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PARLIAMENTARY DEBATES
(HANSARD)

# HOUSE OF LORDS
## OFFICIAL REPORT

*ORDER OF BUSINESS*

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| 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 |

No party affiliation is given for Members serving the House in a formal capacity, the Lords spiritual, Members on leave of absence or Members who are otherwise disqualified from sitting in the House.

# House of Lords

*Monday 18 July 2016*

*2.30 pm*

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

## Government: Ministerial Changes

*2.36 pm*

**Baroness Smith of Basildon (Lab):** My Lords, in leading the tributes today to the noble Baroness, Lady Stowell, I believe we should all acknowledge the personal commitment that she has brought to her role as the Leader of the House—a position which is never easy in a House that values its independence and welcomes the opportunity to deploy its experience and expertise. It is a dual role, as the leader of the government party in your Lordships' House but, equally importantly, as the leader of the whole House. It is also a role that faces both ways, being both the Government's voice in your Lordships' House and the voice of your Lordships' House in Government. This is also the first time ever that the government party has found itself without an automatic majority in this House, and that requires careful and thoughtful management from all of us. When the noble Baroness took office, just two years ago, she said she was,

"very conscious of the great privilege of being Leader"—[*Official Report*, 15/7/14; col. 500]—

and that has always been evident.

In paying tribute to the noble Baroness, Lady Stowell, I also warmly welcome the new Leader, the noble Baroness, Lady Evans of Bowes Park. Like the noble Baroness, Lady Stowell, she brings with her the experience of the Whips' Office and did not take her seat in your Lordships' House with the ambition of becoming Leader but with the ambition of serving her party and her country. We have already seen the enthusiasm she has brought to her work, and we wish her well.

I think that the noble Baroness, Lady Stowell, would agree that the highlight of her time in your Lordships' House—so far—has been her commitment and skill in taking through the Marriage (Same Sex Couples) Bill. On an issue about which some dared to doubt that your Lordships' House would be constructive, she brought both political judgment and humour to what might have been some difficult debates. Who will ever forget her explanation on adultery? She explained that if she were married to George Clooney, under the then existing law:

"Should I wish to divorce Mr Clooney on those grounds, I would do so on the grounds of unreasonable behaviour. In future, if the noble Lord, Lord Alli, was to marry Mr Clooney, and Mr Clooney was to have an affair with me—and who would blame him in those circumstances?—that would be adultery and the noble Lord, Lord Alli, should he choose to, would be able to divorce Mr Clooney on those grounds".—[*Official Report*, 8/7/13; col. 146.]

The wit and careful thought she brought to that debate helped us all better appreciate the details. George Clooney has since married, but I am told that the life-size cut-out that once graced her office is still around.

The noble Baroness, Lady Stowell, has been the Leader of the House through some difficult times, including the recent referendum on leaving the EU. At all times, her commitment to the House and her honesty have been clear. On a personal level, I add my thanks to her for being open and candid with me—we have not always agreed, but we have always had enjoyable and cordial meetings. We wish her every success in her new challenge.

**Lord Wallace of Saltaire (LD):** My Lords, from these Benches I pay a warm and special tribute to the noble Baroness, Lady Stowell. She and I first worked closely together on the Bill to which the noble Baroness, Lady Smith of Basildon, referred, the Marriage (Same Sex Couples) Bill in 2013. I certainly remember very well the evening when she tackled what was a difficult issue with great humour and was able to explain it in a way which, at the end of the day, everyone understood. It received Royal Assent three years ago last week. That was a productive and friendly working relationship, and one that continued not only during our time together in government, when I served as her deputy as Deputy Leader of the House, but since the general election last year when, although on opposite sides of your Lordships' House, we still had to meet regularly, always with cordial co-operation, albeit that we did not always agree.

The skill that the noble Baroness demonstrated in steering that Bill through the House and dealing with the many difficult issues during her time as a Minister in the Department for Communities and Local Government put her in good stead to lead your Lordships' House. During her tenure as Leader, the noble Baroness constantly looked to see how we could improve the ways in which we operate to ensure that we are as effective as possible in how we conduct ourselves—as has been said, it is never easy. I know from our many conversations that she was ever mindful of trying to safeguard the reputation of your Lordships' House, particularly when we are understandably under so much public scrutiny.

The noble Baroness also recognised some of the shortcomings of our domestic governance arrangements and set up a working group under the direction of the noble Baroness, Lady Shephard of Northwold, to review and make recommendations for new ways of working. The final Motions to put those changes into effect are due to be put before the House on Thursday, and I am sure these new structures will serve as a lasting legacy to the work of the noble Baroness, Lady Stowell, and her determination to ensure that this House always looks to improve itself and to be the best it can be.

I also take the opportunity to welcome the noble Baroness, Lady Evans of Bowes Park, to the role of Leader of the House. She takes on this role at a momentous time for our country as the Government negotiate our withdrawal from the European Union. I know your Lordships' House will take a keen and particular interest in these negotiations as they progress, and I am sure the weight of experience in this House and the very valuable work done by our European Union Committee will be of assistance to her as she represents our House in government.

[Lord Wallace of Saltaire]

When I welcomed the noble Baroness, Lady Stowell, to her role as Leader on 15 July 2014, I noted that later that afternoon she would have to attend her first meeting of the House Committee. The noble Baroness, Lady Evans, will have to wait a bit longer for that particular perk of office—it will be tomorrow afternoon. Indeed, when I saw on today's Order Paper the Motion substituting the noble Baroness, Lady Evans, for the noble Baroness, Lady Stowell, on a whole range of committees, I recalled that when I succeeded my noble friend Lord McNally as leader of the Liberal Democrat Peers, the previous Chairman of Committees moved a similar Motion and said that he did so with commiseration. Aspiring candidates to succeed me on these Benches may wish to take note.

I look forward to working with the noble Baroness, Lady Evans, for a few more weeks still, and wish her the best of luck in her new role as Leader of Your Lordships' House.

**Lord Hope of Craighead (CB):** My Lords, on behalf of my colleagues on the Cross Benches, I, too, associate myself with the warm and well-deserved tributes that have been paid to the noble Baroness, Lady Stowell, and wish her well as she returns, as I am sure she will, to the Back Benches. Like others in the House, I confess to having been taken aback by the speed of events last week. The first indication I had that she was no longer to be Leader and Lord Privy Seal was when I arrived at her office at midday on Thursday for one of my regular fortnightly meetings with her to be told for the first time ever by one of her secretaries that she was too busy to see me. Unexpectedly, the meeting had had to be cancelled. As I returned down the corridor to walk back to my office, the expression on the faces of various people whom I passed who already knew more than I did suggested that there was much more to it than that. The sadness at what was happening was very evident.

I know from my many meetings with her during the past year in my capacity as Convener, which I very much valued, how much she cared for this House. Her sudden departure has meant that some of the things that she wished to do will have been left undone, but she has done much, as the noble Lord, Lord Wallace, said, to promote and carry through fundamental reform of the committee structure by which the business affairs of the House are to be governed, and that can indeed be regarded as her legacy. She brought home her concern for the traditions and customs of the House to me on a personal level, too. On several occasions, when it seemed to her that I had said or done something that was not quite right, she was quite candid—to adopt the adjective used by the noble Baroness, Lady Smith. She would tick me off. I can assure your Lordships that this was always done with a smile on her face, in the most tactful manner. As a newcomer to the arcane arts which I have now to perform on behalf of my colleagues on these Benches, I valued those gentle reminders, and I was grateful for her guidance and encouragement. They were a reminder to me, too, of how much she cared for the traditions and best interests of this House. We wish her well and look forward to the contribution that she can certainly make to our work in the future.

I take this opportunity to welcome most warmly to her very important role the noble Baroness, Lady Evans of Bowes Park. She brings to its responsibilities a very evident spirit of energy and enthusiasm—and, dare I say it, unusually for a Member of this House, she has youth on her side, too. These are challenging times, when those qualities will be much needed. On behalf of the Cross-Bench group, I look forward very much to working with her in my capacity as Convenor, and I wish her all success as she enters into the duties of her office.

**The Lord Privy Seal (Baroness Evans of Bowes Park) (Con):** My Lords, first, I echo the tributes paid to my noble friend Lady Stowell. I know that she was incredibly proud to be Leader of your Lordships' House and was unwavering in promoting our role in the parliamentary process. Noble Lords have referred to her outstanding work on the equal marriage Bill in the Chamber, and as Leader she was just as tenacious, making the case for your Lordships within government. She saw an essential part of the Leader's job as maintaining the legitimacy and credibility of the Lords as a revising Chamber, while also making sure that the Government secured their business. She wanted us to focus first and foremost on complementing and refining the work of the other place, helping to give the public confidence in the parliamentary process. She can be proud that, in her time as Leader, that spirit shone through in everything she did. Indeed, it is greatly to her credit that the legislative programme of the first Conservative Government for nearly 20 years was delivered, despite there being no Conservative majority in this place. As a Whip on several much-debated Bills, I have the battle scars to prove just how difficult that was.

My noble friend was just as relentless in striving to ensure that, as a House, we did whatever was necessary to meet the expectations of the people whom we serve. She worked hard behind the scenes to make sure that the Hayman Bill had a fair wind, and nobody has done more to promote the cultural shift that we have seen with the introduction of retirement, whereby the 50 Peers who have stood down exemplify our ability as a House to adapt. My noble friend will continue as co-chairman of the committee looking at the future of the Palace of Westminster, which is further testament to her respect for this House.

Personally, I am privileged to call my noble friend a friend. She has been incredibly supportive to me since I came into your Lordships' House, for which I am truly grateful, and was always ready with words of encouragement, serving as a great role model for me. I was fortunate to serve under her and, on behalf of all noble Lords, I sincerely thank her for her service.

Finally, I thank noble Lords from across the House for their messages of support since my appointment. While I am, I know, a relative newcomer, I have a deep appreciation and admiration for the important role that this House plays in governing our great country. I am honoured to have been asked to be a member of

the Cabinet by the new Prime Minister, but I am particularly proud to be Leader of the House of Lords—and by that I mean Leader of the whole House and not just the Conservative Benches. I assure your Lordships that I shall work tirelessly to do this House proud, building on the excellent work of my noble friend.

## Community Cohesion

*Question*

*2.49 pm*

*Tabled by* ***Baroness Mobarik***

To ask Her Majesty's Government what steps they are taking to bring together all communities following the result of the European Union referendum.

**Baroness Hodgson of Abinger (Con):** My Lords, in the absence of my noble friend Lady Mobarik, and with her permission, I beg leave to ask the Question standing in her name on the Order Paper.

**The Parliamentary Under-Secretary of State, Department for Communities and Local Government and the Wales Office (Lord Bourne of Aberystwyth) (Con):** My Lords, I am sure the whole House will wish the noble Baroness, Lady Mobarik, all the best in her new role. Britain has a claim on being the most successful multifaith, multiracial democracy in the world. This Government support programmes that bring communities together in celebrating what unites us. We are stepping up efforts to tackle the scourge of hate crime, and fighting disadvantage and extending opportunity, which is the surest way to build strong and cohesive communities.

**Baroness Hodgson of Abinger:** My Lords, deep divisions within our communities emerged during the EU referendum. Since then, we have seen a worrying rise in racist and xenophobic behaviour and language. This exists alongside deprivation and a sense of exclusion for some. I commend Her Majesty's Government for their efforts thus far on community cohesion, but what actions are being taken now towards a more integrated approach, whereby social and economic well-being and community cohesion are tackled collectively?

**Lord Bourne of Aberystwyth:** My Lords, I am sure my noble friend will welcome the fact that we are working on a hate crime action plan, which will increase the importance of the reporting of hate crime and provide stronger support for victims. We are making progress on this. It is true that post the referendum there was a spike in hate crime reporting, but thankfully that has levelled off. That is not to minimise the challenge. As I say, we are working on a hate crime action plan and taking action forward in that way.

**Lord Dubs (Lab):** My Lords, the Minister may be aware that, yesterday afternoon, Hammersmith council organised a demo and meeting on the theme of hope not hate. Do the Government realise that local authorities have a key part to play in this? They might need a bit more help. Will the Government give that help and support to local authorities in tackling hate crime?

**Lord Bourne of Aberystwyth:** The noble Lord is absolutely right. HOPE not hate does a considerable amount in this regard and I follow what it does very closely. We are supporting local authorities and working with them through organisations. I recognise the importance of working with local authorities, and today I have asked that we contact the Greater London Assembly to see how we can work successfully with it across London, too.

**Baroness Hussein-Ece (LD):** My Lords, will the Minister acknowledge and welcome the fact that many people have come together to oppose the rise in hate crime and to show their revulsion at what has been going on? Will he say whether the role of the media should now be looked at more closely? Over the weekend in the *Sun*, Kelvin MacKenzie wrote a column criticising a Muslim broadcaster reporting on the news, because she wore a headscarf. Apparently it was inappropriate for a woman wearing a headscarf to report on the terrible attacks in Nice. Surely this cannot be tolerated in our society. Will the Minister condemn it?

**Lord Bourne of Aberystwyth:** My Lords, the noble Baroness is absolutely right about people coming together to tackle hate crime. I was particularly impressed to hear of a movement called Salaam Shalom in Nottingham, which is supported by the Government, bringing together the Jewish and Muslim faiths. I agree entirely with the noble Baroness about the many excellent role models that we have of Muslim women. She referred to one; we all remember "The Great British Bake Off" and so on. It is time to celebrate the diversity of our society and recognise that when we are united, we are strongest.

**Lord Singh of Wimbledon (CB):** My Lords, much hate crime arises out of ignorance and suspicion. We all know that in a fog even familiar objects, such as a lamppost or a dustbin, can assume frightening and threatening proportions. Does the Minister agree that a much greater effort needs to be made to remove that ignorance and bring about a much better understanding of what different religions are and what they stand for? Unfortunately, much interfaith dialogue over the years—and I have been involved in it—is just about being nice to people without exploring the actual teachings and finding commonalities on which we can build understanding. Does the Minister agree that the search for commonalities and building on them is essential?

**Lord Bourne of Aberystwyth:** My Lords, I entirely agree with the noble Lord. He is absolutely right that it is about much more than just coming together and talking to each other; it is about understanding each other better. Many interfaith groups do this very successfully, both in England and in the devolved Administrations. Again, I have asked the department to look at this to see how we can get best practice across the United Kingdom by learning what happens in the entirety of the United Kingdom. However, he is right that we have to conquer ignorance, in the sense of not knowing, in order to move forward on this key issue.

**Lord Soley (Lab):** Does the Minister agree that senior politicians, and members of the Government in particular, have a responsibility not to use language that encourages this? During the referendum debate, some adverts and one or two statements—one from a current member of Government, I am afraid—gave people permission to bring out their feelings about ethnic minorities. Frankly, if such feelings are not encouraged, they tend to stay hidden.

**Lord Bourne of Aberystwyth:** My Lords, the noble Lord is right that across the board we all—politicians in all parties, as in the other House—have a role to play and a responsibility to use appropriate language and come together to ensure that we move forward in tackling hate crime together.

**Baroness Manzoor (LD):** My Lords, on 29 June, the Minister, the noble Lord, Lord Ahmad, read a Statement to the House in which he said that new, additional funding would be made available to tackle these issues at community level. How much new funding has been made available, and which community groups have been given this money?

**Lord Bourne of Aberystwyth:** My Lords, the noble Baroness will know that the Casey review will soon report on boosting opportunity and integration. We will wait for the publication of that report before making any definitive decisions on the amount of funding. The noble Baroness will know that we already put a significant amount into organisations such as: Near Neighbours; Tell MAMA, which stands for Measuring Anti-Muslim Attacks; Holocaust Memorial Day, and so on. However, we will make a statement in response to the Casey review when it is published.

**Baroness Smith of Basildon (Lab):** My Lords, the Minister refers to ethnic minorities, but he will appreciate that this is an issue not just for ethnic minorities but for anyone from the EU who currently lives and works here. A friend who works in Westfield shopping centre reports an increased number of attacks—not physical attacks but abuse, rudeness and unpleasantness—to staff from the EU. Does he accept that it would be helpful if the Government urgently made sure that EU citizens living here in the UK could be assured of their place in this country? At the moment, they are scared to report such attacks and abuse, because they are not certain about their own status.

**Lord Bourne of Aberystwyth:** My Lords, the noble Baroness is right that it is not simply an issue for ethnic minorities, although that is one very visible and significant aspect of this, but about EU nationals, and indeed about visitors to this country from the EU and elsewhere. We are looking at it in the round. The Casey review, which I referred to, is looking at integration more generally, and as I say we are looking forward to receiving its findings. However, in order to reassure noble Lords of the significance attached to this by my right honourable friend the Prime Minister, she has made clear that hate crime has absolutely no place in Britain and that she is determined to make further progress to ensure that we can eradicate these deplorable acts. I am sure that we all take comfort from that.

## Royal Prerogative

*Question*

*2.58 pm*

*Asked by* ***Baroness Deech***

To ask Her Majesty's Government whether they plan to clarify the conditions for the exercise of the Royal Prerogative.

**The Parliamentary Secretary, Cabinet Office (Lord Bridges of Headley) (Con):** My Lords, information about the exercise of the royal prerogative is set out in the *Cabinet Manual*. There is no need for further clarification, and consequently there are no further plans to do so.

**Baroness Deech (CB):** My Lords, I hoped that the Minister would have acknowledged that there are grave uncertainties in the operation of the modern law concerning the royal prerogative, not least as regards going to war and the BBC charter. However, the most pressing is the requirement relating to the triggering of Article 50 to leave the European Union. Some 1,050 barristers have, most unusually, given free advice to the nation that the consent of Parliament is necessary, while other lawyers say that it is a matter of prerogative alone. Can the Minister disentangle these competing views and say whether parliamentary consent is necessary?

**Lord Bridges of Headley:** The Government's position is that there is no legal obligation to consult Parliament on triggering Article 50. I understand that, as the noble Baroness rightly alluded to, a court case is beginning to trundle its way through the courts, and obviously that will have to make its way. Beyond what I have said, I am sorry to say there is nothing further for me to add at this point.

**Lord Morris of Aberavon (Lab):** My Lords, I have already welcomed the Government's decision, announced last week, on the need for the consent of Parliament to invoke Article 50 rather than rely on the royal prerogative. Since the Constitution Committee of this House proposed, following evidence from the late Lord Mayhew and from me, that the consent of Parliament was necessary to go to war—now a convention—rather than use of the royal prerogative, should not the same committee be asked to examine how the royal prerogative should be used in the future?

**Lord Bridges of Headley:** How the royal prerogative might be used in the future is obviously a matter for the committee to consider. However, I am sorry to say to your Lordships that I cannot go further than what I have said so far. Our understanding is that there is no legal obligation to consult Parliament on triggering Article 50, as it affects the position in international and not domestic law.

**Lord Lester of Herne Hill (LD):** My Lords, going back to the original Question, does the Minister agree with the right honourable David Cameron, who just over 10 years ago said that "the time had come" to re-examine whether it was right for a British Prime Minister to use ancient powers ceded by the monarch to declare war and sign treaties without formally consulting elected MPs. He went on:

"Giving Parliament a greater role in the exercise of these powers … would be an important and tangible way of making government more accountable".

Do the Minister and his colleagues agree with their former leader in that respect?

**Lord Bridges of Headley:** The noble Lord will be aware that the Government considered this matter. I defer to the number of noble Lords in this House who have considerable legal experience in this area. The Government considered this issue. On 18 April this year, my right honourable friend the Defence Secretary published a Written Ministerial Statement looking into this and reflecting that the action that the noble Lord refers to was not required and not necessary.

**Lord Collins of Highbury (Lab):** My Lords, I congratulate the Minister on his new responsibilities for the Brexit negotiations. We have had several debates in this House regarding this matter. At the end of the negotiations we will have an exit package, which the noble Lord, Lord Lisvane, has said may be bad or,

"it may be disastrous, but it will surely require further authorisation whether popular, parliamentary or … both".—[*Official Report*, 6/7/16; col. 2066.]

Does the Minister agree with that remark?

**Lord Bridges of Headley:** First, I thank the noble Lord for his kind remarks. As part of the withdrawal process, amendments to the European Communities Act 1972 will need to be considered. That will depend on the outcome of the UK's negotiations with the EU, and any amendments would require an Act of Parliament.

**Lord Lansley (Con):** My Lords, I join in congratulating my noble friend on his additional responsibilities. Following the noble Lord's question, the fact that the Government do not legally require the consent of Parliament does not mean that they cannot bind themselves to seek Parliament's authority before entering into a particular action. That is what the Government have done in relation to entering into armed conflict. I put it to my noble friend that sometimes Ministers are not allowed to say something that we all know is perfectly obvious—that Ministers and the Government must seek the approval of both Houses of Parliament before notifying under Article 50.

**Lord Bridges of Headley:** I hear what my noble friend says and, given that he was my first boss, I hear it very well. As the Government have said, Parliament will have a role in making sure that we find the best way forward. Beyond that, on Article 50, I will simply stick with what I have already said.

**Lord Stoddart of Swindon (Ind Lab):** My Lords, the noble Lord must surely be aware that there is great confusion over how this matter will be resolved. At the moment, it is said that Article 50 has to be triggered, but how can that happen in the light of the European Communities Act 1972? Would the royal prerogative in this respect trump a parliamentary Act?

**Lord Bridges of Headley:** My Lords, I am sorry to say that I am sticking with what I have said. Article 50 is a matter for the royal prerogative, as it affects the position in international law and not in domestic law. That is our understanding.

**Lord Davies of Stamford (Lab):** Is it not inconceivable that the royal prerogative should be used to withdraw statutory rights? Is that not what we had an argument with Charles I about in the 17th century?

**Lord Bridges of Headley:** That is an interesting observation, my Lords.

## Brexit: Role of Parliament

*Question*

*3.04 pm*

*Asked by* ***Lord Tyler***

To ask Her Majesty's Government what assessment they have made of the stage, or stages, at which Parliament's authority should be sought as part of the negotiation for leaving the European Union.

**The Advocate-General for Scotland (Lord Keen of Elie) (Con):** My Lords, Parliament will have a role in making sure that we find the best way forward. The Department for Exiting the European Union will consider the detailed arrangements to provide for that.

**Lord Tyler (LD):** My Lords, this is not just a matter of the triggering of Article 50; the whole process ahead of us is a matter of concern to both Houses of Parliament. Does the Minister recall that throughout the referendum campaign there were constant calls to restore the sovereignty of the British Parliament, not least from Messrs Davis, Fox and Johnson? We also were told regularly that we should "take back control". Who is in control? Is it the British Parliament? Who is answerable to the British Parliament? Is it one of those three? Can the Minister explain precisely which provisions of Part 2 of the Constitutional Reform and Governance Act 2010 will be applied to this process?

**Lord Keen of Elie:** My Lords, Parliament is sovereign. But the Executive has certain prerogative powers that it exercises in international legal matters, including the making and unmaking of treaties. That remains the position.

**Lord Lawson of Blaby (Con):** My Lords, can my noble friend remind me: was it not a decision of Parliament, by an overwhelming majority, that this important issue should be decided by a referendum of the British people?

**Lord Keen of Elie:** That is of course the case.

**Lord Bilimoria (CB):** My Lords, the Prime Minister, in her wisdom, has appointed three Brexiteers to take us out of the European Union. Their motto must be, "All for one and none for all". One of the main roles of

[Lord Bilimoria]
this House is as a check and balance on the other place. Surely it is imperative that both Houses must have a say at every stage, whether it is Article 50 or beyond.

**Lord Keen of Elie:** With respect, the Government's position is that there is no legal obligation to consult Parliament on the triggering of Article 50. That is, of course, the subject of challenge in the courts. Indeed, there will be a directions hearing in the Administrative Court tomorrow in respect of one of those claims.

**Baroness Hayter of Kentish Town (Lab):** My Lords, the referendum campaigns were both all-party. The challenge now falls to all of us to implement the result of that referendum. Will the Minister outline the Government's plans to engage all parties, and indeed the Cross Benches, in the discussions that now need to take place?

**Lord Keen of Elie:** The Prime Minister has been very clear that it will take time for the UK Government to agree their position for negotiations in respect of the exit from Europe. They will consult widely, not only with all Westminster governmental institutions but also with the devolved Administrations, including the Scottish Parliament.

**Baroness Ludford (LD):** My Lords, the Prime Minister has apparently promised a partnership involvement for the Scottish Government in Brexit negotiations. Why will the Government not show the same degree of respect to this Westminster Parliament, instead of offering the mere debate and discussions—crumbs off the table—that were envisaged in the response to the Urgent Question last week and, indeed, just now by the noble Lord, Lord Bridges, who said that there was no legal obligation to consult Parliament, as if that was the end of the story? Why can we not get the same respect as the Scottish Government?

**Lord Keen of Elie:** The Prime Minister has clearly extended the same respect to this Parliament as she has to the Scottish Parliament. The Prime Minister has also said that we will not trigger Article 50 until we have a UK approach and objectives. That will be the product of consultation with all these parties.

**Lord Spicer (Con):** My Lords, in answer to my noble friend Lord Lawson, the Minister confirmed that parliamentary authority was at the root of the referendum itself. Therefore, surely, in answer to the noble Lord, Lord Tyler, he has to accept that it is the essence of the entire process.

**Lord Keen of Elie:** The referendum was an exercise in democracy, in which 17.5 million people cast their vote to exit the European Union.

**Lord Wigley (PC):** My Lords, while it is perfectly clear that the vote in the referendum was to change our relationship with Europe, what was not clear were the alternatives that were being discussed. Is there not a duty on the Government to bring before Parliament a Green Paper or White Paper outlining the alternatives, with the pros and cons, so that there can be a proper debate before decisions are taken?

**Lord Keen of Elie:** The Government have established the Department for Exiting the European Union to form a view as to the basis on which we do exit the European Union.

**Lord Grocott (Lab):** Like many others in this House, I had the pleasure of sitting through the whole Committee stage of the European Union Referendum Bill. As far as I can discover from *Hansard*, at no stage was it suggested that it was just an advisory referendum that was being established, much less that Governments subsequently would not need to take account of the decision made by the British people. Does the Minister agree with me that, with such authority having been given by Parliament to the British people and the British people having declared clearly their view on the specific question being asked, for either House, but, I must say, more specifically this House, of which I am very fond, to decide that it would in any substantial way—of course, one can look at the detail—thwart the decision of the British people would be a very unsatisfactory road down which to travel?

**Lord Keen of Elie:** It is not a road that this Government intend to go down.

**Lord Cormack (Con):** My Lords, abrogating parliamentary responsibility is not thwarting the British people. I put it to my noble and learned friend that Parliament decided that there should be an advisory referendum. It is Parliament's duty to listen carefully to the advice but not to remove itself from the decision-making process.

**Lord Keen of Elie:** Parliament passed a referendum Act; the people spoke.

**Baroness Farrington of Ribbleton (Lab):** My Lords, would the Minister care to be more specific on the issue of reaching the conclusion on what should happen with Brexit—what the terms will be et cetera? He referred to consultation. Did he mean consultation after the Government have decided what the terms are, or will Members of the Commons, the Lords and the Assemblies be consulted before consultation is taken more generally? Is it just a government decision as to how it happens?

**Lord Keen of Elie:** There will be an ongoing process of consultation with all interested parties, including the devolved Administrations, so that we can arrive at a suitable conclusion as to how we proceed with Article 50 and our departure from the European Union.

## Brexit: Tourism and Hospitality Industries

*Question*

*3.12 pm*

*Asked by* ***Lord Lee of Trafford***

To ask Her Majesty's Government what assessment they have made of the implications of the European Union referendum result for the tourism and hospitality industries.

**Lord Lee of Trafford (LD):** 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 chairman of the Association of Leading Visitor Attractions.

