. Some 45% of adult prisoners, 58% of short-term prisoners and 68% of juvenile prisoners are reconvicted within a year of leaving prison. The total cost of reoffending to the nation has

been estimated at somewhere between £9.5 billion and £13 billion a year. Against this background I welcome the central thrust of the Government's plan to give prison governors greater autonomy in how they organise regimes and contract for services, while making governors accountable for outcomes relating to security and the rehabilitation of prisoners.

A good example of where this approach could lead to improvement is prison education. The deficiencies of the current system of prison education, again pointed out by the noble and learned Lord, were very much confirmed by the review undertaken by Dame Sally Coates, entitled *Unlocking Potential*. In the last academic year, 2014-15, Ofsted inspected 45 prisons. In these 45 inspections, 34 prisons' educational provision was rated as inadequate or as requiring improvement, compared with only 11 rated good or outstanding. In her report, Dame Sally Coates recommended a new approach that gives governors greater freedom to determine educational arrangements and contracts; provides personal learning plans for all prisoners; gives greater opportunity for prisoners to develop IT skills; and enables prisoners to have greater access to the internet, to higher education and to industry-standard vocational qualifications. I am pleased that the Government have reacted positively to her recommendations.

The Government have also announced plans to publish comparable statistics for each prison, covering such areas as reoffending rates, assaults, rates of self-harm and the number of prisoners who leave prison for employment. In using these statistics, it will obviously be important to compare like with like because different types of prison often hold very different types of prisoner. However, the publication of such figures will be an important way of monitoring whether the performance of individual prisons is improving or deteriorating.

I particularly welcome the Secretary of State's emphasis on enabling more prisoners to experience temporary release for purposes such as employment, education, securing accommodation and rebuilding links with their families. These areas are all closely related to reoffending rates, yet the number of prisoners released on temporary licence has fallen by 40% in the last five years. This is largely a result of the last Secretary of State's misguided policy of restricting opportunities for temporary release. The current plans to reverse this trend will help to improve rehabilitation and reduce the stubbornly high rate of reoffending.

I hope that the Secretary of State will also reverse his predecessor's unfortunate decision to ban the transfer of anyone who has previously absconded from an open prison. This means that an inadequate offender who absconds after receiving distressing news from his family but then thinks better of it and hands himself in the following day cannot be transferred back to an open prison later in his sentence. Yet a period in open prison can increase the chances of prisoners' successful resettlement by enabling them to reintegrate gradually into the community rather than face the sudden shock of release after spending years in closed conditions. Reversing the previous Secretary of State's policy would help the Government's aim of reducing reoffending.

The time is long overdue for the Government to implement the recommendation made in 2013 by the Joint Committee on the Draft Voting Eligibility (Prisoners) Bill. I am pleased to have been a member of that committee. The Bill would enable prisoners to vote if they are serving sentences of under 12 months or are in the last six months of their sentences. It is now 12 years since the European Court of Human Rights judged that our blanket ban on voting by convicted prisoners violates the European Convention on Human Rights. The longer we continue to ignore our obligations under international law, the longer we are adopting a position that sits badly with our insistence that prisoners and other offenders should respect the rule of law. My noble friend Lady Hamwee will have more to say on this subject but respect for the rule of law involves an obligation for states as well as individuals to abide by binding legal rulings and not to pick and choose by abiding only by decisions which they choose to accept. We should waste no further time in making this relatively limited change for which there are strong arguments based on considerations of citizenship and rehabilitation.

The success of the Secretary of State's proposals will be hampered unless the Government take determined steps to reduce the number of people in prisons. Overcrowding severely restricts prisons' ability to provide the constructive activities and regimes which can rehabilitate prisoners effectively. This country has the highest rate of imprisonment in western Europe. We currently have 148 people in prison for every 100,000 people in the general population, compared with 100 in France and 78 in Germany. We are not twice as criminal as the German population so why do we find it necessary to jail nearly twice as many people? There is an overwhelming case for using prison more sparingly, particularly as community sentences have lower reconviction rates than prison sentences for comparable offenders. We should legislate to require sentencing guidelines to take account of the capacity of the prison system. Sentencing guidelines should scale down the number and length of prison sentences except for the most serious crimes. They should remove prison as an option for low-level non-violent crimes.

We should prohibit courts using prison—except for dangerous offenders—unless they have first tried an intensive community supervision programme. We should also convert the sentences of existing IPP prisoners into determinate sentences once they have served a period equivalent to double their tariff.

I make no apology for arguing yet again that the Government should grasp the nettle and raise this country's unusually low age of criminal responsibility, which is currently the lowest in Europe, from 10 to 12. The current position is incompatible with our obligations under international standards of juvenile justice and the UN Convention on the Rights of the Child. Dealing with children of this age through non-criminal processes would hold out more hope of diverting them away from offending than subjecting them to punishment through the criminal justice system. I hope that the Secretary of State and his colleagues will follow up this promising start with a root-and-branch reform of this country's sentencing practices, which have made it harder for prisons to reduce reoffending rates and rehabilitate prisoners.

[LORD DHOLAKIA]

In conclusion, law is not the only instrument by which we deal with those who offend. We must resist the insatiable appetite to promote more legislation. This must be the starting point before future legislation is contemplated.

*4.36 pm*

**Lord Pannick (CB):** My Lords, the gracious Speech states:

"Proposals will be brought forward for a British Bill of Rights".

I declare an interest as a practising barrister who sometimes appeared against the Minister in his former life. The Minister said that we would not have to wait much longer to hear the details of the proposals. We certainly did not hear any of the details this afternoon.

We are accustomed in this House to mature reflection before a conclusion is reached on matters of policy. However, the Chilcot inquiry into the Iraq war and the assessment of the case for another runway at Heathrow Airport are each the impetuous rush to judgment of men and women in an unseemly hurry compared with the protracted and painful saga of the Conservative Party's deliberations on human rights.

In February 2009, the *Guardian* newspaper reported that David Cameron, then leader of the Opposition, promised to repeal the Human Rights Act and replace it with a British Bill of Rights. The *Guardian* report of seven and a quarter years ago concluded:

"The Conservatives have yet to spell out in detail what exactly would be covered by their British bill of rights".

Nothing has changed. Since 2009, human rights law has survived Abu Hamza and Abu Qatada, and has survived, just about, the Lord Chancellorship of Mr Chris Grayling, the man noble Lords may remember told the Conservative Party conference in September 2014 that he "supports real human rights", and so opposes,

"the terrible things done in countries like North Korea".

That sets the bar rather low for most people's comfort. Human rights law will even survive Shami Chakrabarti, the director of Liberty, joining the Labour Party, whose recent record on human rights has been less than glorious.

Conservative Ministers have given innumerable speeches on a British Bill of Rights, but as to substance there has been none. Of course, there was a coalition Government for five years, but if the Conservatives were prevented from implementing a policy, that is no excuse for their inability to articulate a policy.

There is, of course, a very good reason for their repeated failures to come forward with concrete proposals on human rights. It is very easy to express political platitudes on this subject and to pander to popular prejudice. It is much more difficult to come forward with coherent proposals which would improve the current state of the law. What we do know is that the Lord Chancellor, Mr Gove, told the House of Commons last month that the Government's position is that we should remain within the European Convention on Human Rights. On 26 April, the Attorney-General, Mr Jeremy Wright, told the other place that,

"we have no objections to the text of the convention; it is indeed a fine document".—[*Official Report*, Commons, 26/4/16; col. 1289.]

The Minister repeated that today, not in those words but in substance. What the Minister told us—and it is all he told us about the substance of these proposals—is that the concern is not the contents of the convention but the rulings of the European court. But how will a British Bill of Rights assist on that, when being a party to the convention means an obligation to implement its terms, as interpreted in the judgments of the Strasbourg court?

There is a problem with the protection of human rights in this country: it is the willingness of politicians and the press to use human rights as a political football. However, I must say that I find newspaper editors, as clients, as keen as anybody else on the protection offered by human rights in relation to unfair or arbitrary government decisions. I have a proposal: instead of denigrating and undermining human rights law because of objections to a tiny minority of Strasbourg court judgments, this Government should focus on educating children and informing adults of the value of the Human Rights Act in contributing to our civilised society. If and when the Government do bring forward concrete proposals, this House will need to scrutinise them most carefully.

*4.42 pm*

**The Lord Bishop of Southwark:** I will make a number of points which I hope will be of value to your Lordships' House and respond appropriately to Her Majesty's gracious Speech. It is clear to me that Ministers in this Government understand freedom, as did their predecessors, as freedom in security. We have heard in the Queen's Speech that we may expect legislation,

"to prevent radicalisation, tackle extremism in all its forms, and promote … integration".

This may be necessary, but I have concerns about our ready desire to legislate solutions to problems where other avenues present themselves. The recent lowering tone and content in public discourse is an example. It diminishes sympathy and challenges what constitutes legitimate and proper boundaries for political debate. I agree with the Chief Rabbi that:

"There has been nothing more disheartening ... than the suggestion that this is more about politics than about substance".

I am bound to observe, for example, that there were lapses of judgment during the recent mayoral election in London.

We need a politics of generosity that transcends such divisiveness, a narrative that does not engender fear, and I applaud indications within major political parties that recognise this. It was fitting that the cathedral church of a diocese—my own, as it happens—proud of its unifying role in an area of great ethnic and religious diversity should play host to the swearing in of the new Mayor of London. It is not a party political point to say that I welcome Sadiq Khan's decision to start his mayoralty with a symbolic move that was both positive and unifying.

A good deal of the difficulty in drafting the Bill to counter extremism appears to lie in defining what is extreme and extreme in relation to what. Hitherto, it has been in relation to British values, but a proper definition of these values and a narrative around them

has been lacking for some years. No such definition appears in the Government's *Counter-Extremism Strategy* of last October. It remains to be seen whether measures other than those already available in statute and common law are required. What is lacking is a positive, attractive narrative or narratives, without which aspirations to integration are futile.

I say "narratives" because I am aware that this country has been fed by more than one tradition and that some of these are noble traditions of dissent. It remains a concern that in a rush to exclude the hateful and inflammatory, we also deny these traditions full expression. For example, the answers of Ministers to questions about whether people in this country have a right not to be offended have received ambiguous answers. People should not seek to offend, as I have made clear, but I do not believe we have a blanket right not to be offended. Such a right, if conceded, may be a comfort to some but it is not a British value. Constraints should be few. Democratic institutions are best undergirded when people are free to speak their minds fearlessly.

The security apparatus which operates to keep us safe is extensive. It already has that most un-British of features: provisions whereby a defendant may not see evidence used against them. At a time of crisis for this country, when the very state was under grave threat, Parliament passed the Treason Act 1695, giving defendants the right to see indictments in cases of high treason and any evidence pleaded with them. I know that practitioners argue the exceptionalism of the times. That those officers and officials charged with our safety seek additional powers is understandable, but this is not and never has been, until recently, deemed a sufficient criterion for granting such requests. As legislators, we should remember our previous sense of restraint and judge all such requests accordingly.

I will add just a few observations arising from the five major prison establishments in my diocese, including Her Majesty's Prison Wandsworth, which I have visited twice in recent months. It features in current proposals for reform and last week was subject to extensive and alarming news reports. These were accurate but incomplete, failing to acknowledge the success of staff where it happens, including in the chaplaincy. None the less, the service we seek there and elsewhere cannot be achieved without the resources to deliver it. Cuts of a third have left their mark.

Indeed, if I may end where I began in your Lordships' House, with a caution from my maiden speech in January 2015, the background to current pressures on our institutions is one of cuts in the public sector. Pressure on the voluntary sector has grown considerably. If it is to be contested that the resources available are finite, it needs to be remembered that the remarkable resources of voluntary endeavour are also finite and it is morally wrong to push them to the limit. I hope these thoughts on aspects of the gracious Speech are of some value as this debate progresses.

**Baroness Chisholm of Owlpen (Con):** My Lords, I remind your Lordships that the advisory speaking time today is five minutes. If your Lordships stick to this, we should be able to finish by 10 pm.

*4.48 pm*

**Lord Wakeham (Con):** My Lords, I think this is the 43rd Queen's Speech debate that I have attended but it is the first time the Whip has got up just before I rise to my feet, to remind us that I have only five minutes. As I intend to speak about just five words in the Queen's Speech, I will try my best to manage that. The five words, of course, are,

"the primacy of the … Commons".

I think we all agree with that in theory but I want to examine it a bit further to see whether in practice we do.

We had some very vigorous debates on primary legislation in the previous Session and there were some constructive changes to some of the Bills. In the end the Government got their business. It showed, in my view, two very important principles. First, a Government with a majority in the Commons are entitled to get their business. Secondly, an Opposition who accept that principle have considerable rights to express their view forcefully in the House of Lords and perhaps at considerable length. That is what happened, and both of those things are a great credit to the House in the way that it conducted its legislation.

One piece of advice that I might just give, as somebody who has been Leader of both Houses, is that the amendments your Lordships make where the Commons is singing on an uncertain note are usually very much more valuable than just banging back political points from House to House. I remember, when I was responsible for the business in the House of Commons, dreading the number of amendments that the House of Lords could make and wondering how I would ever get the business back to where we wanted it, because I had great difficulty getting the original thing through the House of Lords. That is a piece of general advice to everybody, which I think is right.

On secondary legislation, it is hard to say that the House of Lords recognises the primacy of the Commons. Most of the time, yes, but from time to time—say over boundary reviews or tax credits—it takes a different view. There are other shortcomings—for example, the House of Lords has much less influence over secondary legislation than it ought to have considering the wealth of experience and expertise that there is here.

There have been three Select Committee reports by your Lordships, which contained a lot of wise and sensible suggestions but, in my view, underestimated one important factor: these matters have already been considered by the Commons. So of course there is an element of the Executive versus Parliament, but there is also an important issue of the Lords versus the Commons, and the primacy of the elected House.

The present system, which challenges the primacy of the Commons, ought not to be tolerated for much longer but nor should the lack of constructive influence of your Lordships on these matters. The question is what should be done. This is not a problem that has just arisen: I and some colleagues made some proposals in a royal commission report some 15 years ago as to what should be done. My noble friend Lord Strathclyde has recently made some proposals, and his option 3 is very similar to my proposal of some years ago.

[LORD WAKEHAM]

It was nearly 50 years ago that my noble friend Lord Carrington was Leader of the Opposition and the House of Lords rejected an order relating to Rhodesian sanctions tabled by a Labour Government. His argument was clear: if the Government had considered the advice of the House of Lords and tabled a similar Motion, it would not be the duty of the House of Lords to oppose it a second time. I am not sure that any of these proposals are the best way forward.

Some say these matters are covered by conventions, but some, including at least some on the Opposition Front Bench, do not believe these conventions exist and have publicly said so. Conventions, if they exist, are essentially matters for the Opposition: rules and laws are for the House or Government, but conventions are for the Opposition. If the present convention exists—which I doubt, from what has been said—in my view it is bust because the Government and the Opposition do not agree about it.

Can we work out a way forward? I believe we can, but it has to be a convention that any Government of whatever political persuasion will accept. In my view, that would be the best way to proceed, but it depends on whether the Opposition can or want to help the House find a way. It will surprise no one that I think the essential first step is discussions through the usual channels to see whether progress can be made. But I am quite clear that if a workable convention cannot be found, then the Government must act. A Government with a majority in the Commons cannot be expected to govern if the Opposition have a veto on secondary legislation.

*4.54 pm*

**Baroness Warwick of Undercliffe (Lab):** My Lords, I will direct my brief remarks to the forthcoming neighbourhood planning and infrastructure Bill. I declare an interest as chair of the National Housing Federation, the trade body which represents England's 1,000 housing associations. The measures included in this proposed piece of new legislation will go some way to increasing the rate of housebuilding and thus tackling the urgent housing shortage this country faces.

This House has debated before the housing shortage that this country faces, which is at crisis point. The Government's renewed commitment to delivering 1 million homes across the course of this Parliament is therefore both ambitious and admirable. Housing associations are well placed to contribute to the Government's bold target and the sector welcomes the measures in the new Bill which will make good-quality local development easier by bringing forward land more cheaply and quickly.

Housing associations built a third of all new homes last year and actually increased their housebuilding during the recession, just as the private sector suffered from the downturn. They build an average of 40,000 affordable homes each year and in the past decade have built 82,000 shared ownership properties to help those on low and middle incomes to get on the housing ladder.

As businesses with a strong social purpose, housing associations are determined to do even more to ensure that everyone has a place to live at a price they can afford. This determination can be seen in L&Q's partnership development of up to 11,000 homes at Barking Riverside. It is perhaps the largest development ever undertaken by the sector and includes plans for commercial units and public amenities. In short, L&Q is building a community.

It is this sort of ambition and innovation which the neighbourhood infrastructure and planning Bill will facilitate, albeit at scales appropriate to local areas. It is therefore perhaps no surprise that the sector welcomes the direction of travel. I am sure that noble Lords will agree that increased housebuilding should not ride roughshod over communities. Neighbourhood plans avoid this problem by providing certainty for both developer and community, so the Bill's measures in this area are welcome. The proposals to make compulsory purchase orders simpler and more efficient will also speed up local development by ensuring that land is accessed at a fairer price, and in establishing the National Infrastructure Commission, the Bill will deliver a strategic and long-term approach to infrastructure—something that is long overdue and most welcome.

As I am sure that noble Lords will agree, the relentless focus on new supply is necessary to ensure that we reverse the worrying trend year on year of increased homelessness and rough sleeping, so it was disappointing that no homelessness legislation was announced, despite comments from the Minister for Local Government which suggested that the Government were committed to that. I hope that Ministers will carefully consider the recommendations of the recent Crisis report, which focuses on prevention at an early stage. Perhaps the Minister could deal with that point in his reply.

I cannot stress enough one vital point. To prevent homelessness, we must of course build more homes, but we must also protect the supported housing services which help the homeless and other vulnerable groups to live independently and get back on their feet. Supported housing services assist a wide variety of people, including those fleeing domestic violence, the elderly, the disabled, veterans and those with mental health issues. I trust that the Government will ensure that those services continue. The cap on housing benefit to local housing allowance levels is putting such services at risk, despite the fact that the Government have delayed its introduction for a year. If it comes into force in 2018, 41% of all supported housing services will close and 80% of new development will halt.

In our recent debates on the housing Bill, the Government undertook to establish a review of the size and scale of the supported housing sector and how it is funded. While that review is taking place, I strongly urge them to remove the threat of the LHA cap and ensure that these vital services receive the funding they need to continue delivering to vulnerable people.

I end on a different issue. The extremism Bill proposes some potentially draconian powers for institutions to be shut down if they are shown to have hosted extremists. Will those powers be so general that they have universities in their scope, as the Counter-Terrorism and Security Act 2015 already requires universities and colleges to prevent extremists radicalising students? If it is intended

to include them, I urge the Minister to think very carefully in advance about how the powers will interact with the duties universities have to ensure freedom of speech on campus. I also suggest that the Government consider whether a duty to uphold freedom of speech should be written into the remit of the Office for Students proposed in the Higher Education and Research Bill, especially as it is likely to be required to regulate the sector in relation to Prevent. I declare an interest as vice-chair of UCL Council and a council member of Nottingham Trent University.

*4.59 pm*

**Lord Paddick (LD):** My Lords, as the lead for home affairs on these Benches, together with my noble friend Lady Hamwee, I want to concentrate on some worrying trends in this Conservative majority Government in the area of home affairs. Contrary to what the noble Lord, Lord Faulks, said in his opening speech—and here I agree with the right reverend Prelate the Bishop of Southwark—this Government appear to be careering down an authoritarian and xenophobic path, with the potential to create division in our communities.

When we debated what is now the Psychoactive Substances Act, this Government, and the Labour Opposition, refused to pause to allow for an independent, objective, science-based review of existing legislation to ensure that the prohibitionist approach that has characterised the so-called war on drugs to date is the right path to continue down. Instead, we set a dangerous precedent in making illegal the manufacture or supply of anything that can be consumed that alters a person's mental state, making them happier or more relaxed for example, unless the Government allow it. Making any activity of a particular kind illegal unless the Government add it to a list of permitted activities is a dangerous path to follow.

It is time that we treated drug addiction as a medical issue rather than a criminal one, put drug addicts into treatment rather than into prison, and explored the practicalities and consequences of a regulated and controlled drug market. Rather than having a market driven underground and controlled by criminals, with no safeguards for the chemical composition of the drugs or the people they are sold to, starting with cannabis the Government should take control to ensure that strength and harm are limited and that drugs are sold only to responsible adults.

Even more worrying is the attitude that this Conservative Government appear to have, or at least condone, towards those living in this country whose origins are overseas. While dressed up as an attempt to make the UK "a hostile environment" for undocumented migrants, the implications for race relations, police community relations and a culture of xenophobia appear to be being ignored, despite today's new figures showing significant increases in hate crime—both Islamophobia and race hate crime.

When we considered what is now the Immigration Act, the noble Baroness, Lady Lawrence of Clarendon, and I opposed the provisions relating to policing. I was a front-line police officer in the 1980s, and because of deteriorating police-race relations, senior officers took the deliberate decision not to allow officers to proactively enforce immigration law. In the Immigration Act, police officers are thrust into the forefront of enforcing immigration law with the creation of a new offence of driving while illegally in the UK. Not only does that new offence have the potential to produce the sort of degradation in police race relations that caused the police to rethink their approach to immigration law in the 1980s, it also has the potential for the law to be used disproportionately against black and other minority ethnic people. White overstayers from Australia and Canada are unlikely to be stopped and questioned by the police to establish whether they are driving while illegally in the UK.

Perhaps emboldened by the failure to stop these provisions in the Immigration Act, a failure that was the direct result of the Bill being so bad that we had to ration the votes that we brought against the Government, they now, in the forthcoming Policing and Crime Bill, intend to make it an offence for someone who has been arrested not to state their nationality or to produce a passport within 72 hours, but only if a police officer or an immigration officer suspects they are not a British citizen. Again, the potential for the disproportionate application of this legislation, and the impact on police community relations, is clear. Why has the Home Secretary criticised police for using stop-and-search powers disproportionately against ethnic minority communities, viewing it as damaging to trust in the police, while continuing to push legislation that will inevitably increase such criticism?

This Conservative Government appear to be heading in entirely the wrong direction if they intend to keep their citizens safe. Rather than providing further opportunities to criminalise, the Government should be making strenuous efforts to enhance relations between the state, its agents and communities rather than relying on draconian powers that will inevitably enhance division and suspicion.

The Investigatory Powers Bill, carried over from the previous Session, is even more worrying, but time does not allow me to cover the full horror of this legislation. Among other things, it will require internet service providers to store for 12 months details of every website everyone in the UK visits, the overwhelming majority of which will be completely innocent. In pre-internet terms, it is the equivalent of everyone in the UK being followed by a private detective 24 hours a day, seven days a week, so that if it subsequently comes to light that they may have committed a crime, their presence at the crime scene can be confirmed. The Government will argue that if you have nothing to hide, you have nothing to fear, but this runs completely contrary to suspicion-led policing and investigation. Moreover, we have all seen how, once stored, our data become vulnerable to theft, hacks and misuse. The risks inherent in asking providers to store all our data for 12 months are clear. Added to this, the Bill, which will allow such privacy-invasive records to be accessed by the police without a warrant, could cost the industry more than £1 billion in set-up costs alone, which is government money that could be much better spent elsewhere.

The counter-extremism and safeguarding Bill has been condemned by a powerful coalition of opponents, including the former police chief in charge of the

[LORD PADDICK]
Government's anti-radicalisation programmes, who warns that it could actually fuel terrorism. The current police chief in charge of that programme says that Ministers' plans risk creating a thought police. Rather than subjecting people who express views the Government do not like to banning orders and closing down premises where such views are debated, the Government should instead be ending the discredited and the despised Prevent programme and empowering community-based individuals and organisations to promote a moderate counternarrative that truly reflects the values of world religions.

I started this speech discussing how the Government, against all evidence, decided to ban things in the previous Session, and I have ended by talking about how the Government intend to ban more things in this Session. That runs contrary to my and most British people's liberal values. Banning things does not make them disappear. The answer is always more education and more debate, but it looks as though the Government are keen to take what they see as the easy but ultimately ineffective way out.

*5.07 pm*

**Lord Craig of Radley (CB):** My Lords, I had hoped to have learned from the gracious Speech that the Government will take forward their manifesto undertaking to,

"ensure our Armed Forces overseas are not subject to persistent human rights claims that undermine their ability to do their job".

If, as I shall argue that they should, the Government legislate to deal with the problems that have arisen because of the incompatibilities between human rights legislation and the Armed Forces Act, it is essential that whatever curtailment of a service man or woman's human rights may be enacted is clearly and properly offset by the scale of compensation that will be available to the wounded or to the near relatives of any who are killed. It is as well to remember that thanks to the major advances in life-saving medical treatment, many of those who survive, albeit with life-changing disabilities, would not previously have been saved from death.

What is the key issue? It is the increasing vulnerability of the Armed Forces to legal challenge. When human rights legislation was invoked to bring cases against the MoD, the initial defence was that this legislation could not apply in cases of activity outside the United Kingdom, let alone on operations. This was overturned by the courts, which took the view that because the Armed Forces were always under UK authority, the geographic location was immaterial and human rights legislation could apply.

Cases about the impact of human rights legislation were subsequently appealed to the Supreme Court in 2013. By a majority of four to three, the court took the view that the application of the convention rights—in what it called the "middle ground" between actual close combat with an opponent on the one hand and decisions taken about the provision of suitable equipment, training or other preparations at a higher level on the other—should be judged on the evidence of the particular case. The minority's disagreement with that finding was that military operations were not judiciable; the work of the Armed Forces should not be impeded by the threat of litigation if things should go wrong. Only this month, the Supreme Court dismissed the case against the MoD involving Iraqi citizens because it was time-expired under Iraqi law, even though the case was heard throughout in England. When the recent Armed Forces Bill was in Committee last March, I moved a probing amendment to seek the Government's thinking on some sort of time limitation so that historic combat cases against members of the Armed Forces could not be pursued years later after reliable evidence from key witnesses was no longer likely to be available. If it is acceptable for our courts to have regard to a foreign rule of limitation, is there not scope for some similar rule when applied to operational matters for the military?

My second point is how best to reinforce the concept of combat immunity. The courts tend to view combat immunity tightly in a restrictive sense. Legislation, currently in abeyance, for Crown immunity already exists. Some amendment to that legislation may provide a way forward. Whatever statutory provision is contemplated, though, I plead that it should form part of—that is, it should be an amendment to—the Armed Forces Act. That should help to avoid the glaring legislative contradictions between human rights and Armed Forces legislation, and indeed should simplify the task for those who have to work and live by the provisions of the Armed Forces Act.

Three years ago I urged Ministers to work to bring forward legislation in time for the recent quinquennial review of the Armed Forces Act. In spite of prodding, that option was resisted. As the Minister has now indicated to us, the Bill of Rights that was shadowed in the gracious Speech is seen as a possible vehicle, but it is a long way from reaching the statute book. I fear that in spite of some recent successes in dismissing jury claims, the work of the Iraq historic allegations team is set to continue with a plethora of claims, with no help from Parliament.