**The Earl of Courtown (Con):** My Lords, the decision of the British people to leave the European Union creates new opportunities and challenges for the tourism and hospitality industries. The Secretary of State for Culture, Media and Sport will hold a round table with the sector before the end of July to listen and learn about those. There are no immediate changes to travel between the EU and the United Kingdom, or to the way in which our services are sold overseas.

**Lord Lee of Trafford:** My Lords, post Brexit, we are free to abolish air passenger duty on domestic flights and reduce VAT to any level we choose, but the more immediate problem relates to our hospitality industry, sustained particularly by EU citizens born abroad. What assurance can the noble Earl give to them and their very concerned employers as to their status and ability to remain in this country, given the rather confusing statements made by David Davis?

**The Earl of Courtown:** My Lords, the noble Lord, Lord Lee of Trafford, brings to the attention of the House the ability to reduce value added tax or APD. These matters are always taken under consideration by the Treasury. He also mentioned people employed in this country in the United Kingdom hospitality industry. The Government's position is clear: we fully expect that the legal rights of EU nationals already in the United Kingdom will be properly protected—they make a huge contribution to our country—but we need to win the same rights for British nationals living in European countries. We are confident that we will be able to reach an agreement, protecting the rights of EU nationals here and our citizens in Europe. Securing such an agreement will be a priority in our EU negotiations.

**Baroness Liddell of Coatdyke (Lab):** My Lords, we are told that this new Brexit department will have input from the Treasury, from the Foreign and Commonwealth Office and from the new business department, yet tourism is one of the biggest employers in this country in the private sector. It also earns more foreign exchange than the car industry. What measures will be taken to ensure that a vital industry that gets to the parts of this country that many other industries do not get to will properly be taken into account in the discussions in the run-up to the implementation of Article 50?

**The Earl of Courtown:** My Lords, I thank the noble Baroness for that question bringing attention to the interests of the tourism sector and Brexit. Engagement with the sector is hugely important. We have made great strides in giving experts within tourism a more prominent voice in policy-making—for example, through the Tourism Industry Council. Tourism and hospitality industry stakeholders will be important in helping to inform Her Majesty's Government's policy during the coming months and years.

**Baroness Hooper (Con):** My Lords, will my noble friend assure us that, in spite of the economic constraints and possible reductions in departmental funding resulting from Brexit, the Government will not deviate from their policy of encouraging free access to museums and galleries, which contributes so much to the tourist industry in this country?

**The Earl of Courtown:** My Lords, my noble friend draws attention to museums and galleries. I understand that a museum review will be taking place, but Her Majesty's Government have been looking at this very carefully. We have the Tourism Industry Council, the interministerial group on tourism, the £40 million Discover England fund and grant-in-aid budgets for VisitBritain and VisitEngland will be stable until 2020.

**Lord Stevenson of Balmacara (Lab):** My Lords, I congratulate the noble Earl on his recent promotion and at the same time express regret that we will not be crossing swords across the Dispatch Box in future. In answer to the first Question, the noble Earl said that he expected there to be a bit of a challenge for the tourism industry. Can we be a little more precise about that? Since 2015, there has been a reduction of 35% in tourists coming to London and a reduction of 14% for the UK as a whole. This is a lot more than a challenge. What does he have to say about that?

**The Earl of Courtown:** My Lords, I thank the noble Lord, Lord Stevenson, for his kind words. He should know that we have nearly 4 million visits per annum from North America and 26.5 million visits a year from Europe, which produce an enormous amount of income for this country. The weaker pound this year will also help. That makes us a more attractive place to visit from Europe and North America. This is an opportunity to grab, and to showcase ourselves to both overseas and domestic markets.

**Baroness Hayman (CB):** My Lords, it is not only the hospitality industry that is concerned about the effects of Brexit; British science depends fundamentally on its international pool and the international graduates who work and lead in British science. I refer to my interests in the register. The noble Earl committed to consultations with the hospitality industry about the implications of Brexit. Will he make an equal and urgent commitment to conversations with British science, the leaders of which are gravely concerned at the moment?

**The Earl of Courtown:** My Lords, the noble Baroness brings to the attention of the House an issue that was in the newspapers at the end of last week and the beginning of this. I will draw the House's point of view to the department and write to her if there is any more that I can add.

**Baroness Symons of Vernham Dean (Lab):** My Lords, this time last week there was one Minister of Trade—a Minister of State—in this country; as of today, there are four Ministers for trade, including a Secretary of State. Can the noble Earl tell us if one of these Ministers will be specifically responsible for the issues of this Question—that is, the tourism and hospitality industries? If so, which one is it?

**The Earl of Courtown:** My Lords, as I mentioned in my earlier Answer to this Question, the tourism industry is represented by my colleagues in the Department for Culture, Media and Sport and they will continue to represent the industry's interests in any Brexit negotiations.

## Select Committees
*Membership Motion*

*3.20 pm*

*Moved by* ***The Chairman of Committees***

That Baroness Evans of Bowes Park be appointed a member of the following Committees, in the place of Baroness Stowell of Beeston: House, Liaison, Privileges and Conduct, Procedure and Selection.

*Motion agreed.*

## Halton, Knowsley, Liverpool, St Helens, Sefton and Wirral Combined Authority (Election of Mayor) Order 2016

## Tees Valley Combined Authority (Election of Mayor) Order 2016
*Motions to Approve*

*3.20 pm*

*Moved by* ***Baroness Williams of Trafford***

That the draft Orders laid before the House on 8 and 13 June be approved.

*Considered in Grand Committee on 12 July.*

*Motions agreed.*

## Telecommunications Restriction Orders (Custodial Institutions) (England and Wales) Regulations 2016

## Criminal Justice Act 1988 (Offensive Weapons) (Amendment) Order 2016

## Misuse of Drugs Act 1971 (Temporary Class Drug) Order 2016
*Motions to Approve*

*3.21 pm*

*Moved by* ***Lord Keen of Elie***

That the draft Regulations and Orders laid before the House on 24 May, 14 and 15 June be approved.

*Relevant documents: 4th Report from the Joint Committee on Statutory Instruments, 3rd Report from the Secondary Legislation Scrutiny Committee. Considered in Grand Committee on 12 July.*

*Motions agreed.*

## Policing and Crime Bill
*Second Reading*

*3.21 pm*

*Moved by* ***Lord Keen of Elie***

That the Bill be now read a second time.

*Relevant document: 3rd Report from the Delegated Powers Committee*

**The Advocate-General for Scotland (Lord Keen of Elie) (Con):** My Lords, policing in England and Wales has been transformed over the past six years. There has been a step change in the way police forces are held to account. In May, nearly 9 million people voted in the second elections for police and crime commissioners, and I am pleased that one of our number, the noble Lord, Lord Bach, is now one of 41 police and crime commissioners setting local policing priorities and visibly holding their police force to account.

We have enhanced the capacity of the police to respond to serious and organised crime through the creation of the National Crime Agency. We are strengthening the professionalism of police forces through the work of the College of Policing. When things go wrong, we have substantially enhanced the ability of the Independent Police Complaints Commission to independently investigate the most serious complaints made against the police. Much of this transformation has happened over the period of the last Parliament, during which police forces made a £1.5 billion contribution in cash terms to the reduction in the deficit but at the same time continued to cut crime, by over a quarter since 2010, according to the independent Crime Survey for England and Wales.

We are under no illusions that there is more to do. There are still far too many victims of crime, and police forces continue to face many challenges and demands on their necessarily finite resources. We need to drive further reform in order to build more capacity and capability to tackle the scourges of child sexual exploitation, modern slavery, online fraud, terrorism and the many other threats to the peace and security of our communities. The provisions of this Policing and Crime Bill will make an important contribution to that end.

It has long been accepted that the fight against crime and keeping our communities safe are not the responsibilities of the police alone. Police forces need to work closely with many other partners to deliver these shared objectives. Working collaboratively with other agencies can secure better outcomes for the public and at a reduced cost. We have seen some good examples of this in the collaborations up and down the country between the three emergency services. In Hampshire, the police, fire and rescue service and county council have integrated their back office functions, including HR, procurement and property services. In January, a joint police, fire and ambulance facility was opened in the town of Poynton in Cheshire, and in Durham, tri-service community safety responders have been trained to act as police community support officers, retained firefighters and community first responders for the ambulance service.

As welcome as these and other similar initiatives are, it is clear that there is scope for far greater joint

working between the emergency services to improve front-line services and deliver greater value for money. Accordingly, Part 1 of the Bill introduces a high-level duty on the emergency services to collaborate to help maximise opportunities for improving efficiency and effectiveness.

However, this is not simply about value for money for the taxpayer. These reforms will also extend the police and crime commissioner model to fire and rescue services. The benefits of a having a single, visible, directly elected individual who can hold the fire and rescue service to account are clear. So, Part 1 of the Bill will also enable a police and crime commissioner to take on the responsibilities of the fire and rescue authority where a local case is made. Police and crime commissioners will be able to take this governance model a step further by adopting the single employer model, which will enable a single chief officer for both the police force and the fire and rescue service to maximise efficiencies through the integration of back-office functions.

Let me be clear: these provisions do not provide for the takeover of one emergency service by another. The important distinction between operational policing and firefighting will be maintained, and the Bill's provisions will ensure that the funding for the two services, while it can be spent on matters of joint benefit, will continue to be accounted for separately. If the existing and new PCC-style fire and rescue authorities are effectively to hold fire and rescue services to account and drive improvement, they need clear, robust and independently verified information about their performance. The existing peer review arrangements do not satisfy those requirements.

That is why the then Home Secretary announced in May that she intended to bring forward proposals to establish a rigorous and independent inspection regime for fire and rescue in England. As a precursor to that, Part 1 of the Bill also strengthens the existing but dormant inspection framework provided for in the Fire and Rescue Services Act 2004. It does so by providing for the appointment of a chief fire and rescue inspector for England, charged with preparing an inspection programme and ensuring that fire and rescue inspectors have the necessary powers to enter premises and obtain the information they need to report on the efficiency and effectiveness of fire and rescue services.

Turning to Part 2 of the Bill, I have already alluded to the significant additional resources we have invested in the Independent Police Complaints Commission to enable it, rather than individual police forces, to investigate all serious and sensitive complaints made against police officers and police staff. The lack of independence in the way serious complaints were investigated was, and is, only one of a number of legitimate concerns that have been voiced about how the police complaints system has operated. The system has been viewed as too adversarial, too complex, too slow and lacking impartiality, given that many appeals are handled in-force.

The provisions in Part 2 address these deficiencies, including strengthening police and crime commissioners' oversight role in the local complaints system and making them the appellate body for those appeals currently heard by chief constables. We are also simplifying the appeal process by replacing five separate appeal rights with a single review at the conclusion of the complaint. The reformed system will also encourage the timely resolution of customer-service issues by expressly providing for low-level matters to be dealt with outside the formal complaints process.

In moving from a system where the IPCC conducted a little over 100 independent investigations in 2013-14 to one where this figure has increased fivefold, it is clear that the IPCC, too, must change. Following an independent review, it is apparent that the existing commissioner-based governance model is not sustainable—a conclusion shared by the IPCC. In its place, the Bill provides for the appointment of a single executive head of the organisation—the director-general—who will have ultimate responsibility for all case-working decisions. Corporate governance will be provided by a board comprising a majority of non-executive directors. In recognition of these new governance arrangements, we are changing the name of the IPCC to the Office for Police Conduct.

Part 2 also contains some important reforms of the police disciplinary arrangements. I am sure the whole House would agree that it cannot be right that a police officer, knowing that he or she is to be the subject of a serious complaint, can avoid being held to account by resigning or retiring from the force. To address this, the Bill and accompanying regulations will enable disciplinary action to be taken where a serious allegation is received within 12 months of an officer leaving a force. If, in such a case, gross misconduct is proven, the officer can then be barred from serving in any police force.

We believe a 12-month cut-off is both fair and proportionate, but we have listened to the representations from the Official Opposition and others who have argued for this period to be extended. In response, the Government are committed to bringing forward an amendment in Committee that will, exceptionally, allow for proceedings to be brought later in the most serious misconduct cases which are likely to do serious and lasting damage to the reputation of the police force or policing more generally.

Part 3 is designed to create a more skilled and effective police workforce. Police staff and volunteers have for many years worked alongside warranted officers to help keep our communities safe, but the current legislation constrains chief constables in how they can make best use of the staff available to them. To overcome these barriers, the Bill will confer on chief officers greater flexibility in the way they designate operational staff with police powers. Instead of a current prescribed list of powers that can be conferred on police staff, chief constables will be able to designate suitably trained and qualified staff with any of the powers of a constable, with the exception of those expressly reserved for warranted officers. This list of "core" powers, such as powers of arrest and stop and search, are the most intrusive. It is right that they continue to be reserved for fully trained police officers.

Under these new arrangements, it will also be open to chief officers to designate volunteers with powers appropriate to their role. We should be doing more to

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promote volunteering. If public-spirited individuals want to help keep their community safe by volunteering as a community support officer, or by putting their IT or forensic accountancy skills to good use, they should be allowed to do so. It simply makes no sense that the law enables a volunteer to serve as a special constable, with all the powers of a police officer, but in any other volunteering role in policing they cannot be designated with any powers whatever.

Part 4 relates to police powers. Where there is a well-founded operational case, the Government will act to address gaps in the ability of the police and prosecutors to prevent, detect, investigate and prosecute crime. Accordingly, this part strengthens police maritime and cross-border enforcement powers, and enables the police to retain DNA profiles and fingerprints on the basis of a conviction outside of England and Wales.

Equally, where there is evidence that police powers are being inappropriately used or misapplied, we will act to protect the rights of the individual. The police approach to the use of pre-charge bail is a case in point. There have been too many instances where individuals have been left subject to pre-charge bail for many months—in some cases, years—only for no charges to follow. During this time, they may have been subject to onerous conditions, restricting their liberty and causing added stress. Of course, the police and prosecutors need adequate time to gather and weigh the evidence, but there must be checks and balances so that interference with the rights of individuals who have not been charged or convicted of any offence is kept to an absolute minimum.

To this end, the Bill introduces a presumption that an individual subject to an ongoing investigation will be released without bail. Where pre-charge bail is both necessary and proportionate, it will normally last no longer than 28 days, with any extension beyond three months being subject to judicial approval. As now, the police will be able to attach necessary and proportionate conditions to pre-charge bail. Where these are breached, it is open to the police to re-arrest the suspect but in the generality of cases we do not believe it proportionate to make breach a criminal offence. Those arrested for a terrorism offence and bailed under PACE are, however, a special case. Given the continued draw of Daesh, there is a particular risk that someone bailed in these circumstances will seek to flee the country. Consequently, in such cases the Bill makes it an offence to breach pre-charge bail conditions related to travel. Of course, such a sanction will not, on its own, deter those who are determined to leave the jurisdiction. That is why the operational guidance used by the police has been updated to ensure that information relating to such individuals is shared in a timely and effective way with other agencies to stop travel at the border.

Part 4 of the Bill also seeks to transform the experience of those who have committed no crime but who come into contact with the police having suffered a mental health crisis. Such individuals must have their mental health needs assessed as quickly as possible by a mental health professional in an appropriate place of safety. While significant progress has been made in recent years to reduce the use of police stations as a place of safety, it is clear that in some parts of the country a police cell is too often used as a first, not last, resort. The Bill therefore prohibits the use of police stations as a place of safety for children and young people under 18 and ensures that, in relation to adults, they will be used only in exceptional circumstances. The Department of Health is investing up to £15 million this year in the provision of health-based places of safety but the Bill also affords greater flexibility to use other suitable premises in appropriate cases. We are also reducing the maximum period of detention under Sections 135 and 136 of the Mental Health Act 1983 from 72 hours to 24 hours.

Part 6 of the Bill seeks to close a number of loopholes in the Firearms Act 1968 which can be exploited for criminal ends. The Government fully accept that there is a strong case for the codification of firearms legislation but such an exercise will necessarily take some time. In the meantime, the Law Commission identified a number of defects in the law which are open to abuse. It is these that the Bill seeks to tackle. In particular, Part 6 now seeks to provide a definition of "lethality", define what constitutes a "component part" of a firearm and provide greater clarity for both collectors and the police as to what constitutes an "antique firearm". Part 6 will also ensure that defence companies and others who require a prohibited weapons licence under Section 5 of the 1968 Act meet the full cost of such licences rather than the cost falling, as now, to the taxpayer. This change does not affect the fees charged to individual firearm and shotgun certificate holders. This part will also enable the Home Secretary to issue statutory guidance to the police on the exercise of their functions under the 1968 Act. This will ensure that the highest standards of public safety are maintained when the police are determining the suitability of an individual to hold a firearm or shotgun certificate.

The legislative framework governing the sale and supply of alcohol is in a rather better state, having been completely overhauled in the Licensing Act 2003. Nevertheless, that is still 13 years ago and it is right that here, too, we seek to update and improve the legislation in the light of experience. Among other things, Part 7 of the Bill will strengthen the powers of licensing authorities to revoke or suspend a personal licence where the licensee has been convicted of a relevant offence. Part 7 will also ensure that powdered alcohol is covered by the licensing regime—something I know will be welcomed by the noble Lord, Lord Brooke, who previously raised this issue. I know that a committee of your Lordships' House chaired by my noble friend Lady McIntosh of Pickering is currently undertaking a post-legislative review of the Licensing Act and I look forward to seeing the committee's conclusions and recommendations when it reports next March.

Part 8 of the Bill strengthens the arrangements for implementing and enforcing UN and other financial sanctions, including by providing for new administrative monetary penalties and by increasing the maximum sentence the courts may impose following a conviction for breaching such sanctions. The UK currently gives effect to UN sanctions by way of regulations made under the European Communities Act 1972. How we implement UN sanctions in the future is one of the many issues that we will need to work through as a

result of the decision taken by the British people to leave the EU. What is clear is that financial sanctions are, and will remain, an important foreign policy and national security tool and, as such, we need to ensure that they are robustly enforced however we give effect to them in this country.

Part 9 includes some further measures to help protect our borders. Establishing the nationality of individuals as early as possible in the criminal justice process increases the prospect of being able to remove foreign national offenders. Clauses 139 to 141, which introduce a requirement on arrested persons and defendants in criminal proceedings to state their nationality, are directed to this end. I can assure noble Lords that the provision in Clause 139 does not amount to another stop-and-search power. In order to exercise the new power, the police must already have arrested the person on the basis of having reasonable grounds to suspect that he or she has committed a criminal offence.

Finally, Part 9 will also strengthen the law to help protect children and vulnerable adults. The amendment to the Sexual Offences Act will ensure that behaviour relating to the live streaming or transmission of images of child sexual abuse is caught by relevant offences in that Act. The new power to issue statutory guidance to local licensing authorities will help safeguard the users of taxis and private hire vehicles. And the introduction of lifelong anonymity for the victims of forced marriage will, we believe, encourage more victims to come forward and thereby help bring to justice the perpetrators of such crimes.

I am conscious that this is a wide-ranging Bill, but its purpose is clear. The measures in this Bill will support the continued transformation of policing by improving efficiency, strengthening accountability and building public confidence. It is only by continuing to drive these reforms that the police will be better able to deliver their core objective of cutting crime and keeping communities safe. I commend the Bill to the House.

*3.42 pm*

**Lord Rosser (Lab):** In the light of a document suggesting that he had moved to pastures new, I am very pleased to see the noble and learned Lord still at the government Dispatch Box on a Home Office Bill, though whether that is a pleasure he shares only he can say.

In their manifesto for the 2015 general election, the Government said they would,

"finish the job of police reform … enable fire and police services to work more closely together and develop the role of our elected and accountable Police and Crime Commissioners",

and,

"overhaul the police complaints system".

The Policing and Crime Bill sets out a number of measures which the Government say are designed to deliver the manifesto commitments on which they were elected.

In their Explanatory Notes to the Bill, the Government say that its purpose is to,

"further improve the efficiency and effectiveness of police forces, including through closer collaboration with other emergency services; enhance the … accountability of police forces and fire and rescue services; build public confidence in policing; strengthen the protections for persons under investigation by, or who come into contact with, the police; ensure that the police and other law enforcement agencies have the powers they need to prevent, detect and investigate crime; and further safeguard children and young people from sexual exploitation".

There are parts of the Bill with which we agree, including: support for whistleblowers; changes to firearms and alcohol licensing; the introduction of police super-complaints to allow groups and charities to raise concerns over systemic policing issues; changes to police bail; no longer considering police cells a mental health "safe place"; the banning of police cells for children in crisis; and the strengthening of the Independent Police Complaints Commission and the regulation of the police in general.

We also support the closing of the loophole whereby officers can escape disciplinary proceedings by resigning or retiring. The Bill originally provided that disciplinary proceedings could be initiated up to 12 months after somebody had left the force. However, we know from recent experience that it may take much longer for wrongdoing to be uncovered, as, for example, it did over Hillsborough, and the Government have now been persuaded to extend the 12-month limit in exceptional circumstances. As the Minister said, the Government are due to bring forward an amendment on this point in this House. We will want to look carefully at the definition of "exceptional circumstances".

Other changes to the Bill were secured during its passage through the Commons, following Labour pressure. These included: strengthened inspection powers in respect of fire and rescue services; a new offence of breach of pre-charge bail conditions relating to travel; conferring lifelong anonymity on the victims of forced marriage; strengthening the safeguarding and protection against exploitation of vulnerable people, including children and young people, through the introduction of statutory guidance in respect of the licensing of taxis and private hire vehicles; increasing cross-border powers of arrest and police powers to seize cancelled travel documents; reforming the governance of the Independent Police Complaints Commission; and enhancing the powers of the police to retain the DNA and fingerprints of persons previously convicted of an offence outside England and Wales. Some of these matters still require further consideration, including certain aspects of the future governance of the IPCC and its change of name, and the completeness of the measures in the Bill to combat child sexual exploitation.

However, there are two significant measures in the Bill for which the Government have not made a compelling case. The first is that, although the Bill introduces a statutory duty on police, fire and ambulance services to collaborate, it also allows police and crime commissioners to assume greater involvement in and control over the provision of fire and rescue services where there is local demand. Police and crime commissioners are responsible for the governance of the police, fire and rescue authorities are responsible for the fire and rescue services, and NHS trusts, or NHS foundation trusts, are responsible for ambulance services. If my figures are right, there are 37 PCCs in England, excluding London, while there are 45 fire and rescue authorities in England, comprising six metropolitan authorities, 24 combined authorities, 15 county authorities, and

[Lord Rosser]
the London Fire and Emergency Planning Authority. Twenty-eight FRAs have coterminous boundaries with police forces and five police areas have coterminous boundaries with the FRAs in their area when taken together. There are 10 regional ambulance trusts in England, five of which have foundation status and are overseen by a council of governors, and one in Wales.

The proposals in the Bill that would enable the fire and rescue services to be brought under police and crime commissioners fail to set out any long-term vision for the fire service; do not underpin the independence of the fire service as a statutory body; provide no protection for fire service budgets; and do not address what will be the democratic accountability of the fire service if under the control of the police and crime commissioner. As I understand it, there has been no government Green Paper or White Paper examining the pros and cons of such a change in the governance of our emergency services. The consultation that has taken place has been purely on the process by which a PCC would take over fire and rescue services, and not on the principle of whether they should do so at all. The Bill will allow a hostile takeover of a fire service by a PCC, if authorised by the Home Secretary, but over the heads of local people and without their consent. That will not strengthen the fire service, which has an important role as a separate statutory service

The Bill will enable a police and crime commissioner to integrate the senior management teams of the police force and the fire and rescue service under a single chief officer. The Government's argument appears to be that doing this will allow the quicker consolidation of back-office functions such as HR, ICT, finance, procurement and fleet management, for example. It is far from clear, though, how chief officers from very different services, who have to tackle their own distinct problems, can oversee the duties of another agency of which they have very little experience. There are good reasons why the fire service has traditionally been separate from the police. In some inner-city areas with a history of tension with the police, the independence of the fire service is important because it means that the service can continue to operate even if there are difficulties or a stand-off with the police. That will be put at risk if the fire and rescue service is increasingly seen as part and parcel of the police service.

We support the increased collaboration provided for in the Bill, and there are already some very innovative and effective examples of emergency service collaboration across the country. In Greater Manchester, local authority leaders have worked with fire, ambulance and health services to oversee excellent examples of joint working and more meaningful integration. Irlam fire station in Salford is one of the first in the country to host fire services, police and paramedics under one roof, which means that front-line officers are working together every day to improve the service to the public. The station also provides vital community health services. Greater collaboration must be led by local need and with local agreement from all parties concerned. A takeover by a PCC supported by the Home Secretary, regardless of what local people want, cannot be right. There are already suggestions that Conservative Party PCCs are being and will be leaned on hard to take over the fire and rescue services in their area.

Forced mergers must not be a smokescreen for further deep cuts to the fire service or the police, particularly at a time when the country faces an unprecedented terror threat. There is a real danger of the fire service being relegated to a Cinderella service to the police, increasing the likelihood and scale of further cuts. There must, at the very least, be a statutory underpinning for the fire service as a service in its own right, and the protection of budgets.

The Bill also gives a major role to police and crime commissioners in the handling of police complaints. This and other measures in the Bill will no doubt provide an opportunity to probe further what the Government think PCCs should be doing in their current role and the extent to which PCCs are, and are not, interpreting their existing role in the same way—a not unimportant consideration if PCCs are to be given the power to take over fire and rescue services. The Government will also apparently come forward with an amendment to give PCCs a different name, presumably where they take over fire and rescue services.

The second issue of concern about measures in the Bill is the proposal to expand the use of volunteers in the police service. The Government do not appear to be proposing to expand the use of special constables or to increase the use of civilian staff, but rather to replace police with volunteers. Issues of concern around training, management and access to data in relation to volunteers have not been addressed. There is clearly a significant difference between using volunteers to add resource capacity to the police and using them to replace some of the 18,000 police personnel axed since 2010. We believe that the greater use of volunteers in the police service is potentially dangerous in the context of cuts being made to police budgets, contrary to what the Government promised in the spending review. Police services in England and Wales are facing real-terms cuts to their budgets in the current year, which will not be made up by the local precept. In this setting in particular, there needs to be much greater clarity on the precise boundaries to what volunteers can and cannot do. The Bill allows chief officers to designate any police powers to civilian volunteers for the first time, except those from a reserved list.

Public safety requires a properly trained, resourced and accountable police service. Rates of serious and violent crime are rising and Her Majesty's Inspectorate of Constabulary recently expressed concern about what it described as the "erosion" of neighbourhood policing in the UK. The police and crime commissioner for Northumbria has rightly said that volunteers have an important role to play in supporting policing, but are not to place themselves in potentially dangerous situations. When the then Home Secretary consulted her on her proposals to increase volunteers' powers, the Northumbria PCC said that she was trying to provide policing on the cheap. Moreover, the public demand it as absolutely vital that essential police functions are discharged by police officers. Many volunteers want to support the work of police officers but do not want to do their jobs for them. For example, the use of CS and pepper spray should be undertaken

only by full-time officers who are regularly trained in their usage and importance.

The inclusion of cybercrime figures in the Crime Survey for England and Wales, which I think is due out on Thursday, is set to add 5 million-plus fraud and cyber incidents to the overall level of crime in the UK—an increase of up to 40%. We are now in an era where you are more likely to be mugged online than on the street. Crime is not falling; it is changing. Police funding has been reduced by some 25% since 2010 and police staff numbers reduced by 12,000 front-line officers over the same period. A volunteer army is no substitute for the properly trained workforce that police forces both need to combat crime and know can be turned out in an emergency.

Last January, the *Guardian* reported that the police are spending 40% of their time on incidents related to mental health. We support the Government's recognition that police cells are no place for those suffering from a mental health crisis, but banning inappropriate places of safety alone will not solve the problem of why police cells are used in the first place: namely, a lack of beds and alternative places of safety. We need a firm commitment from the Government that there will be a commissioning strategy in the NHS that ensures that alternative places of safety are available for people in this position.