In November 2013, while still a Back-Bencher, the Minister, the noble Lord, Lord Faulks, most cogently opened an excellent debate on military legal vulnerability. In winding up, he remarked:

"The wave of litigation will continue unabated, with all the consequences alluded to in this debate, unless and until Parliament intervenes. I hope and trust that the Minister will take back to the ministry the concerns expressed in the House and I look forward to a positive response".—[*Official Report*, 7/11/13; col. 418.]

Let us hope that with his present responsibilities, the noble Lord is taking heed of his own advice.

*5.13 pm*

**Baroness Byford (Con):** My Lords, prison and court reform is overdue and I fully support it. I am anxious, however, that the programme of rebuilding should not make it harder for those visiting prisons. Will the Government ensure that the proposed new building uses existing sites rather than moving them to remoter venues where public transport is scarce or even unavailable? Keeping families together is hugely important. Will further thought be given to the teaching of basic skills such as reading, writing and simple maths and IT skills to prisoners? It is surely not right that time spent serving a prison sentence is not better used, enabling offenders to gain some basic life skills that will help them on their return into the community.

The gracious Speech looks forward to universal high-speed broadband availability, to the UK's continued leadership and development in digital applications and to the invention and development of new transport technology, and it is to be welcomed. It also indicates the determination of this Government to improve the position of all those who suffer disadvantage, poverty, deprivation or ill health.

Looking first at broadband, will the Minister confirm that the right of every householder to have access to high-speed broadband will cover all farms and smallholdings, despite the fact that some of them are classified as businesses and are already required to use digital technology in supplying information to government departments? I want also to ask the Minister whether mobile phone reception is to be radically improved, as it is non-existent in some areas of the United Kingdom and sometimes very poor. I often wonder how other countries achieve a good reception and better coverage when we fail to achieve it ourselves.

The prime responsibility of any Government is to defend and feed their people. In an uncertain world where terrorism and conflicts arise, these challenges are as acute as they were in earlier years and earlier generations. Agriculture, farming and food production do not feature in the gracious Speech, but if we fail to produce food, other aspirations cannot be achieved. The forthcoming 25-year food and farming plan is to be welcomed, with serious thought given to the growing of crops and the need to increase yields for an increasing population against the background of plant and pest diseases and climate change.

These past two years have been difficult for UK farmers. In some sectors of the industry, particularly dairy, a crisis point has been reached. The Government have understood and recognised the problem, responding by extending the period for profit assessment through the tax system from two to five years—help is not necessarily always required with legal bills. This extended overall evaluation is one way in which help has been offered.

Another way in which help can be offered is via government bodies and local authorities. They are well placed to support and encourage the use of local, homegrown food—indeed I believe that the Prison Service has made this move and is basing its food supplies as much as it can on UK-grown food. It is a wonderful start; there is so much more that could be done. This year is the year for great British food and farming, growing the home market in the UK but also, equally and perhaps more important, through our export trade.

The gracious Speech sets out the Government's clear programme to deliver security and increase opportunity for both businesses and individuals. It has much to recommend it, and I look forward to debating it later on.

*5.18 pm*

**Lord Hain:** My Lords, despite devolution elsewhere—going even further in the forthcoming Wales Bill—England remains one of the most centralised nations in Europe. English devolution has been addressed only half-heartedly; indeed, Chancellor Osborne's city deals are more about offloading the costs of the state on to the locality than genuinely decentralising power. The Treasury's main motive has been more to reduce central public expenditure than to empower local communities.

Nor has the drive for English votes for English laws been about devolving power. Rather, it has been about rearranging House of Commons procedures in a flawed, contradictory and messy way that does not really answer the important and legitimate "English question". English identity should self-evidently be just as important as Welsh or Scottish identity, and we need to ensure that it is constitutionally recognised and respected, just as devolution has done for Wales and Scotland. Otherwise, the current rumblings of discontent, not just on the right but on the left of politics in England, could become an uproar fuelling English separatism at the expense of inclusive British pluralism. In the Constitution Reform Group—convened by the senior Conservative, the Marquess of Salisbury, but all-party and non-party in its membership—we are currently finalising details for a new Act of Union to be published in July. This will turn on its head the whole process of devolution to date, which has been top down—that is, powers and responsibilities have been devolved from the centre down to the nations of the UK.

Instead, we propose that the nations—and potentially the English regions, as well as London—should federate upwards, granting to the central UK state only those powers and responsibilities they wish. In that sense the UK would become a voluntary federal union of England, Scotland, Wales and Northern Ireland, the latter of course subject to the Good Friday constitutional arrangements. It assumes that each constitutional unit of the United Kingdom—nations or regions—manages its own affairs and determines those matters, especially defence and foreign policy but also macroeconomics, taxation, borrowing, security, including energy security and social security, which are best arranged by a central government accountable to a federal parliament, unless any of these areas were sought by the devolved legislatures by mutual agreement.

I also favour radically reforming your Lordships' House into a fully elected, or possibly 80% elected, senate that fairly represents the whole union, which it clearly does not do now—witness, for example, the gross underrepresentation of Peers from Wales, as my noble friend Lord Foulkes has pointed out.

However, there are several problems with replacing the House of Commons with an English parliament. First, England constitutes 84% of the UK population and 87% of UK GDP. It dwarfs the rest, and the English First Minister could end up being more significant than the Prime Minister in influence and certainly in resources. Secondly, leaving only England occupying that iconic House of Commons Chamber would undoubtedly act as a green light to separatism elsewhere.

Making an effective distinction between the governance of England and the governance of the United Kingdom would also free up the people of England to enjoy comparable and substantial powers of self-government on health, education, local government and other matters through a gradually developing system of self-determination for regions or city regions, such as London already has, with the definition of those regions to be voluntarily and democratically agreed. Such a

[LORD HAIN]

modern Britain, as the former Labour Prime Minister Gordon Brown has argued, would no longer be viewed as an,

"all-powerful centralised unitary state",

but as,

"a constitutional partnership of equals in what is in essence a voluntary multinational association".

However, with city regions such as Manchester today finding favour, a mixed, more permissive structure of English devolution would in my submission be preferable. It is probable that the north-east, Cornwall and Yorkshire/Humberside would want to lead the way, and other regions or city regions would likely follow, as the alternative would be getting left behind, continuing to be ruled by Whitehall instead of claiming the opportunities of empowerment already enjoyed by the Scots, Welsh, Northern Irish and Londoners.

With the exception of the north-east, all the English regions have significantly bigger economies and populations than Wales and, without exception, Northern Ireland. Devolution within England is therefore eminently feasible and should now be pursued as the best route to bringing government just as close to the English as it has become to the Scots, Welsh, Northern Irish and Londoners, thereby, I trust, comprehensively answering the "English question" without jeopardising the union.

*5.23 pm*

**Baroness Hamwee (LD):** My Lords, picking up on the last comment made by the Minister, so much is affected—or, indeed, infected—by the debate on the EU and all things European, including the issue of prisoner voting, to which my noble friend referred. However, I hope that your Lordships' calm and rational consideration may help us progress this in this Session, perhaps with amendments to the votes for life Bill or the prison and courts reform Bill. The issue is our relationship with the Council of Europe and the European Court of Human Rights against the background of prisoner voting.

The Joint Committee on Human Rights, of which I am a member, recently visited Strasbourg. Hearing from politicians from Azerbaijan, Georgia and Poland was very powerful. The point was raised too by the Commissioner and by the Parliamentary Assembly of the Council of Europe—not the merits of whether prisoners should be able to vote but the UK's non-compliance with the court's judgment and how the UK is invoked by other countries against which there have been findings.

The Commissioner, in a memo to the Joint Committee mentioned by my noble friend, wrote:

"If the UK, a founding member of the Council of Europe and one which has lost relatively few cases at the Court, decides to 'cherry-pick' and selectively implement judgments, other states will invariably follow suit",

and they do,

"and the system will unravel very quickly".

We must find a way to satisfy the judgment. It will not take much—maybe enfranchising a prisoner in the last six months of his sentence or one whose sentence is very short. A blanket ban need not be replaced by blanket enfranchisement.

This is also part of the rehabilitation issue. On that, I want to mention a recent report of the Standing Committee for Youth Justice on the treatment of criminal records of children. Childhood cautions or convictions have a devastating effect throughout life as they are treated not in a way that assists those children.

The voting change would be easy to draft; much less easy is the definition of "extremism". The Bill that we are to expect, we are told, is to,

"prevent radicalisation, tackle extremism … and promote community integration".

Would that this could be achieved by legislation. Indeed, would that one could feel confident in how legislation will respond to non-violent extremism and potentially heavy-handed procedures. And would that we might reclaim the term "radical" as a compliment.

In April, the UN special rapporteur on the rights of freedom of peaceful assembly and of association made a statement following his visit to the UK. He referred to the focus on countering non-violent extremism without a narrow and explicit definition as,

"treading into the territory of policing thought and opinion".

He said that:

"Innocent individuals will be targeted. Many more will fear that they may be targeted—whether because of their skin color, religion or political persuasion —and be fearful of exercising their rights. Both outcomes are unacceptable".

I read a press report recently that the vague nature of extremism is preventing Muslim students engaging in student politics because they fear that this will jeopardise their future careers. The rapporteur also said that the effect of Prevent,

"dividing, stigmatizing and alienating segments of the population",

means that it could end up,

"promoting extremism rather than countering it".

It was put to me last week that "welcome" is a better way to talk to Muslim and other communities than "prevent"; this from someone who works with migrants and refugees. On that issue, I appreciate that the Government—and not only the Government—have a formidable task in welcoming refugees. I hope we can make use of good people who want to do good by being part of that welcome project. I know that work is going on, but it is important to see results.

I will quickly refer to two points of unfinished business to which we will return. I do not wish another Immigration Bill on anyone, but there is still no answer to the question asked in 2013 by Medical Justice: if pregnant women are only ever put in detention centres under exceptional circumstances, why were so many being released into the community? In the words of a statement by members of the all-party inquiry into the use of immigration detention, of which I was one:

"In the weeks and months ahead we will be closely monitoring the implementation and impact of the Government's reforms … If they are not met, we will push for further legislative changes. We will continue to argue for a maximum time limit and for the absolute exclusion of pregnant women from detention, defending the United Kingdom's proud tradition of upholding justice and the right to liberty".

I end on what I hope is a less controversial note. I hope that we will see from the Minister's department a Bill to deal with the property of people who are missing. That is another piece of unfinished business—I am glad to see the Minister nodding. The Government

have consulted and I understand that they have a Bill. This is wanted by financial institutions and needed by those who are left behind.

*5.29 pm*

**Lord Green of Deddington (CB):** My Lords, I would like to call the attention of the House to an overarching issue. It is one that affects most of the matters in the Queen's Speech yet seldom gets the attention it deserves. The House may not be surprised to know that I refer to the rapid growth in our population, a population that has now reached 65 million—the highest in our history. Furthermore, it is growing at the fastest rate for nearly a century—that is, by approximately 500,000 a year, which is the equivalent of building a city the size of Liverpool every year or Birmingham every two years. This is a colossal task that is not even being addressed.

There is often a reluctance to discuss the matter lest it evoke unwelcome remarks about xenophobia, racism and so forth, so let me say now that a moderate level of immigration is a natural part of an open economy and an open society and it is often of considerable benefit to our country. Mass immigration, however, is in nobody's interests. The issue, therefore, is one of scale, and that is what I shall address in the next few minutes.

The official projections show that another 3 million immigrants will arrive by 2030 and that our population will reach 80 million in 2060. At that point, we will probably be the most populous country in Europe and certainly the most crowded, except perhaps for Malta. Some people are vaguely aware of this prospect. What is not generally realised is that these projections assume that current levels of immigration will fall by 40% and stay down. I wonder how many noble Lords were aware of that critical element of the forecasts. If it should prove wrong and if net migration continues at current levels, we will have nearly 4.5 million more immigrants by 2030 who will need help in integrating into our society. In that case, we would hit 80 million in less than 25 years, so anyone now below the age of 50 would certainly see 80 million people in this country.

Throughout this period, we would have to build 370 homes every day just to house new immigrants and their families. That is one home every four minutes, day and night, for the next 20 years. Our continued failure to confront this issue, let alone tackle it, drives up rents and property prices. That leaves many young people locked out of the property market and living at home with their parents. We in the older generation should be ashamed of their situation.

In recent days, there have been some very crude calculations of the impact on immigration to the UK of any further expansion of the European Union. That may or may not come to pass, but the key point is surely a different and wider one. Nobody can be sure how the forces that drive mass migration will develop. What is sure is that, if we remain in the European Union, we will not be able—we will not have the powers—to reduce the future inflow from other member states, whatever its scale and impact on our society. That must surely be one of the key considerations as each of us weighs up the pros and cons of the momentous decision before us.

*5.34 pm*

**Lord Farmer (Con):** My Lords, I start by welcoming the prominence of the issue of life chances in Her Majesty's most gracious Speech, thus fulfilling commitments made by my noble friend Lord Freud in this House. At Second Reading of the Welfare Reform and Work Bill he described how:

"In the past, Governments spent money in an attempt to solve problems rather than drive real change in people's lives, and our approach is different: we believe that … we must relentlessly focus on tackling the root causes of child poverty to improve the life chances of our children".—[*Official Report,* 17/11/15; col. 122.]

Hence the new statutory measures on worklessness and educational attainment.

My noble friend also promised to develop indicators to measure progress against other root causes of child poverty, including family breakdown, so their inclusion in the Queen's Speech was essential if the Prime Minister is truly to launch,

"an all-out assault on poverty".

I need hardly say that indicators in themselves change nothing—what matters is that, to quote my noble friend Lord Freud again, they,

"drive action which will make the biggest difference to the most disadvantaged children, both now and in the future".—[*Official Report*, 17/11/15; col. 32.]

Will the Ministers assure the House that bold policies commensurate with the scale of family breakdown in this country, also implicated in our high rates of mental ill-health among the young, will be brought forward?

Efforts to improve family stability could be game-changing in preventing children growing up in poverty. Joseph Rowntree Foundation research by Smith and Middleton highlights the fact that 85% of children who avoided poverty over a five-year period had lived continuously in couple households. Children in intact families are also less likely to experience behavioural problems; leave school and home earlier; become pregnant or a parent at an early age; report depressive symptoms; and smoke, abuse alcohol and use other drugs during adolescence. They are more likely to perform well in school and need less medical treatment. Family breakdown is not inevitable, and noble Lords have heard me outline solutions before such as family hubs. Noble Lords may wonder whether I will ever move on from this issue but I am compelled by the facts and the need for concerted action if we are to get ahead of this epidemic.

As well as implementing the family test, the Government need to have a Minister in every department who has the departmental responsibility for proactively addressing the causes and effects of family instability: Defra, for example, will know that relationship breakdown can undermine rural productivity when it leads to the division of family farms, loneliness and isolation, and, as we heard in Oral Questions today, even suicidality. More positively, the Ministry of Justice also knows that efforts to strengthen families are essential for the rehabilitation of offenders. The Secretary of State for Justice, Michael Gove, told governors this month :

"Critically, education should also help prisoners to acquire the social skills and virtues which will make them better fathers, better husbands and better brothers. Ensuring that prisoners can

[LORD FARMER]

re-integrate into family life and maintain positive relationships is crucial to effective rehabilitation. Families are one of our most effective crime-fighting institutions. And we should strengthen them at every turn".

A cornerstone of the justice reforms in the Queen's Speech is the greater freedom that governors will have and the accountability for outcomes, particularly from education, that will be a key trade-off for greater control. Dame Sally Coates's recently published review lays out a holistic vision of education for prisoners that includes family and relationship learning and practical skills for parenting, finance, and domestic management. HMP Parc in Bridgend, Wales, is a clear example, copied across the world, of a prison that has managed to change the culture around family visits without compromising on security. Similarly, HMP Winchester has transformed how prisoners engage with their families while inside. When the first week induction process includes a session that brings home to you how hard it will be for your children to have a father inside, it can lay a totally different foundation for how someone serves their sentence.

There are potentially other important knock-on effects: these prisons have found that good-quality contact with family members can make the difference between ingesting new psychoactive substances—what Prisons Minister Andrew Selous refers to as "lethal highs"—and deciding against doing so. If you know you are going to attend a homework club with your child that week or it is the day for you to write home, then even if you want to escape to drug-induced oblivion because life is so tough, these family ties can act as a strong disincentive to do so. Dads' clubs on the wings also bolster inmates' resolve to make good choices.

As I suggested at the outset, this new Session gives us a fresh opportunity and impetus to undertake far-reaching and much-needed social reform to strengthen our economy and enhance our security. I urge our Government to deliver a life chances strategy that rises to the scale of the challenges our society faces and Members of this House to do all we can to do likewise.

*5.40 pm*

**Lord Richard (Lab):** My Lords, the trouble with these debates is that you hear about so many issues that you would like to pursue. You have five minutes and a speech in your hand, and you wonder whether you should throw it away to pursue the issues you have been listening to or deliver the speech. I am going to say only two or three things about the issues I have been listening to. I note with great interest from the noble Lord, Lord Faulks, that we are not going to have a Bill on repealing the Human Rights Act; rather, we will have proposals that no doubt will have to be consulted on and that no doubt the Government will have to consider after the consultation, and then eventually at some stage in the indefinite future they will tell us what they have in mind.

I was also tempted to pursue the arguments put forward by the noble Lord, Lord Wakeham. He said that it is important that Governments should get their way on delegated legislation. That is obviously true, but on the other hand it is also obviously true that Governments should not use delegated legislation where they ought to use primary legislation. If the Government continue to produce skeleton Bills, they should not be too surprised about the vigour with which this House then approaches the regulations made under them.

I am indebted to the noble Lord, Lord Lisvane, for pricking my curiosity about the issue around the assertion of financial privilege by the House of Commons in response to an amendment by the House of Lords to a Bill which on the face of the amendment does not directly raise an issue of finance. It seems that too often in recent years financial privilege has been claimed by the Commons in respect of matters which are not particularly financial but, rather, are matters of general policy. It is time that we had a joint and open discussion on this procedure.

Financial privilege seems to go back to a resolution of 1671 which stated,

"that in all aids given to the King by the Commons, the rate or tax ought not to be altered by the Lords",

and was followed by a further resolution of 1678 which restated,

"the undoubted and sole right of the Commons",

to deal with all Bills of "aids and supplies". That is fairly clear. *Erskine May* has now elevated these strange little principles to this:

"The Commons' claim to sole rights in respect of financial legislation applies indivisibly to public expenditure and to the raising of revenue to meet that expenditure ... The Commons treat as a breach of privilege by the Lords not merely the imposition or increase of such a charge but also any alteration, whether by increase or reduction, of its amount or of its duration, mode of assessment, levy, collection, appropriation or management"—

in other words, just about everything, except in relation to money Bills, where the issue is perfectly clear because they are covered by the Parliament Act 1911. It is when the Commons uses financial privilege to reject a Lords amendment on policy grounds that the difficulties arise.

Prima facie, almost every Bill that comes to the Lords and therefore almost every amendment made by the Lords is capable of attracting a claim for financial privilege. I was interested in the procedures for this down at the other end. As the noble Lord, Lord Lisvane, said recently, it is important to realise that financial privilege operates on something of a hair trigger; we do not need very much to engage it. As I understand it, it is for the Clerk of Legislation in the Commons to take the decision as to whether an amendment coming from the Lords has a financial effect. This is normally fairly straightforward. The Speaker is not directly involved at that stage, and nor indeed are the Government of the day, but where they do become involved is in deciding whether the Commons should waive that financial privilege. In many cases it does, and the Lords amendment is then considered on its merits. What worries me about this is that it is very much a matter for the Government to decide whether an amendment should be stifled or allowed to breathe.

Two considerations flow from this. The first is whether the Clerk of Legislation is the appropriate authority to decide whether financial privilege is involved and, if so, by what criteria he should act. Secondly, surely there is too much power in the hands of

Governments to decide which amendments they will permit to go forward for further consideration. It means that a Government can pick and choose which amendments they wish to strangle and which will be allowed to live. I really do not think that this is satisfactory. It is time that both Houses got together to try to decide the scope of financial privilege and whether the existing procedures of claiming and waiving it are the best that can be devised. I urge the Government to consider setting up some kind of joint mechanism of both Houses to consider this matter. The present position is beginning to create irritation and frustration in the Lords and, dare one say it, a tinge of arrogance on the part of the Government in the House of Commons. We should be doing something to put this right lest it get really out of hand.

*5.46 pm*

**Lord Tyler (LD):** My Lords, I so enthusiastically endorse everything that the noble Lord, Lord Richard, has said that I can now rip out at least one page of my speech. There are very few issues of great substance in the gracious Speech in terms of the constitutional challenges that the country faces, so I take the advice of the noble Lord, Lord Fowler, who was here earlier. He said in the debate last Thursday:

"It may well be that the most significant words in the Queen's Speech yesterday were that, 'other measures will be laid before you'".

I have met those words before and they are often the most important part of the gracious Speech. I will come back to some obvious omissions in a moment. Meanwhile, in the limited time available I am certainly not going to speculate on what exactly is meant by the extraordinarily meaningless statement about the Strathclyde review. Since there is no Bill attached and any attempt to legislate would be fraught with procedural and political obstacles, we can only guess at what this is supposed to foreshadow. The Government's explanatory statement is at best ambiguous: "the sovereignty of Parliament" refers to the whole institution; namely, both Houses. It is quite separate of course from the primacy of the House of Commons, where it is simply a convention within that whole. The noble Lord, Lord Fowler, again rightly entered a very proper corrective:

"We do not want the primacy of the House of Commons translated into the primacy of the Executive—the primacy of the Government unchecked".—[*Official Report*, 19/5/16; cols. 43-44.]

I prefer this advice to that of the noble Lord, Lord Wakeham.

I turn to the omissions from the gracious Speech. Two matters will have to be dealt with by Private Members' Bills. I had hoped to reintroduce the Private Member's Bill of our much-missed colleague Eric, Lord Avebury, to end the ludicrous hereditary by-elections, but frankly I was pipped at the post. We have heard from the noble Lord, Lord Grocott, on that subject. When the very temporary arrangement of the by-elections was mooted in 1999, my noble friend Lord Rodgers of Quarry Bank, then speaking on behalf of our group, ensured that we Liberal Democrats never signed up to the by-elections. Instead, we preferred to insist that all the remaining 92 hereditary Members would automatically be converted into Life Peers. That would be much simpler.

For my part, I intend to help the Government with another topical and relevant set of reforms. Since Ministers do not seem to have been able to move sufficiently speedily to a comprehensive reform of party funding, I am sure that they will welcome, as they usually do, some private enterprise assistance. Members of your Lordships' House will recall that an almost universal welcome was given to the recommendations of the special Select Committee chaired by the noble Lord, Lord Burns, in the last Session. These were almost all unanimously agreed by the committee, cross-party, and were hailed as meticulously fair by colleagues in all parts of your Lordships' House. Ministers in both Houses lauded the noble Lord, Lord Burns, and the rest of us, praising our conclusions. Indeed, the Government backed down when faced with amendments to their Trade Union Bill based on those recommendations.

Paragraph 138 of that same Select Committee report, so warmly endorsed by Ministers and Members in both Houses, reads as follows:

"Whether or not clause 10 is enacted, in whatever form, the political parties should live up to their manifesto commitments and make a renewed and urgent effort to seek a comprehensive agreement on party funding reform. We urge the Government to take a decisive lead and convene talks itself, rather than waiting for them to emerge".

I am sure that the Government really want to get on with the job because that would fulfil their 2015 manifesto promise.

There might be advantages in terms of transparency and public engagement if we started that process in your Lordships' House. That is why I decided to give the Government a helping hand, hence my Private Member's Bill, the political parties (funding and expenditure) Bill. I was tempted to read the Long Title but it is rather long, so in the interests of brevity I will give a very quick synopsis: phased introduction of caps on donations; fair funding of parties, incentivising membership and local activity; changes to the rules on nominations at elections; provision for between-election limits on parties' expenditure; and, crucially, the conferring of powers on the Electoral Commission, including investigation of constituency-level breaches of the law, which is presently and preposterously left to the police.

This Bill is firmly based on the cross-party draft I prepared and published in 2013, together with prominent Conservative and Labour MPs. However, they should not be held responsible for all its present proposals, because I have updated it and ensured its topicality. For example, we have taken the opportunity to insert the requirements of the Trade Union Act.

In addition, I propose measures to deal with the current vagueness and confusion surrounding campaign expenditure—nominally part of the nationally controlled budget of the party—which is, in practice, targeted precisely to support a particular candidate in a particular constituency. All of us in your Lordships' House who have in the past contested elections will be well aware that we and our agents have always been told that we have to be absolutely clear that we are responsible for every penny spent in support of our candidature, otherwise we end up in the election court.

Over the last two years or so, experience has dramatically demonstrated that these restrictions are now routinely circumvented by so-called national

[LORD TYLER]
spending, under the very high PPERA limits. Unsolicited material—mailshots and other directly addressed material—costing millions of pounds has bypassed the constituency expense limit, which was first legislated for as long ago as 1883.

The current inadequate investigations must obviously lead to careful clarification of the law. My Bill is a modest offering to Ministers to enable them to keep their manifesto promise. I hope that the Minister, when winding up, will confirm that the Government will welcome recommendations from the Electoral Commission on how existing regulations could and should be updated.

*5.53 pm*

**Lord Butler of Brockwell (CB):** My Lords, I want to follow the noble Lords, Lord Wakeham and Lord Richard, and indeed the noble Lord, Lord Tyler, by concentrating my brief remarks on a dog that did not bark in the gracious Speech, or at least did not emit more than a whimper. I refer, of course, to the cryptic references to the Strathclyde report. The whimper in the gracious Speech was the sentence:

"My Ministers will uphold the sovereignty of Parliament and the primacy of the House of Commons".

The fact that this was a whimper indicates that the dog is still with us, but, as the Minister confirmed today, the Government have not decided what to do about it. I welcome the Government's hesitation because, while I believe that action needs to be taken to clear up the ambiguity surrounding the powers of your Lordships' House in relation to secondary legislation, I agree with the three Select Committees, with the noble Lord, Lord Richard, and with the views expressed by the noble and learned Lord, Lord Judge, and my noble friend Lord Lisvane that this is an issue of constitutional importance, deserving careful examination by both Houses.

I greatly regret the rancour that has come to surround this subject, and I believe that it is unnecessary. As a contribution to the resolution of the issue, I want to advance four propositions on which I hope all sides might agree. First, your Lordships' House has both a right and a duty to scrutinise statutory instruments with as much care as it scrutinises primary legislation and, if it thinks fit, to require the House of Commons to think again.

Secondly, however, as with primary legislation, the elected House must have the final say. In other words, the ultimate primacy of the House of Commons must apply to secondary legislation as it does to primary legislation. Thirdly, in the event of a disagreement between the two Houses, the House of Commons must be able either to claim or to waive financial privilege, as it does with primary legislation. I defer to my noble friend Lord Lisvane to reply to the remarks made by the noble Lord, Lord Richard, about the interesting situation relating to the appropriate cases in which financial privilege arises, because that is also an issue. Fourthly, these powers are all the more necessary when more and more substantial law-making is being contained in secondary legislation.

If these propositions are accepted, I cannot believe that it is beyond the wit of reasonable people to agree on procedures that allow your Lordships' House to do its proper job on secondary legislation as it does on primary legislation. That would not reduce the powers of your Lordships' House. On the contrary, it would strengthen them, because it would substitute powers which the House could use without apology, whenever it thinks fit, for powers that at present it has dared to use only half a dozen times in more than 50 years.

Finally, the Strathclyde review was criticised on the grounds that it described this issue as one between the Lords and the Commons, whereas the critics said that it is an issue between Parliament and the Executive. This again is something on which there is no need for disagreement; it is both.

*5.58 pm*

**Lord McNally (LD):** My Lords, as one who sat on the Cunningham committee on these matters more than a decade ago, like the noble Lord, Lord Richard, I was very tempted to follow on into that debate. However, in the brief time that I have available I want to take as my text the line in the gracious Speech:

"My Government will legislate to reform prisons and courts to give individuals a second chance".

These are bold and encouraging words. They match similar statements made in recent months by both the Prime Minister and the Secretary of State for Justice. Last week, I attended the launch of the report, and recommendations, by Dame Sally Coates, which reviewed education in prisons and has been referred to on a number of occasions already. It was an inspiring event for those who want to see penal reform as a priority.

My particular interest, as a number of your Lordships will know, is as chairman of the Youth Justice Board for England and Wales. From the beginning I have seen the job of the Youth Justice Board as cutting crime off at its head stream. That task has been performed with great success over the last 16 years. Noble Lords with experience in this field say that before the Youth Justice Board, youth justice was the concern of many but the priority of no one. The Youth Justice Board gave it that priority by pioneering a cross-disciplinary, holistic approach to the young offender, which has meant that the number of children in custody and the number of first-time entrants to the system are now at their lowest ever. That, of course, is not the success of the YJB alone. It has been the work of many hands, including the police, the magistracy, children's services and probation, voluntary agencies and individuals in many spheres. We have also worked with the troubled families units so that we can go downstream of the offending to the dysfunctional families that are so often the root cause behind the child offender.

That that success has been achieved does not mean that serious challenges do not remain. That is why the YJB so warmly welcomed the decision to ask Mr Charlie Taylor, a respected educationalist, to carry out a thoroughgoing review of the youth justice system. As with the adult sector, the Secretary of State has put great emphasis on education. There is an undoubted case for reform of the YJB, but that case is built on success, not failure. Of course we sometimes make mistakes and we try to learn from them, but let me also put on record something that was also referred to

by the right reverend Prelate the Bishop of Southwark. I am constantly in awe of the work done by the men and women who, in our secure estate and in the community, work with children who are difficult, damaged and sometimes dangerous, both to themselves and to others. But thanks to the work of those who work in youth offending teams and in our secure estate, they are also capable of quite remarkable redemption and of taking the second chance referred to in the gracious Speech.

Mr Gove caught the spirit of his ambitions when he said recently that he wanted to change junior prisons into secure schools. It is an ambition that I fully support, but the reforms that the Prime Minister and the Justice Secretary have so eloquently espoused face a rocky road from where we are now to the sunlit uplands to which ministerial rhetoric beckons us. It is far better to have the major parties arguing about penal reform and the rehabilitation of offenders than clashing like rutting stags about how tough they are going to be about crime and punishment.

Thus far, Charlie Taylor's direction of travel has been to propose a much more devolved youth justice system, with the new regional authorities controlling budgets and having far more opportunity for initiative and innovation in both the secure estate and the community. That offers a really exciting prospect for youth justice, although, if I may borrow a piece of advice given to me by the noble Lord, Lord Ramsbotham, there will still be a need for some central oversight about the "what", even if a thousand flowers are allowed to bloom regionally about the "how".

The task before us is to ensure that we manage the changes being proposed in a way that continues to prioritise the safety and welfare of children, who are all too often the victims as well as the perpetrators of crime. Mr Gove has set himself an ambitious agenda for reform. If he has any sense, and I think he has a lot of sense, he will call on the collective wisdom of this House in taking that agenda forward.

*6.03 pm*

**Lord Judge (CB):** My Lords, much of what I want to say has already been said, but I will say it anyway. First, I take the point made by the noble Lord, Lord Richard. I sat and listened to the housing Bill. I knew very little about it and I did not intend to vote. I listened as a Bill was debated that consisted of a whole series of almost blank pages. Metaphorically speaking, there was nothing to be debated. A debate took place. The Minister very graciously, with great courtesy if I may say so, conceded this and that and eventually we got to regulations. She again, very graciously, said, "This will be affirmative resolution". I thought, "Isn't that wonderful?".

If we are to have affirmative resolution procedures decided in the passage of primary legislation, it is built into it that this House can say no when the affirmative resolution comes to be considered. We really cannot have another Strathclyde review when affirmative regulations under the housing Bill come for debate before this House. It is an indication that the old rules are ceasing to apply. That is because the whole nature of legislation is changing.

My second point arising from Strathclyde is Strathclyde arising—that is, the tax credits debate. I listened to impassioned speeches, beautifully argued, half of them saying, "This is financial privilege. You have no business touching it". Every time I listened to one of those I thought, "That's obviously right". Then I listened to impassioned speeches saying, "You didn't really engage financial privilege at all. It's not engaged", and I thought all of them correct and positively right. If this issue had come before the Supreme Court, it would have divided five to four and the judgment would have taken 497 pages.

My point is this: either financial privilege was engaged, or it was not. It was not an issue for debate. It should have been clear. Our system should work so that it is clear. Of course, noble Lords will all understand that I am not making a personal point about the Leader of the House, but how can we take notice of her view on such a subject when she is, by definition, a member of a political party and of the Government? What is our Speaker doing? Why do we have a Lord Speaker? Surely it is right on these occasions to take advice and say, "Financial privilege does apply here", or, "It does not apply here". Then we can all get on with the debate, or be bound not to go on with it.

Again to copy the noble Lord, Lord Richard, this issue needs to be addressed. I apologise to the noble Lord, Lord Lisvane, but I have a great antipathy to any single individual being able to make a bare assertion that something applies. But whatever we do, we have to have a system that says, "Yes it does", or, "No it doesn't". Every single Bill I can think of—perhaps not every single Bill; the odd criminal justice Bill does not—has cash implications. Money will be spent. Can we address that when we consider the primacy of the Commons and the sovereignty of Parliament?

If we are to work, and if the public are to have confidence in the way we work, can we please address the size of the House? It is a joke. It is the issue of all issues that brings us into disrepute. We have become a laughing stock. There are more of us than there are in the Commons. Over the last 15 years, Prime Ministers on both sides have exercised what seems to be an astonishing virtual royal prerogative to appoint as and when they wish. This cannot go on. I am not so naive as to think there is any Prime Minister in the world who would give up this power, and say, "I propose a simple Bill: Clause 1, 'There will be no more Members in the House of Lords than in the House of Commons'; Clause 2—hurrah—'The Prime Minister will give up his power'", or will have his power circumscribed, reduced or extinguished. That will not happen.

But what are we to do about it? We are supposed to be part of the system that controls the Executive. Yet here we are, being filled by the head of the Executive. This is simply constitutional madness. More importantly, it detracts from the value of the work we do. At some stage we will have to resolve—I use the word "resolution"—to address this question and quickly, if only to get across to the public, to John and Jane Citizen, who take these issues seriously, that we recognise that we are not a jest. Our views cannot be brushed aside as a jest by a bunch of thousands of us sitting here with nothing better to do.

*6.08 pm*

**Lord Cormack (Con):** My Lords, it is a great honour and pleasure to follow the noble and learned Lord, Lord Judge, and his extremely perceptive speech.

The sentence that has now been quoted several times bears repetition:

"My Ministers will uphold the sovereignty of Parliament and the primacy of the House of Commons".

No one in your Lordships' House would dissent from that. So what do they really mean? We had an inkling from my noble friend Lord Faulks when he opened the debate. He made passing reference to the Strathclyde review and talked about the three Select Committee reports, but did not expand on that. Three Select Committees of your Lordships' House, each of them chaired by a senior member of the government party, said in effect that my noble friend Lord Strathclyde had got it wrong, that there was no case for legislation but that the House should address the issues. Of course, the fundamental problem was that, in a fit of pique, my noble friend Lord Strathclyde was asked by the Executive to sort out the Lords. Now, that really is not the job of the Executive.

I have said many times in this House, but it bears repetition, that the Government are answerable to Parliament and Parliament is not answerable to the Government. Our duty is not to make life convenient for the Government but to examine critically and scrutinise minutely the legislation they place before us. During this past year, some mildly imperfect legislation has been placed before us. We had—in the words of the noble and learned Lord, Lord Judge, though I have used the expression myself—Christmas tree Bills, where the baubles are hung on. We had preparation for a whole series of Henry VIII clauses, giving extra executive power to Ministers, and therefore negating to a degree our job. Our job is not to make life easy or convenient for the Government, on whatever side they sit, but to try to ensure that the imperfect measures they send us are made a little less imperfect. The housing Bill and Trade Union Bill were not particularly brilliant Bills, but they left your Lordships' House in a far better state. I say to my noble friends on the Front Bench that nothing was lost. The Government got their business through. On the notorious case of tax credits, the Government dropped their business there because they decided they did not want to pursue that.

The balance must be redressed between Parliament and the Executive. The noble Lord, Lord Butler, made the point in his brilliant speech that this is not just a question of Parliament and the Executive but also concerns the relations between the two Houses. I make a plea to my noble friends on the Front Bench—particularly to my noble friend Lord Bridges who will reply to the debate—that they say to the Leader of the House, who seemed to dismiss the idea when we had a debate on the Strathclyde review, that three Select Committees of your Lordships' House talked about the virtues of a Joint Committee of both Houses. The noble Lord, Lord Richard, made reference to this. We need a committee composed of Members of both Houses to look at the whole issue of secondary legislation.

If this House is to have any point or purpose at all—I believe it has both—then it must have the ability, in all matters legislative, both primary and secondary, to say to the other place and through it to the Government, "You must think again". Of course, at the end of the day, the will of the elected House must prevail. The elected House, in these unexceptional words, is indeed supreme. We acknowledge that, but that does not mean that we do not have a real role, purpose and duty to look at legislation. We must look at it in a way that enables us to say, "Think again", and to improve that legislation. Let us move forward in a constructive manner between the two Houses, with the Government acknowledging that they are answerable to Parliament—to both Houses of Parliament, especially to the Commons but also to this House.

*6.14 pm*

**Lord Palmer of Childs Hill (LD):** My Lords, I welcome the gracious Speech. I will concentrate my remarks on prison reform.

The prison population stands at 85,335 as of yesterday—almost double the number 25 years ago. The prison estate is also grossly overcrowded, as detailed by my noble friend Lord Dholakia and other noble Lords. Some 65% of prisons currently hold more people than they were designed for. The most overcrowded prison in the estate—Kennet, near Liverpool—holds 327 men despite being designed for only 175. England and Wales have recently been described as the EU's capital of prisons. Figures from the Council of Europe show that of all member states only Russia and Turkey have higher prison populations. The use of imprisonment is substantially higher here than in France and Germany, which have 20,000 and 30,000 fewer prisoners respectively. As the number of prisoners has continued to grow, the number of prison places, staff and resources have reduced. Since 2010, prison officer numbers decreased by over a third, 18 prisons closed and the Ministry of Justice had to make significant cuts to its budget. Does the Queen's Speech mark a change, with the Government at last providing resources?

As a result of the state of our prisons, deaths, violence and self-injury have all increased markedly. Some 100 prisoners died by suicide in the 12 months ending March 2016, a 72% increase since 2010. The high incidence of suicides shows that the service is not fit for purpose. Figures from the Ministry of Justice published last month show that reported incidents of self-injury increased by 25%, prisoner-on-prisoner assaults by 24% and serious assaults against staff by 36% in the last year. Over the last 10 years, the average length of a prison sentence has increased by 29%.

Against this backdrop, the focus on prison reform in the Queen's Speech and the commitment from the Prime Minister and Justice Secretary to major reform is welcome—if belated. More autonomy for governors, improvements to education and a more sensible approach to release on temporary licence would all be steps in the right direction. However, these reforms will fail unless action is taken to reduce the prison population and increase staffing ratios. Can the Minister confirm that this will happen?

Investing huge amounts of money into building new prisons is the wrong approach. You cannot build your way out of an overcrowding crisis. Past experience in this country and the United States shows that when prisons are built they are filled. We will just be left

with a larger, more expensive, failing system. New prisons do not equal safer prisons and are not the solution to a lack of purposeful activity. Oakwood, one of the newest, largest prisons, has been frequently criticised for high levels of violence and not enough classrooms or workshops. The soon to be opened Titan prison in Wrexham will have only enough work and education places for half the 2,100 men it is being built to hold.

Reform prisons were mentioned by other noble Lords, where governors are given much more freedom in the running of their prisons. These could be a good idea, assuming all governors merit that freedom. Yet unless that is coupled with larger budgets and an ability to reduce overcrowding, it is unlikely to have an impact and could end up just being a distraction. The Government may have some good ideas but rarely provide funding to make them work. As we know in local government, outsourcing does not necessarily work. Prison management is currently constant crisis management. While the proposals in the Queen's Speech are welcome, unless the Government get serious about reducing numbers significantly and investing in staff, little will change. Finally, I stress that every prisoner released should be able to read and write, to complete a job application form both as a paper copy and online, and to handle a job interview. Without these simple measures, the prisoner is likely to return to imprisonment.

*6.19 pm*

**Baroness Jones of Moulsecoomb (GP):** My Lords, I wish to speak about two proposed Bills: the Investigatory Powers Bill and the extremism Bill. I am not sure whether noble Lords know that the States, which has had similar legislation to this in the past, is now rolling it back partly because of privacy concerns but also because it has been found not to be very effective.

I have a little experience of the police and can tell noble Lords that they cannot cope with the data they have at the moment, so giving them vast amounts more data is very counterintuitive and is likely to worsen their work rate. This legislation, if adopted in its current form, would have devastating effects on people's right to privacy and on other human rights. It seems to me that the surveillance activities proposed in this legislation go way too far, far too fast. Vast powers to monitor communications, access personal information and tamper with computers, phones and software are provided for. These powers are vaguely described, disproportionate and lack critical safeguards, including proper independent judicial scrutiny. I hope this House will examine these proposals carefully, some of which are technical and difficult. I am not very technically minded but I aim to follow the proposals closely, as they could have a serious impact on the privacy of all of us.

Turning to the extremism Bill, as others have said, the definition of "extremism" will be very difficult to pin down. This has caused problems in the past. Noble Lords may or may not know—I have mentioned it before—that I am an accredited domestic extremist as far as the police are concerned. It seems to me that if they can judge me an extremist, they are experiencing some mission creep. The minute you give powers to people, they will abuse them. They may not mean to. Indeed, they may think that they are doing their job properly. However, the fact is that I and several other senior Green Party people have been described as domestic extremists. That is absolutely ludicrous. We are elected and obey the law. I very much hope that at some point I may get an apology from the police, but none has been given so far.

I have some specific questions about the Bill and the proposal. I do not expect an answer today but they may inform the debate later as I shall certainly raise them again. Will I and other people on the domestic extremism database be banned from talking to schools, for example, under the new counterterrorism and safeguarding Bill, because that is one of the proposals? Will the list of banned people be separate from the list of those monitored on the domestic extremism database? Will there be categories? Will the proposed definition of an extremist be legally binding, or will it merely provide the police with "guidance" and thus enable them to include whoever they like on whatever list they like? Again, I refer to my comments about mission creep. Will the Bill allow the Home Office to include categories of people on the list in the way that the police currently include elected Greens? Will the definition of extremism be restricted in any way to those advocating violence—as I feel it should—or to those convicted of a serious crime, or will it bear absolutely no relation to whether the person is innocent of any crime, or even under investigation for a specific crime? How will a person appeal against being on the list and challenge the Government's view that they are an extremist? I have tried to get to the bottom of who originally labelled me a domestic extremist and who decided that it was worth monitoring me. It has been impossible to get that information out of the police. They decline to talk about specific cases, even when they involve the person asking for the information.

If the Government reduce our freedoms, they are doing the extremists' job for them. They are doing the terrorists' job of changing our culture and our society. That is extremely damaging.

*6.24 pm*

**Baroness Harris of Richmond (LD):** My Lords, I begin by reminding your Lordships of my register of interests, many of which revolve around policing and have done so for many years, including chairing my police authority in North Yorkshire.

The gracious Speech promised us a new Policing and Crime Bill, which is in fact a carry-over Bill. However, nothing was mentioned about the reform of the Police Federation, the body which purports to look after the interests of its members—the constables, who comprise the greatest number of members and therefore the greatest funders of the federation, the sergeants, the inspectors and chief inspectors.

In her speech to the Police Federation conference last week, the Home Secretary congratulated the leadership of the federation on their hard work in progressing the reform agenda, which was initiated two years ago, but criticised them for not achieving speedier results. Of the 36 recommendations for reform, 24 have not been delivered. I suggest to your Lordships that it is actually 25.

[Baroness Harris of Richmond]

I reported to the Home Secretary in January that the Independent Reference Group, recommended by Sir David Normington, had been successfully set up and was about to start the work of acting as a critical friend, upholding the public interest, advising and helping the Police Federation with its reform programme. This group had grown out of a previous group, known as the Constables Advisory Panel, which was created over two years ago and which had been working hard and harmoniously with the constables of the Police Federation but was recognised as being of benefit to all ranks of police officers. It was agreed that that body was the right basis for the Independent Reference Group, as envisaged by Sir David Normington. The IRG currently consists of three Members of your Lordships' House, with around 100 years of policing experience between us, a specialist adviser, and two further members who were chosen by public advertisement to bring wider expertise to help us. Thus we appeared on the Police Federation's website.

Since our inception as the new IRG, however, obstacles have constantly been put in our way that have prevented us fulfilling our role. The present leadership of the federation has made no secret of the fact that they do not need or want parliamentarians on their IRG at all. However, we were appointed by the leadership in place last year under the procedures specified by the federation's own rules and regulations. We have tried hard to get some answers to our questions about how we should be set up, what our remit should be, what our terms of reference were, what our aims and objectives were, and what our budget should look like. All these questions have gone unanswered and it has been a deeply frustrating and debilitating experience. So, it was with some consternation that I read the Home Secretary's remarks about us having,

"not in any way lived up to the spirit of what Normington prescribed".

Who on earth told her that? Could it be someone in the Home Office not letting her know what was happening? Or was it the Police Federation itself? One can only speculate. Had she come to me as chair, she would have heard a very different story.

The Police Federation has suspended us. It will gather again in June and decide who it wants to be on its Independent Reference Group. It has already asked the two recently chosen members to stay on while it gets rid of the pesky parliamentarians. How very "independent" of it. The mission of the IRG is not to engage Parliament on behalf of the federation; it is to help the federation reform itself. How insulting to the Members of your Lordships' House who are on the IRG to infer that we are neither independent nor knowledgeable enough to undertake this task. No, I fear that nothing much has changed at its headquarters and the people running the organisation do not appear to have the best interests of their members at the forefront of their deliberations—it is more a case of settling old scores and hoping that their chief constables do not recall them, I suspect.

The Home Secretary spoke a lot about her dismay at the amount of money that branches of the Police Federation are keeping for themselves and spending with profligacy. It is their money: it belongs to them. Perhaps some of them are retaining it because they are unhappy about how their money is being spent by the centre. I was told that the cost of reforming the Police Federation so far is over £6 million and rising. Our group, which hoped to help the Police Federation, is suspended; the federation appears to be shooting itself in the foot by wanting to get rid of the section of the IRG it does not like. The police need all the friends they can get now, after the revelations of the past few weeks. After years of working with police officers, the majority of whom are truly excellent, we have been told that we are not needed to help them in the reform programme they are undertaking. Oh dear; I wonder what the future of the Police Federation will look like.

*6.30 pm*

**Baroness Hayman (CB):** My Lords, I had intended to be disciplined in my speech today and deal only with the famous, cryptic five words that other noble Lords have referred to. However, I can reduce what I was going to say because of the contributions from the noble and learned Lord, Lord Judge, and the noble Lords, Lord Cormack and Lord Butler. I agreed with pretty well everything those three said, and they said it more eloquently than I would have done. So, I will allow myself a minute on another subject—women in the criminal justice system.

A great deal has been said about the proposals in the gracious Speech, but the issue of women prisoners has not been to the fore so far. I come to this from three pieces of experience. In the 1970s, I went with Joan Lester MP—a wonderful parliamentarian who was, sadly, only in this House for a short time—to visit the three mother and baby units that then existed in England. I saw for myself the cycle of deprivation that allowed one teenager expecting to give birth in Holloway to have Holloway Prison as the place of birth on her own birth certificate. If ever one needed an example of the cycle of deprivation, it was there. Nearly 20 years later, I chaired the trust of a local hospital where women came from Holloway to give birth, as they no longer gave birth in prison. They came in shackles, chained to a prison officer. That was prison and Home Office policy. We changed it, but only after many, many women had gone through that and because some brave midwives stood up and spoke out.

There was much that needed to be done and there is much that still needs to be done. Reference was made at Question Time to the current storyline in "The Archers". I understand that the Lord Chancellor is, like me, an addict of the programme and is concerned about the description of what is now happening to a pregnant woman in the criminal justice system who is in prison. I hope that, in the reforms which have been outlined, particular attention will be paid to the situation of women, and women with children in particular.

I move on to the cryptic five words. I endorse what has been said: while the issue may be both the primacy of the Commons and secondary legislation, I agree with the conclusions of your Lordships' Secondary Legislation Scrutiny Committee that,

"the nature of secondary legislation is such that the key issue is not, as the Strathclyde Review suggests, the 'primacy of the Commons' but the role of Parliament in scrutinising and, where appropriate, challenging the Executive".

The final say must go to the democratically elected House, but not the only say. At the moment, we do not have a satisfactory way of distributing responsibility for scrutiny between the two Houses and I endorse the suggestion to urgently set up a Joint Committee to look at how we can do this properly.

I have one more thing to say. It may be because we have talked so much about the prison system, but I think that the Strathclyde review was set up to administer a "short, sharp shock". I first heard that phrase in relation to the young offenders' estate. This time, it was about an old offenders' estate—your Lordships' House. The concern of the Government was not only this one defeat on secondary legislation. Its concern was a string of defeats on primary legislation, on amendments to Bills in an absolutely proper parliamentary way. This is because the Government have got themselves into a terrible state over the size of the House of Lords but are not addressing the issues of the inflated numbers in the Lords and how party representation is distributed. I would have been far happier if the gracious Speech had talked about addressing the issues of secondary legislation and proper parliamentary scrutiny as well as the size of this House, which is bringing it into disrepute.

*6.36 pm*

**Lord James of Blackheath (Con):** My Lords, I will talk entirely on the subject of LIBOR, but under separate headings. I am sorry that LIBOR was not in the gracious Speech, because there is an urgent matter which should get the close attention of your Lordships' House. We are facing the prospect of an enormous smash-and-grab raid from the USA on our quite legitimate LIBOR interests. It falls to this House to take a very keen interest in this. I declare an interest: in 1958 I joined Lloyds Bank and was put on a LIBOR training course. I must be one of the very few people to have been on one of those. I do not recommend it, but it was something to remember.

At the moment, there are 10 international LIBOR markets. The London market trades in dollars, euros and yen. I am not too sure why we have the yen, but we appear to have a concentration of Japanese banks so we are big in that currency. The Americans do not like it; they want the yen entirely for themselves. So they have launched an initiative to persuade us that we are totally criminal and corrupt in our handling of this market. They have persuaded and leaned upon the Serious Fraud Office—of which I am not a fan—to move for the extradition of the leading yen market manager from this country to theirs, where they were promising him a 30-year prison sentence. He was not terribly happy with that. As a result, the SFO persuaded him, under great duress, to accept that it would put him on trial if he would rat upon his broker friends in this country. The SFO would then get a series of rapid convictions which would make it look very good—something it likes to do and has few opportunities for. It has all gone horribly wrong for everybody concerned.

We need to take note of where we are today. William Dudley is an American gentleman who is president and chief executive of the Federal Reserve Bank of New York, an organisation which some of your Lordships will be aware is neither federal, nor a reserve bank, nor a bank at all. It is a very dubious proposition indeed; you should take a very long spoon if you ever go anywhere near it. The LIBOR market is now running at $350 trillion a day—I did not know there was that much money in the world either—and Mr Dudley is claiming that this should be subject to an average rate of 0.37% per day. As far as I can see, the average rate throughout the entire period of his complaint has never varied by more than 0.1% either way, so what on earth he is talking about I do not know. But then we notice with great interest that he is proposing that the British, because of their corrupt and dishonest management of LIBOR in the yen sector, should hand it all over to something called the OBFR, which, would you believe, is the New York Federal Reserve Bank's own overnight bank funding rate. Is that not a strange coincidence? Of course, it will then milk that market rotten.

Meanwhile, the Serious Fraud Office fell into the trap of believing that it should go along with this and started legal proceedings against the unfortunate man who was the principal yen manager for UBS in London. Eventually, he was put on trial under the threat of extradition if he did not go. The trial began at Southwark Crown Court in November last year, and it was followed by a second one. There have been three LIBOR trials and I will talk only about the first two because the other one is still sub judice and I will say nothing about it. But LIBOR 1 was concerned entirely with Mr Tom Hayes. His trial lasted 12 weeks, at the end of which he was convicted.

The judge had the great idea that he could get a bigger sentence by working on the basis that every dialogue that had taken place with a broker was a separate crime and that he could therefore tot these up into consecutive sentences, and he gave him 14 and a half years in the slammer. This was reduced on appeal to 11 and a half years, which is where it stands presently, but was then subject to a separate confiscation order, which the SFO originally claimed should be for £2 million—the entire lifetime earnings of Mr Hayes. Subsequently, that went back to court and it has now been ruled that the figure shall be £880,000 because the rest of it has been spent on legal aid anyway and that is all that is left, and if he does not pay it by 1 July this year he will incur the remainder of the three-year sentence which was taken off in the first appeal. The Supreme Court has refused any consent for a retrial or appeal on the facts of this case, but now we have two extraordinary things.