There are also matters that should be in the Bill but are not. One, which the Hillsborough verdict highlighted, is the need for a principle of equality in legal funding for bereaved families at inquests where the police are represented. It is not right that police forces should be spending considerable amounts of public money on hiring lawyers to challenge aggressively at inquests families who are already in grief and who do not have the resources available to ensure effective representation. It is about fairness. The long fight for justice over Hillsborough shows what happens when such fairness is not a key part of the justice system, but this issue extends way beyond Hillsborough. Could the Government confirm that, as they indicated in the Commons, they support the principle of parity of funding and will act accordingly?

The other issue not addressed in the Bill is the previous Prime Minister's promise to the victims of press abuse and intrusion that there would be a second-stage Leveson inquiry, into the relationship between the police and the press. Now the Government say there might be an inquiry once outstanding legal matters are concluded. Previously, they said there would be an inquiry. This is backtracking, and backtracking without any attempt to give a credible explanation as to why.

Although there is much that we agree with in the Bill, as well as significant areas of concern which I have highlighted, the key reality is that our emergency services cannot keep us safe and be quickly on hand at times of real need and crisis if we continue to have funding cuts. What the services need more than anything, and which the Bill does not address, is a convincing, funded plan for the future which our emergency services feel they can back and get behind. Proposed structural reforms of doubtful merit and the increased use of volunteers are just not answers to this key point.

*3.57 pm*

**Lord Paddick (LD):** My Lords, I also congratulate the noble and learned Lord, Lord Keen of Elie, on seeing off any potential challengers to his position as Advocate-General for Scotland. However, I am not sure that policing has been transformed in the way that the noble and learned Lord said it had been in his opening remarks. I therefore agree with him that further reform is necessary, and like the noble Lord, Lord Rosser, we support many provisions in the Bill.

We welcome measures to allow further collaboration across the blue-light services, but we are concerned about placing fire services under the control of police and crime commissioners. The policing and prevention of crime and disorder is an enormous undertaking already, without police and crime commissioners being given a completely new area of responsibility. This is a gamble not worth taking. In the same way as the former Home Secretary shied away from police force amalgamations in favour of encouraging the merger of back-office functions and joint tendering for goods and services, we should now draw back from placing the operation of the police and fire services under one strategic lead. Although the savage cuts this Government have placed on police services may have reduced the service to fire brigade policing—only attending when there is an emergency—that is no reason to effectively merge the services at an operational level.

The Government's proposals to increase the independence of the investigation of police complaints, which thankfully appear to go further than simply changing the name of the Independent Police Complaints Commission, are to be welcomed. Sadly, there is evidence to suggest a culture in the police service, at least in the past, that puts the reputation of the police service before the open and transparent investigation of wrongdoing. We need therefore to carefully consider whether passing decision-making on some aspects of complaints against the police from chief police officers to police and crime commissioners provides sufficient independence. I should at this point emphasise that I am a retired police officer and the provision to allow disciplinary action to be taken after an officer leaves the police service could hypothetically affect me, although not as the Bill is drafted. I say "hypothetically" as, as far as I know, there are no outstanding disciplinary matters against me—he looks nervously at the Benches opposite.

I have sympathy with calls for changes to the Bill to allow disciplinary proceedings to be taken in serious cases beyond 12 months after an officer leaves the service and for the provisions to be made retrospective. The gap is likely to be narrow between very serious disciplinary misconduct and criminal behaviour, prosecution for which is clearly not dependent on whether a police officer is still serving, but, in my opinion, police officers should not be able to avoid being held to account for serious misconduct because they have left the service. We also need carefully to examine the protection given to whistleblowers employed by police services. I am concerned to ensure that, should the matter become disciplinary, the whistleblower continues to be protected.

Increasing the power of Her Majesty's Inspectorate of Constabulary is also welcome, although the power

[LORD PADDICK]
for the chief HMI, instead of the Home Secretary, to appoint assistant inspectors needs to be looked at carefully. That is fine when the chief HMI is not a retired police chief and the assistant HMI is not a police officer but if in future the previous practice of appointing former chief constables as chief inspectors of constabulary is resumed, I would not be as relaxed about them appointing their own former colleagues as assistant HMIs.

The provision to give police volunteers police powers is as worrying as it is puzzling. Most people can be volunteer police officers, police officers in their spare time. They are called special constables. They receive extensive training and have all the powers of a regular constable. Unless you know where to look, they are indistinguishable from regular police officers—they wear a small insignia on their uniform that depicts their status. Everything should be done to encourage and nothing should be done to discourage people from becoming special constables. To give other police volunteers police powers such as those enjoyed by police community support officers appears to me unnecessary, counterproductive and even more confusing for the general public.

I am not sure there will be much opposition to the abolition of traffic wardens. I would prefer the decision whether to have police officers of a particular rank to be left as an operational decision for chief police officers rather than an executive decision made by the Home Secretary by regulation.

The time limitations being placed on police bail and its strengthening in terms of compliance by the subject are welcome, but the Government need to be aware that the increasing challenge of meeting tight deadlines for investigations against a backdrop of fewer police officers to carry them out will be a real challenge.

Another aspect of recent high-profile cases also needs to be discussed. We intend to bring forward amendments in Committee so we can debate whether pre-charge anonymity should be given to those accused in the unique circumstances of historic child sex abuse investigations. The police and the CPS face unique challenges in bringing successful prosecutions when offences were committed more than a decade ago, and the publicity for those accused but not charged can be devastating. I believe that the concerns of those who fear that other victims may not come forward can be addressed.

We also welcome provisions to protect young adults in custody and those detained who are in mental health crisis but, as the noble Lord, Lord Rosser, said, that is provided that National Health Service mental health provision is properly funded to ensure that the gap created by not using police cells is covered by the National Health Service.

The provisions that compel those whom the police believe not to be British citizens to produce their passports again draws the police into the front line of immigration enforcement—a worrying trend already started by the provisions in the Immigration Act 2016. Marine enforcement powers in the Bill, which may not concern many British citizens, raises the potential for scenes reminiscent of Australia turning sinking ships full of asylum seekers away from their shores. That any ship can be boarded, searched and forced into port, if any offence that is an offence in England and Wales has been committed on board, appears disproportionate.

There are other matters on revenge porn and the use of tasers in mental health settings that we in the Liberal Democrats raised in the other place during debates on the Bill, and we wish to debate those issues again in this Chamber.

I apologise for taking so long and for not comprehensively covering the areas that we want to scrutinise in this Bill in my opening, but when the Long Title of the Bill is over 300 words and the Bill itself is over 300 pages, I hope noble Lords will understand why.

*4.06 pm*

**Lord Blair of Boughton (CB):** My Lords, I draw attention to my entry in the register of interests. This is a long, complex and, as rather too often with the Home Office, an oddly disjointed Bill. It has much to commend it, although "finishing police reform" is probably an overly bold claim, as reform will always be necessary. I welcome the noble Baroness, Lady Williams, to her new brief and look forward to discussing this and other Bills with her. Of course, I shall be sorry to see the noble and learned Lord, Lord Keen, leave his position and wish him well in his new role. I note that, as well as opening this debate, he will be responding to it, which is helpful, but I think that he will recognise the two matters in the Bill about which I shall speak this afternoon. They are entirely unconnected but rather important.

I shall start with Clause 37 which concerns itself with the police workforce, then move back to the implications of Clause 6, which is concerned with the amalgamation of police and fire commands under police and crime commissioners. I welcome both ideas.

Clause 37 sets out proposals for the powers of special constables and paid police support staff, including police community support officers, or PCSOs. I was very much involved in the creation of PCSOs, just after 9/11. Although now considered a successful part of the police family, they were regarded then as quite a departure. However, in the decade which followed, ACPO, as it then was, was in talks with the Home Office to go much further and make substantial changes to the police workforce, following a health service model. The idea was to retain a significant number of fully trained and fully sworn police officers—general practitioners, as it were—but to replace some of the existing workforce with paid individuals—not volunteers—who would undertake a restricted part of police duties. That would require a different kind of training, some much simpler, some more complex—the equivalent of physiotherapists, district nurses and anaesthetists.

On one hand, the idea was to bring in people with relevant prior experience—for example, in accountancy and bookkeeping, or with digital skills to work in countering fraud and internet crime. Other ideas included bringing in individuals with significant equestrian or driving skills to work only in the mounted branch or

traffic police. The idea even went as far as hiring ex-military personnel to be firearms officers. All these individuals would be hired on short but renewable contracts. These ideas were accompanied by an extension of auxiliary, paid roles to assist detectives and patrolling officers. On the other hand, another part of the package was designed to increase specialist skills in the service by creating the equivalent of advanced practitioner classroom teachers so as to retain and reward key operational staff in the front line, without requiring them to seek promotion. The idea was basically cost-neutral—reduce the cost of policing in some aspects, and increase rewards for handling the most complex and risk-filled of tasks. Despite being discussions with a Labour Administration, these actually seemed rather Tory concepts.

I left the police service before the coalition Government came to power but I am aware that the negotiations between ACPO and the Home Office were discontinued after the 2010 election. However, with one exception, this Bill appears to enable the idea to be re-explored. Having read it, I therefore took the opportunity to discuss this with the then Minister, the noble Lord, Lord Bates, and the Minister for Policing, Mike Penning MP. The idea seemed to be received with considerable warmth. I think most modern PCCs and chief constables would welcome it.

Of course, both Ministers have now left the Government or the Home Office. I was therefore grateful to be able to discuss this again recently with the noble and learned Lord, Lord Keen. I hope it is fair to say politely to the noble and learned Lord that I concluded that his early briefings had not necessarily included these possibilities. My purpose in speaking today is to ask whether the Government are still interested in taking these ideas forward. I would be grateful if the noble and learned Lord could clarify that when he sums up, or perhaps the noble Baroness will write to me if more time is needed.

If these thoughts do find favour, I draw attention to new subsection (9A) in Clause 37(6), which places restrictions on who can be designated to carry firearms in the police service. As far as I can tell, this restriction seems to be about volunteers, in which case I agree: a special constable is not the person to carry a firearm. If, however, it refers to policing support officers—that is, paid employees—to rule such staff out is, I think, a misplaced idea and I will seek to amend the clause during the passage of the Bill, in order to facilitate the kind of alteration of the police workforce to which I have referred. Again, I would be grateful for clarification of that point tonight or in writing before Committee or Report.

I turn now to Clause 6 and, indeed, to various parts of Chapter 2 of the Bill. As I have said, I completely endorse the amalgamation of the command of police and fire services. The chapter contains several references to a chief constable controlling both services, accountable to the PCC. The Home Office guidance notes to the Bill make it clear that these posts would be open to application from both senior police and senior fire officers. Indeed, the Minister informed me that that was the Government's intention.

I have no quarrel with that—almost. However, I want to draw attention to the fact that not all senior police posts are the same. In doing so, I want to return to a debate in this House in Committee on the Anti-social Behaviour, Crime and Policing Bill on 4 December 2013. The noble Lord, Lord Taylor of Holbeach, was then the Minister. The noble Lord, who is not in his place, might remember that this was the debate during which, noting that all four Members of the House who had been Commissioners of the Metropolitan Police were in the Chamber and clearly intent on speaking, the noble Lord, Lord Harris of Haringey, enjoined the noble Lord, Lord Taylor, to, "be afraid, very afraid".

The matter under discussion was the Government's proposal to open up competition for senior police posts in the United Kingdom to senior police officers from elsewhere. All four former commissioners stated that they did not object to that idea in principle but it should not apply to those posts that held direct responsibility for national security. The analogy with these current proposals is striking. The four former commissioners—and, indeed, the noble Lord, Lord Paddick—were supporting an amendment that the noble Lord, Lord Condon, and I had tabled, with the support of the noble Baroness, Lady Manningham-Buller, that would have made a very brief list of police posts unavailable to foreign nationals, on the grounds of national security, precisely because a foreign national could normally not pass security vetting. I refer noble Lords to *Hansard* for the detailed arguments.

The amendment was not moved but suffice it to say it referred to four posts: the Commissioner of Police of the Metropolis; the Deputy Commissioner; the assistant commissioner responsible for national counterterrorism policing—currently termed the Assistant Commissioner for Specialist Operations; and the director-general of the National Crime Agency. I said that the analogy was striking, but it is not exact. In the earlier debate the issue of concern related to vetting. However, it was assumed that any foreign police officer being appointed would have had extensive experience of counterterrorism work. Now the concern is that a fire officer without policing experience would be eligible for this small number of the totality of senior police posts.

I will make two proposals to the Minister. The first is that the Home Office should draw up a list of those relatively few posts in the police which have a specific role in the national security apparatus—mainly in the Metropolitan Police but also in the provinces—and put in the Bill the exemption of those posts from being open to application from anyone without lengthy police experience in a number of ranks. That could include a former fire officer, but only if he or she had had extensive police experience.

The second proposal returns directly to the debate in December 2013 and a lacuna in the regulations around senior police posts which that debate revealed. As I said, one of the points that the four previous commissioners made was that foreign applicants should have relevant police experience. This elicited the surprising response, and I hope the noble Lord, Lord Taylor, will forgive me for paraphrasing, that, with the exception

[LORD BLAIR OF BOUGHTON]
of the commissioner, in the case of any other senior post in the Metropolitan Police Service—the deputy commissioner, assistant commissioners, deputy assistant commissioners and commanders—there was no longer any legal requirement for postholders of these offices ever to have been a police officer. There certainly had been in the past, and this appears to have been just a matter of different legislative changes over recent years having created a lacuna. These Metropolitan Police ranks, for instance, are all listed in another section of the Bill, alongside the equivalent ranks in provincial forces—chief, deputy and assistant chief constables—for which there remains a requirement to have held police ranks beforehand. The noble Lord, Lord Taylor, faced by blank incredulity from the former commissioners and the noble Lord, Lord Paddick, stated at the end of that debate that he would check on the matter and return to us as necessary. I am not aware of any correspondence.

I ask the Minister to re-examine this matter and write to me as to whether the Government believe that this simply ridiculous lacuna is an appropriate position for us to find ourselves in. If not, the Bill provides—for a second time, and two and a half years later—an appropriate vehicle for an amendment, and I hope the Government will amend it. If, on the other hand, the Government believe that this situation is acceptable, I will put forward an amendment to challenge that view.

In closing, I stress once again that I am supportive of most of the Bill. However, as events in Nice underline, the need for experienced and brave police officers is a paramount necessity for a liberal democracy. Three weeks after this House goes into recess, 12 August will mark the 50th anniversary of the murder of three police officers in Shepherds Bush. I take this opportunity of reminding the House of that terrible event. The officers were Geoffrey Fox, Christopher Head and David Wombwell, and they were murdered by Harry Roberts and his associates. The police officers, of course, were unarmed. On first receiving information that shots had been fired in the area, the Scotland Yard control room repeatedly asked a car codenamed Foxtrot One One to respond and attend. It did not—because all the occupants of that police car were dead. The controller then asked other cars to volunteer to attend, beginning his broadcast with the unconsciously ironic words, "No answer Foxtrot One One".

The task of the police does not grow easier or less dangerous. The police need the best support and leadership we can give them. I look forward to the Minister's response to the various points I have raised in due course. I add that I will not be in the House during September, and I hope that the House will allow me to come back to these issues when we resume in October, should there have been further debate on the Bill during the two weeks the House is in session in September.

*4.18 pm*

**The Lord Bishop of Southwark:** My Lords, I congratulate Ministers and their officials on bringing forward such a large Bill in so orderly a fashion. This is a Bill of nine parts; even Gaul was only divided into three. I hope your Lordships will forgive me if I make a number of points from so varied a terrain.

While the Bill addresses licensed premises for the sale of alcohol, we have no mention in it of other licensed premises, which are also vulnerable to criminal activity. We know from freedom of information requests reported in the press that from 2013 to 2014 there was a 20% rise in the number of police call-outs to betting shops. The right reverend Prelate the Bishop of St Albans, who wished to attend this debate, himself submitted a freedom of information request recently to the Gambling Commission, which reveals a 68% rise in reports of violence against the person at London betting shops over the last five years.

Much of that rise has been linked to the increase in the number of fixed-odds betting terminals, which now account for more than half the profits of high-street bookmakers. Local licensing authorities remain unable to impose conditions on the use of these machines. The right reverend Prelate the Bishop of St Albans has asked me to indicate to the House his intention to bring forward amendments in Committee to rectify this anomaly, and he is hopeful of a sympathetic response.

Noble Lords will be aware of concerns raised by the mental health charity Mind about provisions in this Bill, but I am sure your Lordships will join me in applauding Her Majesty's Government for the very real progress we find in these provisions—if sensitively implemented—regarding the maximum time that cells may be used, the use of a person's home as a safe space and the exclusion of 16 to 17 year-olds from cells. A statement on a step change in provision from the Department of Health and local authorities where there is no complementary provision would be welcome during the Bill's passage.

I hope that Ministers will look favourably on proposals emanating from the Children's Society, the NSPCC and Barnardo's for an extension in the use of child abduction warning notices to cover vulnerable 16 and 17 year-olds more widely than the very small group to which they currently apply. The Minister may be aware that the organisations concerned are also pressing for all victims of child sexual exploitation and abuse to receive an automatic referral to their local child and adolescent mental health service when they disclose their abuse. It would be helpful to know whether the Government will consider addressing these points during the passage of the Bill.

On quite another point, Part 3 and Chapter 1 of the Bill introduce very important changes for both the rank structure of the police service and the exercise of policing powers towards the population at large. Neither the Explanatory Notes nor the College of Policing review on leadership, which the notes reference, mention the previous wide-ranging review by Sir Patrick Sheehy in 1993, commissioned by the then Home Secretary, now the noble Lord, Lord Howard of Lympne. It recommended a flatter rank structure for the same reasons as stated now. The ranks of deputy chief constable and chief superintendent were abolished from the beginning of 1995, only to be reintroduced in 2002 as the police service was found unable to manage effectively without them. It will be important not to repeat this error. Do the Government intend to extend provisions in the Bill to the British Transport Police and other non-Home Office forces?

On the provision to specify only a set of core policing powers for police officers and to allow chief officers of police to designate other policing powers at their discretion for policing staff and volunteers, I have some concerns. I myself am an officeholder, as, for example, are all my parish clergy; none of us is an employee. The point about being an officeholder seems to have been lost in drawing up these provisions. When Sir Robert Peel brought in major reforms for the policing of Ireland and of London, he none the less applied the ancient office of constable as a key component in the delivery of this new form of policing. For that reason, Section 10 of the Police Act 1996 gives chief constables a power of direction and control over those officers. It is this office, paid or unpaid—hence special constables—that distinguishes them from staff. The bald provisions as they lie in this Bill blur that distinction without, it seems, realising it. The College of Policing review noted a number of contributors questioning the ongoing relevance of the office of constable in such a scheme. It is indeed an argument worth considering, but in that case we should consider it in depth, not ignore it. Mere affirmation is not sufficient.

The value of the reforms of the Police Reform Act 2002—most notably the introduction of police community support officers, which have been a particular blessing on the streets of my diocese—and the later allocation of a core standard set of powers to them, was that they preserved a distinction from police officers. With standard powers, one gets some idea of what a PCSO is meant to do. If all staff and volunteers, for whom issues of accountability and regulation must necessarily arise, will have a range of powers at the discretion of chief officers, who themselves will change every four years or less, what hope is there for public consent and understanding of what these professionals will do? Indeed, I am left wondering what will happen to PCSOs, and neighbourhood policing with them, under these new arrangements. I trust that these points are of some use.

*4.25 pm*

**Lord Wasserman (Con):** My Lords, I begin by drawing attention to my interests in policing, as set out in the register of Members' interests. Some of those are straightforwardly commercial; others, such as my work with the Police Federation of England and Wales, which is relevant to the Bill, are non-remunerated.

I am delighted to see that the noble Lord, Lord Bach, has been able to take time from his police and crime commissioner duties in Leicestershire to participate in this debate. The noble Lord is the first Member of your Lordships' House to become a PCC. I wish him well and hope he will be followed by many more noble Lords in due course.

Much of the Bill before your Lordships' House this afternoon may be seen as simply the sequel to the Police Reform and Social Responsibility Act 2011. I refer, of course, to the clauses which extend the powers of police and crime commissioners, introduced under that Act, and make a number of other useful changes to the legislation under which PCCs operate. As a strong believer in PCCs, I welcome these provisions and hope they will not be too severely mauled in Committee.

As those noble Lords who participated in the debates preceding the passage of the 2011 Act will recall, a good deal of heat was generated at the time by the proposal to replace police authorities with directly elected police and crime commissioners. Re-reading some of those debates the other day, I was struck by the vehemence with which the idea of PCCs was condemned in this House, including by members of the party which at that time was sitting on this side as a member of the coalition Government. Much water has flowed under many bridges since then.

It is fair to say that, today, the introduction of PCCs, although not yet accepted by everyone as a roaring success, is generally seen as having been a positive change in how local policing services are delivered. In particular, it is generally agreed that PCCs have brought the police much closer to the communities they serve; brought a much more holistic approach to crime reduction; encouraged innovation in operational policing and the management of police forces, with the collaboration between forces and joint working with the other emergency services, both facilitated by the provisions of this Bill, being examples of this; and encouraged much more accountability for police expenditure and better value for money.

PCCs have achieved all this while presiding over a significant fall in most types of crime across England and Wales. I say "presided" because I believe that the real credit for the reduction in crime goes not to them but to the men and women of our police forces who actually do the crime fighting. PCCs of course play a part in reducing crime, and it is a very important part. Their role is to make their police forces more efficient and effective by providing them with adequate resources, clear strategic direction and political leadership. However, the real work is done by their police officers, police staff, specials and other volunteers. It is they who deserve the real credit. These are the men and women who, as we will have seen in reports from the United States in recent days and weeks, put their lives on the line for us every day, placing themselves in harm's way to keep us safe.

In so far as the Bill, in Part 1, makes PCCs more effective by encouraging them to work more closely with the other emergency services and gives them powers to take responsibility for the fire and rescue service in their areas, I commend it. I can see no sensible argument for preventing these services coming together to save money and serve the public better, provided, of course, that the proposal comes from the local community to the centre and not the other way round.

I commend the Bill also for its support for the National Crime Agency. The NCA is, without doubt, one of the most important achievements of my right honourable friend the Prime Minister during her period in the Home Office. In 2010, when she took charge in the Home Office, local policing in England and Wales was governed largely by bureaucrats in Whitehall, while national policing—that is, fighting serious and organised crime that crossed local boundaries—was the responsibility of local chief constables acting together in ad hoc arrangements managed by ACPO. My right honourable friend understood the absurdity of this

[LORD WASSERMAN]

arrangement and turned it on its head. She gave responsibility for local policing to local people and responsibility for tackling national threats to a new NCA reporting directly to her and, through her, to Parliament. The provisions in Part 9 of the Bill, although hardly earth-shaking, are welcome, because they facilitate the work of the NCA in a number of important ways and will thus make it even more effective in keeping us safe.

I also welcome the provisions in Part 2 dealing with complaints, the work of the IPCC and police discipline. In 2011, when your Lordships debated the Police Reform and Social Responsibility Bill, police complaints and discipline were nothing like the hot topics they are now. In those debates, one speaker after another was at pains to point out that our police forces were the best in the world, including when it came to integrity, and that any change to the arrangements for governing them was bound to make things worse. To make this point, many speakers referred to America. There, they claimed, elected mayors tolerated, if not encouraged, corrupt police chiefs in an unholy symbiotic relationship which the introduction of PCCs would encourage here.

How things have changed since those days. The Hillsborough verdict was simply the most recent of the many revelations during the past five years which have shocked us all out of our complacency about the state of police integrity. The provisions in Part 2 propose changes to the way in which the IPCC operates and the arrangements for dealing with police discipline. These changes reflect the present view that our police are no better than other professionals when it comes to integrity and the handling of complaints, and tough arrangements are needed to encourage best practice and ensure the highest standards of behaviour in public office.

I want to welcome Clause 38 in Part 3, which deals with defensive sprays, already mentioned and a key element in the police's armoury of less-than-lethal weapons. The clause gives special constables as well as police civilian volunteers unambiguous authority to carry and deploy defensive sprays such as CS and pepper spray. Thanks to the encouragement of PCCs across the country, volunteers and special constables now play a key role in keeping their communities safe. This clause provides these public-spirited men and women with much-needed protection.

There is another short clause to which I want to draw your Lordships' attention. This one has me a little worried. I refer to Clause 48 in Chapter 2 of Part 3, dealing with police workforce and representative institutions. As I mentioned, I have been advising the Police Federation of England and Wales for the past few years, but I make it clear that what I am about to say is not prompted by the federation; indeed, it is not even supported by the leadership of that organisation.

My concerns stem from my experience as a civil servant trying to make practical administrative sense of legislative provisions which are not always as clear as they might be. Clause 48 places a duty on the Police Federation, in fulfilling its core purpose, to act to "protect the public interest" as well as to,

"maintain high standards of conduct, and … maintain high standards of transparency".

The core interest of the federation is set out in primary legislation—the Police Act 1919. It is to,

"consider and bring to the notice of the police authorities and the Secretary of State all matters affecting … welfare and efficiency",

of members of the police forces of England and Wales.

The Bill does not change the purposes of the Police Federation; it simply states that, in carrying out those purposes, the federation must "protect the public interest". That sounds simple and sensible enough. However, it is not only vague and unhelpful but potentially dangerous, as it could be used by the federation to justify an extension of its remit into matters that are more properly the responsibilities of PCCs, chief officers or the Secretary of State.

This is not the time to go into great detail about the origin of this subsection except to say that it is a recommendation of the independent panel under Sir David Normington, which the federation itself set up in 2015 to review its workings. Normington was concerned to improve the federation's image and the confidence which the public did or, more commonly, did not have in it. His report therefore recommended:

"The Federation should adopt … a revised core purpose which reflects the Police Federation's commitment to act in the public interest, with public accountability, alongside its accountability to its members. This should be incorporated in legislation".

That is the origin of Clause 48.

Looking at the words in the clause, I have no problem with the requirement that the federation should act to maintain high standards of conduct and maintain high standards of transparency. But for the reasons that I have already stated, I have difficulty with the proposal that it should "protect the public interest". The federation is, at bottom, a staff association and its job is to represent its members. It is clearly in the public interest that it should do so effectively—that is why it was established—and it is clearly in its own interests that it should act, in Normington's words, to maintain exemplary standards of conduct, integrity and professionalism and retain public confidence. But I do not understand how the federation is to act "to protect the public interest". This may seem a trivial point and I do not want to say any more about it today, but the wording of this subsection would benefit from further consideration. Perhaps my noble and learned friend the Minister can help me, either when he replies to this debate or at a later stage in consideration of the Bill.

I have spoken so far about provisions that are set out in this Bill. I shall now speak briefly about a provision that is conspicuous by its absence—a provision to give electors a power of recall for PCCs who are clearly failing to perform their duties adequately. This failure to perform may be due to any number of reasons—personal or even medical. The bottom line, however, is that the electorate should not have to wait for up to five years to put things right. I appreciate that this is tricky territory which would need very careful drafting. I know that a power of recall was considered when the idea of PCCs was first being developed, but was rejected because it was felt that it would not command sufficient parliamentary support, particularly in another place. This is something that

will need to be considered at some time in the future, whether at a later stage of our consideration of this Bill or in the next policing Bill, which I am sure will not be very long in coming. Having said that, I welcome the Bill.

*4.38 pm*

**Lord Bach (Lab):** My Lords, I thank the noble and learned Lord for opening this Second Reading in such a clear way and congratulate the noble Baroness, Lady Williams of Trafford, on her transfer to the Home Office. I wish her luck with that. She will certainly be very busy in this House.

The Bill itself is long, in certain areas very complex, and without doubt very important in the areas it covers. Everyone, both inside this House and outside, has an opinion on policing and crime because they affect everybody's life.