In the second LIBOR trial, the actual brokers with whom Mr Hayes was dealing were put on trial—they had not been allowed into the first court case, in which he had expected them to stand alongside him—and were acquitted by the second jury. So we have this odd situation that Mr Hayes has been convicted of conspiracy with six people who have been proven innocent of conspiracy with him. That, apparently, does not constitute terms for an appeal, which I think is extraordinary. The second thing is that the FCA has decided that this matter is so important—quite rightly, too—that it should conduct a separate investigation through its Regulatory Decisions Committee into whether this represents a bigger chain of dishonesty through UBS and whether it should now disqualify or proceed against

[LORD JAMES OF BLACKHEATH]
it. I discovered only last week that the FCA has decided that there is no charge of dishonesty or malpractice against UBS at all, that the information that was given by Mr Hayes to his manager was correct, and that they have all behaved completely correctly. By my count—

**Lord Ashton of Hyde (Con):** My Lords, I am sorry to interrupt my noble friend. I am sure he is coming to a conclusion. He is two minutes over. I am aware it is an advisory speaking time but most noble Lords have stuck within it. I feel he has material for a full day's debate. I hope that he will bring his remarks to a conclusion soon.

**Lord James of Blackheath:** I will sum up and conclude. We have to resolve this in some way. We do not have the Supreme Court among us directly now but surely we can ask it to consider reintroducing either a proper appeal process or a retrial, either of which would lead us to some form of justice. Alternatively, why can we not pass this to the newly formed Criminal Cases Review Commission and ask it to get its teeth into it? Meanwhile, we should suspend the remainder of the confiscation process and we should probably give serious thought to having a serious talk with the SFO and asking it to clean up its act for the future. I rest my case.

*6.44 pm*

**Lord Carlile of Berriew (LD):** My Lords, I have an irresistible yen to return to the subject of the gracious Speech.

Very early last Wednesday morning, I was awoken by my annual fantasy in which the gracious Speech consists of the declaration that Her Majesty's Government will introduce absolutely no legislation whatever in the new Session. It is, I am sure many would agree, an open question whether we would lose anything by a legislative sabbatical. However, here we are, again prospecting in a rich if opaque vein of home affairs and legal reform legislation—if you cannot think of anything else, saddle Parliament with seven or eight law reform Bills.

My first subject is the Bill of Rights, which of course is not going to be legislated in this Session but nevertheless will be discussed. I urge your Lordships to consider that what really is of importance in relation to the Bill of Rights is the quality and enforceability of rights, not their source, and that it would be wrong for us to be too hung up on whether the rights come from Westminster or Strasbourg. I agree almost entirely with the excellent speech of the noble Lord, Lord Pannick, on this subject. I add that if a British Bill of Rights gives not less than the European Convention on Human Rights, and especially if it adds some rights that were not even thought of in 1950—for example, consumer rights, environmental rights and privacy rights—I for one will keep an open mind as to whatever is meant by the concept of repatriation of rights.

Turning to the proposed extremism Bill, here I strike a strong note of caution. I am sure that your Lordships will all wish to give anxious scrutiny to every detail of this Bill. As one academic analyst has suggested to me, there is a danger that we may make it an offence for a person to encourage another person to encourage another person to publish a statement that indirectly encourages another person to instigate someone else to commit an act of terrorism. That is the sort of flavour that has been suggested so far when there has been discussion about an extremism Bill.

My note of caution is founded on what I hope is an ethical principle. As the distinguished Professor Stuart Macdonald has said, there is a real danger that,

"it is contradictory—and, ultimately, self-defeating—to insist on a criminal justice-based framework without adhering to the features which give the criminal law its moral authority in the first place".

Therefore, while I am open-minded about an extremism Bill, at least until I see what it says, I am concerned that the Government should ensure that it is examined for its compliance not only with the convention but with the assurance to your Lordships that it is proposed on ethical and realistic grounds. As a long-time jury advocate, I can put it another way: if the Bill is not going to result in convictions before juries—if juries are going to rebel against it because it is not the sort of thing they think people would be convicted of—it should not be brought before Parliament. I urge the Government to carry out appropriate analysis of whether the Bill will work in practice before deciding what its detail should be.

My final comment is about the Investigatory Powers Bill. I would have spoken about prison reform, but I entirely echo what was said by my noble friend Lord McNally. I absolutely deprecate what Mr Gove has been saying about the European referendum, but I am glad he is good at something. He has actually been rather good; he is the first Lord Chancellor or Home Secretary in a generation who has given us the opportunity to reform the penal system.

Coming back to the Investigatory Powers Bill, as a former Independent Reviewer of Terrorism Legislation, I have had the advantage of seeing a lot of intelligence and a great deal about the threat and risk that we face. I would say to your Lordships, perhaps particularly to my noble friends on this side of the House, that puristic libertarianism does not always provide a holistic sense of civil liberties. We must look at what is really required by the security services. That must be scrutinised, of course, but no Bill has ever been scrutinised more before legislation than this Bill. I recommend to your Lordships that we pay the closest attention to what was said by David Anderson, my brilliant successor as independent reviewer, and by the RUSI committee, and that we do not degrade the capacity of the authorities to catch the most dangerous people in our society.

*6.50 pm*

**Lord Thomas of Swynnerton (CB):** My Lords, it is a pleasure to follow the noble Lord, Lord Carlile, who we in this House know has done noble work in relation to the battle against terrorism.

I turn to the paragraphs in the gracious Speech that are of a constitutional nature, because the great political enormity with which we are faced in this Parliament is the referendum. I am not going to talk about the subject of the referendum—the European Union—but the referendum itself. Surely, it is likely that in years to come historians will be working away on how it was

that, in the early part of the 21st century, this once-enlightened country allowed its most important decision to be taken not in Parliament but by a referendum. How was it that the British Parliament, which still has a very lively other place, was caused to reject our long and marvellous parliamentary experience?

We know, after all, from 1975 that a referendum can do much harm to a great party. It did it to the Labour Party and I am sure it will do it to the Conservative Party. That seems obvious. We should bear in mind that our most remarkable Prime Minister of the last 20th century, Margaret Thatcher, hated the idea of referendums or plebiscites and called them an instrument of tyranny—and so it has often been, as the historians of the French Revolution remind us. I would insist that we vow to thee our country to have no more truck with this particular continental device.

Edmund Burke was a great parliamentarian as well, of course, as a great Dubliner—

"Thou shouldst be living at this hour"—

and his letter to his constituents in Bristol sums up the political theory behind my views and the views that most people up until now have held. The BBC should now show its sense of responsibility by causing his communication, which expresses our essential political liberty, to be read every year.

What Burke said has nothing to do with the work of another MP for Bristol, namely Mr Anthony Benn, who for so long represented Bristol South East and who played an important part in initiating this parliamentary and constitutional monstrosity in 1975. The late Lord Annan once referred to the noble Marquess, Lord Salisbury, as Comus, taking us into a forest and leading us to a place we do not know how to get out of. I suspect most people now think Mr Anthony Benn will be known for being the sorcerer's apprentice, leading us into nightmarish positions.

I have one more point to make, which I think I have time for. In his brilliant speech, my noble and learned friend Lord Judge talked about the size of the House. The size is one thing, but the origins of the peerage are a different matter. We should consider something like a corporate House, with a certain number of soldiers, schoolmasters, actors, lawyers no doubt and ex-politicians. It would be comparable to the present House but would be based on the idea that we should reflect in a more formal way the different professional interests that make us all up.

*6.55 pm*

**The Lord Bishop of Rochester:** My Lords, I don my hat as bishop to Her Majesty's prisons and will therefore limit my contribution to the debate on the gracious Speech to those matters which were about prisons and to the proposed prisons and court reform Bill. Like many other noble Lords, I welcome much that appears to be there and the seriousness of the ambition for change, and what I detect to be the quite marked change in the tone and language which is being used.

As for language, the Secretary of State is fond of quoting a Mr Osborne—perhaps not that Mr Osborne, because they seem to be on opposite sides of various debates, but the words of a Mr Osborne who, in 1914, was the warden of Sing Sing prison in New York. He is quoted as expressing his aspiration to turn it from a scrapheap to a repair shop. That quotation carries quite a lot, but in rather different language, the Roman Catholic Church in this country said something similar in a document in 2004 when it spoke of prisons having the potential to be places of redemption. Speaking from these Benches, I find it interesting that the Secretary of State uses quite freely what we would recognise as theological language of redemption and restoration when expressing his aspirations for what will happen in prisons. If he is serious about that, and about redemption and restoration being at the heart of the prison system, my interest is certainly piqued and my support is lurking there waiting to be given.

Indeed, along with this proposed Bill and the conversation around that, there is the review of Dame Sally Coates, which has already been referred to by a number of noble Lords, the recent work of the noble Lord, Lord Laming, for the Prison Reform Trust charting that all-too-frequent pathway from being brought up in care into criminality, and the forthcoming Taylor review, which the noble Lord, Lord McNally, referred to and which will be another important contribution. The coming together of all these things just leads me to dare for a moment to hope that something innovative could happen. Clearly we know about all the issues which might prevent that—not least overcrowding, staffing ratios and suchlike. We would not want those to frustrate the ambition which clearly exists and which we just might be able to see, as it were, as a wave that we could ride together. I certainly look forward to being part of the continuing debate.

I will comment on just a couple of the specifics. The six reform prisons sound very interesting, and it is good that included within the batch of six are not only some of what might be regarded as low-hanging fruit but Wandsworth, which is a challenging local prison. To have credibility, the programme needs to be able to bring about change in such places. Alongside that, there are the proposals for greater autonomy, and with it accountability, for prison governors. There is much to welcome here. Reference has already been made to HMP Parc and the innovative families work there, where a prison director has been able and free to take initiatives. HMP Onley might be another example from within the public sector estate, in relation to its work with employers to provide innovative schemes for employment and skills and the guarantee for some prisoners of a job when they come out of that prison having gained their qualifications. If those are the kinds of things that more independent governors will be able to initiate, there is lots to look forward to.

However, there are some questions, for example about the supply of suitable high-quality governors to cover the whole estate. There is also a question around consistency between prisons and even within them when governors change. There is of course a fair turnover of governors at the moment; they do not stay very long. Perhaps there needs to be some incentive or means to enable governors to stay for a longer period of time in order to embed the initiatives which they may be free to undertake.

Other noble Lords have touched on safety and on the challenges posed by prison numbers to prison safety. Safety in prison is vital if we are to have good

[The Lord Bishop of Rochester]
education and rehabilitation within prisons, but it also works the other way round: good education and rehabilitation contribute to safety. If prisoners are engaged in meaningful activity, if they have an investment in their future through the training and suchlike that they are receiving, that contributes to a calming of the atmosphere in prisons.

I could mention attention to mental health, which is welcomed. I urge the Government to look at faith education, because it is such an important issue in prisons, and echo other noble Lords in hoping that the Bill may bring to an end the current situation with IPP sentences, which is an unfortunate hangover from a change that was not fully taken through. If all those things, together with intermediate custody proposals and release on temporary licence, can be encouraged, we may just have one of those moments we can be proud of.

*7 pm*

**Baroness Newlove (Con):** My Lords, I welcome the opportunity to join your Lordships' debate on the humble Address. I ask you kindly to bear with me as I speak, as you may be wondering where I am going with this, but there is a point and one which I hope your Lordships will agree it is very important to speak about—it is very close to my heart and the hearts of many victims of crime up and down this country. For too long, victims and their entitlements have been forgotten. Over recent years, there has been an effort to try to provide victims with more rights. We have seen this through the introduction of the victims' code and the implementation of an EU directive for victims.

The Government have committed to introducing a victims' law during this parliamentary Session and, although it was not explicitly included in Her Majesty's gracious Speech last week, I understand that work is still under way to consider how this commitment can be taken forward. A victims' law is a real opportunity for victims, and it should be seized on. Victims have told me that they often feel sidelined by the criminal justice system and made to feel that their only role is to help to secure a conviction. Victims deserve so much more. Introducing a victims' law is a real opportunity for the Government to make sure that victims receive the entitlements they deserve and that they are treated with dignity and respect. A law is a good way to assure victims that there is a framework of rights available for them.

For many years, the focus has been on the offender and their rights, and I agree that they should not be treated unfairly or discriminated against. For example, we know that there are many safeguards in place to ensure that the offender has a fair trial. Even today, my noble friend spoke about the aims of the prison and courts reform Bill which focuses on the rehabilitation of offenders to ensure that improvements made to the prison estate and giving prison governors more powers gives offenders better life chances. But what is in place for the rehabilitation of victims and their life chances? Victims should be given the same opportunity to rehabilitate their lives; they should have help and support to enable them to recover from the crime from which they have suffered. Victims do not ask for much: they want sufficient information to understand what is happening with their case and they want to be treated decently. Time and again, victims are made to feel unimportant and unsupported. That is why I was so dismayed that there was no explicit mention of the Government's commitment to creating a victims' law. Creating such an effective law will be a journey with many stages and will take time. It is important to get the foundations right and make sure that it is not rushed. Meaningful conversations need to take place with victims to identify how a law can deliver genuine improvements for them.

In my role as Victims' Commissioner, I meet many victims. Their accounts not just of the crime but of how they have been treated by criminal justice agencies are so disheartening to hear, especially when the Government's commitment through the victims' code sets out what entitlements they should receive. Through my work, I have been able to report that there is a gap between what victims are supposed to receive and what they actually receive.

If a victims' law comes into effect, it needs to be deliverable and mean something to victims. It cannot be another example of window-dressing or meaningless concessions. A law has to deliver real entitlements for victims and include provisions for what happens if and when those entitlements are not met, otherwise there is no point in creating new legislation. Anything less will be just a fad or a sop for victims, and the Government and we in this House cannot let that happen.

By all means let us reform our prisons to ensure that they are places of rehabilitation and find ways to improve education, healthcare and life chances, but surely it is right and fitting to ensure that victims are supported through education and healthcare too, in order to improve their life chances. That is what is called rehabilitation for victims.

*7.06 pm*

**Lord Foulkes of Cumnock:** My Lords, I hope the noble Baroness, Lady Newlove, will forgive me if I do not follow the theme in her excellent speech, but I want to revert to type and say a few words about the Queen's Speech and Scotland.

The SNP parliamentary leader, Angus Robertson, writing in the *Sunday Herald*, which I think the noble Baroness, Lady Goldie, will confirm is the house magazine of the SNP, said that there was "nothing of substance" in the Queen's Speech concerning Scotland. We know that it was a pretty thin Queen's Speech, and we know that the Government are a bit preoccupied with the referendum and the deepening divisions within their own party, but it would be a mistake to follow Angus Robertson and say that there are no measures affecting Scotland which require scrutiny. Indeed, of the 21 Bills in the Queen's Speech, 13 apply in whole or in part to Scotland.

For example, the digital economy Bill promises,

"a legal right for all citizens and businesses to have a fast broadband connection installed".

That is a big commitment which applies to the whole of the United Kingdom, and it is particularly important for us to know how it is to be delivered in Scotland,

especially in rural areas, of which we have many, where broadband connections are often slow or non-existent. Can the Minister tell us whether the duty to implement the legal right will be devolved to the Scottish Government and, if so, will they be under the same commitment as a legal right? If he cannot answer that in his reply, I hope that he may drop me a note.

Although most of the proposals in the planning and infrastructure Bill relate to England, the National Infrastructure Commission, chaired by my noble friend Lord Adonis, is put on a statutory basis covering the whole of the United Kingdom. The briefing on the Bill says that the commission will "work closely and collaboratively" with the devolved Administrations, but that requires a two-way buy-in. If one of the commission's main roles is to ensure that the regions of England do not suffer in relation to London, it makes it all the more important that Scotland is closely involved in the decision-making process as an integral part of the United Kingdom, rather than as a half-hearted onlooker whose only real interest is in not being part of the United Kingdom.

Thirdly and finally, there is the Higher Education and Research Bill. Although, again, most of it applies only to English universities, the research function covers Scotland. As we saw in the referendum when we thankfully decided to stay part of the United Kingdom, that is very important to Scottish universities. I hope that we will examine the Bill. If the SNP will be unable to do it in the House of Commons, I hope that we can all exercise our function, as the noble Lord, Lord Cormack, rightly said, of scrutiny in the House of Lords.

Finally, I return to devolution for Scotland. We have had a lot of that; most noble Lords are probably fed up with hearing about it. Scotland now has the greatest power of any devolved Parliament anywhere in the world. Now is the time for consolidation. We should say, "That is enough", with regard to Scotland. What the Scottish Parliament needs to do is to use the substantial powers that have been devolved to it. The priority now must be to look at English devolution and to fit the devolution that we come to an agreement on in relation to England into a structure—a whole United Kingdom framework. I favour a federal or quasi-federal system. We need some United Kingdom constitutional convention, as we had many years ago in Scotland, to find a coherent and stable solution, which is neither independence nor the status quo for Scotland. I think that a federal system would meet that requirement. I hope that we see some work done in that respect.

In the long term, I would like to see this House replaced by a senate of the nations and regions. Meanwhile, as the noble and learned Lord, Lord Judge, said, we need to look at how this House is becoming increasingly discredited. The appointments system is suspect, as he rightly said, and we need to have a serious look at it. As I said in my Question this afternoon, we have a huge regional imbalance in this House, which needs looking at, as 385 out of 808 of our number are from London. What do we do to resolve this? As a numbers of noble Lords have said, the Strathclyde review was set up and reported as a result of a fit of pique, and has been roundly rejected. But that is only part of the changes that need to take place in this House. There are so many of them, and we need to look at them in a coherent and comprehensive fashion. We need to set our House in order and, if we do not, someone else is going to.

*7.12 pm*

**Lord Thomas of Gresford (LD):** My Lords, I agree with everything that the noble Lord, Lord Foulkes, has said. I say to the Welsh Assembly, "We've given you the tools and we are going to give you more—get on with the job". I also agree with the noble and learned Lord, Lord Judge, about the position of this House. I was arguing for an elected second Chamber in the 1964 general election, and we still have a long way to go.

I heard the words in the gracious Speech, repeated from last year:

"Proposals will be brought forward for a British Bill of Rights".

I realised that it was Groundhog Day—and the furry object ceremonially carried by the Leader of the House on a wooden pole was undoubtedly the symbol of a groundhog. If nothing emerges this Session, I think that the noble Lord, Lord Faulks, fully robed, should walk backwards in the procession next year with an empty gold-plated casket engraved "British Bill of Rights".

On Groundhog Day, I could repeat my speech word for word from last year. I do not think that anybody would notice—certainly not the Government. The noble Lord, Lord Faulks, told us in the mirror debate last year that a British Bill of Rights would be a "significant piece of legislation", and that over,

"the coming months we will draw up proposals to implement this vital reform ".—[Official Report, 1/6/15; col. 283.]

We were promised consultation and a draft Bill. What happened? Six months later, on 2 December, the Secretary of State announced that there would be a delay. The consultation was to include the role of the Supreme Court, and ask whether some laws should have a constitutional status. But as Mr Gove told the EU Justice Sub-Committee in February, and as has been restated today, all the rights of the European convention would be contained in this British Bill of Rights. He said that a British Bill of Rights,

"would still be subject to the primacy"—

a word we are familiar with—"of European law". So it seems that the United Kingdom would remain a signatory to the European covenant as a necessary condition of our membership of the EU. So what is the point?

As noted by the noble and learned Lord, Lord Falconer, the Home Secretary, Mrs May, announced last month that, while she wants the United Kingdom to stay in the European Union, she wishes to withdraw from the European convention. Her appreciation of the status of the convention reminds me of the Patrick Stewart comedy sketch in which, as an aggrieved Prime Minister, he asks his Cabinet, "Why on earth can't we in Britain draw up our own covenant of human rights and foist it upon Europe?", to which the nervous civil servant replies, "Erm, that's what we did in 1949".

So what is happening? The Conservative manifesto stated that the Government would,

"break the formal link between British courts and the European Court of Human Rights, and make our own Supreme Court the ultimate arbiter of human rights matters in the UK".

[Lord Thomas of Gresford]
Is it the Government's intention that the Supreme Court should have its own singular interpretation of the European covenant, as expressed in a British Bill of Rights? Do the Government think, as logic would suggest, that each of the 47 states that are members of the European Council should also be free to interpret the covenant as it thinks fit for the conditions within its own borders? My noble friend Lord Palmer referred to two countries. Should the Russian Supreme Court decide on what the right to freedom of expression means, or should the Turkish Supreme Court decide on what is meant by the extent of the prohibition of torture? Such an approach—of leaving it to the supreme court of every country—would make the convention meaningless. Is not the whole purpose of the European convention the creation of common standards of decency and human rights throughout the continent of Europe? I do not believe that the United Kingdom is the sole guardian of civilised values—and if the United Kingdom loses a case or two in the process, my experience tells me that you win some and you lose some. You cannot win them all.

How do the Government propose to disentangle the essential role of the European convention in the devolution settlements for Wales, Scotland and Northern Ireland? Each devolved Government are bound by law to observe the European convention in legislating within its competency. The Prime Minister has the unenviable task in trying to persuade the SNP, Labour in Wales and the diverse Northern Ireland Executive to bring forward legislative consent Motions, not to mention gaining the consent of the Irish Government. In the debate secured by my noble and learned friend Lord Wallace of Tankerness on 2 July last year, the noble Lord, Lord Faulks, said that the Government were,

"fully alive to the devolution dimension, and … will fully engage with the devolved Administrations and the Republic of Ireland in view of the relevant provisions of the … Good Friday … agreement". —[Official Report, 2/7/15; col. 2209.]

What consultations have taken place and what resolution of the difficulties has there been? I think that we ought to know.

*7.18 pm*

**Lord Woolf (CB):** My Lords, before I retired as a judge—as has been said by others and as I am fond of saying, I became statutorily senile with regard to court proceedings—I had the privilege of hearing the noble Lord, Lord Thomas, in court. He was one of those advocates who was so persuasive that one had to be very cautious not to give a judgment too quickly, because you might find afterwards that there was something that you had overlooked.

I was going to talk on two subjects today, the first being the question that the noble Lord has just addressed. I am bound to say that I cannot do better than to say that if I was in court I would agree with his arguments in their entirety, because they are overwhelming. This is relevant to the other point that I wish to address, and noble Lords may not be surprised to hear that it concerns prisons. It is a huge pleasure to me and an enormous credit to the present Lord Chancellor and Secretary of State that so many reforms are contemplated for our prison system. I agree with what the noble Lord, Lord Carlile, said about the present Lord Chancellor.

However, there can be occasions—perhaps both the topics that I want to address are the same—where it is possible that political necessity causes a course to be taken that might not otherwise be taken. In politics, there is always the danger of announcing a U-turn or of saying that you are going to interfere with sentencing, not to obtain the plaudits of the popular press by increasing sentences but by changing sentences. There may be a real element of truth in both these matters, and that may be why the Government are where they are.

However, that does not mean that one should not welcome what is being offered because it has something that one finds unattractive. In my case, on prison reform, it is the fact that the Lord Chancellor and Secretary of State for Justice has made it clear that he feels that he can implement those reforms without interfering with the overcrowding in prisons. On 1 March, the *Guardian* reported that:

"The justice secretary said there was no need to 'manage down the prison population' or to introduce an 'artificial target' to reduce the number of prisoners",

and that he revealed that the Treasury had promised to provide the funds we have heard about today.

I have to say to the Lord Chancellor that in the period I have been involved in the prison situation, the evidence has been entirely to the contrary. The biggest problem in the prison system has been caused continuously by overcrowding. It is as a result of overcrowding that, again and again, attempts to introduce reforms have been unsuccessful. I therefore urge him as earnestly as I can to think again about that policy. It is very important that he uses his position and his powers in that position to ensure that sentences are reduced and that, as a result of the sentences being reduced, there is less of a problem of overcrowding.

With one eye on the clock, I suggest that he could, perhaps without standing on the toes of those who would otherwise protest at his policies, put a clause into the Bill, which I hope would become law, saying that there should be an overriding principle with regard to sentencing that would make it clear that no court should sentence an offender to imprisonment unless to do so would, in the opinion of the court, be in the interests of justice or be necessary to protect the public. If that were done, it would give confidence to the judiciary to sentence within the framework provided by the Government.

*7.24 pm*

**Lord Norton of Louth (Con):** My Lords, I wish to address constitutional issues. The gracious Speech makes reference to several. In the time available, I wish to comment on what is in the speech and, more importantly, what is not, although the various references lead to my concern with what is missing.

The references to constitutional issues in the speech are several, but they are rather disparate, both in what they cover and where they are to be found. In the Explanatory Memorandum accompanying the speech we find a section headed "Constitutional Affairs".

It contains no reference to the proposal for a British Bill of Rights; that is to be found in the section entitled "Strengthening our National Security".

The Speech includes the statement:

"My Government will hold a referendum on membership of the European Union".

That statement is not included in the Explanatory Memorandum. More worryingly to my mind, which will lead to my general observation, is the language in which it is couched. Governments have no intrinsic power to hold referendums. They can propose referendums, they can initiate legislation to provide for a referendum, but it is Parliament that provides the authority for the holding of a referendum.

That may seem a pedantic point, but it leads to the wider problem that I wish to identify. In their approach to constitutional issues, the Government are following in the footsteps of their predecessors: the Labour Government returned in 1997 and the coalition Government. That is, they are bringing forward measures of constitutional reform but without any clear intellectual approach to constitutional change. The Labour Government implemented major reforms, but the reforms were justified on their individual merits. There was no intellectually coherent view, no overarching theory, that determined the type of constitution they were seeking for the United Kingdom. The then Lord Chancellor, the noble and learned Lord, Lord Irving of Lairg, admitted in terms in a debate in December 2002 that there was no all-embracing theory. The coalition Government clearly had no coherent approach, given that the coalition was formed by two parties that took diametrically opposed views to constitutional change. The constitutional measures that were introduced were the result of concessions or compromise.

With the return of a Conservative Government last year, one may be forgiven for thinking that we would see a Conservative approach to constitutional change. There is a Conservative view of the constitution and, indeed, of the purpose of law. However, what has been brought forward to date, and what is proposed in the gracious Speech, has comprised disparate and discrete measures, exhibiting a somewhat cavalier approach to the constitution and the understandings that underpin that constitution. It is important to stress that the constitution is greater than the Government of the day, and not the other way round.

The Scotland Act, enacted at the close of the last Session, illustrates the problem. Sections 1 and 2 of the Act not only fly in the face of the Cabinet Office's own guidance on drafting legislation but are at complete variance with what Conservatives view as to the purpose of law. The problem is illustrated more broadly, and more worryingly, in terms of the relationship of devolution and the decentralisation of power to different parts of England. Little connection is made between the various changes. We have a patchwork quilt of responses to differing pressures. There is an absence of a clear, coherent, Conservative stance. We are playing catch-up rather than embracing a clear view of what form our constitution should take.

I therefore have just two questions that I wish to put to my noble friend Lord Bridges. I do not ask him to justify each of the measures of constitutional change that are embodied in the gracious Speech; we will get the justification for each when the relevant Bill is brought forward. What I would like my noble friend to do, and this is clearly the occasion on which to do it, is, first, to put on record the intellectually coherent approach taken by the Government to constitutional change, and, secondly, to detail the mechanism within government for ensuring that it is delivered.

There is a Political and Constitutional Reform Committee of Cabinet, chaired by Oliver Letwin. However, in evidence to the Constitution Committee last year, Mr Letwin said that in practice it is concerned with devolution, not the constitution qua constitution. Issues of the rule of law, he made clear, were not for that committee. Can the Minister confirm that that remains the case and, if so, explain how the Government intend to ensure that constitutional change is put within a clear framework of Conservative thought? We have a Conservative Government, and I look forward to hearing from my noble friend how they plan to live up to their name.

*7.30 pm*

**Baroness Henig (Lab):** My Lords, I shall focus on security. I draw noble Lords' attention to my interests as set out in the Lords register of Members' interests.

Security is a theme that runs through the gracious Speech, whether at the everyday level, delivering security to working people, or safeguarding national security. Those are reassuring words, so how could we not endorse them? My concern is that they will remain just words. I see no measures being proposed that would translate them into meaningful action or that in practice would deliver greater protection to the public. Indeed, one could argue that such policies as the holding of the EU referendum are day by day generating increasing insecurity in businesses up and down the country, across the City of London and in local communities.

If you talk to working people wherever they live about what makes them feel more secure, the answer is invariably a regular local police presence. The Government have failed to maintain police budgets, though, so their austerity agenda has caused further insecurity. The gracious Speech promises legislation to strengthen the capabilities of the police service, but we know that in recent years the core of British policing, neighbourhood policing, has come under increasing strain. Indeed, in the 2015 inspection report *State of Policing*, which was presented to Parliament in February this year, Her Majesty's Chief Inspector of Constabulary, Sir Tom Winsor, warned that it was becoming ever more challenging for forces to maintain neighbourhood policing, and that the role of neighbourhood teams was becoming seriously stretched. That is of great concern for national security because it undermines the fight against terrorism and extremism. We know how much valuable local intelligence can be gained by police officers in close and regular contact with their communities. So what measures are the Government going to propose to strengthen neighbourhood policing teams and enhance the capacity of police forces to be proactive, not just responsive, in their policing? I shall await their proposals with impatience.

[Baroness Henig]

In his report, Sir Tom Winsor rightly said that a partnership approach to policing offers the best chance of preventing crime and keeping people safe. I agree absolutely. What are the Government doing to encourage such partnerships and develop consistent strategies to strengthen them? The partnership in which I take a particular interest is the increasingly important one between the police and private security, as exemplified by Project Griffin and the recent police and security initiative between the Metropolitan Police and private security bodies. Given the considerable reduction in police numbers in recent years, the private security sector is playing an ever-increasing role in the protection of our national infrastructure and important national sites. Whether we look at transport networks and hubs, sports stadia, nuclear power stations or other vital national utility installations, private security is now involved, working alongside the police or the ministry or sometimes alone.

The growing role of private security was highlighted at Old Trafford 10 days ago in the fake bomb incident, which served as a timely reminder that public protection, which historically was viewed as the preserve of police forces, is increasingly being entrusted to private security businesses. Whether it be music venues, open-air events and festivals, the late-night economy, shopping malls or even hospitals or job centres, there are a lot of companies out there employing staff in critical situations, usually on minimum wages and doing long shifts. For the most part those staff do a fantastic job, but my worry is that no clear government strategy is in place to manage this increasingly important partnership or assure its overall standards. What are the Government's plans for ensuring that sites of national importance and crowded public places are patrolled by private security companies of proven high quality, rather than those that tender for work by cutting costs and corners?

I have been concerned for some time that because private security companies are unregulated, they could provide cover not just for criminals but for potential terrorists. The general public would be rightly concerned to learn not only that private security companies are completely unregulated but that the Government do not even set an example by insisting that all public contracts, particularly those involving potentially high-risk sites, should be awarded only to companies that have demonstrated their integrity and competence by gaining voluntary approved contractor status. Commendably, the Scottish Government have insisted for some years that public contracts for the provision of private security in Scotland should be awarded only to such companies with approved contractor status. There is now a move in Scotland to go further and regulate all private security companies to prevent rogue companies and those run by criminals distorting the market and harming the public. Despite devolution, however, the Scottish Government would need to win the support of the UK Government to put in place the necessary secondary legislation. I will wait with interest to see whether that support is forthcoming when it is requested. In Scotland, at least, public protection is being taken very seriously, as it should be. I just hope that it does not take a major incident to make the UK Government follow suit and turn the rhetoric of security into constructive legislation.

*7.36 pm*

**Lord German (LD):** Like many other noble Lords, I shall also address the issue of prison reform. I find myself echoing the sentiments of the right reverend Prelate the Bishop of Rochester. I suspect that the pendulum is moving creakingly from the space of retribution towards the space of rehabilitation, but it is important to see where this legislation fits perfectly into the glove of the reform that is necessary to overcome the difficulties people have talked about in prison reform. That is because we need to know the Government's overall intentions. We need a clear goal and a clear pathway to reform. It is not all in the legislation, even the primary legislation. We need to know that we are not simply tinkering at the edges and adjusting just one of the factors, because that would not solve the underlying issues of overcrowded prisons, poor rehabilitation officers in prisons and a lack of job and training opportunities after release.

It is not as if we are short of numbers to describe the problem. The percentage of the prison population with 15 or more previous convictions starkly demonstrates that prisons have become recycling facilities for broken individuals. In 2012-13 the percentage of the prison population with 15 previous convictions or more was 34%, so more than one-third. That all adds up to a huge bill for the taxpayer. While the proposed Bill is to be welcomed, the test against which it can be judged is whether it will make a serious dent in those figures. Will it lead to a better outcome for individuals both within and, crucially, after leaving prison?

The Coates review has opened a Pandora's box for wholesale reform of this agenda. The government Bill in the gracious Speech has as its main focus prison governor autonomy. That is a laudable and supportable aim, but the critical question to be asked is: autonomy over what? The current OLASS contract system, with its centralised and arm's-length contract structure, is wholly unsuited to providing the autonomy that the review suggests. Extending the contracts until 2017 gives the Government breathing space for a restructure, but Parliament, when it is considering the legislation before us, is entitled to ask what overall direction the Government intend to take. What is the destination they are aiming for? Real autonomy means the ability to handle and flex the budget and to identify the people needed to carry out the services required in each prison. Above all else, the Government need to indicate whether they intend to invest to save in this arena.

The costs of repeat offending are well publicised. The Government's own statistics show the savings that could be made by reducing the level of recidivism. Do the Government intend to invest some of the identifiable savings in the sort of education and training regime Dame Sally Coates envisages? Having the education budget with the Ministry of Justice helps, of course, but will the department get permission from the Treasury to invest potential savings in advance of them being made?

The unspoken context of the Coates review is that a reshaped, revamped and modernised education and training regime will be more attractive to offenders. Numbers participating will, and should, rise. An emphasis on individual learner programmes will require more

and better qualified teachers and trainers. So doing more with the same funding will not cut the mustard. A reshaped system with many more participants will require more financial resource to be made available to prison governors. We need to know the Government's intention in that respect.

Finally, I would like the Government to address through-the-gate barriers. Generally, the expectation those leaving prison have of a job or training is very low. But there are some wonderful examples of good practice: the Clink, training chefs and front-of-house staff, awarding NVQs; Key4Life, based in Somerset, developing emotional resilience and employment skills; and the Woodhaven Trust, supporting offenders into employment and self-employment.

All are great success stories and there are many more. But these examples all point to a single conclusion: that there are solutions; there are routes to solving the re-offending and employment problems. The challenge is to join up the dots, to create a seamless pathway through prison and beyond the gate. With the range of actors involved—public, private and third sector—we have an over-complex web of support. I hope that the Government will use their best endeavours to lock them all together.

*7.41 pm*

**Viscount Waverley (CB):** My Lords, all forms of extremist behaviour are to be deplored. The right reverend Prelate the Bishop of Southwark, who is not in his place, was absolutely right to draw attention to the challenges of defining extremism. However, when he went on to refer to the need to defend the freedom to speak fearlessly, I say to him with respect but concern that that should surely be only within the parameters established by law. I hesitate to say this out of sensitivity to the French, but I think that lessons need to be learnt from Paris.

I sense that Islam, together with Judaism, is a victim of unawareness in large parts of the United Kingdom, sometimes bordering on ignorance. This is unhelpful. The British people have a reputation for fair-mindedness, so I have little doubt that the right explanations of background and facts will assist greatly the passage of the counter extremism and safeguarding Bill. There is a clear role for clerics.

I was delighted that the Pope, after five years of disagreement, yesterday met the senior imam from the al-Azhar mosque in Cairo, who represents the highest authority in Sunni Islam. It should be remembered that extremism does not begin and end at national borders. It is a practical reality that politics and religion are part and parcel of national governance and politics on the international stage. Those policies inevitably affect us in this country and region. There is an undoubted role, therefore, for state actors to recognise their contribution by advocating and implementing moderate, inclusive policies. This would assist enormously in creating an environment of tolerance that would defuse religious tension and, by extension, extremism—and, equally importantly, perceptions.

Living in Portugal and travelling often to the neighbouring countries of Spain and Morocco, I am constantly reminded of a golden age of Iberia where in Spain and Portugal Islam was pre-eminent over many centuries, and remains so in Morocco. Learning about the history and perspectives of Sunni and Shia Islamic sects, for example, and the advance of Islam along the north African coast from Damascus, is always helpful and assists in marshalling one's thinking as to why differences exist and how best to engage across Israel and the Arab and wider Islamic world.

I was grateful, therefore, to the Minister responsible for Islamic affairs in Rabat for agreeing to my request at short notice last week to visit the Mohammed VI Institute for the Training of Imams, Morchidins and Morchidats in order to meet the director-general and the vice-president of the al-Quaraouiyine University in Fes, one of the leading spiritual and educational centres in the Muslim world. The institute is a unifying school of jurisprudence formed by His Majesty the King to counter terrorism and offer spiritual guidance to imams and women. Among many matters we touched on, their explanations of differing interpretations of jihad and their thoughts on segregation were edifying, and particularly applicable when referring to returning jihadists, as "jihad" has differing connotations in the Islamic world. To the less radical, it is the cleansing of one's soul.

Thirty-eight imams have already been sent from France to the institute, and I also met two anglophone imams from Nigeria. They vouched for the spiritual learnings of the institute. There are examples of signed agreements with Mali, Libya, Tunisia and many others, and, more latterly, with France, with the support of the union of French mosques in agreement with the French state. The Minister might wish to explore with British imams whether there is a role for the institute, as I sense that its teachings may well resonate with mainstream Islamic thinking in this country. This would help the Government in many of their aims.

This Government have the opportunity to show the world how religion, politics and civil society can have increased relevance in a modern world, but that tolerance and respect must prevail. Ordaining this in isolation is not the answer; the Government need to take great care not to be drawn into contentious turf wars.

*7.47 pm*

**Baroness Barker (LD):** My Lords, the noble Lord, Lord Carlile, set out a hope that, one day, the gracious Speech might contain no legislation at all. I tend to share his view, not because of the speech itself—Her Majesty delivers that with all her customary grace—but because our debate days are so wide and sprawling that taking part in them is about as satisfying as punching a jelly. You might get a point through to the Minister, but something else will disappear.

I have listened to so many gracious Speeches that I tend these days to stand back and judge them by one criterion: what if I was a young person, not living in London but somewhere in a poor community? What would I get out of it and what hope would it give me? I think in those terms because I have spent my entire life in the charity and social enterprise sector. I have chosen to work there for two reasons. The first is that the charity and voluntary sector is where problems and issues of society first come to attention, because

[Baroness Barker]
they are usually experienced by people who are from minorities. Secondly, they are the organisations in which it is possible to be innovative in finding solutions.

The charity sector had an annus horribilis last year. The Charities Aid Foundation has today produced a report that shows a £0.5 billion decrease in individual giving, which is not surprising given what happened last year. The state of funding across the piece for charities is actually quite interesting. Overall, it is up—there has been a very slight increase of about 3.4%. But behind that overall figure there is a story. Large charities—the top 100—are doing rather well, and that is because they are getting very big government contracts. Very small charities are not doing at all well. The charities that are in severe trouble and those that are closing are local and were previously dependent to a large extent on local authority funding. Imagine being the governor of one of these new prisons, with all the powers to do the marvellous and innovative things that you have been charged to do. When you open the doors of your prison, all the people in the organisations who used to be there to help integrate people into society and to sustain them when times are hard are not going to be there any more.

That is an interesting point when one realises that the level of volunteering among young people is increasing. Young people in the millennial cohort are now intent on putting right all the problems that they believe the previous generation—you and me—have caused, and they are busy volunteering much more than was ever the case in the past. Overall, volunteering levels in the whole community remain static but among young people they are up.

I have some questions for the Minister. The National Citizen Service, which has been welcomed but the results of which are as yet unproven, is being put on to a statutory basis and is being given funding. What evidence do the Government have that that is the correct way in which to support the aspirations of young people who want to help in their community? Is it evidence based or is it just a Government trying to secure one bit of their own agenda?

Charities would be churlish not to say thank you to the Government for changing the gift aid donation service. I was one of the people, along with Members of the Bishops' Benches, who had the great privilege of taking that little piece of legislation through your Lordships' House. To say that the system was Dickensian would be an understatement, so we are really pleased that it is changing. However, will the Government enable charities to increase their capacity to take digital donations? That is quite important.

One thing that caused a severe shock to the charity system was the Government's decision to bring in the gagging clause earlier this year. The Government have now thought better of that decision and have agreed to have a review. Who will be engaged in that review and what will its terms be? When will it report, and will there be consultation on it?

Charities and social enterprises in this country have a great deal to give to our society. They have much to bring that is good, innovative and of great value in relation to many of the issues in the gracious Speech, such as adoption and prison reform. This is the Government who started out with a vision of a big society. Of late, they have acted like a big brother towards the charitable sector. Perhaps, with the help of those of us on this side of the House, they will become a big supporter of that very innovative bunch of people.

*7.53 pm*

**Baroness Kennedy of The Shaws (Lab):** My Lords, I have the privilege of chairing the European Union Justice Sub-Committee. I was glad to hear my noble and learned friend Lord Falconer, in his very amusing speech, make reference to the report that came from our committee in the run-up to the Queen's Speech. It was therefore with some regret that I heard included in the gracious Speech the announcement that the Government would bring forward proposals for a British Bill of Rights. Our committee was of one voice in expressing concern about the implications of such a Bill.

Perhaps I may reiterate what was said by the noble Lord, Lord Pannick. This has been a long journey for the Conservative Party. It started off being very resistant to the whole concept of human rights, and we have seen that chuntering away in the background for some while. Then eventually, when there was a coalition Government, the problem was one of being in partnership with a party that was very committed to human rights. A commission was then set up to look at whether a British Bill of Rights would be a good thing, but the outcome of that was rather unsatisfactory. Then, prior to the last election, the Conservative manifesto announced that such a Bill would follow from the abolition of the Human Rights Act and, if necessary, would involve withdrawal from the European Convention on Human Rights and the remit of the European Court of Human Rights.

That raised questions about whether such steps would create problems not only for our membership of the Council of Europe but for our relationships within the European Union should we remain part of the EU. European law is now imbued with human rights obligations through the European charter of rights. I know that it may be disobliging to some on the right wing of the Conservative Party but human rights are here to stay. They have now become part of the international discourse about how you raise standards and how you have law that is decent.

For many years, many within the Conservative ranks did not understand that it was in fact distinguished Conservative lawyers, led by the Attorney-General at the time, lawyer David Maxwell Fyfe QC, who drafted the European Convention of Human Rights back in 1950 under the guiding political hand of Winston Churchill, who realised that all legal systems had to be measured against a template of rights to guide nations, politicians and judges so as to create a moral climate and prevent a descent into inhumanity, which had just been seen in the Second World War.

Human rights now permeate the whole tapestry of international law and our treaty obligations, and it is time that people came to recognise that. Indeed, those who have followed this journey closely have come to realise it. I have watched as Michael Gove himself, in the role of Secretary of State for Justice, has come to

accept that you cannot retreat from human rights. Indeed, even when it comes to commercial law, the Modern Slavery Act, introduced by this Government, is setting out the ways in which human rights obligations rest even on the shoulders of large companies. I noticed last week that a human rights unit has been established in the Pentagon, led by a group of very impressive human rights lawyers.

We have to accept that our generals and police all speak the language of human rights now. Human rights are not going to go away. In our globalised world, they have become the lingua franca of freedom and liberty, and they are the mechanism by which exploitation and abuse are challenged. That seems at least to have been recognised by some but I am afraid that there are still those within the Conservative Party who find the whole idea of human rights anathema.

Because a British Bill of Rights might raise questions about our legal relationship with the rest of Europe, our committee held an inquiry into the implications of withdrawing from the convention. The evidence was illuminating. We heard from former Attorneys-General on both sides of the House, and from judges, including our esteemed former Lord Chief Justice, the noble and learned Lord, Lord Woolf. We heard from academic lawyers and practitioner lawyers, and we heard from Ministers from the devolved Administrations. We even had a communication from the ambassador for southern Ireland. For 15 years, we were warned, we have been developing law under the European Convention on Human Rights legal regime. Although many non-lawyers do not realise this, even before the passing of the Human Rights Act our courts were giving weight to international human rights standards in their judgments. This has become part and parcel of law around the world.

Most alarming of all was evidence that we heard from lawyers in the devolved nations, who pointed out the impact of disrupting the settlements that currently exist. We heard alarm bells about what would happen in relation to the peace process in Northern Ireland. We heard that southern Ireland would say, "We changed our constitution on the understanding that we would make no claim on the northern counties on the basis that there would be human rights protections under the European convention for Catholics who had been discriminated against for so long". Therefore, it is important that this matter is approached with great care.

Finally, this has become a rather complicated issue for the Conservative Party. We have a Home Secretary saying that we should come out of the European Convention on Human Rights, and we have a Justice Minister saying, "No, no. We'll stay in the European Convention on Human Rights but we'll come out of the European Court of Justice". I think it is time that the Conservative Party got its ducks in a row and understood that human rights are here to stay and that, in fact, being part of the European Convention on Human Rights is fundamental. We have to belong.

*7.59 pm*

**Lord Chidgey (LD):** My Lords, I would like to speak to the anti-money laundering issues raised in the Queen's Speech. I begin by mentioning the Government's recent anti-corruption summit, which was welcome, if belated. Noble Lords may recall that some years ago, with the help of Transparency International UK, I introduced a Bribery Bill to the House. Although generally welcomed, it failed to progress in the other place. In the next Parliament, however, lo and behold, it reappeared as a government Bill, passing into law in 2010 and generally proving a major success. As a member of the advisory board of TI-UK, I want to place on record my congratulations to Robert Barrington, director of TI-UK, and his team on their work over the past 20 years. At the end of the anti-corruption summit, it was heartening to see, as the Prime Minister said in his final speech, an idea whose time has come. To quote Robert Barrington:

"Well, TI started 20 years ago, so it's certainly good to see realisation dawn".

The communique at the end of the summit confirmed that several countries had signed up to public registers of beneficial ownership. Yet there is still a whole raft of UK overseas territories and dependencies that have yet to agree to make registers of beneficial ownership open to public scrutiny.

The Government have announced a new anti-corruption strategy and support for a wide range of international institutions and initiatives. However, what we now need to hear is the plan of action to end:

"The misuse of companies, other legal entities and legal arrangements, including trusts, to hide the proceeds of corruption".

How can we be taken seriously when the City of London is considered by many to be the money laundering capital of the world? London is the destination of choice, for example, for billions of dollars whisked out of the Crimea and the proceeds of the diamond fields of Zimbabwe and the bauxite mines of Guinea.

I turn to the second issue that I would like to raise, and another area that is perhaps more complex. It concerns the soon-to-be-realised economic partnership agreements between African nations and the European Commission—the trading agreements between developed Europe and developing Africa. The noble Lord, Lord Bridges of Headley, may not be able to answer my comments at the end of this debate, but we can and we will return to them.

At the invitation of Dr Carlos Lopes of the United Nations Economic Commission for Africa—UNECA—I was able to attend its conference in Addis Ababa for AU Finance Ministers, representing the Association of European Parliamentarians with Africa as their UK director. The EC has negotiated EPAs with five sub-regions in Africa after the concept of the reciprocal trade agreements established in the Cotonou agreement of 2000. These were to cover trade in goods and services, and rules on investment, competition and procurement. But in spite of the high ambitions of these policies, in the course of establishing the EPAs some negotiators claim that a number of concerns have arisen. Those concerns include the fact that the removal of trade barriers on manufactured goods from the EU could lead to deindustrialisation, contravening policy coherence development policies. If EU agro-food exporters were able to flood growing African markets, undercutting and squeezing out local farmers and their suppliers, this could undermine

[LORD CHIDGEY]
African agriculture. These are the very things that we are trying to stop happening. With EU and African states at very different stages of development, reciprocity may not work. This is compounded by increasingly important non-tariff barriers to African exports to the EU and the growing insistence by the EC that African Governments abandon non-tariff policy tools, which are routinely used to support agro-food development programmes.

Against this background, the visit to Addis Ababa was arranged to attend the Finance Ministers' meeting in April. The objective was to hold consultations with Finance Ministries likely to play a central role in negotiations with the EU over the implementation of concluded EPAs and the reciprocal EPA agreements; in particular, with regard to the use of agro-food sector trade policy tools and how the EC seeks to interpret and apply contentious EPA provisions.

Five bilateral meetings with Finance Ministers from three EPA regions were arranged over two days. With a focus on the Southern African Development Community member states, meetings were held with Ministers from Lesotho, Namibia and Swaziland. Other meetings were held with Ministers from Ghana and Uganda. The key outcomes were as follows. There was a new EC deadline for ratification and entry into force of the Southern African Development Community group EPA. Apparently, this did not allow sufficient time for the Namibian Parliament to go through its examination and approval cycle. The arbitrarily established deadline left a stark choice of either curtailing this process or missing the deadline and facing suspension of Namibia's trade tariff preferences, with serious effects on beef, grape and fisheries product exports to the EU. This was not what was intended. The Swaziland Minister for Economic Planning told a similar story, and there were other examples by other delegations from the regions of how difficult it was becoming to work through the EPA process with the EU.

We really do have to look at this. Whatever the reality, the UK, with its close, historic and frequently Commonwealth connections with so many African countries, should be taking the lead in the EU for maintaining the balance between developing their economies and opening markets to the EU.

*8.05 pm*

**Lord Lisvane (CB):** My Lords, the noble Lord, Lord Richard, and my noble and learned friend Lord Judge both raised issues of financial privilege, often seen perhaps as something of a minority sport. I think procedures have moved on a little since I was directly involved, but I agree that it is an issue that would benefit from greater clarity, as urged by my noble and learned friend Lord Judge, and the development of perhaps greater joint understanding, as urged by the noble Lord, Lord Richard.

As a fellow member, along with the noble Lords, Lord Hain and Lord Campbell of Pittenweem, of the constitution reform group that was convened by the noble Marquess, Lord Salisbury, I endorse what the noble Lord, Lord Hain, said in his excellent speech. However, I will not follow him all the way down the track of possible elections to your Lordships' House. The constitution reform group was created exactly to address the sort of patchwork that was identified by the noble Lord, Lord Norton of Louth.

The reference in the gracious Speech to the primacy of the House of Commons has generally been taken, I think correctly, to be a shot across the bows of your Lordships' House. Perhaps at this stage there is merit in a shot across the bows rather than one into the wheelhouse, but there is a certain irony in this, because I am sure that the primacy of the House of Commons as the elected House is something that your Lordships would agree on as one, as the noble Lord, Lord Cormack, pointed out earlier. There is a further irony in that part of the gracious Speech, because the reference to the primacy of the House of Commons is preceded by another ministerial undertaking: to uphold the sovereignty of Parliament—Parliament and not the Executive. With a respectful nod to my noble friend Lord Butler of Brockwell, I think it is increasingly common ground that the issues raised by the Strathclyde report are not issues between this House and the House of Commons but between Parliament and the Executive, with each House doing its distinct job of scrutiny and challenge on behalf of all our citizens. It is good to know from the gracious Speech that Ministers are ranged firmly on the side of Parliament, although that may not be quite the sense that was intended by the drafters.

Just as there is broadening agreement that these issues are about parliamentary control of the Executive, there is, I am glad to say, increasing agreement that Strathclyde option 3 is not the way to address any perceived difficulty—although with six defeats of subordinate legislation in your Lordships' House over about half a century, I suggest that the onus of describing the difficulty rests with those who wish to perceive it. In this, I may be diverging from the view of the noble Lord, Lord Wakeham, and that is, to some extent a first. On parliamentary matters, I have been cordially agreeing with him now for about 44 years.

Increasing agreement about the unwisdom of legislating, with all the risks of collateral damage that might come with it, is demonstrated not only by three reports from committees of this House but also by the report from the Commons Public Administration and Constitutional Affairs Committee, which has criticised Strathclyde option 3 in terms just as uncompromising as those used by the committees of this House. It said that,

"legislation would be an overreaction and entirely disproportionate to the House of Lords' … exercise of a power that even Lord Strathclyde has admitted is rarely used".

Then the Commons committee comes to the nub of the matter:

"The Government's time would be better spent in rethinking the way it relies on secondary legislation for implementing its policy objectives".

So in the very limited time that I have left, I ask, at the beginning of this legislative Session, what are the chances of a sea change in the quality of legislation? Have government departments been told to ensure that in the instructions to parliamentary counsel, matters of policy and principle are for primary and not secondary legislation? Has PBL, the Parliamentary Business and

Legislation Committee of the Cabinet, set itself an objective for the rest of this Parliament that Bills will be properly ready for introduction, unlike the then Housing and Planning Bill, and will set out clearly what is to be achieved, unlike the then Childcare Bill? Have the Government heeded the wise words of my noble and learned friend Lord Judge on Henry VIII clauses, which allow Ministers to amend or even repeal primary legislation in a potentially highly undemocratic way? The Cabinet Office guide to making legislation instructs Bill teams to pay "particular attention" to Henry VIII powers—a slight ambiguity there—but does that mean that there will be fewer of them?

I do not expect the Minister who winds up to give me the answers to all these questions, although it would be jolly nice if he could, but I would be grateful if he could answer this final point. Unusually, there is no explicit mention in the gracious Speech of any draft Bill, although one has been subject to pre-legislative scrutiny and another is to be "proposals". Now that we are in the second Session of Parliament and the first-Session difficulties of producing Bills in draft are reducing, how many draft Bills may we expect? If the Government are serious about improving the quality of legislation and the legislative process, draft Bills would be one very good measure.