The last time I spoke in this House was from the Opposition Front Bench as a shadow Justice Minister. Today, as the noble Lord, Lord Wasserman, has been kind enough to mention, I speak as the elected police and crime commissioner for Leicester, Leicestershire and Rutland, and as the first and so far only police and crime commissioner to be a current Member of either House of Parliament. I am still very new, as I think my remarks will show; some would say that I am still a little wet behind the ears.

It is hardly surprising that no Members of Parliament are police and crime commissioners, because it is forbidden under the 2011 Act, but whether it was deliberate or just an accident, the same rule does not apply to Members of this House. Of course, a number of former and distinguished Members of Parliament and ex-Ministers are current police and crime commissioners, but, as far as this House is concerned, the closest link is probably Councillor Philip Seccombe, who is the newly elected police and crime commissioner for my neighbouring police force, Warwickshire. He is the son of the noble Baroness, Lady Seccombe, who some of us think has really been running the Government in this place for many years.

I should also make reference to the noble Lord, Lord Wasserman, who is in his place opposite me. As I think the whole House knows, he is really the author of the idea of police and crime commissioners—so I was slightly apprehensive when he started talking about a recall provision towards the end of his speech.

My first few months as a PCC have been a learning experience like no other I have known. I am still learning every day, but two things I have become rather more sure about. The first is that the present responsibilities and duties of a police and crime commissioner are full-time responsibilities and duties. If the job is to be done anywhere near properly, it requires a great deal of daily hard work. This is perhaps a point worth considering when the House comes to forming a view on Part 1 of this Bill.

Secondly, I am extremely fortunate that, as I think is widely recognised, the Leicestershire police force has an excellent reputation and track record both in terms of its performance and its financial control. I am also lucky in having a superb chief constable in Simon Cole, who I think will be known to a number of noble Lords. We agree about a lot, but when we do not, we can disagree—I hope—with mutual respect. Of course, the relationship between the police and crime commissioner and the chief constable is the crucial one. There should and always will be some tension in it, but it should be possible to base it on respect and common aims.

There is hardly a part of the Bill that will not be of relevance to PCCs, but it is Part 1, entitled "Emergency Services Collaboration", that I will speak about today. The duty for the emergency services to collaborate is hard to disagree with. Collaboration between police forces and the fire and rescue service and with the ambulance service is often just plain common sense; much of it happens today and there is a need for more. The true tests of efficiency and effectiveness are the right tests. So far so good, but it is when the Bill moves on to the concept of police and crime commissioners taking on responsibility for the fire and rescue service that it becomes more controversial.

Of course, this is not a compulsory step. Rather, the Bill puts the onus on the PCC to make the case for the options that are open, ranging from a full merger to an automatic seat on the fire authority. The Home Secretary can make the order if satisfied. I agree with the Local Government Association that any transfer of governance must be supported by a comprehensive, evidence-based and well-tested business case that demonstrates how the change in governance improves the fire and rescue service and increases public safety. In addition, it should be subject to independent assessment.

My concerns are threefold. First, following a merger, the poor relation of this event will nearly always be the fire and rescue service. Following Brexit, it is certainly possible that there will be further cuts in public spending, some of which, if the past is anything to go by, will affect the budgets of the office of police and crime commissioners. Both services—the police and the fire and rescue service—have, in my view, been unfairly treated by excessive cuts already, which showed themselves in the case of the police by too large a decline in police numbers. In the case of Leicestershire it is 20%. What is a police and crime commissioner to do in the future when faced with further cuts? Will he or she choose the police who will, with good cause, complain that they have taken enough pain, or will the commissioner pick on the fire and rescue service—a hugely popular service, but tiny in comparison with the police, whose own coffers have already begun to be emptied? In my view, it will often, if not always, be the fire and rescue service which will be the loser.

Secondly, will there be a promise of extra administrative resources for any police and crime commissioner who goes down the merger route? Thirdly, do the Government intend to apply financial and/or other pressures to a PCC who does not want to go down this route? Will it be optional only in name and mandatory in effect? Will the Minister give an assurance that this will not be the case? It really ought to be a matter for the police and crime commissioner in his or her particular area—who, I remind the House, has recently been elected.

Noble Lords will glean from what I have said that I am deeply sceptical about such an arrangement in Leicestershire and Rutland. I have quite enough to be getting on with, thank you: holding the police force

[LORD BACH]
and the chief constable to account; trying to make the post of police and crime commissioner—this is a hard job—better and more widely understood and known, by getting out and explaining the role; ensuring police visibility on the streets, as I believe that visibility is a vital part of the connection between the police and the public and is at the heart of British policing; attacking hidden crime, such as domestic violence, which is so unreported, or hate crime which is even more unreported. In the latter case, the number of hate crimes has risen, which is hardly a coincidence in the weeks following the Brexit vote—a decision which in my view will affect policing in this country badly. So my plea to the Ministers, and, of course, to the new Home Secretary, is to give police and crime commissioners the space to do their job on behalf of their communities.

There are two other parts of the Bill that I shall mention briefly. The complaints system is, of course, important for public confidence in the police. The IPCC must be independent in name as well as deed, and any revised system must attempt to shorten the period that some officers have to wait to hear the decision in their case. There are examples of severe illness and worse when these processes take too long.

The House will need to look closely at the pre-charge bail clauses to ensure that the balance is right between the individual and the police. There is genuine concern that there may be an excessive staff requirement for the police. I look forward very much to Committee, when we can take a detailed look at these and other matters.

Finally, I thank my fellow police and crime commissioners of all parties and names for their kindness and support. My local police force, too, has been extraordinarily helpful. Thankfully, there is in this House huge expertise in police matters, which I know I and others can always call on. This is an important Bill that will affect every citizen's life. We have a duty to give it careful and detailed consideration.

## Terrorist Attack in Nice
*Statement*

*4.49 pm*

**The Minister of State, Home Office (Baroness Williams of Trafford) (Con):** My Lords, with the leave of the House, I shall now repeat a Statement delivered in the other place by my right honourable friend the Home Secretary. The Statement is as follows:

"The full horror of last Thursday night's attack on the Promenade des Anglais in Nice defies all comprehension. At least 84 people were killed when a heavy goods lorry was driven deliberately into crowds enjoying Bastille Day celebrations. Ten of the dead are believed to be children and teenagers. More than 200 people have been injured and a number are in a critical condition.

Consular staff on the ground are in touch with local authorities and assisting British nationals caught up in the attack. The Foreign and Commonwealth Office is providing support to anyone concerned about friends or loved ones. Over the weekend the French police made a number of arrests, and in the coming weeks we will learn more about the circumstances behind the attack.

Mr Speaker, these were innocent people enjoying national celebrations. They were families—mothers, fathers, brothers, sisters, daughters, sons and friends. Many of them were children. They were attacked in the most brutal and cowardly way possible, as they simply went about their lives. Our thoughts and prayers must be with the families who have lost loved ones, the survivors fighting for their lives, the victims facing appalling injuries, and all those who have been mentally scarred by the events of that night.

I have spoken to my counterpart, Bernard Cazeneuve, to offer him the sympathy of the British people and to make it clear that we stand ready to help in any way that we can. We have offered investigative assistance to the French authorities and security support to the French diplomatic and wider community in London.

This is the third terrorist attack in the last 18 months with a high number of deaths in France, and we cannot underestimate its devastating impact. We have also seen attacks in many other countries, and those killed and maimed by these murderers include people of many nationalities and faiths. Recently, we have seen attacks in Bangladesh, Saudi Arabia, Iraq, Turkey, and America, as well as the ongoing conflict in Syria. Last month we marked a year since 38 people—30 of them British—were murdered at a beach resort in Tunisia.

In the UK, the threat from international terrorism, which is determined by the independent Joint Terrorism Analysis Centre, remains at severe, meaning that an attack is highly likely, but the public should be vigilant and not alarmed. On Friday, following the attack in Nice, the police and the security and intelligence agencies took steps to review our own security measures and to ensure that we have robust procedures in place. I am receiving regular updates. All police forces have reviewed upcoming events taking place in their regions to ensure that security measures are appropriate and proportionate.

I can also tell the House that the UK has considerable experience in managing and policing major events. Extra security measures are used at particularly high-profile events, including, where the police assess there to be a risk of vehicle attacks, the deployment of a measure known as the "national barrier asset". This is made up of a range of temporary equipment including security fences and gates that enable the physical protection of sites.

Since the terrorist attacks in Mumbai in 2008, we have also taken steps to improve the response of police firearms teams and other emergency services to a marauding gun attack. We have protected and increased in real terms counterterrorism police funding for 2016-17, and over the next five years we are providing £143 million for the police to further boost their firearms capability. And we continue to test our response to terrorist attacks, including learning the lessons from attacks like those we have seen in France, through national exercises which involve the Government, military, police, the ambulance service, the fire and rescue service, and other agencies.

But the threat from terrorism is serious and it is growing. Our security and intelligence services are first rate, and they work tirelessly around the clock to keep the people of this country safe. Over the next five years, we are making an extra £2.5 billion available to those agencies. This will include funding for an additional 1,900 staff at MI5, MI6 and GCHQ, as well as strengthening our network of counterterrorism experts in the Middle East, north Africa, south Asia and sub-Saharan Africa.

We have also taken steps to deal with foreign fighters and to prevent radicalisation by providing new powers through the Counter-Terrorism and Security Act. We continue to take forward the Investigatory Powers Bill, which will ensure that the police and the security and intelligence agencies have the powers they need to keep people safe in this digital age.

The UK has in place strong measures to respond to terrorist attacks. Since coming into office in 2010, the Government have taken significant steps to bolster that response. But Daesh and other terrorist organisations seek to poison people's minds, and they peddle sickening hate and lies to encourage people to plot acts of terrorism or leave their families to join it. This is not just in France or this country but in countries around the world. We must confront this hateful propaganda and expose it for what it is.

In this country, that means working to expose the emptiness of extremism and safeguard vulnerable people from becoming radicalised. Our Prevent programme works in partnership with families, communities and civil society groups to challenge the poisonous ideology that supports terrorism. This includes supporting civil society groups to build their own capacity. Since January 2014 their counter-narrative products have had widespread engagement with communities. In addition, since 2012 over 1,000 people have received support through Channel, the voluntary and confidential support programme for those at risk of radicalisation.

However, this is an international problem that requires an international solution so we are working closely with our European partners, allies in the counter-Daesh coalition and those most affected by the threat that Daesh poses to share information, build counterterrorism capability and exchange best practice. As the Prime Minister said,

"we must work with France and our partners around the world to stand up for our values and for our freedom".

Nice was attacked on Bastille Day—itself a French symbol of liberation and national unity. Those who attack seek to divide us and spread hatred, so our resounding response must be one of ever greater unity: between different nations, but also between ourselves. This weekend we saw unity in action as people came together to support each other. People sent messages of condolence, and Muslims in this country and around the world have said that those who carry out such attacks do not represent true Islam.

I want to end by sending a message to our French friends and neighbours. What happened in Nice last Thursday was cruel and incomprehensible. The horror and devastation is something many people will live with for the rest of their lives. We know you are hurting. We know this will cause lasting pain. So let me be quite clear: we will stand with you. We will support you in this fight. Together, with our partners around the world, we will defeat those who seek to attack our way of life".

That concludes the Statement.

*4.58 pm*

**Lord Rosser (Lab):** I start by welcoming the Minister to her new post and the quiet life that involvement with the Home Office normally provides. I also thank her for repeating the Statement already made in the Commons.

I am sure that everyone in this House would wish to associate themselves with the expressions of condolence in the Statement to the family and friends of the 84 people killed in Nice on Thursday night. Our thoughts are also very much with the 85 people—and their families and friends—who are, it is reported today, still in hospital, 18 of them in critical condition. We also express our support for the people of France at this difficult time following the third big terrorist attack there in 18 months. Unfortunately, there have also been terrorist attacks elsewhere in Europe and in many other parts of the world over the same period. That means that dealing with this apparently increasing problem requires, as the Statement said, an international solution to defeat those who attack us and our partners.

Have any British citizens, or close relatives of British citizens, been killed or injured in the attack and, if so, how many? What specific assistance has been offered to either them or their families? Is any new or additional advice being offered to British nationals travelling to France, or thinking of travelling to France, in the light of this third attack in some 18 months? The Tunisian delivery driver who carried out the mass killings held, as I understand it, a French residency permit, which once again brings it home to us that terrorist attacks are not necessarily carried out by people who move into a country and then shortly afterwards commit the atrocity.

We regularly, and quite rightly, express our appreciation of the work of our police, security and intelligence services in protecting us, and we reiterate that appreciation today. However, in the light of what is said in the Statement, are the Government saying that an attack of the kind we have seen in Nice, with a truck being driven at speed and for a considerable distance into the large crowds who had congregated in significant numbers to celebrate an important national day, could not happen here because our policing and security arrangements would not have allowed a truck travelling at speed, driven by an armed individual or individuals, such access to a large crowd?

Can the Minister say whether the Government and our police and security services have learned any lessons from this terrible incident in Nice, without necessarily indicating exactly what those lessons might be?

The French Interior Minister has been quoted in the press this morning as calling for young volunteers to join France's security service reserves. Apparently, the reserve force is made up of 12,000 volunteers aged between 17 and 30. The best way to make the use of such a large force unnecessary is to prevent terrorist attacks happening in the first place, but are we in a

[LORD ROSSER]
position to strengthen our police and security services at short notice, should it ever, unfortunately, become necessary to do so?

Finally, we have recently seen a significant increase in hate crimes in this country following the EU referendum and its outcome—an increase which the Prevent programme does not address. Do the Government regard this sudden rise in such crimes as potentially increasing the threat of a terrorist attack in this country, or is it their view that the recent increase in hate crime will have no impact or implications in this regard?

**Lord Paddick (LD):** My Lords, I, too, thank the Minister for repeating the Statement and congratulate her on her new appointment, which I personally warmly welcome. I say "personally" because I am sure she will be a formidable adversary, but I welcome her on a personal level. I add our condolences from these Benches to all those affected by the horrific events in Nice—a truly horrifying massacre of innocent people.

As a result of my research on the Investigatory Powers Bill, I have been privileged to visit the headquarters of MI6 and GCHQ in recent months, and have been astounded by what those services are capable of and the work that they do. They deserve the highest praise. I know from personal experience in the police service of the expertise that exists in terms of policing events involving public order where large numbers of people gather. I am greatly reassured by the combination of those two bodies in the UK. Can the Minister comment on what appears to be a worrying trend that, far from being devout religious individuals holding extreme religious views, the people involved in these sorts of attacks are socially excluded, vulnerable petty criminals influenced by those advocating violent extremism based on a grotesque distortion of true Islam? I want to make an important distinction: they are being influenced by violent extremism, which should be seen as distinct from simply extremism, which the Statement mentioned.

Whether terrorist outrages are carefully pre-planned events, planned and co-ordinated by Daesh from Syria, or the actions of lone wolves inspired by Daesh, preventing them effectively depends on the sharing of intelligence across international boundaries. We need to know where to concentrate our limited resources, based on that intelligence. Can the Minister reassure the House that saving human lives will be placed above Brexit politics, and that the new Foreign Secretary is urgently acting to preserve and enhance links with our European Union partners so that effective counterterrorism co-operation improves rather than declines as a result of the UK leaving the European Union?

**Baroness Williams of Trafford:** My Lords, I thank noble Lords for their contributions. The noble Lord, Lord Rosser, asked how many British citizens were victims of this attack. It is too early to say, but when we do have that information I am sure it will be shared with noble Lords across the House. He also asked about British citizens living here, or in France, being worried. The FCO has information on its website which is regularly and frequently updated. Citizens can contact the consulate, either at home or abroad, for updated advice about whether to travel or to find out whether their loved ones have been involved in this atrocity. The noble Lord talked about the lessons learned from Nice. He makes a very valid point. A COBRA meeting was held on Friday; we are always learning lessons and updating security to do things better. I am proud of the work that we have done in collaboration with the French authorities since this terrible attack. The noble Lord asked about strengthening funding for the security and intelligence services. We will be putting an extra £2.5 billion into them.

The noble Lord also asked about hate crimes increasing—they have. They increased after Paris last year and they increased after the EU referendum. I would not be surprised if another incident did not trigger another spike in hate crimes. In my other job, I talked about how communities have been quite resilient and come together since the Brexit vote. The Polish community certainly felt very strongly that the community around it was very much its friend. The community had come together to comfort and help each other in the wake of these events which were caused by a few criminals. That is what they are—criminals—and, as the noble Lord, Lord Paddick, said, they are extreme, violent people. We need to think about how our communities build up that resilience and to build on the cohesion work we have done to ensure that if anything else threatens us we are resilient to attacks and hate crime.

The noble Lord, Lord Paddick, is absolutely right that the individuals who commit these crimes are not originally motivated by religion. They are isolated, bitter individuals who use some of the online forums that are so accessible and encouraging to them to promote, in the case of Nice, an extreme act of violence. Of course we do not know what has motivated this individual but I am sure that we will soon find out. The noble Lord also made a very good point about saving human lives being above Brexit. We have always worked with our neighbours in France, including before we even had a European Union. We will continue to collaborate with them, as we have done so effectively over the last few days.

*5.10 pm*

**Lord Morgan (Lab):** My Lords, looking at the universities in this country, it seems to me that the dangers which the Minister so clearly outlined perhaps occur at a slightly more subtle level. I do not believe that there are students planning acts of terrorism or crimes, but I believe that there is a serious danger of Islamic bodies acting in isolation, creating a kind of self-imposed apartheid, not communicating with other student bodies and being quite hostile towards women on the campus. The danger might be the liability to nurture a sense of communal separateness—religious separateness—which could develop, in particular circumstances, into something much more dangerous. I would be grateful for the Minister's comments.

**Baroness Williams of Trafford:** The noble Lord has a very good point. The values that we share are not those of separation. Students should be able to come together to debate and not feel segregated either by sex or by religion. Some of the interfaith projects which

the Government run—I go back again to my previous department—certainly promote that idea of common values rather than the separation of ideology.

**Lord Blair of Boughton (CB):** I would like to ask the Minister a little about the practicalities of this. The way that the truck was stopped was by the French police shooting the driver dead. If there was a similar event in Britain, those police officers would not be armed. In a previous Question for Short Debate, the idea of the distribution of armed officers across the country was raised with the noble Baroness's predecessor. I urge the Government to look again at the ability of the police services outside London and the great cities to deliver a response to an attack like this, because I think it would probably not be adequate.

**Baroness Williams of Trafford:** When we look at events around the world, particularly some of the horrors in America over the last few weeks, I personally always feel glad that we are not an armed country. I totally see where the noble Lord is coming from, but—I will disappoint him when I say this—we have some of the best policemen and women in the world. With the national asset barrier, we have ways of containing potential events such as this, but I would not like to see what the noble Lord talks about as widely available.

**Lord Carlile of Berriew (LD):** Can the Minister confirm that the Joint Terrorism Analysis Centre has as part of its focus the identification and interdiction of the types of semi-lone wolves who were described earlier? Can she also confirm that there are sufficient portable barriers, including where necessary the use of fairly heavy vehicles, to protect from the kind of scenarios in places which might otherwise suffer the same fate as the Promenade des Anglais?

**Baroness Williams of Trafford:** My Lords, I can absolutely confirm that JTAC is constantly monitoring such threats to our people and country. I am sorry, but I cannot remember the second part of the noble Lord's question.

**Lord Carlile of Berriew:** It was about heavy vehicles and barriers.

**Baroness Williams of Trafford:** I can confirm that we are satisfied that we have the police-led and vehicle-led capability to deal with such large-scale firearm attacks in the UK. The noble Lord will have to forgive me—it is my first hour, never mind my first day.

**Lord Harris of Haringey (Lab):** My Lords, I refer to my interests in the register. Further to that exchange with the noble Lord, Lord Carlile, the pattern around the world is increasingly that vehicles are being used as a weapon in terrorist attacks, particularly when there is a lone actor. Given those circumstances, could the Minister confirm that consideration is being given to making the resources available to local authorities and others to build much more robust street furniture? With all due respect to the noble Lord, Lord Carlile, I rather suspect that a mobile barrier would have been completely ineffective given the size of the truck that was used, but I wonder whether more investment should not be taking place. We have extremely ugly concrete blocks around this building, and I rather fear that if the use of vehicles as weapons becomes more prevalent around the world, that is the sort of thing that will need to be present in very many other parts not only of this capital city but of the country as a whole.

**Baroness Williams of Trafford:** The noble Lord makes a good point about the things we need to do in this country, which we do. The amount of barriers outside this building has certainly increased in the time that I have been here, and our security and intelligence services monitor the places around the country which they feel are vulnerable, and measures are put in place accordingly.

**Baroness Miller of Chilthorne Domer (LD):** One of the things that the French really appreciated after the attacks in Paris was that British people continued to visit France, and enjoy all that it has to offer, in such numbers. I am sure that the Minister will agree with me that it is really important for the message to go out that France is no more dangerous than any other country—I declare my interests in the register—and that it is a destination that British people should still be pleased to visit.

**Baroness Williams of Trafford:** The noble Baroness reflects some of the comments that I heard in the light of some of the spikes in hate crime after the EU referendum. We should not let these sorts of events defeat us: France is a beautiful country that many people want—and will continue to want—to visit, and we should not be cowed by these sorts of threats. We should continue our daily lives and our holidays to these lovely countries.

**Lord Alton of Liverpool (CB):** My Lords, in her earlier remarks, the Minister quite rightly referenced the role that the internet can play. Of course, post referendum, we are well aware that some of the poisonous outpourings on it have gone way beyond our national boundaries, and indeed that there is a flow from beyond our national boundaries into this country, too. Given the xenophobia, racism and poisonous hatred that are often whipped up across the internet, can the noble Baroness promise us—beyond these first few hours in her new post—that she will look again at what the internet allows people to be exposed to and will see whether there are ways that we can strike a better balance between the proper emphasis we place on free speech and the poisonous outpourings that so many of us have witnessed in recent weeks?

**Baroness Williams of Trafford:** I certainly confirm to the noble Lord that work is constantly ongoing not only to neutralise some of this horrific stuff that appears on the internet and on social media but to provide a counternarrative to it, so that it does not become a gospel for the isolated, potentially hateful individual.

**Lord Stoddart of Swindon (Ind Lab):** One of the criticisms which have been made by many people about the great disaster which took place at Nice is

[Lord Stoddart of Swindon]
that there were insufficient policemen to look after such a large gathering. Could the noble Baroness—I congratulate her on her new position—give us an assurance that British police have sufficient personnel, after all the cuts that have been made, to ensure that large gatherings in this country are properly policed?

**Baroness Williams of Trafford:** The noble Lord is right that there were comments about lack of capacity or capability to act quickly in Nice. I reassure him that, not only are our police some of the best in the world, but we have seen how quickly they act and react to some of the terrible situations we have faced both here and abroad. I know that they are collaborating with the French, perhaps on lessons learned on how they can react quickly in future. I commend the British police for the high level of their training and the way in which they operate.

## Policing and Crime Bill

*Second Reading (Continued)*

*5.20 pm*

**Baroness Harris of Richmond (LD):** My Lords, I remind your Lordships of my policing interests, all of which are in the register. There are a number of parts of the Bill with which I agree, some which will need examining thoroughly as we go through Committee and others on which I seek much further assurance.

Policing has gone through some enormous changes in the past six years. During the previous Government, Parliament passed the Bill introducing police and crime commissioners. I profoundly disagree with it and must tell the noble and learned Lord that up and down the country, people are still asking me why it was agreed. They feel that PCCs generally have not made the significant difference we were told they would and, in some cases, as Members of your Lordships' House will recall that we anticipated, they have been very poor indeed. I of course do not believe that the noble Lord, Lord Bach, whom I congratulate on his appointment, will ever fall into that category. Were he in his place, I am sure he would appreciate those words. Not enough scrutiny of their role or the ability to get rid of poorly performing PCCs was written into the Bill, and the new one does nothing to improve that situation. That is a seriously missed opportunity and I very much regret it.

The Bill invokes collaboration as a new concept. Collaboration is a word that has been used around policing for a very long time. Even when I was chairing one of those awful bodies called a police authority for many years, we worked in collaboration with a number of other agencies. Most forces now operate very effectively with those other agencies and good practice can be seen everywhere.

I was recently invited to Durham Constabulary, where good practice in policing is recognised as being the best in the country. I was deeply impressed by a number of the programmes dealing with serious and organised crime groups through offender management, where working with Public Health England is producing amazing results in reducing reoffending and enhancing life chances. I will talk more of those initiatives as we go through the Bill. The constabulary also told me about its safeguarding unit, which has used drama to illustrate the graphic problems of domestic abuse. I commend Durham Constabulary on the exciting, innovative work it is doing with others.

When I spoke with the superintendents' association, it highlighted its concerns about deferred prosecutions. Its view, which I share, is that it may be possible to collaborate in back-office functions with the fire service, as proposed in the Bill, but it would prefer to do that more meaningfully with social services, local authorities and health bodies, which share general responsibilities with the police for care of the individual. It is felt that the fire service has a rather different remit. Of course, if it sees that it would be of benefit to the public, it would certainly integrate services, but there must be clear joint outcomes from that collaboration. What are the exact proposals for collaboration with the fire service, other than the possible leadership role as explained in the Bill?

Multi-agency working is preferable to writing into legislation collaboration with just one agency. They come from different cultures, and the difficulties of handling that must not be overlooked. Reforming the police complaints and disciplinary systems is essential. I remember years ago asking for something to be written into one of the first police Bills I dealt with on behalf of these Benches, to little avail. It has been done piecemeal over many previous Bills, so I am pleased that at last it seems to be taking traction.

Protection for police whistleblowers is long overdue and is to be warmly welcomed, but perhaps the definition needs clarifying. Will the Minister look to amend this as we move through the Bill—perhaps to apply to police officers and police staff who wish to raise a new concern and not one that is an ongoing investigation? Good officers' lives have been ruined by the way they have been dealt with, having complained about internal workings of their organisation. The length of time taken to conduct an inquiry has brought untold harm to both the officers and their families, and we must do all that we can to minimise their suffering. I can only hope that the Independent Police Complaints Commission, the IPCC, will be able to complete its investigations much more speedily, even as it takes on the new system of super-complaints.

While I am on the IPCC, can the Minister tell me why the word "independent" has been missed out of the proposed new name for it—that of "Office for Police Conduct"? It looks very much to me, and I guess it will look the same to a disinterested member of the public, as though it could well be yet another branch of the police deciding how to police itself. Certainly, let us have the new name, but we must underline its independence by calling it the Independent Office for Police Conduct.

I am less sanguine about the intention of allowing chief constables to confer further and greater powers on police civilian staff and especially volunteers. I will have much more to say on this in Committee. I was always very sceptical of what PCSOs were being used for, and anticipated that it was rather the thin end of the wedge, and that their duties would escalate, as of

course they have. But to use volunteers in the same breath as PCSOs, who have at least a modicum of training and accountability, is going three steps too far, in my opinion.

I am easy about freedom of information being applied to the Police Federation of England and Wales—although, of course, it is not. I shall have more to say in Committee about the Police Federation. I also ask, as did the right reverend Prelate the Bishop of Southwark, who is not in his place, why the rank of superintendent should not be prescribed in legislation. After all, superintendents perform difficult and serious management roles and need to be recognised.

I turn to the section that deals with mental health, a huge and sensitive problem for all police forces, which will require places of safety to be found in order to detain someone without their consent. This part of the Bill raised a very important debate in the other place, and I expect that it will do so here. Police custody is simply not a suitable place to keep someone who is suffering from mental ill-health.