*8.11 pm*

**Lord Razzall (LD):** My Lords, I welcome the opening remarks of my noble friend Lady Barker, who quite rightly said that the judgment about the gracious Speech would be how it would be felt by the poor people of this country. A cynic might well say that good government is not about legislation, but about how government is actually run. A cynic might also say that legislation is a make-work project for Members of Parliament and dare I say Members of your Lordships' House. After all, the example in the gracious Speech was that the Minister spent more than 50% of his time discussing a proposal to alter or amend the Bill of Rights, which is not before your Lordships in the gracious Speech. That demonstrates that this is perhaps the year that we might have what I have always advocated—a moratorium on legislation for 12 months. Some of my colleagues across the House think that it should be more than 12 months, but this would obviously have been the year to do that. Of course, what really matters in the lives of the electorate—the people whom we serve—is not legislation, but how decisions are taken by officials. That is the crux of the problem of government and no gracious Speech for the past 20 or 30 years has ever dealt with the issue of how government is actually run.

The last 40 or 50 years have seen radical changes in the structure of government, which have clearly impacted on the process of government. We have seen the devolution of powers to Scotland and Wales, the transfer of powers to agencies such as the National Health Service, and the privatisation of industries and utilities that were previously under governmental control. More recently, under this Government and the coalition, we have seen the creation of the northern powerhouse, described in the gracious Speech; a commitment to devolution of power to elected mayors, also in the gracious Speech; and new powers given to prison governors. Every Government for the past 30 years have promised more devolution of power, but few have delivered. This Government have clearly taken further steps in the gracious Speech, with the northern powerhouse and the powers to Scotland and Wales, but are we sure that the Government do not have an institutional bias towards the view that Room 101 Whitehall always knows best?

I have two examples of this centrifugal tendency in the last year. The first is the closure of the BIS office in Sheffield, which was brought back to London. The second is the Education Secretary's proposal to impose a mandatory requirement on all local education authorities for schools to become academies, which was certainly postponed and I hope abandoned. In the context of changes to the government structure, what is the Minister's view on the current abilities of the Civil Service to manage the process of government in this new world? I pose four questions. First, the Minister can have his view, but do Her Majesty's Government believe that the Trevelyan concept of a Civil Service of the 19th century as the brightest and the best—usually from Oxbridge but no longer—providing impartial advice to Ministers, is still appropriate when the delivery of services is often more relevant than policy decisions and the devolution of powers should mean that power is being taken away from Whitehall?

Secondly, do Her Majesty's Government agree with the chief executive of Vote Leave that the Civil Service has not taken any correct decisions since Bismarck—I do not know why he picked Bismarck—or with Steve Hilton, who said that the Civil Service simply cannot perform its functions because of being dominated by Brussels? Thirdly, does the Minister think that the relationship between the special adviser and the Permanent Secretaries in the Civil Service departments is working and properly structured? Fourthly, does he feel that the modern Civil Service is equipped with the right skills, not just as a result of the impact of technology, but given the changes proposed in the gracious Speech?

I have a final question. When the noble Lord, Lord Maude, was in the Cabinet Office, he committed to a review of how government works. Are the Government committed to continuing his work? We have an opportunity now because all three parties plus the SNP have been involved in government in recent years—the SNP in Scotland. Would it not be time for a cross-party review as to how government works? After all, I am sure that noble Lords agree that Room 101 Whitehall hardly ever knows best.

*8.17 pm*

**The Earl of Dundee (Con):** My Lords, in my remarks today on local democracy, I will refer to some useful and recent developments that have improved the quality of both national and European democracy. Within states they include devolution from centres to regions and within Europe the increasing scope to mutual advantage of direct working partnerships between different places and different countries. Devolution is taken to mean the transfer of certain powers away from centres to regions. The noble Lord, Lord Foulkes, and my noble friend Lord Norton of Louth both reminded us of the need throughout the United Kingdom to achieve coherence and even-handedness. Within the

[The Earl of Dundee]
United Kingdom this begins in Westminster and then Edinburgh, Cardiff and Belfast. However, the latter are also administrative centres, so the aim is that in the second place and as much as possible they would pass on powers and functions to their own regions and localities.

The proactive current city partnerships are to be distinguished from earlier twinned city arrangements, which after the Second World War had pursued a different yet very necessary agenda of building up friendship and good will between the towns and areas of countries previously fighting each other. In reviewing the current working partnerships, three aspects should perhaps be connected: their purpose and methods; their contributions to society; and how they can be best progressed by Governments, institutions and participants themselves.

The aim is to improve conditions in each of the cities or separate localities that come to work together. Education and culture are the obvious starting points. Those stand to benefit everyone, not least young people as they grow up in schools and universities, and equally to do so when they start work or apprenticeships. Yet we should bear in mind the association between economic and cultural activities, for the more cities or local economic centres have direct trade and financial dealings with one another, the more likely it becomes that both culture and quality of life will be advantaged in each place as a result. In any case, the term "culture" represents a wide territory occupied by many facets of daily life. These include economic and financial activities, the contentment of people and families, their education and the variety of their accomplishments, aspirations and opportunities.

Then there are the respects in which city partnerships can improve national and European democracy and stability, for they enhance the well-being of localities and communities. These are already sustained by their own nation states, themselves members of European affiliations, whether the Council of Europe, the European Union or both. However, between cities or regions, cultural and working synergies demonstrate another dimension and an additional contribution to further advantage those synergies so that they can build upon what is already there.

This leads to the relationship with national democracy, Governments and institutions. Here there are a few paradoxes, although each indicates a positive outcome nevertheless. To begin with is the need for an arm's-length approach by national Governments. This is the first paradox, for the more Governments recognise that city partnerships are worth while, the more they should keep their distance from them all the same. Otherwise the success and energy of the endeavours risk becoming undermined and stifled by government interference.

On the other hand there are plenty of ways for government to encourage cities and regions to do their own thing. If my noble friend the Minister agrees with that, can he say what steps our own Government are prepared to take to assist in this process? Governments can act as co-ordinators providing much-needed information to guide cities on how to proceed if they should wish to do so, how and why good practice is thus built up both within localities and their states alike, and how restricted budgets and economic downturns need neither stand against nor prevent actions at all. The latter observations apply as there are so many simple, inexpensive and creative ways in which city partnerships can be embarked upon in the first place. That is the second paradox, and it sends a heartening message.

The third paradox indicates the scope for re-energising national democracy through local grass-roots efforts. Nevertheless, traditional political theory may have suggested otherwise, reflecting how things were through the 19th century and most of the 20th when nationalism continued to hold sway, and how the pursuit of state pride formed a greater priority than that of the well-being of citizens. Yet the corollary to this is that an emphasis upon democratic qualities at local levels does not in fact upstage or threaten the state at national levels at all. The reverse is actually the case in that it enables trust and confidence to be restored in European Governments and Administrations, currently often accused of being out of touch with their own people. Does the Minister believe that this is the clear benefit arising from strengthened local democracy which government policy should thus steadily seek to achieve at home and in Europe?

At least both this ailment and its potential remedies are increasingly acknowledged in our 21st century. Consequently, and far more than they ever used to be, measures of national performance now take into account manifestations and achievements at local levels, a welcome departure from precedent and currently evident within most Council of Europe states, and endorsed by its parliament, where I have the honour to serve.

In gauging the well-being of citizens, such measures are now indications of national success. Corresponding to this are a variety constructive expedients, new and old, which help to strengthen local democracy in the first place. Two of these, which if handled properly are of enormous potential benefit to European regions and localities as outlined, are the process of devolution and between different places in different countries the constructive forging of working partnerships. Both are much to be recommended.

*8.23 pm*

**Lord Haskel (Lab):** My Lords, like the noble Lord, Lord Lisvane, I, too, want to deal with the quality of legislation presented to us. In recent years I have served on your Lordships' Delegated Powers Committee, and I currently serve on the Secondary Legislation Scrutiny Committee. During this time, I have become more and more concerned about the poor state of legislation presented to us by the Government, and it is getting worse. The Executive have to do something about it.

Of course, what brought this to a head was the statutory instrument regarding tax credits. This precipitated the Strathclyde report, to which many noble Lords have referred. But this was not the only example of poor preparation, or of using secondary legislation to introduce new and significant matters. The Secondary Legislation Scrutiny Committee has recently drawn attention to matters across the whole spectrum of government—social housing, hunting, building regulations, feed-in tariffs. Last week, we drew your Lordships' attention to the

use of secondary legislation to bring about a large West Midlands combined authority with a directly elected mayor—surely a major change in local government—for which there was three weeks' consultation, and that was via the internet. The previous month we drew to your Lordships' attention the withdrawal of statutory regulations by Defra regarding the welfare of certain farmed animals, replacing them with a voluntary code on the grounds that this would achieve higher standards. But the responses to the consultations indicated the opposite. The order was cancelled.

Do the Government consider that to be a defeat, or is it the House doing its job? By drawing attention to these weaknesses and errors in legislation, the House has assisted the Government in avoiding some very nasty and awkward unintended consequences. The result of this poor preparation is that the passage of legislation has become uncertain—even, in some cases, chaotic. It lacks authority when it lacks detail. Indeed, while the Welfare Reform and Work Bill was still before us, the Government used secondary legislation to implement a major change—while the Bill was still in progress.

I put it to the Minister that the Government are losing votes not only because there is disagreement over policy but because the legislation is not thought through. It is poorly prepared and incomplete. That is why we have recently seen government U-turns or policies changed or abandoned. What worries me is that as standards decline, opportunities grow to avoid, evade, ignore, or even break the rules—rules that are devised for the public good. Poorly prepared legislation forced through will undermine our culture of strong and fair-minded government.

So, what is to be done? Is the problem a lack of staff with the expertise, analytical skills and experience in preparing legislation? Have departmental cuts gone beyond trimming the fat and unnecessary bureaucracy, so that the bone is damaged? We all know that when cuts are made, the cost reductions soon look good in the budget but the deterioration in service, quality and standards follow later. Is that what is happening? As the noble Lord, Lord Lisvane, implied, Ministers have a responsibility, too. As he said, they need to make speeches, present Green Papers and White Papers, do the pre-legislative scrutiny, present draft Bills and proposed schedules of secondary legislation. Is that work being done? It would appear not.

Then there are all the departmental checks. Are these being done, and is LegCo—the Cabinet Committee—doing its work? Here is what I hope is a helpful suggestion—artificial intelligence. The Minister may have read about it in the *Huffington Post* today. The Government's Science and Technology Facilities Council at Hartree has a five-year contract with Watson—that wonderful equipment at IBM. After all, machines now read and analyse clauses in loan agreements and contracts of sale. Could legal technologists help to prepare better legislation? They could ensure that draft legislation contains all the Government's own principles and standards on consultation and on impact assessments, and that everything is included in the Explanatory Memoranda, and even point to possible Henry VIII clauses.

It would be wrong to introduce legislation curbing the powers of your Lordships while leaving everything else as it is. It would be just like getting rid of an irritation. Without dealing with the cause, the irritation will come back.

*8.29 pm*

**Baroness Scott of Needham Market (LD):** Like my noble friend Lady Barker, I will speak on the relationship between the Government and the charity sector. It is worth starting with the reflection that charities contribute around £12.2 billion to the UK economy and that on top of the millions of people who volunteer on a regular basis around 827,000 people are actually employed in the sector, which is about 3% of the total workforce of the UK. The relationship between the Government and the charity sector is an important one that the Government should take care to get right. All too often we see a lack of understanding in Westminster and Whitehall about the way the sector works, and a tendency to impose change rather than work with it.

The gracious Speech contained reference to a new statutory framework to be set up to deliver the National Citizen Service. I urge the Government to work very closely with the sector on this, because it will not be easy to get it right. Charities cannot just absorb large quantities of volunteers—they need professional staff to train and manage them. In fact, many charities do not lend themselves to the way the NCS will operate. We want volunteering to be a positive experience. That means that we need to take care to match the individual and the organisation. Local volunteers' centres can be brilliant at doing this, but they have been closing fast due to funding cuts. The whole point of the big society is that it works best when it is small.

Lately, we have seen from government a strategy of announcement, furore and then withdrawal: the PIP changes announced and dropped, outcry at the anti-advocacy clause, and now sending elements of housing benefit reform back to review. Members have marched through the Lobbies, Conservative MPs go on the airwaves to defend the indefensible, and then the Government change their mind. I am not going to lose sleep over the difficulties that that causes for the Conservative Party, but what troubles me is what it says about the Government's attitude to the voluntary sector.

Coming back to the anti-advocacy clause, Answers to Written Questions from my noble friend Lady Barker show that the Government could offer no evidence of the use of government grants to fund lobbying activities. I know that it is radical, and perhaps I am naive to expect evidence-based policy, but really—no evidence? Do not get me wrong: charities should be scrutinised and appropriately regulated, but the Government should not give the impression that problems exist where they do not. The damage to the sector in the long term will harm all of us.

The governance of charities is in the spotlight more than it has ever been. That is only right. Regardless of whether charities' income comes from taxpayers through the award of contracts, or from the philanthropy of individuals currently giving around £19 billion a year, they have a right to expect good standards of governance. The NCVO has done a good job in responding to

[Baroness Scott of Needham Market]
issues such as inappropriate fund raising, while the collapse of Kids Company demonstrates that no matter how good the cause, or how charismatic the leader, not only do trustees have to take their responsibilities seriously but public bodies need to do more to assure themselves that the standards of governance of those to whom they award contracts is in good order.

Traditionally, charities funded their work through donations and grants. That is still the perception. However, over the last decade that has transformed. Charities earn more of their income—55 pence out of every pound in income now comes from providing services or from trading. There are around 163,000 charities in the UK, with a total income approaching £44 billion. Around £15 billion of that comes from working with government. This was increasing between 2000 and 2010, driven by the voluntary sector delivering more contracts. However, as public spending has reduced, charities are now receiving less.

The last time I spoke about this issue in your Lordships' House two years ago I expressed my concerns about public commissioning and procurement practices. They tend to be focused more on the way the private sector works and do not tend to favour small local enterprises of any kind. I ask the Minister to ask the Commissioning Academy to take more heed of this. The doctrine of economies of scale is driving out innovation and local flexibility. It increases risk and deters new entrants from the market.

The UK boasts a strong and vibrant civil society. Charities are at the heart of that. This core is incredibly diverse, with an army of volunteers and staff providing help and support to individuals and communities nationally and overseas. If the Government truly want to deliver the aspiration of improving life chances outlined in the gracious Speech, they will not do so without the charity sector.

*8.35 pm*

**Baroness O'Neill of Bengarve (CB):** My Lords, as the noble Lord, Lord Norton of Louth, set out clearly for us today, it is not obvious where the legislation on constitutional and devolution issues is in the gracious Speech, yet that is the topic of today's debate. The so-called British Bill of Rights would of course be such a measure but, as we heard, it is still postponed. The gracious Speech refers to the referendum but the enabling legislation for that was passed last year. Yet, that referendum is the overwhelming constitutional issue, colouring every other legislative proposal. I make no apology for focusing on it.

As we all know, public debate is full of predictions and of adverse comment on other people's predictions. Many of the predictions about the referendum are indeed implausible. We should spend rather less time making and rubbishing predictions, but should try to identify risks. Risks must be taken seriously, even where we do not have the metrics or models to make precise predictions.

Today, I focus on a particular range of risks of Brexit: those to the UK's current constitutional settlement and in particular to the common travel area that links the non-Schengen UK and the non-Schengen Republic of Ireland. If the UK were to leave the EU, the island of Ireland would be divided by a land frontier with the European Union approximately 300 miles long and which runs—as many of your Lordships will know—through rough terrain. By contrast, if Scotland left the UK, there would be a land border of less than one third that length. We are talking about a much larger proposition.

The common travel area has been in place since the 1920s and allows for very light-touch controls. In fact, it is not just a travel area. British and Irish people enjoy full access to one another's state and society, not just to travel but to work, live and vote. Those are important links. Of course, it was necessary to impose further border controls during both World War Two, when naval realities limited migration from elsewhere, and the Troubles, when political realities did the same. Both periods revealed that this border is very hard to police well. Thankfully, with the peace process—imperfect and incomplete though it is—there is no great need to police it with precision. The UK and the Republic of Ireland have co-ordinated their visa and immigration policies and jointly maintain controls for the common travel area. I grant that that is not perfect but it is very good.

If the land border across the island of Ireland had to be hardened to maintain UK border controls with an EU of which it was no longer part, the damage to the peace process, to the economies of Northern Ireland, the Republic of Ireland and the entire UK, and to relations between the states would affect virtually all the proposed legislation. The effects could be very great. The most overt support for hardening the border that I have found comes from David McNarry, head of UKIP in Northern Ireland, who said:

"I support patrols, active patrols",

and pointed out that otherwise the border would be,

"wide open for migration, for the clever traffickers, for the criminals".

I suppose he is right in his inference. However, it may be that the Secretary of State for Northern Ireland, the right honourable Teresa Villiers, who supports Brexit, is also in favour of ending the common travel area. I have not been able to establish that, although it seems to follow as a logical consequence of the policy.

A great success of the peace process has been that support for Irish unity among nationalists in Northern Ireland—among both SDLP and Sinn Fein voters—has greatly declined, to a remarkable extent in the most recent polls. If a hardened border made altering the constitutional settlement once more seem a more urgent goal, there would be a huge and understandable temptation for Sinn Fein to seize the opportunity. Sinn Fein, which at present opposes Brexit, would have been handed an all too potent reason to revive abandoned territorial claims. I hope that even ardent Brexiteers will understand what they are risking.

I do not think it is profitable to try to quantify the costs of Brexit, but nor should we fantasise about the supposed benefits. But major risks matter. As the noble Lord, Lord Hannay, has written recently, we could in the event of a vote to leave the EU lose not just one Union but two—not only the European Union but the United Kingdom. As someone with an Irish, a Scots, a Welsh and an English grandparent—three of

the four were in uniform in World War I—I am a one-nation person, but my nation is the UK and I do not wish to see it dismembered. This, as I see it, is a risk that deserves all our attention and casts a shadow on every legislative proposal in the gracious Speech.

*8.40 pm*

**Lord Hussain (LD):** My Lords, it gives me great pleasure to speak in the debate on the Queen's Speech, particularly in the year that Her Majesty celebrates her 90th birthday. I join other noble Lords who have offered her best wishes on this auspicious occasion. In her gracious Speech, Her Majesty referred to the Government's intention to introduce legislation to prevent radicalisation, tackle extremism in all its forms and promote community integration. I welcome such legislation if the present laws are not considered adequate to deal with the issue.

Britain is a truly multicultural and multi-religious country. I speak as a proud Muslim citizen of this country. I believe that extremism is highly dangerous, whichever side it comes from. In recent times, we have seen a rise in right-wing extremism resulting in Islamophobia and anti-Semitic behaviour. At the same time, we see a rise in religious intolerance and extremism. Both lead to violence; both need to be condemned.

As a Muslim, I have said many times and say again that those who practise violence and terrorism in the name of Islam have nothing to do with Islam, as the Islam which I follow is a religion of peace and tolerance. Muslims around the world have suffered more at the hands of these terrorists than any other denomination.

In the fight against extremism and terrorism, we are all on the same side. However, we need to be very careful in implementing counterextremism and counter-terrorism policies. I hope noble Lords agree that 99% of British Muslims are peaceful and law-abiding citizens and that the very small minority holding radical views, or who are involved in terrorist-related activities, do not represent the vast majority.

For the benefit of the law enforcement agencies and their partners in delivering the Prevent agenda, the Government have to make the definition of extremism clearer, as sometimes our authorities have gone a little too far in establishing that. For example, early this year, a 10 year-old schoolchild was reported and investigated by the police in Lancashire for a misspelling when he mistakenly wrote that he lived in a terrorist house when he actually meant a terraced house. I fully understand that we cannot be complacent, nor can our authorities take any chances when it comes to such important issues, but there has to be a balance. The action of the authorities involved in this case was considered extremely heavy-handed by many, and such actions could lead to major misunderstanding between the communities and the law enforcement agencies. I hope the Minster will tell the House what lessons may have been learned from such experiences and what has been done to minimise any recurrences.

In order to bring communities together and strengthen society—to which Her Majesty made reference—there has to be better understanding of different cultures, and measures need to be put in place to address this. In this regard I draw the attention of House to an issue that is important to every Muslim in the country. Muslims are required to bury their loved ones as soon as possible after death. However, that is usually not possible in many towns and cities, including the city of Birmingham, due to the unavailability of coroners and registrars over the weekend. In some towns where coroners have developed an agreement with local Muslims, often at an extra cost, there are still issues with the release of bodies from hospitals and the unavailability of registrars over weekends and public holidays.

I raised this issue with the noble Lord, Lord McNally, when he was a Minister in this House. Coincidentally, he was then in the process of drafting guidelines for coroners. I know he added some relevant wording to the guidance which was published two years ago but it does not seem to have filtered down to the local level, as nothing seems to have changed on the ground as yet. Will the Minister look into this issue, which is close to the heart of every Muslim in the country?

*8.46 pm*

**The Lord Bishop of St Albans:** My Lords, in response to Her Majesty's gracious Speech I will make just a few points on the subject of human rights, rights which from my perspective arise from the inherent and God-given dignity of every human being. In 1213, St Albans Cathedral was the setting for the first meeting of the bishops and barons which was to lead, two years later, to the sealing of Magna Carta, the 800th anniversary of which we celebrated just last year as a foundational document in the history of human rights.

However, the proposals for a British Bill of Rights to replace the Human Rights Act make me question whether the celebrations last June were something of a missed opportunity. When would there have been a better chance to educate the public about Britain's historical and intellectual contribution to the European Convention on Human Rights, or to dispel the myths and misperceptions that surround the Human Rights Act? It is deeply to be regretted that this educational opportunity was missed. I appreciate that what has been announced now is merely a period of consultation on the Bill of Rights. However it is difficult to imagine what the Government can hope to achieve. At best, the Bill of Rights will be the Human Rights Act dressed up in expensive new clothing or, at worst, it will seek to curtail rights already enshrined within the European convention, a position which would be wholly opposed to the spirit of Magna Carta, a major part of which was to hold the Executive to account.

I am as aware as anyone that human rights are not always easy for Governments. I am sure it can be very tedious when the possibility of inhumane treatment prevents the Government from extraditing those who would bring harm to our country. However, treating our enemies with the fundamental human dignity that they would seek to deny to us is exactly the sort of British value that I hope this Government will promote, whatever form the Bill of Rights eventually takes.

Finally, I will comment briefly on three further Bills that I hope will also place human rights concerns at their very heart. First, I hope that, within the very welcome proposals on prison reform and prisoner rehabilitation, there might be an opportunity for us to

[The Lord Bishop of St Albans]
think afresh about the voting rights of prisoners. I recognise that this has been a contentious, and indeed very unpopular, issue. However, there is a positive case for voting reform that has perhaps become lost among wider angst at the perceived activism of the European court. If we are serious about the process of rehabilitating prisoners, part of that must be to help them exercise their democratic rights.

Secondly, I highlight my concern that, unless we simply roll over and the terrorists win, the counter-extremism Bill has to guard free speech, and promote and find a way to adequately define British values. That will not be an easy task. Indeed, we need to look very closely at definition, which will be the sticking point over this Bill. How are we going to define extremism in a culture where we want people to have strong debate?

Finally, I want to highlight the Investigatory Powers Bill, which is already before the other place. Clearly, it is no easy task to find the right balance between the rights of the individual to live free from state intrusion and the needs of the state to maintain surveillance capacity in a rapidly changing technological environment. Given the ease with which surveillance matters can become politicised, I particularly welcome the increased role for judicial oversight of powers, and I hope we can think of ways to strengthen this oversight as the Bill passes through Parliament.

*8.50 pm*

**Baroness Rawlings (Con):** My Lords, it is a brave Peer who says anything in your Lordships' House about prisons with the noble Lord, Lord Ramsbotham, present and due to speak. However, I commend the Prime Minister for including the prison and courts reform Bill in the gracious Speech and for searching for ways to reduce the number of prisoners in our overcrowded jails, as was spelled out so well by the noble and learned Lord, Lord Woolf. The Minister of State started his speech with what the noble and learned Lord, Lord Falconer, called the centrepiece of the Queen's Speech. The Minister stressed the importance of being "accessible and proportionate" and "out of the courtroom" where necessary, and spoke about disputes being resolved through mediation rather than jail and the importance of human rights, which I imagine includes self-protection, which was put into historical context so clearly by the right reverend Prelate the Bishop of St Albans.

I agree wholeheartedly with what the Minister of State said, and I have just two brief questions for the Parliamentary Secretary, my noble friend Lord Bridges. I will hardly detain your Lordships at this late stage in the debate. Following the Minister of State's very clear opening speech, will the Government look into reforms to magistrates' court fines and Crown Court convictions concerning listed building enforcement notices requiring two years' imprisonment for non-compliance? There are so many of these offences yearly. Does the Parliamentary Secretary think that minor offenders, such as those contravening Section 9 of the Planning (Listed Buildings and Conservation Areas) Act 1990, should be clogging up our overcrowded prisons?

*8.52 pm*

**Lord Beecham (Lab):** My Lords, some 20 years ago the noble Lord, Lord Howard, then Home Secretary, proclaimed that, "Prison works". Last week's televised revelations about Wandsworth prison exposed the hollowness of that claim. To watch and listen to prisoners and prison warders struggling to cope with dreadful conditions in an overcrowded, run-down, understaffed Victorian jail was to be confronted with the shameful reality. What is, if anything, even more disturbing than the evident impact of drugs being freely available and the palpable fear of some of those interviewed has been the revelation that 70% of the inmates of Wandsworth are on remand—not serving custodial sentences but still part of our bloated prison population of 85,000. My noble and learned friend Lord Falconer rightly referred to this anomaly concerning remand prisoners.

By chance a friend who is a visitor at Wandsworth told me last Wednesday of the squalor visible in the exercise yard, of the broken windows and the sheets connecting them along which drugs are passed. Another friend told me that her son, working in another London prison, is exhausted by having to work excessive hours, without extra payment, and is likely to leave his job.

The Government's welcome proposals may help and, if implemented, should be carefully evaluated, but the most important changes that should be made would be to reduce the size of the prison population, including remand prisoners, and improve the number of properly trained staff, as clearly advocated by the noble Lord, Lord Palmer of Childs Hill, and the noble and learned Lord, Lord Woolf.

Turning to an area not touched on by the gracious Speech, the future of the magistracy, I draw the Government's attention to two recent reports by Transform Justice, an organisation whose director, the redoubtable Penelope Gibbs, was herself a magistrate. I do not expect an answer from the noble Lord, Lord Bridges, tonight, but perhaps the noble Lord, Lord Faulks, who is in the Chamber, will write to me and possibly put his reply in the Library. The first report, *The Role of the Magistrate?*, published in January, draws attention to the one-third reduction in the number of magistrates in recent years—in part reflecting the reduction in cases—and the increase in the number of district judges as a proportion of the whole magistracy. This has led to few new magistrates being appointed, with less diversity in age.

Reducing the number of two-member Benches, so that more are constituted with three lay justices, and freezing the appointment of district judges would help halt this trend, although I understand renewed efforts are being made to recruit district judges at this time. Evening out the number of sitting days by individual magistrates, 210 of whom sat for more than 50 days last year, would also help. Are the Government able to say how much it costs to have courts manned by salaried judges rather than lay justices? That is quite apart from the fact that the appointment of professionals rather diminishes the concept of local justice, which has already been somewhat diluted by the size of magistrates' Benches as they are now constituted. What is the policy in relation to the number and proportion of district judges, many more of whom, as I say, are being recruited?

The report states that district judges themselves seek a closer relationship with magistrates. Will the Government look at ways of promoting this, for example through joint training on new legislation and processes, through district judges helping in training magistrates and through magistrates sitting alongside them in complex trials and youth courts, as they do now on Crown Court appeals?

In relation to diversity, although gender balance within the magistracy is good, since my noble and learned friend Lord Falconer's efforts 10 years ago to promote it, nothing has been done in relation to other issues affecting the composition of the Bench. The age, class and ethnicity of magistrates do not reflect the position in society. If we are to have lay magistrates, they ought to be fully representative of their communities.

Her Majesty's Courts & Tribunals Service is regarded as remote, with no magistrate sitting on its board and, following the amalgamation of Benches, the burden on Bench chairs is so heavy that only those not in employment can undertake the role. Furthermore, magistrates are inexplicably barred from sitting on restorative justice panels or youth referral panels, even in a different court from that in which they sit. The essential link between magistrates and their community is weakened by the reduction in funding for the Magistrates in the Community project, the only official programme to promote awareness of and confidence in the local justice system, which has helped to promote recruitment.

I turn briefly to legal aid. Transform Justice published a report on unrepresented defendants in the criminal courts, which is becoming as serious an issue as the higher judiciary identified it was in relation to civil courts. Legal aid in criminal cases involving imprisonable offences is available, but only to defendants with incomes less than £22,300—well below the threshold for pay to stay under the Housing and Planning Act. Surveys by Transform Justice and the Magistrates' Association reveal increases in the number of unrepresented defendants across all criminal hearings except remands and traffic cases. This cannot be a healthy trend. Will the Government look into this issue? Incidentally, when will they publish a review of the impact of the wider cuts in civil legal aid inflicted four years ago by the Legal Aid, Sentencing and Punishment of Offenders Act?

Finally and briefly, although I understand the motivation and purpose of the Prevent programme, I suggest that its aims could be better expressed and its objectives perhaps better attained by adopting a more positive approach and title. I suggest that "Promote", with its implicit objective of advocating the values we seek to encourage rather than just seeming to target what is unacceptable, would be a better brand name and a better way of promoting what we all desire, which is people participating fully in our society and sharing its values, rather than seeing it as something which is to be used against particular groups of people.

*8.59 pm*

**Lord Roberts of Llandudno (LD):** My Lords, 24 May is a special day for Methodists—I am sure that I am not the only Methodist in this House—as it is the day of Wesley's conversion. He wrote in his journal:

"In the evening I went very unwillingly to a society in Aldersgate Street … About a quarter before nine"—

I am sorry, I am 15 minutes late—

"I felt my heart strangely warmed."

This is an anniversary of a heart being strangely warmed. We want hearts warmed, but in a different way. We want hearts warmed in their concern for those who are most vulnerable, for the refugee and the asylum seeker.

The Government are often dragged reluctantly to that responsibility. We see so many people who are in desperate need, and yet time and again, as when trying to get those 3,000 children accepted into the United Kingdom, we struggle. We think of the people who are being bombed in Aleppo and Damascus. We think of those whose lives are absolutely different from ours in Asia and Africa. We think of the 3,000 victims who have already been drowned as they tried to cross the Mediterranean Sea to a better life. We think of all these people. It takes a great deal of courage to hold on to the undercarriage of a wagon or a train. It is desperate. It is not about coming here for a better life in order to make a lot of money; it is, for so many people, about life itself.

I urge the Government to look at their whole attitude. They say, and we have heard it many times, that we have given £2 billion to help the emergency relief in Syria. I am so grateful for that: it has saved so many lives and done so much good. We thank the Government for that, but we need not only money but a personal link with people in desperate need: children who have never had a hug, people who do not know what a home of their own is. I thank the charities, the big ones such as the Red Cross and Save the Children and the smaller ones, such as Calais Action, and the many individuals who give their time to cross over to try to extend a helping hand to those in camps in Calais and Dunkirk and on some of the Mediterranean islands. Those people deserve our thanks.

Thousands of refugees, hundreds of children, have already suffered more than one winter in northern France. We are now promised that the children who are to be accepted will be here before Christmas. There is seven months to go. The promise is that they may be here in seven months. Surely we can do better than that.

I was reading about the evacuees who came from the cities in 1939; many of them came to the Welsh countryside. In four days, 3 million people were evacuated. Surely, if we could do it in 1939, we can do it today. It is not lack of facilities, it is lack of political will. That is what we need to put in the heart of this Government: political will to devise an all-European strategy to meet the needs not only of the immigrants and refugees who so need our help today, but those who will come in future.

Global migration is a problem that we need to tackle now. Climate change, conflict, greed and corruption are all very evident and will become more so. In the years ahead, our children will have to tackle them, and we need to give them the guidance now on how to do that more effectively than we have in the past.

I always dreamt of a country that could be the lead, the heart of a concerned world. Is Britain that country? Can we do it? Do we have the courage, vision and compassion to lead in the move to tackle global migration

[Lord Roberts of Llandudno]
that will be far worse than anything we know at present? Can the Minister say a word of encouragement that Britain itself is ready to go out of its way to bring hope to so many of those people?

*9.04 pm*

**Lord Kakkar (CB):** My Lords, I thank the Minister for the thoughtful way in which he introduced this debate and, in so doing, declare my interest as chairman of the House of Lords Appointments Commission. I was very reassured by the statement in the gracious Speech confirming that Her Majesty's Ministers would,

"uphold the sovereignty of Parliament and the primacy of the House of Commons".

That statement goes to the heart of our constitutional settlement for this bicameral Parliament, and provides the constitutional understanding of the conventions that give legitimacy to the work of the unelected second Chamber and the context in which all noble Lords undertake their hugely important responsibilities in scrutinising and revising legislation and, of course, holding the Executive to account.

Reference has been made to the report undertaken by the noble Lord, Lord Strathclyde. Her Majesty's Government are still considering the implications of that report and the other Select Committee reports from your Lordships' House and the other place. The principal discussion of the recommendations in the report of the noble Lord, Lord Strathclyde, has focused on the procedure and process by which your Lordships' House should dispose of secondary legislation. However, the conclusion of that report contained a very important statement. The noble Lord said that,

"delegated powers need to be used appropriately".

He recommended that attention be paid to those powers being used appropriately, and that the Government,

"take steps to ensure that Bills contain an appropriate level of detail and that too much is not left for implementation by statutory instrument".

Those issues having been raised, they must be addressed, because they go to the very heart of the understanding of the responsibilities of your Lordships' House and our relationship to the other place, as well as to our ability to address our responsibility to hold the Executive to account. How much work is taking place on the second statement, towards the end of the report from the noble Lord, Lord Strathclyde, regarding a better understanding of the broader approach that Governments take towards the legislative pathways available to them in determining how and when to use primary or secondary legislation?

I turn to the comments made by the noble and learned Lord, Lord Judge, on the question of the size of your Lordships' House. That is an important question, which was rehearsed at some length in the debate on incremental reform of your Lordships' House that took place on 15 September in the last Session of Parliament. In that debate, I was fortunate enough to make a contribution. At col. 1823, I made a proposal that has been echoed by many other noble Lords, including the noble Lord, Lord Elton—and which has been further consolidated by the work of the Campaign for an Effective Second Chamber. Such proposals address the issue by restricting the size of your Lordships' House to around 500 to 600 Members, and by providing an opportunity for all noble Lords to remain eligible to sit in any Parliament in any Session, but restricting the number of sitting Peers and distributing them across the different groupings and Benches according to a predefined formula.

There is reluctance to pursue formal reform of your Lordships' House that requires primary legislation, as we have heard. Would rehearsing and reviewing the Writ of Summons provide an opportunity to take forward some of the proposals? At the moment, the Writ summons noble Lords to come and sit in the Parliament. Could a Writ, which I understand is a matter not for primary legislation but for the Crown Office, invite noble Lords at the beginning of every Parliament to attend and make themselves available for election or selection, to sit in that Parliament? Might the question of the size of the House, and therefore the distribution among the different groupings, be attended to through Standing Orders rather than primary legislation? Perhaps not, but it is fundamentally important that we continue to address that question. If we do not, the credibility of your Lordships' House risks being further undermined and, in so doing, the sovereignty of this Parliament and the standing and respect in which our fellow citizens hold it will also be undermined.

*9.10 pm*

**Lord Elton (Con):** My Lords, I shall follow my noble friend Lord Kakkar on two issues that he raised. The first is to do with statutory instruments. One aspect of them has not been much touched on that is very germane to the relationship between the two Houses: financial privilege. Financial privilege in the House of Commons applies only to primary legislation. That is because primary legislation is the right vehicle for bringing forward and into law major decisions affecting the raising, distribution and paying of taxes, with which it does not want your Lordships to get involved. That is understandable, since we are not elected. It does not apply to secondary legislation, which is not designed for that purpose.

When your Lordships refused to affirm the statutory instrument on tax credits, we did no more, in my view, than a conscientious traffic policeman stopping a grossly overloaded lorry carrying a cargo that it was not licensed to carry. A convention was broken, but it was not broken in this House. We cannot leave it there, because more lorries will come creaking and clanking and backfiring into this House loaded with stuff that should be going into main legislation. We need a Joint Select Committee of both Houses to agree some sort of limit to the weight, importance and financial impact of what can be put into a statutory instrument. That needs to be agreed by both Houses and observed by the Government.

My noble friend—he is my noble friend, but he is sitting in the wrong block for me to say so—referred to trust in Parliament and to the size of the House. I am hunting the same hare, but I am possibly a little further ahead of him, albeit with a smaller pack, if I can use the analogy, because I have a very simple Bill, which I shall be asking your Lordships' leave to introduce

to this House tomorrow, to which is invisibly attached a draft standing order. Together they will have the effect of limiting the size of this House at the beginning of every Parliament to the size of the then House of Commons, allowing the Prime Minister to put in as many people as he likes during a Parliament, but at the next Parliament the same process takes place so the more he puts in, the more of them or others go out. This is achieved by election within each of the party groups and the non-party groups of Peers temporal in this House in exactly the same way as was done very successfully in 1999 to reduce the hereditary peerage by 90%.

The arrangement that I propose would not change the proportionality of the separate groups; it would remain the same within the smaller total. I commend the Bill to your Lordships. I do not expect it to succeed, but I hope it will crystallise conversation and focus our minds on practicalities. It will also have the advantage of showing to the public, the press, the other place and all the other people, including ourselves, who say we ought to be doing something about it, that we think we are overdue for reform, and this is the first, easiest and most direct way in which we can do it. I think that will perhaps restore a little street cred to the parliamentary system.

As an ex-Minister for prisons for three years, I cannot sit down without following up the comments from the noble and learned Lord, Lord Woolf, and endorsing what he said, not only about overcrowding in prisons but about staff ratios. You can have the most wonderful teaching aids, the most brilliant teachers and lovely classrooms, but if there are insufficient numbers of prison officers to get the prisoners who need to be there from all the different parts of the prison when they are needed, all those facilities might as well not be there.

I have had my five minutes. The only thing that I have left out is: for goodness' sake, do not forget the judges. We love judges, including the noble and learned Lord, Lord Judge, but we do not want them in the courts telling us how to manage our business. By all means let us have a Joint Select Committee but, whatever we do, let us not have legislation controlling the relationship between the Houses, because that would be not just a can of worms but a Pandora's box.

*9.15 pm*

**Lord Lennie (Lab):** My Lords, I shall speak briefly about devolution in England, particularly the devolution in the north-east of England that is almost upon us. Before I do so, I want to introduce a commercial for the north-east. The Great North Run will take place on 11 September this year. It is a half marathon and a fundraiser. I will be a starter and, I hope, a finisher too. If any noble Lords want to make a contribution, particularly those who might be interested in becoming the next Lord Speaker, I have a webpage, and cash is also acceptable. I am running for St Oswald's Hospice in Newcastle, so all the funds will go there.

Back to devolution. History was made on 15 May this year when the North East Combined Authority, consisting of seven authorities in the north-east, voted to agree the deal with the Government that will see an elected mayor in exchange for the transfer of a range of powers on transport, economic development, skills and so on. It was not quite a unanimous vote—that would indeed have been a historic day—but it was a very high majority vote, and I shall say no more about that. The important point is that it will allow the north-east region to begin to compete for global investment and funds that it has simply not been able to in the past. I remember that when the noble Lord, Lord Mandelson, was Business Secretary, he used to say that when he went on trade missions batting for Britain, London would be there batting for London, Wales would be there batting for Wales and Scotland would be there batting for Scotland, but no one was there specifically batting for England, let alone for any of its regions.

My view is that city regions are the future in this country and probably worldwide, and they will be the powerhouses that drive the economy. They will be competing for global funds on what will hopefully be a more level playing field than before. However, that has significant constitutional implications. Our constitution is in a state of change, and we have heard many speakers talk about that in this debate. We are not clear where it is going to end up. That will depend partly on whether deals can be done, agreements can be reached, people accept terms of trade and so on.

I recall being at a meeting of the all-party parliamentary group on devolution before the last election that was attended by the then Leader of the House, the noble Lord, Lord Hague. He said that there would be a constitutional convention looking at the implications across the whole of the country. When pushed to say when that might happen, he was vague. The only thing he said was that it would not happen before the election. That election was some time ago now, but there is still no sign of that necessary constitutional convention being established to provide the intellectual rigour, which was talked about in an earlier speech, that is necessary as we go through the process of constitutional change. We need to know where we intend to end up as a nation, rather than ending up there by some sort of default process.

The north-east is a resilient place. Cars are now built where coal was once mined. People sail and surf where ships were once launched. Newcastle United has been relegated—it will be back. Sunderland is to be congratulated, as is Middlesbrough: Sunderland survived and Middlesbrough got promoted. It sticks in my craw to say that, but it is a fact. We are an export region—that is what we do. We make things and sell them abroad, mainly in Europe but across the world. However, for the last 10 years or more, our major export has been talent from the region, which leaves because it sees that it has no long-term future in the region. It comes south, goes abroad and worldwide, and the loser overall is the economy of the north.

The success of devolution will in part be measured by whether it can help to reverse that trend and stabilise that region, and see that the talent that is in the north and that comes to the great universities and places of learning there, where skills are developed, stays in the north and in the north-east. You can expect the term "devo-more" to be part of the future political lexicon for many regions across England, particularly in the north.

[LORD LENNIE]

Perhaps the Minister will address two questions in his summing-up. First, do the Government have plans, even possibly a date, for when they will fulfil their prior promises about a constitutional convention? Secondly, we in the north-east want Heathrow built—we want the link. We were told that a decision would be made in the summer. Could we fix on the 24 June as a good date for an announcement on that issue?

*9.21 pm*

**Baroness Janke (LD):** My Lords, like the noble Lord, Lord Lennie, I too will speak about devolution. I very much welcome the developments that have occurred so far and the forthcoming legislation, which envisages further developments in devolution, particularly with regard to the northern powerhouse. Although things are moving ahead with these developments, quite a few people would question the pace of such changes. Certainly the bespoke deals that the Secretary of State is negotiating have been successful, but parts of the country—particularly parts of England—do not naturally lend themselves to city regions and have questions about their own future devolution of powers.

Many of us who have been in local government in England envy the debate in Scotland, particularly on financial accountability and fiscal freedoms. In England, even a large city region such as Manchester has no such discretion. Equally, in the face of shrinking services and more cuts to local government, people question the Barnett formula and the unequal funding there is across the United Kingdom. The situation therefore needs to be examined from the point of view of the relations between the four countries of the United Kingdom, in which things have so fundamentally changed in recent years, and to see how within those four nations we address devolution to local level and how decisions can be taken at the most effective local level.

Quite a lot has been written about the benefits of devolving powers. Having been a local councillor, I know that there is a huge amount of frustration about taxation, whether national or local. People often feel that their money goes into a great big black hole and they do not get a great deal of benefit from it. On the contrary, people are constantly frustrated that they are told about cuts and decisions taken in distant Whitehall by officials, many of whom do not have an understanding of local matters. They do not know the kind of experiences that local people have when they cannot afford a home, how it feels when they cannot get a place at the local school for their child, or what it is like to wait for a very long time for an operation that could transform their quality of life and ability to look after themselves. Certainly in my local authority and in the core cities of which I have had most experience, major decisions about investment in transport are, again, taken centrally, with no real appreciation of local aspiration or local need. One model usually fits all, but we are saying that that is not the case when we move to these local deals.

From that point of view, it is easy to understand why a large number of people do not see the purpose of voting. It is also easy to understand people's frustration and anger—they feel that, even if they do vote, very little will change as a result. We have heard a great deal about sovereignty in the debate on the referendum but, from my experience, people in large areas of the country do not see Whitehall as an example of having sovereignty over their own affairs.

A number of noble Lords have said today that we have a very uneven distribution of power. If we want to see fairness, transparency and proper accountability across the United Kingdom, we need to look, as the noble Lord, Lord Norton, said, at a coherent picture. English votes for English laws will not address the aspirations and ambitions of people in many areas of England.

I am sure we all agree that we want the Government to follow through with their commitments to locally driven devolution, and we also want to engage all our citizens in deciding what they believe will suit their own towns, cities, counties, districts and regions. One size will definitely not fit all, as, again, I am sure we would all agree.

As is said in a recent report on devolution by the noble Lord, Lord Kerslake, produced through the APPG, we are at a crossroads. The European referendum is focusing attention on the quality of our international relationships, but it seems to me that it is time for the Government to engage our citizens in a major consultation—whether through a constitutional convention or a big conversation—to address the uneven distribution of powers within the United Kingdom and the question of how to achieve greater transparency and accountability, and the participation and trust of the citizens of the UK.

*9.27 pm*

**Lord Ramsbotham (CB):** My Lords, I shall confine my remarks to the prisons part of the prison and courts reform Bill announced in the gracious Speech, the aim of which has already been explained by the Minister. I was very glad that Her Majesty's script did not include the claim, made in the Government's notes, that the Bill would bring about the biggest reform of our prisons since Victorian times, of which I am both cynical, in view of past history, and suspicious, because we know so little about what it means. I also agree with the powerful analysis made by the noble and learned Lord, Lord Falconer, of what needs reformation, and the remarks of my noble and learned friend Lord Woolf about overcrowding.

All we know about the Bill, other than a trailer from the Prime Minister, is what the Justice Secretary told the Justice Committee in the other place on 16 March—namely, that, inter alia, he intended to give governors greater autonomy and to reconfigure the prison estate, to enable prisoners to "stay put" as far as possible throughout their sentence, and to involve local communities and agencies with them throughout their sentence and through the gate back into the community.

There is no doubt that our overcrowded, grossly understaffed prisons are failing in their duty to protect the public—witness their woeful reoffending rate. The former chief inspector's characterisation of them as,

"places of violence, squalor and idleness",

acknowledged as correct by Michael Gove, is coupled with levels of drug-taking and self-harm that should, as the Prime Minister has said, "shame us all".

What I find even more shaming is that for over 25 years successive Ministers and officials have refused to implement "stay put" recommendations made by my noble and learned friend Lord Woolf in his seminal report on the riots in Strangeways and 23 other prisons in 1990, repeated in the only White Paper on prisons, *Custody, Care and Justice*, published in 1991, and autonomy recommendations made by Sir Raymond Lygo, then chief executive of British Aerospace, brought in by the then Home Secretary, now the noble Lord, Lord Baker of Dorking, to review the managerial effectiveness and structures of the Prison Service. Both could have mitigated, if not prevented, the current situation. After so many years of determined resistance, is Michael Gove confident that his stay-put policy will be implemented?

In his letter to the Home Secretary of 12 December 1991, forwarding his report, Sir Raymond Lygo wrote that it is very clear that unless,

"there is a preparedness on the part of the Home Office to take its hands off the management of the prison service in its day to day business and allow itself to be constrained by policy",

it will not be possible to,

"effect the changes which you deem desirable, and which have become very clear to me as being necessary".

His report contained two other pointers that Michael Gove should consider. First:

"The critical factor, in the success or failure of any new arrangement, will be the ability of Ministers to allow the Prison Service to operate in an almost autonomous mode, while retaining their responsibility to Parliament for overall policy and conduct. To do so they will need confidence in the management structure and reassurance that the organisation is managing itself properly and in accordance with the objectives set out".

Secondly, the reorganisation does not seem to have addressed a,

"problem to which the Woolf report referred, of the confetti of instructions descending from Headquarters".

I am 100% behind Michael Gove in his desire to do something about the current situation and his analysis of what needs to be put right. But I warn him that until and unless he accepts such expert advice given by two such distinguished people following their detailed examination of an even worse situation than exists today, nothing will happen because, like every other attempt at reform that I have seen over the past 21 years, it will be stifled by two layers of risk-averse, micromanagement-obsessed, bureaucratic porridge consistently poured on the prison system by the Ministry of Justice and the so-called National Offender Management Service.

There is a degree of urgency to Mr Gove doing so, because the inertia inherent in the current management structure puts two other excellent initiatives at risk—namely his reviews of the youth justice system, due out soon, and of prison education, published last week. The author of the latter review, Dame Sally Coates, said:

"Governors must be autonomous and accountable, but they cannot operate unilaterally. There will need to be some practices that are centrally mandated to ensure consistency".

This brings me to my final point. I have lost count of the number of times over the past 21 years that I have despaired, to successive Secretaries of State and publicly, that unlike every business, hospital or school, the Prison Service has no one responsible or accountable for any particular function—namely type of prison or prisoner—except for high-security prisons from which an escape would be a political embarrassment. Michael Gove launched his reform prison project last week, with two of the new governors telling me that they are to report directly to the chief executive of NOMS and no one else. When I hinted to an official that with his responsibilities for both prison and probation, he was far too busy to have time for the inevitable minutiae of a trial, I was told that, as I feared, they also came under a NOMS commissioner who was an official and not a member of the Prison Service.

I know that this is a pilot scheme, but is it really sensible to legally separate six of the 117 prisons in this country from the others, in which the bulk of the prison population will be held, without having a competent overall management structure in place? I wonder whether anyone, in either NOMS or the Ministry of Justice, has thought through the practical implications of autonomy.

Like Dame Sally Coates, I plead for a central mandate to ensure consistency, which has been noticeably absent from the post-Strangeways Prison Service. Like Sir Raymond, I fear that without a functional management structure and style, Michael Gove will find it impossible to effect the changes that he, and many others, deem desirable.

*9.34 pm*

**Baroness Stroud (Con):** My Lords, I too rise to speak about prison reform, and for the purpose of this speech, I refer to my in entry in the Members' register of interests.

Having spent a number of years working among those in entrenched poverty, I found that many disproportionately rotated through the criminal justice system and the mental health systems with concerning regularity. We therefore decided to look carefully at the whole of the criminal justice system, how we could prevent people from getting there in the first place and then, if there, how to stop the revolving door.

We undertook a report into prison reform in 2009 entitled *Locked up Potential* and found that half of all prisoners had no qualifications at all, rising to 71% of women prisoners, while 30% of the prison population had truanted regularly from school compared with 3% of the general population and 65% of prisoners had a numeracy age at or below the level of an 11 year-old. We found that we spend millions of pounds on outreach programmes trying to raise the educational outcomes and employability of ex-offenders and vulnerable people when they are not in prison and then, when we actually have them in our care sitting with us in our prisons with nowhere to go, we do little with them. On Wednesday when the Queen read the words:

"My government will legislate to reform prisons and courts to give individuals a second chance. Prison Governors will be given unprecedented freedom and they will be able to ensure prisoners receive better education",

the first step, however small, was taken to address the situation and to ensure that the prospect of a second chance can become a reality.

[Baroness Stroud]

The need for prison reform is absolutely clear, as many noble Lords have made the case for this afternoon in your Lordships' House. Almost 50% of prisoners are convicted again within a year of release, while crime by ex-prisoners costs society around £13 billion each year. We send offenders to prisons because we believe they should be punished for breaking the law and because we want to protect the public from individuals who pose a threat to society. But we could do so much more than this; prison terms also provide opportunities to understand the problems that lead individuals to crime, unlock their potential and ensure that they become contributors to society rather than underminers of it. Prisons can, in other words, become engines for social justice, not just holding pens for criminals.

Thursday saw the launch of the Dame Sally Coates review, which the Government have agreed to implement in full. It was aptly named *Unlocking Potential.* At the heart of the review are plans to give prison governors, as we have heard, full autonomy to turn prisons into centres of educational excellence, equipping prisoners with the skills to find long-term meaningful employment on release. Dame Sally Coates has recommended a framework for ensuring that our prisons will be measured on how successful they are in providing every prisoner with a personal learning plan, improving the life chances of thousands of prisoners and reducing the likelihood that they return to crime. If the Government can match implementation to ambition, these plans could make a huge difference.

However, one aspect not announced last week is the need urgently to bring the Government's family stability agenda to people who need the support of family the most—offenders who are separated from their families. I ask the Minister to consider adding to his prison education reforms the importance of family stability alongside implementing the reforms in the Coates review in full. Investing in family stability and educational attainment will ensure that real steps are taken towards genuinely providing a second chance for prisoners. If we can then add in employment opportunities and housing on release, we will have taken real strides towards breaking the cycle of recidivism.

*9.39 pm*

**Lord Marks of Henley-on-Thames (LD):** My Lords, others on these Benches have spoken on the many topics covered in this debate, but in winding up I will concentrate on the centrepiece legislation proposing prison reform and on the proposed British Bill of Rights. In so doing I shall respond to the challenge posed to me by the noble Lord, Lord Faulks, in opening.

The Prime Minister has made a welcome commitment that prisons will no longer be warehouses for criminals but instead be incubators of reformed and changed lives. This matches our central ambition of opportunity for all, in this case a second chance for prisoners to lead productive and fulfilling lives against the depressing background described by many in the debate, including by the noble Baroness, Lady Stroud, a moment ago. More than a quarter of prisoners have been in care and more than 40% permanently excluded from school.

This ambition cannot be realised by legislation alone. Our prison system now shames us as a nation. It is failing in its central purpose of reform and rehabilitation. It traps offenders and their families and communities with them in a cycle of crime and deprivation. Replacing old and inefficient prisons with new institutions will be a good start, but only a start. Of itself, giving governors greater autonomy will not improve anything, nor will making prisons independent legal entities. What will be important is the approach that more autonomous governors take. The right reverend Prelate the Bishop of Rochester raised important points on this issue. Moreover, it will be the resources they are afforded that will count if they are to civilise our prisons, to transform them from the squalid, unsafe and drug-ridden academies of crime which many, but not all, are today into places of genuine rehabilitation and opportunity.