My noble friend Lady Walmsley is not able to take part in this Second Reading but has asked me to put on record that she feels that although the Bill is moving in the right direction, there are still concerns about mental health provision and she will be tabling some amendments in Committee about the provisions for people with mental health needs. We have had a number of other briefings on this most important subject, notably from the Royal College of Psychiatrists, which also hopes the Government will ensure that there are appropriate services in place to make the changes in law a reality on the ground.

Part 4, which looks at bail conditions, will also be raised in Committee. Does the Minister believe that forensic examinations can always be completed within the 28-day timescale envisaged in the Bill? The investigation of high-tech crime and communications-gathering can take an enormous amount of time and cannot be solved quickly. I ask simply because I believe the IPCC can have up to 56 days to deal with these many serious issues. If it can have that much extra time, why can provision not be made for an extension for the police if it is necessary and requested?

The Bill will need a lot of scrutiny—and, I hope, amendments—before we pass it into law. The other place did a good job in raising some major issues but it is now up to us to sharpen and hone its work. That is our role. That is our duty.

*5.31 pm*

**The Earl of Lytton (CB):** My Lords, I declare such interests as I have outside the work of this House only in respect of the fact that I hold a firearms licence, although your Lordships will be glad to know that it is not on firearms that I intend to speak today. I welcome the chance to debate the Bill, despite the number of trees that appear to have been felled in order to print it and its associated documentation. It is the next, if not the final, stage in a process set in place by our new Prime Minister when she was Home Secretary, which she undertook with great courage, if I may say so, but it remains unfinished business.

I echo what others have said: our police forces are a vital resource. I pay tribute to the courage of those who serve in them and their willingness to put themselves in danger for the protection of the public, as the noble Lord, Lord Wasserman, said. Their record of interrupting criminal activities is a fine one and I do not believe that the majority of officers are anything other than thoroughly decent, diligent and honest.

The Minister outlined the Government's intentions, to which I add my broad support. The noble Lord, Lord Rosser, identified a number of undeniably good bits in the Bill. But the fact remains—and this is why I may appear relentlessly critical of a service that I consider so very important—that there are still far too many shortcomings and I do not believe that their causes or frequency have reduced materially. Indeed, I believe it is a cultural matter.

On crime figures, the Office for National Statistics has downgraded police crime records to what I can describe only as near-junk status. On what government Ministers will now base claims in relation to crime trends I know not, when it is clear that whole areas of activity are imperfectly recorded, if at all. I do not regard the misrecording of crime as a trivial matter; rather, as the police themselves might say, I tend to the view that apparently small infractions could be indicators of more serious activity. It certainly has terrible consequences, as illustrated in the Rotherham and Jacqueline Oakes cases. Criminologist Dr Rodger Patrick, to whom I spoke recently, has labelled the latter as a "Nelson's eye" approach to known issues.

I have been tracking since 2012 the case of a one-time senior parliamentary researcher to a now-deceased member of your Lordships' House. It involves the South Wales Police area. I have identified a number of elements that I regard as questionable. First, there appears to have been the inclusion without proof of names on a database of persons whom the police—on their own whim—thought might be troublesome, and unregulated sharing of those data with other agencies. The standard force wording, which appears without evidence or caution, reads:

"You should be aware that these details will be placed on an anti-social behaviour database which holds information relating to those involved in such behaviour. This information will be held in accordance with the Data Protection Act 1998 and may be shared with partner agencies if this is necessary to prevent crime and disorder, as permitted by the Crime and Disorder Act 1998".

This seems to bypass the oversight of the data commissioner and is outside the subject data access system.

Secondly, there appear to have been attempts to coerce a neighbour into a deal that was intended to be prejudicial to another claimant party. I quote from an August 2007 neighbour witness statement in connection with a child constantly kicking balls into the adjoining garden. It says:

"At the time of my meeting with the Police in November 2006 we were advised by the Police that the Claimant was well known to them and that they had had many dealings with him. The Police also advised us that should the Claimant's accusations continue, his next step would be to contact the local Police's regional superiors and inform them that he had made several complaints regarding balls going into his garden, and that nothing had been done about it. As a consequence, The Police attempted to pre-empt the Claimant's next step by offering us a kind of 'deal' whereby our eldest son"—

[The Earl of Lytton]

I will not give the name—

"(fourteen years old at the time) would accept a Level 1 ASBO for playing football in our back garden in order that the Police could issue the Claimant with a Level 2 or 3 ASBO. I and my wife were very apprehensive about this 'deal' at the time and the whole affair".

Well they might be. I shared those comments with Dr Patrick and he said:

"This may appear to be a minor incident but I suspect it represents the tip of a very large iceberg; it involves the clearest abuse of non-judicial disposals which is blighting the prospects of citizens and risks the criminalisation of childhood".

It is also an example of what might be termed in the trade "stitching".

Next, there was conflation of what was and should have been treated as a civil property boundary matter into a criminal harassment case. There was the unjustified alteration of a charge sheet without the accused's knowledge, apparently to beef up the case. Here the amendment was to introduce a false reference to violence—highly significant when one realises that the accused was a keen target shooter and that the amended wording would be fatal to his continued holding of a firearms licence. Then there was interference with witness statements and the use of redacted witness evidence. A piece of information that came to me—indeed, I identified it as false—was a bit of photographic evidence used in the criminal proceedings, which had been doctored. There was the manipulation of process, including defying the order of a judge in relation to disclosure, to the material detriment of a defendant's case. In addition to all this, important documents mysteriously went missing from the court files so that they could not be brought before the judge.

By all these means there was the procurement of a conviction and the imposition of a restraint order of such severity that it prevented the accused defending himself against subsequent opportunistic incursions by the neighbour with whom the original dispute had started. There was a deliberate failure by the police to investigate or prevent such actions; a refusal to investigate instances of potential sabotage of a motor vehicle; and apparent collusion involving bodies such as the City of Cardiff Council and Welsh Water in a manner prejudicial to proper public administration and, in my view, obstructive of investigations by independent professionals and the reasonable interests of a private householder.

I can only speculate on why things were taken to such spectacularly questionable lengths but I suppose it might be connected with the accused's knowledge of firearms and his detailed research into police corruption, coupled with his publicly challenging some influential local interests through the local police and communities together—PACT—committee. There was certainly motive and opportunity for certain vested interests to want him silenced, and from a police point of view, in the light of the Lynette White, "Newsagent Three" and Sean Wall cases, there was every reason for an interested parliamentarian and his researcher to seek to expose the truth about police actions.

Sadly, this case is not isolated; nor does it affect only small fry or little local neighbourhood spats. I will not reel off my list of previous failings up and down the country, but will point to the further information we now have in respect of Hillsborough and Rotherham; the deliberate attempt by the Metropolitan Police Service to prevent scrutiny which involved shedding documents, as noted in the Ellison inquiry; and the multiagency failings which had fatal outcomes in the Kayleigh-Anne Palmer case. Jacqueline Oakes might still be alive had proper attention been paid to known circumstances and instances of violent abuse. Therefore, ongoing gaming activities in the West Midlands force, which Dr Patrick refers to, cannot be regarded as entirely innocent. Then there was the aptly named "Nick", the supposedly reliable informant whose allegations—inadequately checked, it appears, by the police—caused several notable people with outstanding records of public service to be implicated in some very serious offences. Indeed, one Member of your Lordships' House went to his grave with the finger of suspicion still pointing at him, when the police already knew some time prior that there was no credible evidence against him. Therefore, a revised pre-charge bail provision would perhaps make some difference to such matters.

Your Lordships will recall the police raid on a celebrity's home in which the media had been tipped off previously so that their helicopter was overhead as the police arrived, and that subsequently the chief constable in question appeared before the Home Affairs Select Committee but dodged the question of how the press had known about it before the police arrived, claiming that it was an "operational matter". This was just one of several celebrities to be poorly treated. As serious as child sexual exploitation and similar crimes may be, they do not justify the methods of a witch-hunt.

This is all totally unacceptable. I note the Committee on Standards in Public Life report by my noble friend Lord Bew, who I think may be lurking behind me somewhere, entitled *Tone from the Top*, in which it was mentioned that around a third of police forces are under some sort of investigation. That is far too many. It boils down to this: the police have been given non-recourse powers to decide on their own initiative who is the party at fault. In the context of anti-social behaviour and harassment, their powers are near absolute. However, the police are currently ill-suited for such a task. When challenged, there is often cover-up, and obfuscation and blocking measures are put in place; when cornered, their get-out-of-jail card is to claim it is an "operational matter"; and if it involves one of their own or an associate, they quite literally close ranks. These things are not in any way unique to the police, but cultural matters in all sorts of organisations. However, in the police this happens to be of particular importance.

I would therefore welcome the strengthening of police regulation and oversight through the Bill, were I convinced that it was not just rearranging the deckchairs or rebranding. I have long considered that both HMIC and the IPCC are too close to policing themselves, too imbued with police culture and too narrow in their focus. I hope the Bill will put that right and I am glad to see that police-on-police investigation may be set to reduce, because procedurally this fails the standards of independence, objectivity and necessary vigour on behalf of the public. However, I am doubtful whether the proposed complaints handling by police and crime commissioners is the answer, and some PCCs seem to

be far too close to their chief constables. Scrutiny across multiagency working seems to be addressed in the Bill, but only by creating multiple scrutineers who must work together. This should long since have been the case but it is precisely what has not been working, so I hope noble Lords will forgive my doubts about that. I therefore advocate tighter measures.

The question of what constitutes "operations" needs to be clarified and updated. While I accept that there should be no political interference in front-line and especially necessarily covert activities, there should none the less be accountability and proper independent scrutiny, even if some of it is behind closed doors. There is also a need to address political influence over police activity through the target culture, which was identified as long ago as 1999, in an HMIC report. Political convenience cannot come before performance of public duty.

This is no time for half measures or tinkering at the edges. So long as public policy does not force effective performance and integrity across the piece, each player will operate to the rules and agendas it makes up for itself. That has to stop. If there is political will, we can fix many of these things in the Bill, and I hope there will be some consensus in seeking to amend it.

*5.45 pm*

**Lord Moynihan (Con):** My Lords, I will draw the attention of the House to the criminalisation of doping in sport. The subject was tabled in another place as proposed new Clause 39 to this wide-ranging Bill by Christina Rees, the Labour MP for Neath, to whom I am grateful.

The most compelling criminal activity in competitive sport is defrauding fellow athletes. For the worst excesses of sports fraud, where professional athletes have obtained money, property, services, a benefit or an advantage dishonestly or by deceit, they can and should be prosecuted for fraud and attract a term of imprisonment. Too often the sports-specific nature of doping in sport makes the use of existing laws ineffective and warrants the introduction of long-overdue sports-specific laws that cover not only the criminalisation of doping but match-fixing and illegal gaming as well.

As I have consistently argued in your Lordships' House, winning at any cost in competitive sport, keenly contested though it is, is not acceptable. Cheating is inimical to the very essence of sport. Cheating by whatever means, from match-fixing to intentional doping, has no place in sport. Nor should there be any tolerance of cheating through the use of performance-enhancing drugs because of the significant dangers to athletes' health that it poses.

When I had the privilege to be chairman of the British Olympic Association for the Beijing and London Olympic Games a poll, participated in by well over 90% of the members of Team GB, resulted in a firm and uncompromising stance by our sports men and women that those guilty of cheating should be banned from selection for Team GB for life. Olympic victory takes years of hard work and hours of gruelling training, day after day, week after week. The sacrifices required to win are huge, and only the best will succeed. Those elite athletes, pushing themselves to the limits of the physically possible, have a responsibility to do that fairly and honestly, without resort to a performance-enhancing bullet found in a pill or syringe. When an athlete chooses to cross the doping line, they not only defraud their competitors but cheat themselves.

Every week we read about yet more cases of doping where the athlete feels that the chances of being found out are minimal and the sanctions weak. I believe the time has come to create effective deterrents and criminalise the worst cases of doping in sport, which should include criminal sanctions against the coaches, the doctors, the administrators and the athlete's entourage as well. It is argued that Olympic values should include the indulgence of human frailty, forgiveness and redemption and that the mark of a true justice system is the prospect of reform and redemption that it offers. These are important values, and society as a whole is defined by our recognition and adoption of them. However, we need to ask, where in this case is the redemption for the clean athlete, denied selection by a competitor who has knowingly cheated and potentially taken the whole "enchilada" of drugs? There is no national team kit for Rio for that clean athlete, no redemption for him or her. What is worse is that the cheat, possibly with a lifelong benefit of a course of performance-enhancing drugs, is back again, potentially strengthened by years on those drugs, while throughout that time they shredded the dreams of clean athletes with every needle they injected.

We should first look to the World Anti-Doping Agency to protect the world's clean athletes. It was set up to police, educate and lead the crusade against the long-standing threat to clean sport. Sadly, it has consistently failed. It has been not WADA but the law enforcement agencies and the press that have led the fight against doping. It was not WADA but the law enforcement agencies that broke BALCO and exposed Marion Jones. It was not WADA but the *Sunday Times* and the police, backed by countries where doping in sport has been criminalised, that exposed the former era of pervasive drugs in cycling. It was not WADA but the *Sunday Times* and the German broadcaster ARD that exposed this year's endemic cases of doping in Russia and Kenya.

WADA has failed to root out the training camps and countries where doping in sport is endemic. Only the dopey dopers get caught during the Games themselves. Regrettably, the intelligent cheats take drugs out of season away from the testers in countries such as Kenya, where access to drugs is so easy that the *Sunday Times* could recently easily pose as managers of athletes and gain access to EPO, a notoriously difficult drug to detect at altitude camps. Why has UK Athletics not banned British athletes from training in Kenya? It defies understanding. Why has the IAAF not done the same for international athletes?

At the heart of this failed policy of policing the world for drug abuse in sport, I regret to say that WADA is riddled with inadequate governance, a lack of accountability and rampant conflicts of interest. The president of WADA has shown that he is attached at the hip to his friends in Russia. Russia's electoral power in the corridors of world sports administration wields significant influence. So it was no surprise

[Lord Moynihan]

recently when the president of WADA wrote to his friend Natalia Zhelanova, the Russian anti-doping commissar, after the *Sunday Times* broke the story of endemic doping in Russian athletics, saying:

"I wish to make it clear to you and to the Minister that there is no action being taken by WADA that is critical of the efforts which I know have been made, and are being made, to improve anti-doping efforts in Russia".

He went further, saying,

"I value the relationship I have with Minister Mutko and I shall be grateful if you"—

Natalia Zhelanova—

"will inform him that there is no intention in WADA to do anything to affect that relationship".

Unexpected and untimely deaths have followed the revelations of endemic doping in Russia, not least that of Nikita Kamaev, the former director of the Russian anti-doping agency, who was found dead in February, apparently from a heart attack, following the announcement that he was working to co-author a book with,

"information and facts that have never been published".

WADA's mandate is,

"to promote and coordinate the fight against doping",

yet that is currently undertaken by proactive Governments—with legislative powers to criminalise doping—and the press, without which we would have yet more cheating athletes heading to Rio this year. The innocent athlete feels guilty with an intrusive regime that is potentially illegal anyway under the European working time directive and is built on a fundamentally misguided principle that a clean athlete is guilty till proven innocent. If you know that dozens of Kenyan athletes have tested positive since London 2012, what more intelligence does WADA need to initiate a proactive investigation into endemic doping last year?

Now, WADA looks increasingly isolated in its opposition to the criminalisation of doping. Nicole Sapstead, chief executive of UK Anti-Doping, had this to say on BBC Radio 5 Live a week ago when asked how UKAD was getting on in the investigation into allegations exposed by the *Sunday Times*. She replied, "What plays to our advantage is the fact that in Kenya since May it is a criminal offence to actually assist in doping—so to dope or to assist somebody to dope. So if these doctors have indeed done what they are alleged to have been doing, they are facing criminal prosecution. So it might help them or it might help us when trying to uncover the truth". That comes at a time when the problems surrounding our own anti-doping agency continue to worsen.

When a British doctor claimed to have doped 150 sports stars this year, the organisation did not only make "ghastly mistakes", in the words of its chairman, David Kenworthy, but it failed in its core mission. It has been shown to be toothless in this context because the law as it stands stops it taking action if the doctor concerned was not affiliated to a British governing body of sport. In other words, it is impotent to act in the face of the actions of over 99% of British doctors. Through this Bill, we now have the opportunity to rectify this inadequacy.

Clean athletes around the world need an international body—a world anti-doping agency—and a domestic national anti-doping agency backed by criminal legislation. Those organisations must be impeccably free of conflicts of interest and professional in their leadership competence, and have the finest independent lawyers and medical experts available to lead them, while remaining accountable to clean athletes. And so it is to national Governments that clean athletes increasingly turn if they are to compete against each other fairly, openly and honestly. This country used to lead in the world of sports administration; now, we lag behind Austria, Italy, France and Spain, all of which have criminalised the use of WADA-prohibited substances and methods. Cyprus, Denmark, Greece, Hungary, Iceland, Luxembourg, Norway, Portugal, Romania, Serbia and Sweden have all enacted sports-specific legislation that criminalises the trafficking of WADA-prohibited substances and methods. Europe is not alone in introducing laws that criminalise doping in sport: China, Mexico and New Zealand have all enacted laws of various breadth and scope that deal with the trafficking of prohibited substances and methods.

In Committee, I hope that we will have the opportunity to consider legislation which, in the context of our athletes, addresses those who knowingly take performance-enhancing drugs with the clear and proven intention of cheating fellow athletes out of selection and their livelihood. We can learn from all the countries that I have mentioned. Now, we have the opportunity to act.

Chancellor Angela Merkel's grand coalition Government passed a law only this year which Justice Minister Heiko Maas described as,

"a declaration of war on cheaters".

Under the legislation, athletes found guilty of doping can face fines or prison terms of up to three years. Those involved in supplying athletes with performance-enhancing drugs could face jail terms of up to 10 years. Interior Minister Thomas de Maizière said that the law was meant,

"to deter and to help uncover criminal doping structures".

I believe equally that our law should be drafted first and foremost as a deterrent. I understand that the Government are still looking into this area. I hope that I will be forgiven for pointing out that they have been looking into this area since I signed the Reykjavik convention as Minister for Sport in 1987. We owe it to clean athletes to act now.

The outgoing director-general of WADA, David Howman, recently stated:

"I want to pose the question: should doping be a criminal matter? It is in Italy and WE think—some of US—that the real deterrent that cheating athletes fear is the fear of going to prison not the fear of being stood down from their sport for a year, two years, four years but a fear of going to prison".

Howman went further as long ago as 2014, when he stated:

"I think, now, organised crime controls at least 25 per cent of world sport in one way or another. Those guys who are distributing drugs, steroids, and HGH [human growth hormone] and EPO and so on, are the same guys who are corrupting people, the same guys who are paying money to people to fix games. They're the same bad guys".

Meanwhile new Dutch analysis has estimated that the prevalence of doping in elite sport is "likely" to be between 14% and 39%. The situation is worsening month by month and year by year, and we need to protect the clean athletes.

Sadly, the current model is broken. The likes of Thomas Bach, the president of the IOC, and John Coates, vice-president of the IOC and president of CAS, the arbitration service, are well positioned to take stock of the current doping crisis afflicting world sport. A new, overdue and totally independent external review is necessary after Rio. It is needed now more than ever. A proactive international Olympic review could lead to a much-needed change at the top of WADA and address a crisis which, if not tackled soon, will bring other sports down with athletics. Otherwise, weak governance of sport and the lack of transparency, accountability and professionalism governing doping in sport will lead to a world in which competition between athletes becomes little more than competition between chemists' laboratories, as gene doping overtakes substance abuse as the challenge of the 21st century.

For decades, sports administrators have talked of taking a no-compromise approach towards the drug chiefs, but their words are hollow. Their actions read like a catalogue of compromise, mixed with personal ambition and conflicted interests. It is time for far-reaching change. WADA, and the lex sportiva set up by the international sports organisations, has failed in its mission. What we need to do now to actively fight against doping in sport is to introduce criminal legislation, here in the UK, in this Bill.

*6 pm*

**Lord Prescott (Lab):** My Lords, I seek to intervene in this debate with particular regard to Part 2 of the Policing and Crime Bill, which concerns itself with police complaints systems. I note that the IPCC largely takes a lot of the activities in this area, but I want to relate this to the whole process of making complaints against the police, particularly with regard to corruption or matters such as phone hacking.

I declare an interest and experience; I discovered that my phone had been hacked 46 times. I went to all the various complaints bodies—to the press consultative people, to the Metropolitan Police and to the public prosecutor, all of whom have a role and a responsibility in dealing with these matters—but I am afraid that none of them accepted my argument that my phone had been hacked and that the police were involved in corruption with the press. All of them denied it. I then took the matter to the courts to ask them to adjudicate on the matter—at great risk of expense, which is the point I want to make. If you want to pursue justice in a case like this, you have to pay the costs in court now that legal aid has been removed. The courts found that my complaint was correct and I was compensated for the matter. However, that is not of any satisfaction to me.

In the Bill, we are dealing with the agencies to which complaints against the police are made—possibly relating to corruption, but, more importantly, to do with their relationship with the press. Corruption is not just limited to what the Leveson inquiry showed us. We know that this was a common happening in other police authorities. Therefore, we need to challenge it. I want to use this opportunity to look at the Bill and what it offers.

I will not go into the full details of the complaints procedures—they are spelled out in the Bill—but I will say that they are unsatisfactory, if my experience is anything to go by. In these circumstances, I want to relate this to Leveson. The Leveson inquiry into the relationship between the press and the police very clearly showed that it was wrong: criminal acts were committed, money was paid and there was corruption. But Leveson, in wanting to investigate the possible corrupt relationship between the police and the press, was told that he could not investigate these matters because there were cases before the courts in which journalists were being prosecuted. Therefore, understandably, he could not do it. That is why a recommendation was made for Leveson part 2—to look precisely at the matter of corruption between the police and the press.

The Government made a promise, but the answer that they still give this House is that we cannot do anything until those court cases are finished. It was many years ago that all this happened. I wonder whether the Government can give us any indication as to whether their position has changed and that they will begin to look at Leveson part 2. Or is this just another way by which they can delay the implementation of the Leveson recommendations and, indeed, the investigation of the charges of corruption between the police and the press? Perhaps this Bill, as it goes through the House, into Committee and back to the Floor, will give the Government an opportunity to give us a clear answer as to exactly what the position is. There is no doubt that the Prime Minister, the Home Secretary and many others have said that that is the reason for the delay.

I am concerned, however, by other circumstances that seem to involve delay, all of which are about fair financial assistance so that money will be provided to those who seek to take a case to the court but cannot afford it. Social justice could be achieved by providing the resources for the complainant. Yet again, that was agreed by the Government, which meant that the money would be found. A person could take a case against the press—for libel, for example—and would be assured that they would not face the heavy financial cost from the involvement of lawyers in proceeding with the case. Section 40 of the Crime and Courts Act 2013, which deals with this matter, implements one of the recommendations of Leveson. The Government not only accepted the recommendation but put it in the 2013 Act.

But, as we know here, once an Act is passed and the Queen's consent given, there still has to be some time before it is implemented—people need to get ready for it and procedures need to be put in place. But 2013 was three years ago, and that recommendation still has not been implemented. Why has it not been implemented? It deals exactly with the matter of money for people to take a case, which Leveson recommended. The Government agreed the provision and included it in the 2013 Act, but it has not been implemented.

[LORD PRESCOTT]

I am concerned that this Bill is yet another delay and a failure to implement what Leveson said. If the Section 40 implications are already in this Bill, perhaps we could get an amendment at an early stage to include its implementation in this Bill—which involves the issue of complaints against the police—and so make clear that that principle will be applied, as was agreed by the Prime Minister and both Houses of Parliament and as embodied in the royal charter. Here is our chance to do that. The Government can do it. They have brought in the legislation already, and this is a development of Leveson: why the three-year delay? They could do it now.

We have a new Government, and the former Home Secretary, now the Prime Minister, also made promises in this case. The previous Culture Secretary, Mr Whittingdale, made it clear that he too would accept it. But he recently made a statement that, despite the previous Prime Minister's promise to see it implemented, he is not minded to implement this section. Mr Whittingdale went to a meeting of all the press barons and made a statement not that he was going to implement it one way or another but that he was "not minded" to. The implication to the press, of course, was that the Government will not do it. That is another example of the Government saying, on the one hand, that they agree something at the highest level—Parliament has embodied it in the royal charter—and yet still, on the other hand, not implementing it. Forgive me if I think that they just do not want to implement it and are just delaying. It is the many poor people who would sue following abuse by the press or some form of corruption who are being denied the opportunity that Parliament agreed and which the Government are not implementing.

My question therefore is this: please can the Government give us an indication of when this recommendation will be implemented? I understand that that might not be easily done from the Dispatch Box. However, perhaps as the Bill goes through the processes of the House, we can ask those questions and find out exactly what the Government's position is. There should be no more delay: let us implement Section 40 of the 2013 Act.

As I said, what causes me concern is the Government's attitude towards the implementation of Leveson. Implementation was promised, and we were told, as Leveson said, that an independent body would decide whether the new press body to be set up was independent. A regulator is to report in September as to whether the new body, the IPSO, is in fact independent. Frankly, it is no different from the old body. It is controlled by the industry, financed by the industry and follows its own rules.

I thought that I would put forward my complaint to see how independent the IPSO is. I got the reply last week. My complaint was that Ann Treneman, a journalist at the *Times*, had written in an article that, on arriving by plane in this country, I had said, "I'm pleased to arrive back on terracotta". I never said it; it had been denied in other papers, so I put in the complaint, because under Article 1 of the code the press is supposed to publish accurate information. Journalists are required to ask you to find out whether something is true. If you remember, they did not do that with the Queen and have since apologised—but let us leave the Queen aside; this is me. So I complained that the words attributed to me were not true. The code is quite clear that the press must do all it can to find out that information.

I went to this new IPSO and asked whether it could deal with my complaint, because it was clear that the journalist had not contacted me. We were in the same building; she could have picked up the phone and asked me, "Is this true?" and I would have said no. I thought that it would be an open-and-shut case. The newspaper admits that it did not contact me. What was the answer of the independent committee looking at the complaint? It was that, well, it had been said about me so many times it must be true. What a way to think, and that is an independent committee: that it must be true because it had been said so many times—Ann Treneman had read other journalists saying it, so it must be true. By God, she must have more faith in journalism than I have—or indeed what the evidence showed at Leveson. The committee therefore ruled out my complaint because it had been said so many times by other journalists that it must have been true—cor blimey. I then worry about how the committee can make a judgment and whether it is independent. I look forward to the assessment of whether it is independent.

Having lost my case in the appeal, I was a bit worried about whether I had got a fair judgment, so I went along to look at who sits on these committees. It is headed by Paul Dacre—there is an independent man; certainly not from my point of view, but there we are. Then the industry pays a judge—Judge Moses, apparently—to be independent. I will not go into "the piper calls the tune"; nevertheless, I am not very convinced about it. Then I look at who makes up the committees and I find that more than 50% of the membership are journalists. Well, fine, journalists probably think more of other journalists than me. They take that view as journalists on the complaints committee. The board is made up of all the press. You name any major newspaper and a few local ones, and you find that they dominate the board dealing with complaints. And then, of those who judged my complaint, more than 50% were from journalism. Forgive me if I think that I am not getting a fair crack of the whip—and when I read the judgments I know that I am not.

I do not expect an answer from the Minister today. This Bill is about complaints and corruption et cetera and sets out a procedure to deal with it, but it could be an act of corruption that we know has happened before and the complainant might have to go to court. What they would do to avoid going to court is go to an independent complaints body. IPSO is not independent; it has bought just about everybody out, frankly—I hope they report this, but the press are not happy about reporting anything to do with Leveson and that is a fact. Nevertheless, I give notice to the Government that they should raise this matter when the Bill goes into Committee.

Leveson should be back in September; there will be a report on whether this IPSO is independent. If it is not, we have to find something more. We could start by implementing Section 40 of the 2013 Act. The Prime Minister agreed it; the royal charter agreed it, and both Houses of Parliament have agreed it, as have

the Secretaries of State. Is it not about time we carried out what we promised and indicated to those people who were shown by the Leveson inquiry to have been abused that the finance will be provided to enable them to pursue their case of justice against the police, particularly in regard to libel and police corruption?

*6.14 pm*

**Baroness Bakewell of Hardington Mandeville (LD):** My Lords, I should begin by declaring my interest as a vice-president of the LGA. I am delighted to be taking part in this debate today and following the noble Lord, Lord Prescott, but fear that my contribution is much more mundane. The Policing and Crime Bill is large and complex; my interest is very specific and contained within the first 21 pages—that is, Part 1, which deals with emergency services collaboration.

In my previous life, I served on both a police authority and a fire and rescue authority, and it is the latter which concerns me today. The new Prime Minister made it clear, in her previous role as Home Secretary, that her vision is to bring fire and rescue services under the auspices of police and crime commissioners. Greater collaboration between the emergency services is to be welcomed and is already taking place in many areas. In terms of efficiency, the duty to collaborate—if supported by additional Home Office funding—might enable cross-organisational working to flourish, as often there is a cost in identifying and piloting approaches before such initiatives are rolled out more widely. Joint innovation funding bids will reinforce the benefits of working together.

However, some important factors need to be taken into account before fire and rescue services are bundled under the control of police and crime commissioners. First, the boundaries of fire and rescue authorities are not coterminous with police commissioner areas. The answer has been given that the fire and rescue boundaries will be altered to fit those of the crime commissioner. This sounds a simple solution but is not easy to achieve without significant cost for some fire and rescue authorities, especially when merged fire services have to be demerged to fit existing police boundaries.

I was leader of Somerset County Council when the two FRAs of Devon and Somerset were merged after very detailed and often painful negotiations. This was a triumph for all those involved—both chief fire officers, leading elected members and other officers of both county councils. To try now to demerge the boundaries because they do not fit with PCC boundaries would be an extremely retrograde step and take no account of loyalty or good will. This is a service where trust in your fellow officers is paramount, and firefighters are fiercely loyal to their colleagues. They feel ownership of their service and identify strongly with the area to which they belong. This good will should be factored into the equation in much the same way as "good will" appears in any set of business accounts. I believe that fire and rescue authorities would be disaggregated and split up at our peril.

Secondly, a police and crime commissioner has a very specific role and remit, whereas the ethos of a fire and rescue service is very different. The role of the firefighter has changed dramatically over the past 50 years. When I was a child, their role was almost exclusively one of responding to and putting out fires. Now they fulfil a range of functions. With ever-increasing levels of traffic on our roads, they are called to innumerable road traffic accidents where they extract drivers and passengers from tangled metal crashes, saving lives in the process. They respond to severe and minor flooding incidents, travelling to all parts of the country to rescue and provide relief to those stranded by rising water and danger. Some have sniffer dogs which can detect not drugs, as in the case of many police dogs, but a human body. They have been sent to earthquake-hit regions, where their dogs are able to point rescuers to where a person may lie trapped and undetected beneath a pile of rubble. As well as their role in responding to emergencies and tragedies, fire and rescue services provide important fire awareness training to local communities and in elderly persons homes, homes for young people with learning difficulties, schools, colleges, businesses and a whole host of organisations within our communities.

Some FRAs are exploring how they might undertake wider activities which have historically been undertaken by the police, such as searching for missing persons, area-wide searches, concerns for welfare et cetera. While this will increase demand on an FRS, it probably sits better with it than perhaps with the police. It will free up police time, but there may be a cost to the FRS for taking on such work and this comes at a time when fire budgets are already stretched. There needs to be some recognition of the benefits to communities through organisations working differently together, and this may be best achieved through the public-facing inspection reports such as the PEEL inspection reports undertaken by Her Majesty's Inspectorate of Constabulary and any new fire service inspectorate that will emerge in the near future.

While the Bill is focused on police and fire, the modern FRS saves a significant number of lives through its emergency medical work. It is perhaps surprising that Devon and Somerset FRS now attends more medical emergencies than it does fires, and that trend is continuing. Therefore, recognition and central government support for continuation of this work is important in shaping local integrated risk management plans. This area could be strengthened in the Bill.

While I do not doubt that police and crime commissioners have a working knowledge of the areas they represent, I would like to put the case for the elected councillors who sit on fire and rescue authorities. They represent specific areas of the community covered by the FRS and they know their communities really well—otherwise they would not have got themselves elected, often on good turnouts. They know and care about their communities and are passionate about the fire and rescue service. Their passion for this blue-light service is shared by their communities, who all believe that firefighters do an amazing job and would wish to ensure that the service is delivered to the same high standard in their area.

I cannot finish without referring to the particular problem that exists in London with regard to the three blue-light services. On 30 June, the London Chamber of Commerce and Industry launched a report called *Living on the Edge—Housing London's Blue Light Emergency Services*. This is an extremely interesting

[Baroness Bakewell of Hardington Mandeville] and worrying report. The findings of the LCCI were that, cumulatively, 54% of London's blue-light emergency service frontline personnel now live outside London because they cannot afford to live closer to their place of work. Police officers, firefighters and paramedics generally earn between £22,000 and £38,000 in basic pay, plus between £3,000 and £5,000 in weighting and allowances. The chief executive of NHS Employers states:

"Our average earnings for our workforce have gone up by 3% or 4%. The average cost of travel with a zone 1-4 ticket has gone up by 25%. The cost of housing has gone up by in excess of a third".

We all know in this Chamber that the salary for a first-time buyer in London needs to be in excess of £80,000. Our frontline emergency services can afford neither to buy nor to rent properties in London.

On 23 June—a date none of us is likely to forget—there was heavy rain and flooding. A large number of those who might have been available to alleviate the flooding but who live outside London were neither on hand to respond quickly nor able to travel into work, due to the disruption to travel. The response was therefore somewhat slower than would otherwise have been the case. This was not a disaster and caused only minor inconvenience, but it does indicate that, should London be the subject of a serious terrorist incident, our blue-light services, on which we have come to rely in time of emergency, would not be there in the numbers we would wish for them to respond, nor in the way they would wish themselves to respond.

There are many redundant fire stations in and around London. Some were sold off by the previous Mayor of London for business investment, but not all have gone under the hammer. These fire stations occupy large areas of land and are in key areas. With very little imagination, they could be converted into thriving businesses or retail opportunities and at the same time a section of the site could provide much needed key-worker housing for frontline blue-light personnel. That is common sense.

Finally, in the south-west we have established an emergency services forum where the most senior professional and political leaders of all three emergency services come together and explore what is working as well as driving forward collaboration improvements. This is already paying dividends and real progress is being made even before the new legislation is enacted, which further supports the strong collaboration approach that is already under way. If the Government are serious about collaboration between the emergency services, and I believe they rightly are, some of the issues I have raised will need to be addressed to ensure that the services are fit for the challenges of the next 10 years. I look forward to the Minister's response.

*6.25 pm*

**Baroness Howe of Idlicote (CB):** My Lords, like other noble Lords, the very size of the Bill and its accompanying documents made me realise the huge range of issues that it covers, many of which we have heard mentioned today. At least by the autumn, when we reach Committee stage, there will have been a little more time to think through a wider range of the issues that may need further probing. For today's Second Reading debate, I shall concentrate on those areas of the Bill dealing with mental health issues. I shall, however, end on a different aspect.

The Bill makes important changes to the Mental Health Act 1983. This is one of the few pieces of legislation that allows people to be deprived of their liberty when they have not committed or are not suspected of having committed a crime. The Bill makes much reference to the relationship between the police and mental health crisis care. While this is a policing Bill and makes many changes to policing practices and conduct, I will focus on the mental health elements, as supporting people with mental health problems is part of a police officer's role. In a mental health crisis, as the charity Mind tells us, one's mind is at melting point. One may experience extreme anxiety, have suicidal thoughts or even a psychotic episode. In a crisis we need compassion, understanding and health-based support.

The Mental Health Act provides a legal framework for the detention of individuals with mental health problems. It is important to remember that being detained under the Mental Health Act, which is used to assess and treat a person's mental health problems without their consent if it is deemed to be in the interests of their health and safety or for the protection of others, is often traumatic for the person concerned. We must do all that we can to improve the support we provide to people at this critical time. I am sure other noble Lords will welcome the Bill's measures to reduce the maximum length of time for which the person may be detained to 24 hours, down from as many as 72, and certainly the banning of police cells for children. I would like to see us further improve the mental health support that we provide and the Bill gives us the opportunity to raise some important points.

I will focus my speech on the places of safety to which people are taken to wait for a mental health assessment and the support they receive at that critical time. People experiencing a mental health crisis who are detained under the Mental Health Act need to be taken to a supportive and holistic health-based place of safety. However, we know that, all too often, police cells continue to be used. A health-based place of safety has clear and specific qualities that make it safe for people experiencing a mental health crisis, such as being staffed by health professionals and being physically more appropriate. The mental health charity Mind has said that there is no scenario where a health-based place of safety would ever not be the best place to take someone who has been detained under Section 136 of the Mental Health Act. To ensure that we are able to do this, health-based places of safety need to be available and able to manage a person's health and behaviour. I do not believe that a police cell or even a person's home is ever appropriate for someone experiencing a mental health crisis. It sounds almost ridiculous that we are still discussing the use of police cells when using one would be absolutely unthinkable for someone experiencing a physical health crisis. We need to question some of the assumptions and truly think about what is best for people with mental health problems.

I would like to raise two further points which are essential if we are to change the way we support

people in mental health crisis. The first is to provide independent advice when a person is detained under an emergency section. This is vital because people are often very confused. They might think that they are being arrested for committing a crime and are often in a state of considerable distress. It is astonishing that people detained under Sections 135 and 136 of the Mental Health Act do not receive independent advice about what is happening to them at a time of real need. Along with other noble Lords, I will be calling for better support in the form of an appropriate adult scheme for people during those 24 hours when they are detained.

My final point concerns making sure that people are detained only for up to 24 hours, which the Government have certainly shown their commitment to achieving through the Bill. However, we know that people are often kept waiting for what can be hours to travel to a place of safety, or are held outside until a place becomes available. That time does not count towards the maximum length of time. To make sure that people do not have their liberty taken away for longer than the maximum time, it is crucial that the clock should start when the decision is made to detain someone, not at the point when someone arrives at the place of safety.

Many of the changes I have spoken about will require the health service to step up and provide appropriate support for those experiencing a mental health crisis. However, these are crucial changes to improve how we treat people with mental health problems and bring us closer to achieving parity of esteem.

I turn now to my second issue. Given my work on online safety, it would be remiss of me not to warmly welcome Clause 144, which amends Section 51 of the Sexual Offences Act 2003 to make it clear that the definition of sexual exploitation includes situations where indecent images of children are streamed via the internet or transmitted by other technological means. It is only right that this House should make it plain that there is no place in our society for any form of child sexual exploitation. To that end, I will be looking to the Government to provide reassurance that this law can be applied to all situations where an offender views streamed images and video of child abuse, including where the abuse is streamed in real time.

Staying with broader issues of child protection but in the offline world, I was concerned to see that child abduction warning notices—CAWNs—are currently defined in such a way that they can be applied to only around 5% of 16 and 17 year-olds. An amendment was moved in the other place to apply CAWNs to all 16 and 17 year-olds. The Minister there opposed the amendment but said that she would look at the issue. I hope the Government have now looked closely at the scope for the application of CAWNs. I would be interested to know whether they are now ready to extend the scope of CAWNs, and if not, why not? I look forward to hearing the Minister's response on this matter.

*6.34 pm*

**Earl Attlee (Con):** My Lords, I am grateful to my noble and learned friend the Minister for his explanation of the Bill. There appear to be many desirable components in it, some of which may help to address my concerns. The first one is that I am extremely unhappy with how the police exercise their powers, especially in some of the very high profile cases that have arisen in recent years. The noble Earl, Lord Lytton, went into greater detail on those. I understand the need for the operational independence of the police, and in particular that there should be no political interference, but it is not clear how the police are held to account for operations, especially in cases of misjudgment rather than criminality or serious misconduct. Further, I am not clear on what useful role the courts or the judiciary have in issuing warrants. In some of the high profile cases that were referred to by the noble Earl, Lord Lytton, a warrant would have been issued. I would like to explore in Committee exactly what the role of the judiciary is.

Closely linked to the issue of the conduct of the police in investigations is leadership in the police. My noble friend Lord Wasserman touched on integrity in the police, which is a closely related issue. So far as I am aware, the police do not objectively measure leadership. They might measure integrity, management and the ability to command a situation, but they do not objectively measure leadership, by which I mean the art of getting people to do things they do not really want to do: unlike in the Armed Forces, where no matter how clever or charismatic you are—although I accept that charisma is slightly linked to leadership—if you do not have innate leadership qualities, you are not going to get a commission.

I intend to raise these two matters in Committee in great detail. However, I may be pleasantly surprised by some of the provisions in the Bill when we look at it closely. There is certainly plenty of scope for amendments to address my issues.

What I want to spend most of my time addressing is Clause 114 dealing with deactivated firearms. I declare an interest as I inherited my grandfather's Webley .455 First World War revolver. I took the decision to have it deactivated in order to be absolutely certain that it could not cause a tragedy and so that it could not fall into the wrong hands and create a problem. Originally I had a firearms certificate which said that the weapon was not to be fired, but there was always the possibility of a child acquiring just one round and that one round causing a complete disaster. However, it did cost me money to have the pistol deactivated and I must have significantly lowered its value, because collectors with the right type of firearms certificate will pay a lot more money for a serviceable firearm than a deactivated one, but it was worth it for the reassurance.

The Prime Minister has always said that Brexit means Brexit, but she said it after this Bill had been drafted. I have not got fully to the root of this issue, but it appears that Clause 114 seeks to include any EU regulation or directive in the UK regime for firearm deactivation. Clause 114 is to be found on page 131. It introduces the concept of a defectively deactivated firearm. My grandfather's Webley 455 would fall into that category. Thus I can keep it, I do not need a firearms certificate or any record of its deactivation, although the proof house would have a record of its deactivation inspection. However, I cannot sell or transfer it.

[Earl Attlee]

In Committee I will suggest redrafting Clause 114(4) so that either a UK-spec or an EU-spec deactivation is okay, but I suspect that the Minister will violently resist that suggestion because he cannot possibly accept such an amendment, the reason being that an EU-spec deactivation is far below the standard of a UK-spec deactivation. I would suggest that the standard to be achieved needs to make it more difficult to reactivate a deactivated firearm than to make a new one. That is what the UK spec achieves. Of course, I am making the assumption that an engineering workshop is available with the necessary machines.

I am a little unclear why the EU deactivation spec is so poor. I understand that it involves changing the material in the steel plug in the barrel. In other words, it is necessary to temporarily reactivate the UK deactivated firearm and then put in the plug to EU specifications. However, we should remember that the EU specification for deactivation is not good enough for UK standards. That perhaps accounts for the rather odd drafting of Clause 114.

Does this matter? The UK has many collectors of deactivated firearms. They cause no problem, and that is why the Bill does not restrict ownership of deactivated firearms. If they are used to cause distress to other citizens, there are very serious offences already in the Firearms Act. There will be plenty of collectors who have collections worth tens of thousands of pounds. Such collections could be made worthless. My grandfather's Webley 455 is considerably reduced in value. It may be worthless, because it would not be worth the cost of having it deactivated to EU specifications. It would not particularly be a problem for me if my grandfather's Webley had no value. But for collectors, and there are lots of them, this is a very big problem.

If Brexit does mean Brexit, surely we can just delete Clause 114. Failing that, I hope I can have a meeting with the relevant Home Office experts and the appropriate Lords Minister—I understand that the noble Baroness, Lady Williams, will be taking the Bill through. Obviously, any such meeting would need to be before we reach Committee stage. In conclusion, I look forward to the subsequent stages of the Bill and to supporting the Minister, while not neglecting my concerns, particularly about police leadership and Clause 114.

*6.42 pm*

**Lord Brooke of Alverthorpe (Lab):** My Lords, I want to speak to Part 7 of the Bill, relating to alcohol and the Licensing Act 2003. It is not a major part of the Bill but the misuse of alcohol carries a huge cost to the country in a whole variety of different ways, particularly in the context of policing, crime and alcohol-related poor health.

The Minister mentioned it in his opening address, and I have been interested for some time in the way in which alcohol is being presented and now sold in a different way from the traditional liquid form—as powdered and vaporised alcohol. I have been asking the Government how they will deal with this development. Powdered alcohol is being manufactured in the USA and the best-known product there, Palcohol, has been legal since March 2015.

It has not been welcomed everywhere there because it can be taken easily to places where alcohol should not be consumed. It can be added to existing liquid alcohol drinks, thereby substantially increasing their strength. The biggest risk is that it can be, and in practice is being, added to the wide variety of soft drinks that minors and children consume. There is great concern about that. These are some of the reasons why to date, while it has been legalised in the States, 25 individual states have now banned the sale of the product. For all intents and purposes it is a psychoactive substance. It is mind altering and, as the Government document recognised, it can be vaped, as can other psychoactive substances. Ethyl alcohol is, of course, a drug. We talk about drink and drugs, but it is actually drugs and drugs if we look at it technically. I should like to know from the Minister why the Government are differentiating this from the other drugs that were recently banned under the psychoactive substances legislation. Why is this different from what has been banned under other legislation? Is it not really a legal high that is little different from the others?

Can the Minister also say what the Government think about the concerns and objections that have been raised in the States? If they intend to press ahead with the proposals to extend the definition of what constitutes alcohol to the Licensing Act 2003, does this in effect formally legalise the sale of powdered and vaporised alcohol in the UK from the time that this Bill becomes law? It is a little unclear at the moment. I have noticed that some websites are already preparing to sell powdered alcohol for vaping in the UK but they are waiting, as they put it, for the Government to legalise it. I presume that the Government are taking a step to legalise it, whereas it has hitherto not been seen as legal. Yet there is evidence in the States that where it has been legalised there are problems with it.

I should also like to know—I introduce the health element here—what consultations there have been with the health authorities on this change. The noble and learned Lord, in his introduction, also referred to your Lordships' Select Committee which is currently reviewing the operation of the Licensing Act 2003. I declare an interest as a Member of it. Part of this review, which has just got under way, is that a department of the Home Office has recently presented what is in effect post-legislative scrutiny to the Committee. It runs to 80 pages and, for anyone interested in reading it, it is Command Paper 9278 and was published in June. Generally speaking, it gives a rather glowing report of what has developed over the years since the Act came into force in 2005. It points to the reduction in the amount of alcohol now consumed, which is true, particularly among young people, where there has been a decline in recent years. It points to the fall in crime and disorder in alcohol-related incidents, but there are some negatives that some of us see arising from the Act. For example, late-night opening has shifted alcohol-induced problems to later in the night, with some consequences for public order and certainly consequences for the police and their resourcing. It has also had quite a major impact on A&E and emergency services.

There has also been a growth in off-licence sales, where the number of licences and sales have gone up, while in on-sale premises, such as pubs and clubs, sales

have gone into decline. We now see that more than 70% of alcohol sales are coming from the off-sale trade which is changing very significantly indeed, with very major players such as Amazon now selling alcohol online 24 hours a day, seven days a week, 365 days a year.

That sort of change has probably increased preloading, where people buy cheaply in supermarkets, drink it at home and then go out later in the evening. That in turn has led in the opinion of some of us to a really major problem that has not been recognised so far by the Home Office—in particular, in the paper that it presented to the Select Committee, which I have just mentioned—about the ever-increasing number of NHS hospital patients with alcohol poisoning or other alcohol-related illnesses. There is conclusive evidence of more than 64 of these so-recognised alcohol-linked problems, including liver disease and cancer—breast cancer in particular. Strong evidence has now come through about the effect of excessive drinking by women and the risk of breast cancer. Notwithstanding the statistics available about hospital admissions, I suspect that if some more research is done on what is happening at GP level and the extent to which GPs are looking at alcohol-induced illnesses being dealt with there, on which relatively little research has been done, we will see that there has been a growth in that area, compared with what life was like in 2003 when the Act first came into place.

Among the 80-odd pages of the post-regulatory review the Home Office submitted to us, I found a couple of lines about health problems generally. When I checked up on it I discovered a two-line reference, which I researched, that there is now evidence from the Health & Social Care Information Centre that in 2014-15 there were more than 1 million alcohol-related patient admissions to hospital—to be precise, 1,059,000. That was a 5% increase over 2012-13. But going back to 2005, when the 2003 Act was first put into place, the figure was as low as 493,760 admitted to hospital. While there has been a decline in alcohol consumption and fewer incidents of violence reported to the police, the other side of the coin is a massive change, with a 115% increase in alcohol-related admissions to hospital. This is a significant factor and change in the ethos that we have to take into account when looking at the 2003 Act.

I would not want to repeat all these arguments in Committee. The health authorities have long been arguing that a major omission from the 2003 Act was the requirement to take into account the health implications arising from alcohol consumption. It has already been taken into account in Scotland, where a change has been adopted. I will seek in Committee to move an amendment. Even though this is a relatively small item in the context of the size of the Bill we have before us, it is an important element with very substantial costs attached to it for the country as a whole. Given we have a change in the Home Office, with a new Minister in charge, I hope we might perhaps look for a more positive response from it to the idea that the health objective should be imported into the criteria required before licences are granted for people to sell alcohol. I tried to do this previously with a Private Member's Bill without any success, but I hope, given the weight of evidence now accumulating, that there will be a positive response from the Home Office to this and we will see a way forward that will certainly delight many people in the health authorities too.

*6.53 pm*

**Lord Harris of Haringey (Lab):** My Lords, first I refer to my interests in policing and other matters as set out in the register. Secondly, we are all delighted that the noble and learned Lord has been taking us through today, because we understand this may be his swansong on the Bill. It may be that he is delighted because, having listened to the range of issues raised during the last few hours, he realises that he will not be the one to deal with their detail.

This is certainly a substantial Bill—some 300 pages, as has been noted. When I realised that there are 1,100 paragraphs in the Explanatory Notes, I knew that we were embarking on what is clearly a major legislative exercise. It is 16 times the length of the Indian Independence Act 1947, which created the new independent nations of India and Pakistan and ended the British Raj. We are all in awe of the creativity of the Home Office officials who drafted such a big and complicated Bill in the light of such precedents.

I think it was Winston Churchill—probably about the same time as the Indian Independence Act—who, when presented at the end of a meal with a pudding, said, "Take away the pudding, it has no theme". This is a Bill without a theme. Despite its title, which, let us remind ourselves, is the Policing and Crime Bill, its first part deals almost throughout with the fire service. The Bill then meanders through complaints against police, police powers for volunteers, police bail, the detention of people under the Mental Health Act, deputy police and crime commissioners, changes to the Firearms Act, changes to the Licencing Act and UN-mandated sanctions, before reaching a rousing conclusion: restoring powers to Scottish local authorities to issue litter abatement notices. It is a comprehensive, detailed and complicated Bill.

We have to note that we face a Conservative Government rejuvenated—indeed, created—by a general election victory. The Bill is the major product from the Home Office following the election of a majority Conservative Government. This is the best we can expect from the Home Office during the Government's duration. It is certainly some sort of pudding; it may no longer be Eton mess, but it certainly has no theme.

The question for me is: do I want it taken away? Some of it is certainly worth having. Much of it is probably worthy and probably does no harm. For example, the proposal to declassify police cells as a place of safety under the Mental Health Act is long overdue. Anyone who has looked at a police custody suite will realise it is not an appropriate setting for someone in the middle of a mental health crisis. But a provision simply saying that police cells are no longer a place of safety is, on its own, potentially meaningless. Will the Government guarantee enough locally based places of asylum with appropriate mental health care? Will they guarantee appropriate support for that place of safety—perhaps more appropriately, to be the person's own home?

[Lord Harris of Haringey]

Often, those with a presenting mental health problem whom the police are happy to deal with, and who might be placed in a police cell because of their mental health state, are also inebriated or under the influence of drugs. Will the Government guarantee that mental healthcare settings in practice, assuming they exist—while there has been a lot of progress in the last few years, this is still not universally the case—will accept people who are inebriated or under the influence of drugs, or if they are being violent? Let us remember that police are often called to mental health establishments because staff cannot cope with the behaviour of the residents. If the laudable intention is for police cells not to be used as places of safety under the Mental Health Act, what arrangements are the Government making to ensure that mental health services are fit for purpose in managing that situation?

While we are about it, since the Government are expressing in the Bill an interest in custody facilities, what medical facilities will routinely be available in police custody suites? What is being done to train and support police in dealing with those they encounter who have mental health problems? The facilities that ought to be available in custody suites should be not just for people with mental health problems, but for those with physical problems. Brain injuries sometimes appear like intoxication. That requires a proper medical assessment in the custody suite: is someone sleeping, or dying? The opportunity is here to address some of these issues. Legislating that police cells cannot be used as a place of safety is simply not enough.

Another major part of the Bill deals with police complaints. It sensibly gives more of a role to PCCs and streamlines the governance of the IPCC. However, rebranding the IPCC as the Office for Police Conduct does not do anything to address the problems the IPCC faces: timeliness—how long it takes to conduct its investigations; sometimes, the quality of those investigations; and how independent it is perceived to be. Before the noble and learned Lord hands the Bill back to his noble friend to take through, I am sure he will explain to us how dropping the word "independent" from the title will help in giving the sense that the new version of the IPCC is independent. Why does it help to remove regional commissioners, who by statute shall never have held the office of constable? The only person required under this legislation not to have held the office of constable is the head of the organisation. Again, it is moving in the opposite direction from the present position.

Then, we have the proposals for the fire service. Who could argue against anything that improves collaboration and joint working between the three emergency services and fosters the more efficient use of their resources? Yet where is the evidence that this is not happening? The tri-service review of Joint Emergency Services Interoperability Principles, published in April, found that there was,

"a nationally consistent commitment towards interoperable … culture",

and,

"a nationally consistent approach to joint training".

Admittedly, there was a recognition that interoperability,

"has yet to be fully embedded across the services".

However, it is not clear why the patchwork reorganisations implied by this Bill would do anything to improve that interoperability and working together. Indeed, why will a patchwork organisational structure facilitate anything very much, with some fire services under the control of a PCC, some under an executive mayor—who may or may not have policing responsibilities—and the rest under an old-style fire authority? What will that patchwork quilt do to improve the fire service?

If the intention of the noble and learned Lord is to let a thousand flowers—or at least 40-odd of them—bloom in some sort of sub-Maoist approach to the emergency services, why has the discretion of the Mayor of London and London Assembly been so fettered, unlike the rest of the country? London must have a deputy mayor for fire, and this person—I assume, but maybe the noble and learned Lord could clarify—cannot be the Deputy Mayor for Policing and Crime. The London Assembly must have a stand-alone fire and emergency committee, and this function cannot be carried out by the Policing and Crime Committee or any other existing committee of the Assembly. I appreciate no one is currently arguing that these roles should be combined but it seems extraordinary, when you are creating all this flexibility everywhere else in the country, that the Minister goes so far in this Bill as to specify the detail of the committee structure of the London Assembly and the nature of dual appointments that can be made by the Mayor of London. Why fetter the discretion of this and future mayors and Assemblies, and limit them in this way?

The Bill tidies up some anomalies regarding deputy PCCs—a bit late, given that we have had one sad death in service of a PCC and one resignation. Incidentally, these anomalies were highlighted in this House when the original Bill to create PCCs first came through. So this Bill is not only a pudding without a theme but a missed opportunity—a sort of collapsed soufflé, or Eton mess whose creators have forgotten the strawberries. Everybody apparently now accepts that PCCs were the most wonderful innovation ever, so why no attempt to make them more effective? There is an opportunity to strengthen their role in respect of the rest of the criminal justice system—something long overdue, despite the efforts of a number of PCCs to streamline relationships with, for example, the CPS and the courts, or to engage much more in probation, rehabilitation and services designed to reduce the risk of reoffending. The Bill is a wasted opportunity.