The challenges are clear. We must reduce prison violence, improve education, increase purposeful activity and treat mental ill-health, drug addiction and alcohol abuse effectively and sympathetically. We can meet those challenges only if we address overcrowding and understaffing, just as the noble and learned Lord, Lord Woolf, and many others said. The figures on overcrowding are stark. My noble friend Lord Palmer of Childs Hill gave some of them. Last month, 84 out of 121 prisons were over their certified normal accommodation, which is their uncrowded capacity defined as representing a good and decent standard of accommodation the service aspires to provide for all prisoners. Seven prisons were over by more than 50%, including Wandsworth by 69% and Brixton by 48%.

We use prison too much. Our prison population of 85,000 is the highest in Europe. Ministers plead that it is for judges to sentence, but judges act in accordance with law and guidance, and increasing sentences ratchets up other services. Too many ineffective short prison sentences and the injustice of more than 3,300 IPP prisoners who have completed their tariffs compound the problem, yet the gracious Speech had no proposals to cut prison numbers. Overcrowding and understaffing, with cuts of a third of officers in six years, mean that many prisoners are locked into overoccupied cells for 23 hours a day with little purposeful activity. This is the toxic mix that has led to the explosion of prison violence. The Government say that body cameras and improved action on psychoactive substances will reduce violence, and they may, but they only scratch the surface.

With other noble Lords, I welcome Dame Sally Coates's proposals on education in prisons. Personal learning plans and the availability of IT to prisoners for learning will be central, and if we cut overcrowding we will need to move prisoners less often, improving continuity in education and work. Part-time and earlier release, with tagging when needed, would also cut overcrowding and help prisoners make an assisted transition to productive lives on release. There is a virtuous circle to which we should aspire: improving prisons, leading to less crime; substantial financial savings; and better lives. It is against that aspiration that we will measure the proposed Bill. I ask the Minister to give commitments to the House: on reducing the numbers in all prisons to their CNAs, on reversing the falls in staffing levels and on fully resourcing the Coates proposals for education.

I turn to human rights. Last year's Queen's Speech contained exactly the same commitment to proposals for a British Bill of Rights as this year's, as many have said. Yet the Government still cannot say what is intended, save that the rights in the Bill will be the ECHR rights and that the Government's concern is with the interpretation of convention rights by the Strasbourg court. I suspect that few in this House would shed any tears if by next year's Queen's Speech this project had been abandoned. But as for a possible Liberal Democrat torpedo, we neither claim nor have the arsenal to torpedo legislation. There are defenders of the Human Rights Act on all sides of the House of Commons and, while we have greater representation in this House than we do there, we cannot win any vote without support from around the House. However, our position is clear. Just as in government we prevented our coalition colleagues from weakening human rights, so now in opposition we will in both Houses oppose any provision that weakens the protection of the human rights guaranteed to British citizens by the convention.

I therefore ask the Minister again to confirm that the Government will not withdraw from the European Convention on Human Rights, as he clearly implied in opening. As for the Government's concern, the noble and learned Lord, Lord Falconer, pointed out that the sovereignty of Parliament is preserved by the Human Rights Act. Nor does the obligation under Section 2 of the Act to take account of Strasbourg jurisprudence require slavish adherence to Strasbourg decisions by the domestic courts, as the Supreme Court has made clear. However, we are bound by Article 46(1) of the convention to comply with final decisions of the Strasbourg court and it is a violation of international law and a repudiation of the rule of law when we fail to do so—on prisoners' voting or anything else. Any such failures weaken our reputation as they weaken the rule of international law.

Noble Lords have referred to the position of Scotland, Wales, Northern Ireland and the Republic of Ireland. In a recent letter to Michael Gove, the Irish Justice Secretary warned:

"The Good Friday Agreement is clear that the European Convention on Human Rights must be incorporated into law. It is my government's view that, while a domestic bill of rights could complement incorporation, it could not replace it."

How do the Government respond to that?

None of this means that there can be no Bill, but along with other noble Lords I am entirely unsure what any Bill is likely to achieve. If a Bill does get as far as this House, we would wish to protect and strengthen human rights in the UK. We will also seek to extend human rights, both as my noble friend Lord Carlile suggested and by seeking to incorporate the UN Convention on the Rights of the Child into UK law, as my noble friend Lady Walmsley sought to do with her Children's Rights Bill some time ago. However, the Government should be sure of this. We will resist any provisions in the Bill which restrict the rights of British citizens under the convention and we will vote to ensure that our convention rights continue to be justiciable in UK courts. My party will at no stage sit back and abandon its core commitment to the legal protection of human rights.

*9.49 pm*

**Baroness Hayter of Kentish Town (Lab):** My Lords, we have heard a real breadth and depth of experience from Bishops, lawyers, academics, medics, public servants, former Ministers and elected politicians, from business, police and military leaders, and from representatives of workers, the voluntary sector and local government. It seems that all life is here. I will not, therefore, try to summarise their views, except to say that they reflect the diversity, scope and seriousness of the implications of the gracious Speech for this House: devolution, law, our constitution, security, freedom of speech, human rights and justice—important areas of citizens' rights.

At the anti-corruption summit, mentioned by the noble Lord, Lord Chidgey, the Prime Minister said that,

"political will could begin a concerted effort to get to grips with … corporate secrecy",

with everyone emphasising that an essential, not sufficient, condition for tackling corruption is transparency. But closer to home, we are a long way from knowing what the Government do in the name of their citizens. We have a register of lobbyists that excludes all the main lobbyists, trade associations and companies' in-house lobbying. It requires the disclosure only of the lobbying of Ministers and Permanent Secretaries, despite most lobbying being of senior civil servants, MPs, and indeed Peers. It is for this reason that my noble friend Lord Brooke of Alverthorpe's Lobbying (Transparency) Bill received its First Reading today. If the Government are genuine about transparency, they will support it.

As well as transparency, challenge is healthy for democracy. As my noble friend Lord Haskel said, the Government must accept that they are accountable to Parliament. Indeed, the gracious Speech and the noble Lords, Lord Faulks and Lord Tyler, referred to the primacy of the Commons, not of the Executive. Yet the Government seem so frightened of being questioned that they restricted charities' advocacy work, such that even the noble Lord, Lord Hodgson of Astley Abbotts, concluded that they went too far. They removed civil society from questioning schools' adherence to the admissions code. They tried to cut the Opposition's money to hold the Government to account. They plan to restrict the use of government grants to put alternative views to Parliament or Ministers, as mentioned by the noble Baroness, Lady Barker. They are giving Ministers a bigger say in appointments to supposedly independent arm's-length bodies, and they will appoint a large chunk of the BBC board, including the chair and vice-chair, who will owe no duty to the licence fee payer but will be accountable only to the Minister who appointed them. This is not open government.

Furthermore, in a different area, the Conservatives plan to extend voting rights to Britons living permanently abroad, even if they pay no UK taxes and are unaffected by what a Government do. But it would mean, I assume, that they are then permitted to make donations to political parties, allowing offshore money to flow into a certain party's bank account. Will the Minister inform the House whether this is indeed their intention, whether the Government favour the Private Member's Bill from the noble Lord, Lord Tyler, and whether they will convene all-party talks on party funding?

[Baroness Hayter of Kentish Town]

Without any cross-party support, the Government are removing 50 elected politicians from the Commons, yet are rumoured to appoint this number to your Lordships' House, further increasing our size—already a laughing stock, in the words of the noble and learned Lord, Lord Judge; and undermining our reputation, in the view of the noble Lord, Lord Kakkar.

Turning to the role of your Lordships' House and the comments of the noble Lord, Lord Wakeham, of course the usual channels have a key role in assisting the House, but in addition there are Back-Benchers to be listened to. There are also Cross-Benchers, who are also vital to such discussion. They are neither Tory nor Labour; they are not government nor opposition, but their expertise, insights and wisdom should surely also be heard. As my noble friend Lord Richard suggests, the Government's power not to waive their financial privilege should also be revisited. Since the tax credit vote—about which we heard a lot this evening—and as the noble Lords, Lord Cormack and Lisvane, reminded us, three committees of this House and one of the House of Commons, all of them with Conservative chairs, each said that your Lordships' House did not overstep the mark. The noble Lord, Lord Elton, put it rather better: we acted as a conscientious traffic warden stopping an overloaded lorry.

The noble Lord, Lord Butler, wisely asked for a more positive way forward to enhance the role your Lordships' House should play in secondary legislation. The noble Lord, Lord Lisvane, and my noble friend Lord Haskel asked about the drafting of Bills, while the noble and learned Lord, Lord Judge, warned about skeleton Bills that depend on statutory instruments if these then cannot be amended. On this side, we want a constructive and positive way forward so that we can play our proper scrutiny and advisory role on all legislation in a manner that will use our time and talents, and be of benefit to the resulting Acts of Parliaments. We particularly look forward to the Government's response to the question posed by the noble Lord, Lord Norton: what is the constitutional settlement that they are striving to achieve?

I turn to something in the gracious Speech that I am very happy to welcome: the proposed national citizen service Bill, with the duty on schools and local authorities to promote this scheme to young people and their parents. Of course, that welcome depends on resources being available and not by taking from playgrounds, sport or other bits of expenditure. Meanwhile, what happened to the plans to amend the civil registration of marriages to include the names of couples' mothers as well as fathers? Why was there nothing in the gracious Speech on the public service ombudsman, despite repeated assurances that draft legislation would be published as soon as reasonably possible? Could the Minister confirm that this is still the intention?

More broadly, as we warned, the EU alternative dispute resolution directive is failing in its intent. Businesses have only to identify a disputes body but do not have to let consumers take their complaints there. Will the Minister agree to discuss this issue with me and consumer representatives? This issue covers all departments: the Department for Transport dealing with passengers, DECC with water, the Treasury with bank customers, and the MoJ with legal clients. It requires some joined-up Cabinet Office thinking. Indeed, perhaps it is time for a dedicated Consumer Minister who could take a cross-department view on issues such as retail banking where customers have been so let down. The problem at the moment is that the Competition and Markets Authority comes under BIS and produces recommendations that somebody described as hitting the banks "with a feather", whereas the Financial Services Consumer Panel, which says, "That really was not going to drive competition", comes under the Treasury. We do not have joined-up thinking, which is surely something the Cabinet Office could take responsibility for.

For my part, the mention of consumer rights by the noble Lord, Lord Carlile, was particularly welcome. Like human rights, these are a cross-department matter and they would be greatly strengthened by a consumer Minister or by the Cabinet Office taking its cross-departmental responsibilities seriously. That is a role that it can play; it is able to see citizens as people in the round across the various roles. It can speak up for consumers and citizens vis-à-vis the providers of services. The Home Office and Justice departments have essential roles in not just upholding the rule of law but ensuring equality of access across the whole community—including victims, as described by the noble Baroness, Lady Newlove. All of government should prioritise the needs of the vulnerable over the power of elites.

We have found the Government wanting on all these challenges, and in answering the question posed by the noble Lord, Lord Thomas of Gresford, endorsed by the noble and learned Lord, Lord Woolf—is every country to be free to interpret human rights on its soil rather than across the whole of the European family?

Although we find that the gracious Speech has not shown the Government to be facing up to these challenges, we will face up to ours. We will play our role in improving legislation in front of us for the good of all citizens.

*10 pm*

**The Parliamentary Secretary, Cabinet Office (Lord Bridges of Headley) (Con):** My Lords, I am very honoured to wind up this debate on the gracious Speech. It is my first time of doing so. I am very grateful to all those who have contributed and made such magnificent speeches. I include in that the noble and learned Lord, Lord Falconer, despite his jibes about blue on blue attacks. Indeed, I remember very well—far too well—the period when I worked for John Major in Downing Street from 1994 to 1997. Having seen a few leadership plots in my time, I say gently to the noble and learned Lord that people in glass houses should not throw stones.

I will endeavour to respond to as many points as possible. I hope that noble Lords will forgive me if I do not respond to all of them. I will endeavour to make sure that either my department or the relevant department responds in writing. The noble Baroness, Lady Hayter, made some extremely incisive points about the need for joined-up government. Of course, I would be delighted to meet her to discuss those points. She is always brimming with good ideas.

On the Bill of Rights, the noble and learned Lord, Lord Falconer, and the noble Lords, Lord Pannick and Lord Thomas, referred to the delay in publishing the detail of our proposals. As they say in advertising, good things come to those who wait. The Government agree with those noble Lords who believe that reform of the UK human rights framework must involve careful consideration. Our proposals will be published for consultation in due course. However, I can guarantee that there will be significantly more consultation on, and scrutiny of, the Bill of Rights than there was of the Human Rights Act, which was introduced without, I understand, formal consultation and within just six months of the 1997 general election. Our plans involve a Bill of Rights based on convention rights, but which takes into account our common law tradition and makes clear where the balance should lie between Strasbourg and the UK courts.

A number of noble Lords argued that any action might mean that protection of human rights is lessened. The Government argue that it simply is not the case that rights and liberties are guaranteed only because of the Human Rights Act. They were protected before 1998 and will continue to be in the future. The Bill of Rights will continue to protect fundamental human rights. It will also restore some credibility to human rights by better protecting the system from abuse.

On the rationale for the Bill of Rights, the Human Rights Act needs to be looked at to ensure that it is giving proper emphasis to public safety, as there have been too many instances recently of real evidence that something was going wrong. We are all agreed on the need for liberty and the right to life and privacy. The problem is not one of subscribing to those rights but of how the system operates in practice. I am sure that the noble and learned Lord, Lord Falconer, agrees with that because those were his own words in 2006.

On the issue of human rights and the Armed Forces, raised by the noble and gallant Lord, Lord Craig of Radley, the Government are acutely aware of the issues raised and are actively considering the best way forward. Several noble Lords mentioned the UK's international obligations. As my noble friend Lord Faulks set out, our reforms focus on staying within the European Convention on Human Rights but ensuring a more balanced application of human rights that restores some common sense. That said, we rule nothing out in the long term. The noble Baroness, Lady Hamwee, mentioned prisoner voting. This is a matter for Parliament to determine. We do not seek confrontation with the Council of Europe and we are committed to a process of dialogue to find a mutually agreed way forward on this issue. The noble Lord, Lord Thomas of Gresford, asked whether our intention was to allow other member states of the Council of Europe to decide the interpretation of the convention. It is important to remember that almost every major western democracy has its own distinctive way of protecting core rights. No one wishes to see countries—in the west or otherwise—flouting basic rights and freedoms, but the UK has led the way in pushing for greater recognition by the Strasbourg court of the principle of subsidiarity. Among other things, this allows member states a margin of appreciation in how they interpret the rights in the convention.

The noble Baroness, Lady Kennedy, pointed to the European Union Committee's report on the Bill of Rights, which was a thoughtful contribution to this important debate. It highlights the complex legal area of the interaction between the European Charter of Fundamental Rights, the European Convention on Human Rights and domestic law. I welcome the noble Baroness's acknowledgment of the Government taking a lead on human rights in the Modern Slavery Act, and her observation that our courts were protecting human rights before 1998. We will consider their Lordships' report and respond in due course.

Today's debate covered the topic of devolution, which the noble Lord, Lord Thomas, and the noble Baroness, Lady Kennedy, mentioned in the context of human rights reforms. I reassure noble Lords that we will of course fully engage with the devolved Administrations and fulfil our mandate in a way that reflects the interests of all parts of the UK. Our focus will be on building consensus around sensible, necessary reforms across the UK. For example, your Lordships will know that the protection of human rights is a key part of the Belfast agreement, and our Bill of Rights will continue to protect the rights set out in the European Convention on Human Rights. We take our responsibilities under the Belfast agreement very seriously; we will not do anything to undermine it and we will work with parties to that end.

A number of noble Lords raised the issue of the Strathclyde review and the Government's response to it. I do not wish to sound unduly opaque or obtuse, but I clearly cannot say, here and now, what the Government will do. That will be set out in our response, which will be published in due course. I gently point out that there is considerable confusion and misunderstanding about the conventions governing the relationship between the two Houses regarding statutory instruments. We do indeed need clarity and certainty. The noble Lord, Lord Richard, and my noble friend Lord Cormack argued for a committee of both Houses to consider the Government's proposals. At this juncture, noting that the Government's response has not been published, I say gently that three committees in this House, and one in the other place, have already considered the issue.

My noble friend Lord Cormack, the noble Lord, Lord Richard, and the noble and learned Lord, Lord Judge—who gave an excellent and very interesting speech at King's College on this issue last month—have argued that the Government are using SIs inappropriately, that the powers being taken are too wide and the amount of secondary legislation is increasing. Although his speech was excellent, I do not want, at the late hour of 10.10 pm, to enter into a long-winded battle of statistics on the use of SIs. All I will say is that there has been no increase in the number of SIs laid before Parliament in the last 20 years. The total number made peaked in 2001, and more were laid before Parliament in the 1997-1998 and 2005-2006 Sessions than in any Session since, including between 2010 and 2012.

**Lord Norton of Louth:** Will my noble friend tell the House how many pages these statutory instruments comprised?

**Lord Bridges of Headley:** I suspect that my noble friend knows the answer to that question. I am sure he will tell the House. I dread to think.

The noble Lord, Lord Lisvane, who has more experience on the matter of statutory instruments than many in this House—or, indeed, in Parliament—rightly raised the issue of the need for proper scrutiny of delegated legislation. I say to him, to my noble friend and to all noble Lords that after only a year in this House, I entirely agree that we need to do that. However, I say again, with due respect and very gently, that there is a comprehensive scrutiny system through which Parliament can hold the Government to account for the delegated powers and SIs that they use. This includes scrutiny by three dedicated Select Committees, debates in Standing Committees and Floor debates.

**Lord Tyler:** Before the Minister leaves the Strathclyde report, will he correct one point? He suggested just now that the three committees to which he referred had somehow prevented the need for a Joint Committee. Absolutely wrong—it is precisely the opposite. All three of those committees recommended that the proper way to deal with the relationship between the two Houses was to bring representatives of the two Houses together in a Joint Committee.

**Lord Bridges of Headley:** The noble Lord, as always, makes a very incisive point. All I can say right now is that the Government are working on their response and will respond in due course to all these points. The eloquence with which he and the noble Lords, Lord Kakkar and Lord Butler, and the noble and learned Lord, Lord Judge, have spoken shows that when, in due course, this happens, we will have a passionate and well-informed debate on the issue.

**Lord Cormack:** May I gently ask, is "in due course" expected to be soon?

**Lord Bridges of Headley:** Ah, I am told by a noble friend that it will be "shortly"; let us see. I know that it is being awaited with avid anticipation. Before I leave the subject, I would like to talk about the point raised by a number of noble Lords about the need to tackle the size and composition of the House of Lords. Obviously, these are important questions, which is why my noble friend the Leader of the House has convened cross-party talks regarding the way forward. Those talks have been constructive and there are plenty of ideas around, as we heard tonight.

**Lord Foulkes of Cumnock:** I wonder if I can give the Minister another idea. If the number of Peers from London was reduced to the same percentage as those from the rest of the United Kingdom, the size would come down below 600 immediately.

**Lord Bridges of Headley:** That is an extremely interesting idea, which I know was raised this afternoon. I will take that away and mull it over tonight. There have been plenty of ideas around, as I was saying, but to make progress there has to be the political will on all sides to move forward. The best way for us to proceed is in the way that has been so successful in recent years: to look for incremental change that commands cross-party support rather than risking biting off more than we can chew.

Turning to other aspects of the constitution, my noble friend Lord Norton of Louth and others raised concerns about our approach to constitutional reform. I argue that the Government have a very clear goal: to deliver a constitutional settlement that is balanced and fair to everyone in the country and all parts of the UK. The British constitution is characterised by pragmatism and an ability to evolve and adapt to circumstances, and our unique constitutional arrangements enable agility and responsiveness to the needs and wishes of our citizens. I know it is 10.10 pm but I cannot resist the temptation to quote Bagehot at this hour. I dug this out as I thought my noble friend might raise this point, and I am sure he knows this quote by heart:

> "Half the world believes that the Englishman is born illogical, and that he has a sort of love of complexity in and for itself. They argue that no nation with any logic in it could ever make such a Constitution. And in fact no one did make it. It is a composite result of various efforts, very few of which had any reference to the look of the whole, and of which the infinite majority only had a very bounded reference to a proximate end".

That is not necessarily the Government's strict position but I think it informs debate on this issue.

As to how we make decisions on these matters, the Government make these policy decisions, like all others, through the Cabinet and the Prime Minister, while the Cabinet Office has oversight of constitutional policy and the Chancellor of the Duchy of Lancaster chairs the Constitutional Reform Committee. I look forward very much to the report of the Constitution Reform Group to which the noble Lords, Lord Hain and Lord Lisvane, referred. I am sorry to disappoint the noble Lord, Lord Lennie, but there are no plans to establish a constitutional convention. I still hold to the view that, to have such a convention, we would need a convention on a convention to agree its remit and membership. Instead, our focus is on delivering a fair and balanced settlement, as I have said.

Turning to another part of our constitution—the hidden wiring that is the Civil Service, which the noble Lord, Lord Razzall, mentioned—I have a great deal of time for the Civil Service, mainly because my grandfather and uncle were both civil servants. I believe it is excellent at policy and implementation. That said, I am certainly not complacent. There is always more that we can do. We are indeed building on the work of my noble friend Lord Maude, transforming how the Civil Service operates to meet the challenges of the digital age.

I turn to another part of our constitution: the little platoons, or charities, which the noble Baronesses, Lady Scott of Needham Market and Lady Barker, spoke about. I assure them that the Government work closely with the sector on all manner of issues, including on volunteering and charities. I will look in particular into the point made by the noble Baroness, Lady Scott, about procurement, but at this stage I will say that I entirely agree with her that we need to harness the power and energy of the sector if we are to meet out life chances agenda. She is absolutely right on that.

The noble Lord, Lord Tyler, mentioned party funding. I very much look forward to reading his Bill. He calls it a modest offering, but I do not think anything that the noble Lord produces is modest. We will always look to constructive ideas. Obviously, the Government cannot impose consensus on the political parties, but we are open to debate and dialogue, including taking forward measures for discussion on promoting small-scale private fundraising. That brings me to the point on the overseas voters Bill raised by the noble Baroness, Lady Hayter. She asked whether overseas voters who have lived abroad for more than 15 years will be able to donate to political parties. This will become clear when we publish the Bill.

As my right honourable friend the Prime Minister has repeatedly said, the fight against extremism is the struggle of our generation. There is obviously the question of how we define extremism, as a number of noble Lords said. The noble and learned Lord, Lord Falconer, the noble Baronesses, Lady Hamwee and Lady Jones of Moulsecoomb, and the right reverend Prelate the Bishop of Southwark all raised this. I will ensure that these points are highlighted with the department, but will say at this juncture that we will consult on the detail in the coming months, and if a definition is used in the Bill I am sure it will be debated at length, quite rightly, during its passage through Parliament.

On the broader point raised by the noble Baroness, Lady Warwick of Undercliffe, that these measures could undermine freedom of speech, I would argue to the contrary. Our extremism strategy protects fundamental shared values such as freedom of speech, and nothing in the powers will stop people from holding or expressing their religious views. The measures will not curtail the democratic right to protest, nor will they close down debate. We are going to consult on these measures and will continue to talk to community groups, the police and others. We will of course listen to the views of groups and individuals as the legislation undergoes scrutiny in Parliament.

Turning to the proposals to reform our prisons, I was delighted by both the support and the interest that this package of measures has received. As my noble friend Lord Faulks said, this will be the biggest shake-up of prisons since Victorian times. A pilot of six trailblazers, including one of Europe's largest prisons, Wandsworth, means that more than 5,000 offenders will be housed in reform prisons by the end of this year. A number of your Lordships, including the noble Lord, Lord Palmer of Childs Hill, said that what is really needed is more investment. I do not want to bandy lots of statistics around, but we are investing £1.3 billion to modernise the prison estate, building nine new prisons and creating 10,000 new prison places with better education facilities and rehabilitative services. On top of that, we have responded to staffing pressures—a point raised by a number of noble Lords—with an increase of 530 officers since January last year. Noble Lords will also be aware that, in addition to the £5 million which we have committed to rolling out for body-worn cameras and additional CCTV in prisons, the Government have allocated £10 million to deal with prison safety issues.

A number of noble Lords raised the issue of overcrowding. We want to tackle overcrowding and stop warehousing prisoners in a way which simply fuels reoffending. That is what the reform programme will do. Our current prison estate is overcrowded. We will close down ageing and ineffective prisons, replacing them with buildings fit for today's demands. We will also reorganise the existing estate so we are using it as effectively as possible, by ensuring prisoners are held in environments that match their needs and risks. In doing all this, we will be mindful of the advice and recommendations we receive, which the noble Lord, Lord Ramsbotham—who speaks with so much experience on this matter—spoke so eloquently about.

All that said, the best way to reduce the prison population is to tackle the causes of crime in the first place. My noble friends Lord Farmer and Lady Stroud, as well as the right reverend Prelate the Bishop of Rochester, spoke passionately about the Government's life chances agenda, which aims to do just that. We need to do more—much, much more—to tackle deep-rooted social challenges which threaten not merely to thwart opportunity but lead to a life of crime, including, as my noble friend Lady Stroud mentioned, family instability and breakup.

**Lord Beecham:** The noble Lord has not touched on one of the issues that my noble and learned friend Lord Falconer and I mentioned, which is the number of remand prisoners who have not been convicted of anything but nevertheless figure in the prison population.

**Lord Bridges of Headley:** My Lords, I am sorry about that. I will need to refresh my memory and write to noble Lords on that point.

**Lord Falconer of Thoroton:** Before the noble Lord leaves the subject of the prison system, can he tell the House by how much the education budget will go up?

**Lord Bridges of Headley:** I do not have that statistic straight to hand; I will certainly write to the noble and learned Lord. Let me pick up an earlier point made by the noble Lord, Lord Beecham, about legal aid. I understand that we are committed to a review of LASPO, as we have said on several occasions. He rightly raised that point.

I turn briefly to policing and crime. The noble Baroness, Lady Henig, raised the issue of neighbourhood policing. I commend to her the provisions of the Policing and Crime Bill, which the Government believe will help to drive further efficiencies and joint working between emergency services and to deliver more funding for the front line, including for investment in neighbourhood policing.

I touch on the point made by the noble Lord, Lord Green of Deddington, in his interesting speech about the growth of our population. He spoke powerfully, and the Government are acutely aware of the pressures that population growth is placing on our society, which is why we are focusing so heavily on building more homes and roads and improving our rail network, quite apart from investing in schools and hospitals. On this point, we are not complacent; we are very seized of the challenges we face.

[LORD BRIDGES OF HEADLEY]

I am sorry for a ramble through those points. As I said, I apologise to those noble Lords whose questions I have not addressed; I will endeavour to do so in writing after this debate. I thank all noble Lords for the energetic and interesting discussion we have had and am sure that I speak on behalf of my fellow Ministers when I say that we all look forward to debating these matters with your Lordships in the coming months.

*Debate adjourned until tomorrow.*

*House adjourned at 10.22 pm.*

**Volume 773**
**No. 4**

**Tuesday**
**24 May 2016**

# CONTENTS

**Tuesday 24 May 2016**