Nor is there any move to strengthen the accountability mechanisms for PCCs, to address the weakness of police and crime panels, to improve the transparency of PCCs' actions, or to introduce a recall mechanism. These are more wasted opportunities. You have 300 pages of legislation and you do not use the opportunity to make some of these changes. The chance is not taken to strengthen the support structures around PCCs and the Deputy Mayor for Policing and Crime. Many of those office-holders in the first cycle experimented with additional appointments—apart from the deputy PCC—but these should be put on a statutory basis with a statutory framework, so that there is proper transparency. It is another wasted opportunity.

There is, in these 300 pages, an opportunity to tackle the eligibility question. Who is allowed to serve as a PCC, or for that matter as Deputy Mayor for Policing and Crime in London? It is wrong in principle that any should be former police officers, in that force or any another. As we have already been told, prospective PCCs must resign as MPs before they can stand, although that is not the case for the Mayor of London, who acts as a PCC, as he does not have to resign; or, when he does resign, he can then stand again, as the previous mayor demonstrated. PCCs cannot put themselves forward as parliamentary candidates. Yet in London, the Deputy Mayor for Policing and Crime is politically restricted unless they happen to be an Assembly member. Yet they are the person—a political person—designated by the Mayor of London to act. The same applies to deputy PCCs: they are political people designated by a politically elected PCC to act, so why make them politically restricted? What good is served by that process? It is another wasted opportunity.

The Bill was an opportunity to get all this right. Personally, I was never averse to the concept of a directly elected person being responsible for holding the police service to account in their area—though I appreciate that that might not always have been obvious to the noble Baroness, Lady Browning, when she took the Bill through the House. Police accountability matters. It is a pity that, five years on, the Home Office could not be bothered to put right the details it did not get right first time. Then, there was of course the imperative of a manifesto commitment for the larger part of the then coalition. Not to get it right now is simply negligent. Even if it is not to be with the benefit of the wonderful insights and charming turns of phrase of the noble and learned Lord, I looked forward to the opportunity to probe these and many other areas as this Bill goes forward.

*7.07 pm*

**Lord Condon (CB):** My Lords, in their election manifesto, the Government promised to finish the job of police reform and I support that ambition. I support much that is in the Bill. In particular, I support introducing a duty to collaborate on all three emergency services to improve efficiency. That will give impetus to innovative collaboration which, if I am honest, is already taking place up and down the country—but this will help. I also strongly support strengthening public confidence in the police by enhancing the role of the Independent Police Complaints Commission. Honest police officers have nothing to fear from such a strengthened Office for Police Conduct. I also welcome the introduction of an amendment for exceptional circumstances to allow retired police officers to be disciplined in certain circumstances.

Like others, I particularly welcome the provisions to ensure that those experiencing a mental health crisis receive the help they need and that police cells are used as places of safety only in exceptional circumstances. However, like other noble Lords, I fear that unless more resources are put into this area the reality will be that police cells may still be used for the mentally ill. Other clauses in the Bill cause me some concern. Also, some big issues are not addressed in the Bill. Their absence will jeopardise the Government's ambition to deliver police reform. Yet before identifying these concerns, it might be helpful to your Lordships to briefly recount the changing nature of police and crime commissioners, and how this might impact on their ability to deliver the reforms proposed in the Bill.

In 2012, the then Government suggested police and crime commissioners would be very different from the old police authorities they were replacing. They would not be anonymous figures anchored in local party-political bodies. It was hoped and, indeed, expected that they would attract high-calibre independent candidates from backgrounds such as business, the military and the professions. Despite voter apathy and a turnout of only 15%, 16 independent candidates were elected. Compare and contrast that with the 2016 elections where, despite the elections coinciding with local elections, there was a turnout of only 26% and voters appeared to vote predominantly on party-political lines, replicating the party-political results in the local elections. So we now have 20 Conservative, 15 Labour and two Plaid Cymru police and crime commissioners. Independents were almost wiped out with the exception of three in Avon and Somerset, Dorset and Gloucestershire. So in just one electoral cycle the new police and crime commissioners are again firmly anchored in local party politics, with all the strengths and some of the challenges that brings.

Against this new landscape of PCCs, I raise concerns about what is in the Bill and what is missing. First, I have reservations about the clauses that enable PCCs to take on the functions and duties of fire and rescue authorities, where a local case is made. Other noble Lords have raised those concerns, including the noble Lords, Lord Rosser, Lord Bach, Lord Paddick and Lord Harris. I predict that the new police and crime commissioners, who, as I say, are now once again embedded in local party politics, will probably be unlikely to embrace these enabling clauses with any enthusiasm. The drive for efficiency is well established in local politics already and many fire and rescue authorities are collaborating with agencies other than the police, as well as with the police. For example, some are working with social services to enhance the safety of the elderly, with alarms and monitoring way beyond just fire safety. The spectre of a relatively unwelcome takeover of a fire and rescue authority by a PCC, however unlikely, will damage morale and create uncertainty, and could well jeopardise and set back many of the innovative, collaborative endeavours between fire and rescue and other local services not involved in policing. The Bill creates an expectation of mergers between police and fire services which are probably not welcome locally or, indeed, necessary, as the benefits can be gained by the duty to collaborate without a more formal process involving police and crime commissioners.

When the legislation creating the police and crime commissioners passed through your Lordships' House, I raised concerns that in a world faced with global terrorism and the migration of a lot of financial and serious crime to the internet, we would need to be vigilant that a disconnected patchwork of 40 local police and crime commissioners might not be best placed to respond to some of these national and international challenges. My concerns about this disjointed

[LORD CONDON]
local approach remain and have been strongly reinforced by Brexit, and my early thoughts on what that means for day-to-day policing up and down the country. I believe that if the Government are to deliver their manifesto promise to finish the job of police reform, the big issues for the police service are about not just parochial issues of better co-ordination within each force area; rather they are about better co-operation in policing regionally, nationally and internationally. Some of these big issues include, for example, the response to terrorism, which we spoke about earlier this afternoon. We need the Government to come to a conclusion—soon, I hope—about the lead role in combating terrorism. Will it continue to be the responsibility of the Metropolitan Police or will this role be transferred to the National Crime Agency? Is the Minister in a position to give us any guidance on when this important decision will be taken?

The migration of financial crime and fraud from the physical world to the digital world needs a joined-up response beyond local police and crime commissioners. Serious planning should be taking place now for more structured co-operation between the National Crime Agency, the Serious Fraud Office and the City of London financial crime unit.

Another big issue that needs to be dealt with nationally is the development of police leaders. The noble Earl, Lord Attlee, mentioned what was happening in police leadership. Since police and crime commissioners have been given the task of selecting their chief constables, an unintended, but perhaps predictable, consequence has been a quite dramatic reduction in police candidates applying to be chief constables, primarily because experience shows that police and crime commissioners invariably select their local in-force candidate, regardless of the merits of candidates from outside the force. This may well lead to a stagnation of senior police experience. Prior to police and crime commissioners, a strong cadre of able men and women were mentored and encouraged to move between forces at senior level to encourage the spread of experience and best practice. Perhaps the Minister could tell your Lordships whether the police inspectorate and the College of Policing are aware of this challenge and how they are responding to the need to develop police leadership in the national—not just local—interest.

The final challenge which concerns me is the implications of Brexit for police and crime commissioners and their police forces. We should be under no illusions: the implications of Brexit will affect not just the National Crime Agency. Every day in every police force area checks are made involving European databases on people, vehicles, DNA samples and suspects. All these thousands—indeed, tens of thousands—of routine checks are now thrown into question. Our involvement with Europol, European arrest warrants and access to all the European databases will need to be renegotiated as part of the Brexit negotiations.

The Bill has many welcome and important provisions, which I hope your Lordships will support as it passes through this House. However, the clauses to enable police and crime commissioners to take on the duties of fire and rescue authorities are an unnecessary and unwelcome distraction and are unlikely to be embraced with any real enthusiasm by police and crime commissioners, who are now once again firmly embedded in local party politics. The Bill is silent on some of the really important issues that will enable police reform to take place, particularly in the light of the enormous range of challenges facing the police as a result of Brexit. I hope these important issues will be addressed as soon as possible but, in the meantime, I support most of the important provisions in the Bill.

*7.18 pm*

**Baroness Hamwee (LD):** My Lords, another day, another 323 pages of Home Office legislation. I realise that for the noble and learned Lord, who has had to immerse himself in it, this must be a bit like having his client settling at the door of the court, as he will not be able to continue with it. We have a Long Title which is long enough for the antennae of many noble Lords to twitch with the prospect of introducing their specialist subject—the noble Lord, Lord Moynihan, demonstrated that amply.

As it always does, the House has demonstrated much expertise in, and practical experience of, aspects of policing. This is called the Policing and Crime Bill but, from the preponderance of briefings that I have received—other noble Lords will, no doubt, have as well—I wonder whether a significant part of it should have been led by the Department of Health. The noble Lord, Lord Brooke of Alverthorpe, made a similar point, though perhaps coming from a different perspective. There are four clauses, out of more than 150, on powers under the Mental Health Act. While the organisations from which I received briefings gave some welcome to these, the concern to do more and better comes through loud and clear. As Mind pointed out—and the noble Baroness, Lady Howe, reminded us—the Mental Health Act 1983,

"allows people to be deprived of their liberty when they haven't committed, or are not suspected of having committed, a crime".

Concerns about the places of safety provisions have been expressed in the Chamber and from outside including, most recently, from Black Mental Health, some of which came through on my iPad after we had started the debate.

Inevitably, there has been a focus on resources. I hope we might hear something positive from the Government—a Government who acknowledge that mental health services are a Cinderella. My right honourable friend Norman Lamb had seven amendments in the Commons. Reference has been made to some of his concerns, but not to disallowing the use of tasers by police officers on psychiatric wards. They have no place in mental health care—I stress care—nor, really, do the police. We will pursue his concerns and, I suspect, more, as we have more scope in this House.

According to the Long Title, the Bill will,

"make provision to combat the sexual exploitation of children and to protect children and vulnerable adults from harm",

but not as extensively as the children's organisations which work so effectively together point out. We have heard concerns about extending child abduction warning notices, online offences, disrupting grooming and therapeutic support for victims of abuse, which is something I feel strongly about.

As the noble Lord, Lord Blair, said—and I think the noble Lord, Lord Rosser, did too—the Bill was introduced as "finishing" the job of police reform. Will it ever be finished? Some 42 police forces provided information to a Liberal Democrat FOI request about 101 calls. This is nothing to do with *Nineteen Eighty-four*—I have not got my Bills mixed up. From 2012 to date, 3.5 million calls were unanswered. These 101 calls may not be about emergencies, but that does not mean they are not about serious matters. To the citizen, any call to the police which is unanswered is serious.

I share doubts about whether the administrative arrangements will lead to increased confidence. Much has been said this afternoon about local collaboration between the blue-light services. Along with my noble friend Lady Bakewell of Hardington Mandeville, I feel that local authorities should have a leading position in decisions around this. Allowing police and crime commissioners voting rights at local authority meetings is, at the least, questionable. My noble friend referred to the term "good will", which is an immensely important point, and I remember the chambers of commerce report to which she referred.

I turn to governance issues. Maybe the summer holidays will re-energise us all and enable us to come up with an enormous raft of amendments to debate the points to which our attention was drawn by the noble Lord, Lord Harris, and by the noble Lord, Lord Bach, in his compelling speech. We are told all this is based on efficiency and effectiveness, but whether that is fulfilled rather depends on the criteria you set.

On the subject of confidence, I take the point made by the IPCC—as it still is—that a change of name to Office for Police Conduct is likely to be read by the public as meaning a police body, not an independent one, as my noble friend Lady Harris of Richmond said. There is far more to be addressed on conduct and complaint matters, but I will indulge myself by saying that "super-complaint" seems to me to be a very unfortunate term.

There is also appropriate concern about what has been called the constitutional novelty of directly elected politicians taking on a quasi-judicial function.

How the police use civilian staff seems to have swung to and fro over quite a short period. When I was first concerned with the Metropolitan Police's budget, through my membership of the London Assembly, we often questioned what seemed to be a widespread view that you could not, for instance, handle human resources if you did not wear a uniform. The pendulum has swung a lot. Whether expanding the role of civilian staff and volunteers—no doubt driven by cost-cutting—jeopardises the service, is something which we must discuss. I recognise a lot of what the noble Lord, Lord Blair, was talking about. I do not know whether I should be concerned, but I am, about the impact of all this on neighbourhood policing. Its status, and the investment in it, seems to have been reduced—I might even say downgraded—over not a very long period.

The provisions about the detention of 17-year olds show the value of the European Convention on Human Rights. We have a 35-page human rights memorandum and there are, of course, enhancements of human rights in the Bill. Like others, I suspect this is because of the scrutiny role of this House. I do tend to go straight for the problem areas and forget to acknowledge the good bits. There is also an 85-page delegated powers memorandum, so that might turn out to be material for scrutiny.

The requirement to confirm nationality will take us to human rights issues and, for the second time in a matter of months, to the confusion of the roles of police and immigration officers. This was raised by the Joint Committee on Human Rights, of which I am now a member. In a letter to the then Home Secretary, the chair of the committee wrote:

"Although the Government has accepted that Article 14 of the Convention may be engaged in respect of foreign nationals, the ECHR memorandum does not consider any potentially differential impact on BAME UK citizens".

She referred to the,

"discretion to the individual officer as to whether or not to ask the arrested person to state their nationality. This raises the prospect of UK nationals who are members of ethnic minorities being more likely to be asked to state and then prove their nationality than other UK nationals",

with a risk of discrimination contrary to Article 14 in conjunction with Article 8. On behalf of the committee, she asked the Government to,

"address this issue of possible differential impact and explain how this differential impact can be avoided or justified".

The answer was that:

"it is considered that such interference"—

requesting proof of nationality—

"is proportionate and justified to the pursuit of a legitimate aim—namely being able to properly exercise an effective immigration control".

There is either a circularity or an assumption about what the problem is there. It does not answer the question but answers another point entirely. The Minister replying pointed out that,

"both immigration officers and the police must comply with public law principles",

including,

"the requirement to act reasonably in all circumstances",

and that their actions or decisions,

"may be challenged in the courts by means of judicial review".

I have to say that I do not find that convincing.

Maritime enforcement also raises human rights issues and issues around the refugee convention. We do not seem to have a Minister with particular responsibility for refugees now, which is a pity because their plight must not go out of the headlines and I know that this House will not relegate the matter.

The noble Lord, Lord Condon, referred to a long list of problems that will have to be addressed because of our exit from the EU. Would that we could sort them out in the Bill.

I have said enough for today except for my last note, which says, "Whinge about the timing of Committee". I am not sure whether this Policing and Crime Bill will be light relief from the Investigatory Powers Bill, as jam in the sandwich during our two weeks in December—

**Lord Paddick (LD):** It is in September.

**Baroness Hamwee:** I meant September; that was wishful thinking. I do not suppose that that sandwich arrangement would be particularly welcome to Ministers either, but it will not deter us from raising issues on

[Baroness Hamwee]
either Bill which we feel must be raised. On the same basis as it takes longer to write a piece for the *Sun* than for the *Guardian*, there may be rather a lot of amendments.

*7.31 pm*

**Lord Tunnicliffe (Lab):** My Lords, I thank the Minister for his masterly presentation of this legislation.

Part 1 of the Bill relates to the fire and rescue service, among other things, but undoubtedly that is the most controversial area. The noble Lord, Lord Paddick, my noble friend Lord Bach, the noble Baronesses, Lady Harris and Lady Bakewell, and the noble Lord, Lord Condon, all raised question marks over the concept of the PPC being responsible also for the fire service.

The fire and rescue service had to reduce its spending power by 17% in real terms between 2010 and 2015 and will have to reduce spending by a further £135 million between now and 2020. The National Audit Office revealed that the number of audits or inspections and fire safety checks by fire service and campaigns has fallen significantly. After decades of the numbers of fires, casualties and fatalities falling there was an increase in all those categories in the latest fire statistics, comparing those for April to September 2015 to the same quarter in 2014. For instance, there were 139 fire fatalities in 2015 compared with 108 in 2014. We are concerned that the Government's proposals to allow PCCs to take over from fire and rescue authorities puts the independence and operational capacity of our fire services at risk. We are further concerned that, under the single employer model, it may be more difficult for the fire service to maintain independence, damaging its ability to carry out preventive work.

In this House, I have something of a unique relationship with the fire service. For 12 years, I was the London Fire Brigade's biggest customer—such a big customer that it used to invite me to its Christmas parties. The reason for this was very sad, of course: in 1987 my organisation, London Underground, had a fire that killed 31 people. I joined as managing director after that and we then changed our protocols. We used to invite the London Fire Brigade to our premises 200 times a week on average. In that period, we came to realise just what a very unsafe environment we were managing and so did the fire brigade. Together with it and other specialists, we put an enormous effort into making the environment safe. At the same time, London changed its very fire brigade shape and created more and more unsafe environments, particularly tall buildings. The fire brigade adapted over that time into entirely new and extremely professional areas of concern because the essence of being a successful fire brigade is not to put out fires but to create the environment where fires do not occur in the first place. That is a wholly different area of emphasis.

As a number of noble Lords have suggested, under a single PCC who is unlikely to have had any intimate experience of the fire environment, there is a real possibility that the fire service could become second-class citizens—poor relations, as I think my noble friend Lord Bach put it. Before we go into that experiment, we will have to look at those provisions with great care and pore over that part of the Bill. I will take a great deal of convincing that that concept is sound, particularly the possibility of it being forced upon a successful fire authority. It is very probable that we will oppose it.

Part 2 of the Bill is about complaints and it was very useful that the noble Earls, Lord Lytton and Lord Attlee, as well as my noble friends Lord Prescott and Lord Harris, brought out the variety of problems that we still have with our police. We love our police but at the end of the day there has to be some way of knowing that they are sound: that there is not corruption and there are the right checks and balances. Listening to those contributions in the debate, one is left with the idea that there must be underlying problems which are still not being sufficiently addressed. We will look at the proposed new clauses relating to the IPCC with great care to see whether they will improve the environment or go far enough.

I was particularly seized by the comment—I wish I could remember which noble Lord made it—that taking "independent" out of the title to somehow make the body more independent does not seem self-evident. In fact, we will oppose "independent" being removed from the title. The Office for Police Conduct does not sound like anything that will hold anybody to account. I think it was my noble friend Lord Harris who made the point that the only person in this organisation who cannot previously have been a constable will be its executive head. We need to look at the composition of the board and the people working in the new organisation to make sure that they are not overly close to the police.

Part 3 touches on the issue of police volunteers. The loss of personnel in the police service is frightening. Funding from central government went down in the previous Parliament by 25%. The recent assurance that police budgets would be maintained has been drawn into question by the chair of the UK Statistics Authority, which ruled that in fact budgets will be cut in real terms between 2015-16 and 2016-17. Since the previous Prime Minister came into office, 18,000 officers have been lost, 12,000 of them from the front line. In this context, we will oppose any attempt by the Government to plug through the Bill the gaping hole in the police workforce with volunteers. We recognise the excellent work done by special constables, neighbourhood watches and police and crime panels, but there is a difference between volunteers bringing additionality to the police workforce and volunteers acting as their replacements.

It is very difficult to see why we need something different from special constables, who I believe have been around for over 100 years. They have constabulary powers and have been properly trained in how to use them. We have also developed the role of the PCSO, and debated and refined it over time. Should we not have properly trained PCSOs helping to secure an adequate police presence rather than looking to volunteers to fill the gap? For volunteers, there is already the special constable path. We will be looking extraordinarily carefully at the powers that are being requested for these volunteers, and the Government will have great trouble convincing us that they are anything other than a dangerous set of powers.

Part 4 reforms police bail and is to be generally welcomed. Indeed, some of the excesses of police bail in recent years have been truly appalling. There is no question but that if you are placed under police bail for weeks, months and in some cases years, it is a de facto punishment inflicted on you as an individual without a proper judicial process. We wholly welcome that reform. But it has to have the right checks and balances, and the enforcement of bail conditions must be fully adequate. It is particularly important that we have the right controls over issues such as confiscation of passports in the context of, for example, terrorism.

Part 4 does a number of other things. A key thing is that it recognises that 17 year-olds are children. The noble Baroness, Lady Hamwee, pointed out that this was partly a product of the European Convention on Human Rights. It is also of course laid down in the UN Convention on the Rights of the Child. How we came to ignore that convention and the human rights commission, I cannot understand. I commend the Government for putting this right but am sorry it has taken them so long to do it.

The other area covered by Part 4 that I will mention is mental health and holding people facing a mental health crisis in police cells. There has been total consensus in the Chamber that that reform is right. The noble Baroness, Lady Howe, hit the nail on the head when she touched upon parity of esteem—my noble friend Lord Harris and the noble Lord, Lord Condon, also raised it, I think. The provision of mental health services in this country is a disgrace, not in the sense that someone has done it evilly, but we all know we have been looking the other way for too long. Parity of esteem has to mean having the right resources. Holding people against their will in unsuitable accommodation is a central example of where many more resources will have to go in. To make sure that we are not holding people in police cells, they will have to go to proper secure accommodation, managed by the National Health Service. We must rethink, right through our legislation, how we work with mental health issues and must provide the right resources.

Finally, I will comment on Part 6, which relates to firearms. We await with some interest the amendments that the noble Earl, Lord Attlee, will table, including whether they will be specific to a .455 calibre or not—I am teasing him. One area where we will intervene is full cost recovery. The individual gun-holder's licence must be the only one where a dangerous or powerful weapon is put in the hands of an individual and the state does not make full recovery of the cost of the licence it provides. I used to have a dangerous pastime, flying aeroplanes for fun. The state took enough money to pay for the cost of issuing that licence at every level—for example, if you are a professional pilot, they charge you the appropriate amount to make sure that that licence is maintained. I understand the difference is that the real cost is about £198, but we charge £88.

We look forward to examining the Bill in detail. It will give us an opportunity to discuss other issues: the noble Lord, Lord Moynihan, will no doubt bring forward some interesting amendments relating to sport and drugs, as will my noble friend Lord Brooke on alcohol. I welcome the noble Baroness, Lady Williams of Trafford, to her new role—perhaps we might get a hint before the end of the evening about who on the Front Bench will do what. Given the sheer length and complexity of the Bill, I commend to her the willingness of the noble and learned Lord, Lord Keen, in working with me or my noble friend Lord Rosser on previous Home Office Bills, to take as much stuff as possible off the Floor of the House and work face to face in informal committees. I do not think the Floor of the House is a good learning environment. Probing amendments are learning aids—we have to table them, but we can get some of those learning bits, where it is a matter of understanding things, out of the way. In addition, the Floor is not all that good an environment to try to negotiate compromises, and there will have to be a lot of compromises in the Bill. I hope that Ministers will be willing to put the effort in—we certainly will—to spend time off the Floor of the House to that end. With that, I hand over to the noble and learned Lord to reply and thank him for his efforts so far.

*7.47 pm*

**The Advocate-General for Scotland (Lord Keen of Elie) (Con):** My Lords, I do not think this is quite my swansong, but I assure noble Lords—perhaps to their relief—that my noble friend Lady Williams of Trafford will be taking up the baton on this Bill after this evening. I am sure she is looking forward to it.

I am grateful to all noble Lords who have participated in the debate and thank them for their contributions. It has been a wide-ranging debate, enhanced by the level of expertise and experience which noble Lords have in various areas touched on. It has been evident from the debate that there is a good measure of support on all sides of the House for many of the Bill's provisions. Among those provisions which have been widely welcomed are the strengthening of the inspection framework for fire and rescue authorities, the reforms to the police complaints and discipline systems, the limitations on the use of pre-charge bail, the changes to police powers under the Mental Health Act, and the measures to protect children and vulnerable adults.

Other provisions in the Bill have had what might be described as a mixed response. I include in this category the provisions enabling police and crime commissioners to take on the responsibilities of fire and rescue authorities and those enabling chief officers to designate volunteers with a bespoke set of police powers. I will respond to some of the observations made by noble Lords and, if I do not cover every point raised, I apologise in advance. It is not because I do not consider them material, but in view of the time available I will be able to address only some of them.

I go straight to a point raised by the noble Lord, Lord Harris, who began by disclosing his knowledge of puddings and then went on to develop the point that the Bill is simply enormous—more than 300 pages, larger than the Bill that gave rise to the independence of India and Pakistan. Then, to my astonishment, he executed the most neat backward flip I have seen in this Chamber, and went on to add that there were many wasted opportunities for putting further material into the Bill. We got one after the other. This is only an estimate, but I rather think that we would have a Bill

[Lord Keen of Elie]
slightly longer than the Chilcot report if we had incorporated everything that he wanted us to include. Perhaps there is no harm—he complimented the industry of the Home Office and he was right to do so—but we have to try to keep the Bill within certain bounds.

I will address points mentioned by the noble Lord, Lord Rosser, and others. On Part 1, he asked whether PCCs should proceed to take over fire authorities. PCCs have been a success. One noble Lord is a PCC and another, the noble Lord, Lord Prescott, endeavoured to become one, so they have embraced the idea.

**Lord Prescott:** Sadly, it did not happen.

**Lord Keen of Elie:** I cannot account for the voters of Humberside, my Lords, but there we are.

We are developing proposals to implement the governance of single-employer models. If there is no agreement, a PCC can submit a business case to the Home Secretary. I may have misunderstood the noble Lord, Lord Bach, but there is no question of a PCC being forced to proceed with a merger. I make that absolutely clear: it is only where the PCC and local authorities cannot reach consensus that the PCC will present his case to the Home Secretary and she or he will then be required to seek an independent assessment to inform their view whether the governance change would be in the interests of economy, efficiency and effectiveness. It requires independent consideration.

The question of volunteers was raised by the noble Lord, Lord Rosser, and several other noble Lords, including the noble Lord, Lord Paddick. Just to be clear, these reforms will place the matter of decision-making about volunteers firmly in the hands of officers who will be able to determine on the basis of their professional expertise and local knowledge what powers are needed in their area and can properly be given to volunteers in their area. They will then designate staff for that purpose. Of course the staff will be trained; there is no question of untrained volunteers being brought in in that context.

The noble Lord, Lord Rosser, also raised the question of mental health provision, as did several other noble Lords, including the right reverend Prelate the Bishop of Southwark, the noble Baroness, Lady Howe, and the noble Lord, Lord Harris. To put this into context, of course a police cell is not considered a suitable place of safety. That is the impetus behind the Bill. It is only in exceptional cases with respect to adults that it would ever be contemplated. The noble Lord, Lord Harris, talked about guarantees. You cannot have guarantees at this stage. You can have provision. The Government have announced additional funding for the NHS of up to £15 million to invest in additional health-based places of safety; that provision will be available. In addition, the Bill increases the flexibility for local areas and clinical commissioning groups to explore innovative options to create additional places of safety to try to ensure that police cells are resorted to in only the most exceptional cases.

The noble Lords, Lord Rosser and Lord Prescott, raised the question of what is sometimes termed Leveson 2. As we have already made clear, there are still ongoing criminal cases relating to part 1 of the Leveson inquiry and we have always been clear that these cases, including any appeals, must conclude before we consider part 2 of that inquiry process.

The noble Lord, Lord Paddick, asked about requiring passports or other identification and suggested that this was an instance of confusion between immigration enforcement and policing. With great respect, that is not the case. These powers will only ever be employed where the police have already made an arrest on the basis that an individual is suspected of committing a criminal offence, so there is no confusion there at all. This power is given to the police post-arrest in circumstances where a crime or offence is suspected. It is appropriate and proportionate that the appropriate request may be made. The noble Baroness, Lady Hamwee, cited not only the question posed by the committee but the answer given; I do not seek to repeat that; she referred to it at length.

The noble Lord, Lord Blair, asked about firearms under Clause 37, and I undertake to write to him on that point, but he also raised a point about a lacuna with regard to specified ranks in the service. We do not accept that there is a lacuna. There may well be circumstances where the senior officer ranks could properly be filled by someone who transferred from another organisation, such as the Security Service, with the requisite experience in terrorism, for example. It would be a matter of deciding whether they had the requisite qualities and qualifications for the job. That will always be the final determining factor. It is not considered that this is simply a lacuna in the Bill.

The noble Lord, Lord Bach—in fact, I have perhaps addressed this—raised the question of whether PCCs would be forced into employing the governance and employment model. As I mentioned, that is not the case.

The noble Baroness, Lady Bakewell, asked what would occur where the boundaries of a police authority and the fire authorities did not coincide. Should that be the case, it would be for the local areas to consider how the boundaries could be changed if a PCC wished to pursue taking over responsibility for the fire and rescue service. There is provision for that. It would not be part of the business case that the PCC presented that he should amalgamate fire and rescue areas for that purpose. If it was not appropriate and if there were real issues there, clearly that would be raised in the context of the business case and it might well not be made out in those circumstances.

The noble Lord, Lord Moynihan, asked about doping. The Government are committed to tackling doping in sport and will continue to work with the UK Anti-Doping in sport stakeholders to ensure that athletes can compete in a clean sport environment. The Department for Culture, Media and Sport is currently reviewing existing anti-doping legislation and assessing whether stronger criminal sanctions are required.

The noble Baroness, Lady Howe, raised issues with regard to mental health. I hope I have touched on those with regard to places of safety. She also noted that we had reduced the time for detention from 72 to 24 hours. It is considered appropriate that that period should be determined from the time at which it is possible to place someone in a place of safety, not

from the point at which they are detained. That remains the Government's position in that context. She also asked about Clause 144 with regard to the streaming of child pornography and whether its provisions would apply to all situations, including real-time streaming. The answer is that it will apply to that situation as well.

The noble Earl, Lord Attlee, asked about his father's Webley .455 gun.

**Earl Attlee:** My Lords, I had to declare an interest—if I did not, I would be in serious difficulty—but I was actually speaking on behalf of all people who own a deactivated firearm; they are extremely concerned about it.

**Lord Keen of Elie:** I appreciate that, and I do not seek to belittle the noble Earl's point. Clause 114 deals with defectively deactivated firearms—that is, firearms that have not been deactivated up to the standard of EU regulations—and deals with the prohibition on the sale of such firearms. No doubt, the question of involving EU regulations in that context is a matter that will have to be addressed in due course as we negotiate the various provisions with regard to Brexit.

The noble Lord, Lord Brooke, raised questions about powdered alcohol. First, he posed the question as to why it is treated differently to psychoactive substances. Essentially, it is because there is a distinct licensing regime with respect to alcohol. The potential difficulty is over whether alcohol licensing pursuant to the 2003 Act extends to powdered alcohol, because it refers in this context to liquor. So there is a doubt as to whether you are required to be licensed to sell powdered alcohol. It is to dispel that doubt and ensure that there is a licensing regime in place that those provisions are there. I hope that assists to some extent in explaining that matter.

The noble Lord, Lord Condon, referred among other things to the question of leadership skills. Indeed, it was a point raised by the noble Earl, Lord Attlee, as well. There was a question of whether enough was being done to ensure that we had these leadership skills in place, particularly for the senior ranks of the police force. In the *Leadership Review* published in June 2015, the College of Policing pointed to the need to create more flexibility in police careers, and we are supporting the college in examining options to encourage greater movement in this context. We would agree with the noble Lord that it is vital that all opportunities in policing should be open to the widest pool of capable candidates, and that PCCs in particular should be encouraged to look beyond their own police authority in that context. No doubt, that point will be brought home in due course.

The noble Baroness, Lady Hamwee, referred to the question of confusion between the role of police and immigration officials. Again, I hope that I addressed that in my earlier comments.

The noble Lord, Lord Tunnicliffe, in taking us through each area of the Bill, raised a number of issues that have been touched on already by the noble Lord, Lord Rosser. He finished by referring to the question of full-cost recovery and firearms, and I am not clear as to what the position is on that but I shall write to him on it if he is pleased to receive a letter. When I say that I shall write, I mean that the noble Baroness, Lady Williams, will be pleased to write to him on that matter in due course—thereby committing my noble friend to that which she had not intended when she first entered the Chamber this evening.

I appreciate that a number of additional points were raised—

**Lord Rosser (Lab):** Could the noble and learned Lord clarify one point? When he was talking about volunteers, he said that it would be a matter for the chief officer as to how they would be used or deployed. Does that mean that a police and crime commissioner has no say over the extent to which volunteers will be used in his or her police force, or the kind of duties that they will undertake? If that is the case, and if a police and crime commissioner has been elected on a platform of saying in their electoral address that volunteers are being used too extensively or not extensively enough, that is meaningless because the PCC has no say—it is entirely a matter for the chief officer.

**Lord Keen of Elie:** No, it would not be a binary or a black-and-white issue. If it was an operational matter—that is, deployment—it would be for the chief officer of police. But in the wider issues that arise with regard to whether you deploy volunteers within a force the PCC would, of course, take an interest. When it comes down to operational matters such as deployment, and a particular deployment, clearly it would be a matter for the chief officer of police. I hope that that assists the noble Lord.

I am conscious that I have not been able to respond to all the points raised in the debate, and we will seek to write to noble Lords who have raised other issues. The Bill will enhance the efficiency and effectiveness of the police and fire and rescue services. It will strengthen democratic accountability. We believe that it will build public confidence and ensure that the right balance is struck between police powers and the rights of individuals. While we will undoubtedly continue to debate the detailed proposals in the Bill, I am sure that the whole House will support those outcomes. On that basis, I commend the Bill to the House.

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

## Barnsley, Doncaster, Rotherham and Sheffield Combined Authority (Election of Mayor) Order 2016

*Motion to Approve*

*8.05 pm*

*Moved by* ***Lord Bourne of Aberystwyth***

That the draft Order laid before the House on 27 June be approved.

*Relevant document: 5th Report from the Secondary Legislation Scrutiny Committee*

**The Parliamentary Under-Secretary of State, Department for Communities and Local Government and the Wales Office (Lord Bourne of Aberystwyth) (Con):** I shall also speak to the West Midlands Combined Authority (Election of Mayor) Order 2016. The draft orders, if approved, will create the position of mayor for both the Sheffield City Region and the West Midlands Combined Authority, with the first elections in these areas to be held in May 2017; and set the first mayoral term for a duration of three years, with the next election in May 2020, with subsequent four-year terms. The Government committed in their manifesto to,

"devolve far-reaching powers over economic development, transport and social care to large cities which choose to have directly-elected mayors".

To give effect to this commitment, the Government passed the Cities and Local Government Devolution Act earlier this year. As I set out to the House during the passage of this enabling legislation, the Government have introduced clauses to allow directly elected mayors for combined authority areas because devolution of the ambition and scale set out in the Government's manifesto requires strong, clear accountability and leadership. It is necessary that, when major powers and budgets are being devolved, local people know who is responsible for decisions. Mayoral governance offers a proven model for effective local leadership which has worked around the world.

On the Sheffield City Region, this order is a milestone in the implementation of the devolution deal agreed between the Government and local leaders on 2 October 2015. It follows the establishment of the combined authority on 1 April 2014, from which time it has been serving the Sheffield city region, bringing together across the area the closely interconnected issues of transport, economic development and regeneration. On 2 October 2015, the Government and combined authority announced a devolution agreement which provided an offer of powers and budgets from government on the basis that the area will deliver certain reforms and measures, including adopting a directly elected mayor covering the whole of the combined authority area. This agreement included that the mayor for the Sheffield City Region would be responsible for: a consolidated, devolved transport settlement; following the introduction of the necessary primary legislation, be responsible for the franchised bus services, which in turn will support the combined authority's delivery of smart and integrated ticketing across the combined authority's constituent councils; take on responsibility for an identified key route network of local authority roads; and have responsibility for strategic planning, including the responsibility to create a spatial framework for the city region.

In turn, the combined authority of Sheffield City Region takes on responsibility for: devolved funding—that is £30 million a year over 30 years; control of the devolved 19-plus adult skills funding by 2018-19; joint responsibility with the Government to co-design employment support for harder-to-help claimants; and a devolved approach to business support from 2017, to be developed in partnership with government. In addition, the Government agreed to pilot a scheme in the Sheffield City Region Combined Authority that will allow the area to retain 100% of any business rate growth beyond that forecast. It will also enable the combined authority to create an investment fund of £900 million through the 30-year gain share funding. In return, the area has agreed appropriate governance for these new powers and budgets, centred on a combined authority and a directly elected mayor providing the vital, sharp, single point of accountability that is essential if such wide-ranging powers and budgets are to be handed to the area.

The West Midlands order is a milestone in the implementation of the devolution deal agreed between the Government and local leaders on 17 November 2015. The first step in implementing this deal was made on 17 June 2016, when the combined authority was established, with powers over transport, economic development and regeneration. On 17 November 2015, the Government and the leaders of the West Midlands announced a devolution agreement which provided an offer of powers and budgets from the Government on the basis that the area would deliver certain reforms and measures, including adopting a directly elected mayor covering the whole combined authority area.

The agreement included that the mayor for the West Midlands would individually exercise some functions in relation to transport and strategic planning, and the combined authority would take on responsibility for: devolved funding of £36.5 million a year over 30 years for the West Midlands area; control of the devolved 19-plus adult skills funding by 2018-19; joint responsibility with the Government to co-design employment support for harder-to-help claimants; and a devolved approach to business support from 2017, to be developed in partnership with the Government. It will also enable the combined authority to create an investment fund of over £1 billion through the 30-year revenue stream and locally raised finance. In return, the area has agreed appropriate governance for these new powers and budgets, centred on a combined authority and a directly elected mayor providing that vital, sharp, single point of accountability to which I referred in relation to the Sheffield City Region.

In delivering the full range of commitments in the devolution deal, the Secretary of State intends, subject to statutory requirements and parliamentary approval, to make further orders to implement the deal. Subsequent orders will include the transfer of budgets and powers over planning, transport, education and skills.

These draft orders establish mayors for both the Sheffield City Region and the West Midlands, set out the dates of elections, and set the first and subsequent term lengths. The orders are laid before Parliament following the statutory process specified in the 2009 Act, as amended by the Cities and Local Government Devolution Act 2016. As required, all the constituent councils in the combined authorities have consented to these orders being made. As required, we are now seeking Parliament's approval before making these orders.

These orders are about delivering devolution and empowering local authorities to set their own policy agendas. They provide enhanced local leadership in the form of directly elected mayors, with a strong democratic mandate and independence from the combined authority. The mayors will work closely with local leaders, who will sit on the combined authority boards. Together they will drive forward the economic

opportunities presented by devolution, with the mayor acting as chairman or chairwoman of the combined authority and providing a single voice for the area that can both be prominent nationally and help drive the devolution agenda.

As noble Lords may recall, in the passage of the enabling legislation for this order, there was debate on the necessity of mayors in devolving powers to local areas. The Government have made their position clear on the necessity of mayors. However, the Government are not alone in this belief. Research commissioned by the Centre for Cities in May 2016 found that members of the public across five devolution deal areas surveyed supported the notion that directly elected mayors should have greater powers than local council leaders.

That said, it is important to note that no one area has been required to adopt the mayoral model. The Government's position is that if an area is to have a mayor it will be because that area, through its democratically elected representatives, has chosen to have one. However, the Government view the devolution deal as a two-way process. As such, it is the Government's clear intention that the accountability offered by a mayor is desirable and therefore this forms part of the devolution deals that have been agreed between the Government and local leaders.

The Government are making excellent progress in implementing their devolution agenda. An order establishing the position of mayor in Greater Manchester was made on 29 March 2016. As noble Lords will recall, last week the Grand Committee debated orders to establish the position of mayor for the Liverpool City Region and for Tees Valley. An order to establish the position of mayor for the north-east has also been laid. All these areas are scheduled to hold their first mayoral elections on 4 May 2017.

*8.15 pm*

In conclusion, if these draft orders are approved it will open the way for the full implementation of the devolution deals for the Sheffield City Region and the West Midlands. They are therefore a significant milestone in devolving powers to local areas, leading to greater prosperity, more balanced economies and economic success across the Sheffield City Region, the West Midlands and, indeed, the country.

We are committed to this devolution agenda because it gives a real opportunity for areas to assume powers and budgets, which will help those areas achieve their potential, take control of their growth and, importantly, have a positive impact on the lives of local citizens. These orders will provide both the Sheffield City Region and the West Midlands with a strong voice and an effective leader who can deliver for the local area and help rebalance the economy of the country as a whole. I therefore commend these draft orders to the House.

**Lord Beecham (Lab):** My Lords, I extend a warm welcome to the Minister on his first appearance at the Dispatch Box in his new position. It troubles me that it was 10 years ago that I concluded a report on public services in Wales, which was named—though not by me—the Beecham report. At some point perhaps the Minister and I could have a session in which I can catch up on what, if anything, has happened since that report was published.

These two orders, providing for the election of mayors for the combined authorities of the West Midlands and South Yorkshire, constitute the launch, in effect, of two further vessels to join the devolution armada which the Government are intent on creating. Both areas contain authorities which voted by substantial majorities not to have elected mayors when they were compelled to have referendums on the issue. The Government pretend that it is open to the authorities in question to accept or reject the concept of an elected mayor for the combined authority and so, formally speaking, it is. However, given that the entire devolution deal depends upon the adoption of the mayoral model, the reality is that councils are faced with the political equivalent of Henry Ford's offer to those who wished to purchase his cars: "You can have any colour as long as it's black". The millions of people who live in these areas can have devolution with any kind of local governance as long as it is headed by a mayor.

In the case of these areas and others which have entered into or plan to enter into agreements with the Government, there are concerns about the new system and the claims made for it by Ministers. Some of these relate to the alleged benefits to be derived from the additional funding to be provided to combined authorities and their mayors for investing in economic growth. The West Midlands will receive £36.5 million a year for 30 years, or, as the Minister said, £1.095 billion, which equates to £13 a year per head of population. South Yorkshire will receive £30 million a year, £900 million in aggregate, which is the equivalent of £22 per head of population per annum.

These figures compare with £915.6 million of local authority capital expenditure and £105.2 million of annual growth fund allocations to the local enterprise partnerships in 2014-15 in the West Midlands, and £367.4 million and £54.7 million respectively for South Yorkshire. Therefore the bonanza amounts to an additional 3.6% for the West Midlands and 7% for South Yorkshire. Meanwhile, Birmingham alone will by 2020 be suffering from cuts to its revenue expenditure of £817 million a year. By the end of this year, Sheffield will have sustained cuts of £350 million a year, with the likelihood of some £50 million or £60 million a year more by 2020. It is clear that the vaunted claims for devolution made by its erstwhile progenitor, the lately departed George Osborne, were, in financial terms, wildly overstated. But there are other issues of concern to these two areas which need to be considered.

As the Secondary Legislation Committee points out, and as I mentioned when we discussed the combined authority order for South Yorkshire, there is an issue concerning the wishes of two districts in Nottinghamshire and Derbyshire, Bassetlaw and Chesterfield. They will become part of the combined authority and thereby, for the purposes of the combined authority, will come under the authority of the elected mayor for South Yorkshire. They would, however, remain under their existing county councils for functions such as education, social care and libraries. But, given the relationship between, say, housing and public health, which are matters over which the combined authority may be expected to exert influence, how is this likely to work?

[Lord Beecham]

I warned that we seemed to be in danger of sliding into a back-door reorganisation of local government as the demand for a unitary model, based on an expanded South Yorkshire combined authority, inevitably grows. Alternatively, or additionally, will we see the creation of a North Midlands combined authority, presumably not a mayoral authority, of which, confusingly, Chesterfield and Bassetlaw would seek to be members, as the Select Committee observed? They would be based upon the two counties of Derbyshire and Nottinghamshire.

The National Audit Office explicitly warned, as the Secondary Legislation Scrutiny Committee reminds us, that devolution deals, such as that in the West Midlands,

"are increasingly being negotiated and agreed with more complex and untested geographies".

Its report of 20 April refers explicitly to,

"risks around alignment with the administrative geographical areas for other linked policies",

citing the NHS planning guidance which requires areas,

"to define their own local health economies and to consider devolution deals while doing so".

As the National Audit Office points out, given that,

"geographical configurations … have yet to be resolved in many areas, it is not yet clear how these two processes will align".

So can the Minister tell us what discussions have taken place between the DCLG and the Department of Health, and for that matter with NHS England, about the position in general, and specifically with regard to the two areas we are discussing today? This is particularly relevant to the complex situation in the West Midlands where, as I pointed out when we were discussing the combined authority order, we appear to be reverting to the era of the Anglo-Saxon Heptarchy, with its Kingdom of Mercia.

The West Midlands mayor will head a combined authority with seven member councils, three local enterprise partnerships and no fewer than five non-constituent member authorities: namely, Cannock Chase, Nuneaton and Bedworth, Redditch, Tamworth, and Telford and Wrekin, all of which are districts within a county council whose residents will not have a voice or a vote in the choice of mayor. How is this consistent with democratic local government? What will be the relationship with the relevant county councils?

The Secondary Legislation Scrutiny Committee referred in an earlier report to "combination creep" through the involvement in combined authorities of non-constituent councils or councils outside the geographical limits of existing combined authorities. Given that the report was published only last Thursday I do not expect the Minister to be able to respond today and to provide the greater clarity the committee seeks. But could he indicate when a reply will be provided, and whether it would not be sensible to pause before proceeding with this series of orders, which seem set to lead in some areas to highly complex changes whose benefits are at best highly unquantifiable?

The idea of devolution is welcome, but not every aspiring area is the same. Huge questions go unanswered about finance, accountability and structures to different degrees in different areas, and we do not know whether the new Prime Minister, her Chancellor and the Secretary of State share the apparent enthusiasm of their predecessors for this policy.

Some areas—Greater Manchester, Merseyside and the Tees Valley—are well down the road and are well defined, but more work is surely required to ensure that for the kind of areas we are discussing today, and with some still to come, the serious questions raised by the National Audit Office, the Secondary Legislation Scrutiny Committee and others can properly be addressed. I make it clear that we on these Benches—all of us—want to see this devolution work and be properly funded, but it is difficult to see how well it will work unless these critical questions are answered. We do not want to see the devolution armada scattered to the four winds like its Spanish naval counterpart.

**Lord Shipley (LD):** My Lords, first, I congratulate the noble Lord, Lord Bourne of Aberystwyth, on his appointment, and we welcome him in assisting the drive for devolution. I agree with what the noble Lord, Lord Beecham, said about the importance of devolution—it is a shared agenda across your Lordships' House. I hope very much that the new Minister will bring his expertise to bear on the detail of the move to greater devolution within England as the Cities and Local Government Devolution Act is implemented.

I should say at the outset that I am a vice-president of the Local Government Association. Right across local government, politicians have been very supportive of the move to greater devolution.

Last week, there was a debate on similar orders for Merseyside and the Tees Valley. I do not want to repeat comments that were made during that debate, except to say that I agree with much of what the noble Lord, Lord Beecham, said about the general approach being taken and about some of the problems being produced by changes in government, as well as the overall financial problems that local government has.

Last week it was confirmed—as it will be tonight—that there will be a mayoral election in May 2017, even if there is no agreement later this year on the powers and budgets that a combined authority will have. I understand the reasons for that, although if that were to happen it would clearly make things more complicated and more difficult to explain to the general public.

In our debate on Merseyside and the Tees Valley, I drew attention to a report on the devolution process published at the beginning of this month by the Public Accounts Committee of the House of Commons. There is a full record in *Hansard* of what we said, but the crucial sentence in the report that I want to draw to the Minister's attention tonight is on page 3 of the summary:

"There has been insufficient consideration by central government of local scrutiny arrangements, of accountability to the taxpayer and of the capacity and capability needs of local and central government as a result of devolution".

I subscribe to that. There was a request by the Public Accounts Committee that:

"Government should set out by November 2016 its plans for how it will ensure that local scrutiny of devolved functions and funding will be both robust and well supported".

I think there is a commitment from the Government to come back with the detail of the powers, budgets and scrutiny at the same time so that we get both at once, because that really matters.

I am grateful to the Minister for the letter that we received today by email. It answers some of the issues that we raised during the debate on the Merseyside and Tees Valley orders concerning how a chair of an overview and scrutiny committee could be appointed. It is made clear in the letter that an independent chair will be appointed following "an open, competitive process". I think that that implies the Nolan procedures, but I would be grateful if the Minister confirmed that it does. The letter states that,

"a candidate must submit an application to the combined authority in response to a public advertisement",

and the appointment,

"must be approved by a majority of the members of the combined authority".

The letter then says—this is a point I take issue with—that there will therefore be,

"a wholly transparent appointment process mirroring the approach which councils must use when appointing independent persons under the Localism Act 2011 for the purposes of the councillors conduct regime".

Local councils are bound by statute to proportionality in the make-up of committees. The difficulty here is that a combined authority will be the leader of the local authorities. It is entirely possible—and certainly it would happen in the north-east of England, where I live—that there would be seven Labour chairs. I am concerned that proportionality simply cannot exist in such a constitutional structure. Indeed, an independent chair could be appointed by a majority vote of a one-party committee. I hope very much that when the Minister comes back later this year, the guidance—if it is guidance, as opposed to being statutory—makes it clear that this appointment cannot simply be in the hands of a handful of people, all from one party, who may decide to support an independent person who, in practice, may well not be entirely independent. I draw that to the Minister's attention because it is important we ensure that public confidence in the powers of an elected mayor is protected.

*8.30 pm*

Finally, the Secondary Legislation Scrutiny Committee made an important point about what it calls "combination creep" through the involvement in combined authorities of non-constituent councils. There is a problem regarding whether we have top-down devolution or devolution on the basis of what local people want. Of course, the councils, particularly in the case of South Yorkshire, have made a decision. For example, Bassetlaw and Chesterfield have asked to belong to the combined authority. Although I note the point made by the Secondary Legislation Scrutiny Committee, it seems to me that the principle of devolution is best served by asking local people what they want. If those councils want to be part of that structure, it is for them to decide.

Indeed, during the passage of the Bill we debated whether a council could belong to two combined authorities. I remember perfectly well the then Minister's reply: they could. That point has been picked up by the Secondary Legislation Scrutiny Committee, and is one for the Minister to look at. It need not be answered now, but it needs to be answered clearly by the time we get to finalising these orders in the autumn.

**Lord Prescott (Lab):** My Lords, back in 1997, when I was Secretary of State in the Blair Government, we brought about the biggest amount of devolution in this country: in Scotland, in Wales and, indeed, in the London area. All those proposals were opposed by the Tory Administration, largely because they were about regional bodies having elected representatives.

The appointment of mayors, as in this order, is, in one sense, in defiance of the referendum, about which we are hearing a lot at the moment. The people spoke: they did not want mayors brought into this situation. But we are where we are. This is not devolution. It has been advanced and agreed, which is important, and the Government now see it as local government reform. The main difference is that a mayor is not accountable to the people in the area and there will not be elected assemblies, but rather local government forum restructure. That is fair enough; that is what the Government have got some of these local authorities to agree to.

What is interesting, as the Minister pointed out, is that the models are not all the same. The Manchester model is not the same as the models in Merseyside, Newcastle or Leeds, whatever is agreed there. It is certainly not the same as that in the order before us now. This goes one step further, beyond the local authority boundaries, by bringing together two district councils. The Secondary Legislation Scrutiny Committee observed that that could lead to difficulties, which can probably be sorted out.

I am in an area which does not have anything in this regard and is not being asked anything. One of the proposals is that the local authorities in an area have to agree to produce the solution. My area is Hull, of course, but the whole of North Yorkshire, including a lot of Tory areas, is left out. The local authorities are not invited even to make a proposal for the North Yorkshire area because all this so-called devolution, or plan for combined authorities, ends at the Pennines. It does not touch Hull or North Yorkshire; it does not even cross the estuary on to the north Lincolnshire side, although, to be fair, I think the Government cobbled together something—I do not know whether mayors are involved—to form a north Lincolnshire proposal. The three local authorities, in North Yorkshire, Hull and on the Lincolnshire side, have agreed to come up with a proposal. I wonder whether the Government would consider that such a proposal meets the regional basis, because that is what we are talking about: the northern region. In fact, most of it is based on local authorities, but it does not have a regional dimension—so much so that, on Transport for the North, the Government are now having to bring legislation before this House to tell us how to develop the regional powers and regional decision-making which they so disliked.

Can the Minister indicate whether the Government might look, even within this timeframe, at a North Yorkshire proposal involving different political bodies reflecting both sides of this House? I am sure that people in Hull, Beverley and North Yorkshire would like to enjoy this development. It brings money with it, but, as my noble friend Lord Beecham pointed out, it does not necessarily do so in net terms; in fact, if you take account of the cuts, it could be less. Nevertheless, it is the Government's policy—a new Government, at the moment. Could the area over the Pennines—the

[LORD PRESCOTT]
North Yorkshire area and Humberside—be considered? It could be brought together under the banner of the Humber estuary, which is one of the great assets of the area, with companies and investment now coming in. Would the Government be prepared to consider how we might include that area, whether it is called a devolved authority, devolution or a local authority? The rest of Yorkshire would like to be involved; will the Government consider such a proposal?

**Lord Scriven (LD):** My Lords, I want first to draw attention to my interest declared in the register as a member of Sheffield City Council. I also welcome the Minister, the noble Lord, Lord Bourne of Aberystwyth, to his post and wish him well in taking forward the direction of travel on devolution.

As somebody who lives in one of the areas affected, Sheffield, I want to say that on the whole we welcome devolution; we welcome powers coming down to us for our great industries and powers that a municipal area will have to try to ensure that, socially, economically and environmentally, it prospers. However, there are issues regarding the legitimacy of an elected mayor in this area. In 2012, 127,400 people went to a ballot box to answer the question of whether they wished to have a directly elected mayor. Two out of three said no. Something called the Assembly North has brought together citizens across all four areas specifically to look at this deal and the proposal for a mayor. Eighty per cent of people who were asked said that they did not support the proposal for a directly elected mayor.

It is clear that a small number of people have decided that we are to have a mayor. Those people are the Government and the leaders of the authorities, because that is the only deal on the table if they wish to have the powers. I ask the Minister: how can it be that, when in 2012 some 127,000 people went to the ballot box and said no, without any discussion or negotiation they now find themselves in a position of having a mayor?

With regard to the £30 million, as a citizen and now as an elected member of Sheffield City Council, I have been asking whether this is capital, revenue or a combination of both. I have not been given a specific answer. I assume it is both but I ask specifically: is the £30 million allowing for both revenue and capital?

I also want to raise an issue that a number of noble Lords have raised—boundaries. I support my noble friend Lord Shipley. It is down to local autonomy. If we are to have devolution, areas must decide whether they wish to be part of a combined authority and part of electing the new directly elected mayors. However, the Secondary Legislation Scrutiny Committee raised some important issues. Let us take a number of the powers that are to be devolved—transport and roads, for example. The two authorities Chesterfield and Bassetlaw have other authorities in between them. If strategic decisions are to be made around the economic linkage of the totality of the area, what role does the Minister envisage Derbyshire and Nottinghamshire County Councils having when there may be something contradictory that they wish to do? It is a really important issue. We could have two different policy pushers that pull against each other and create confusion. What will happen? The original Bill stated that devolution would happen only if it still allowed the effective functioning of existing local government. In such areas as transport, what would happen?

Again, on skills, businesses in the area could have opposing skill systems in place for one functioning economy. While I support both Chesterfield and Bassetlaw coming in, there are questions about how and who holds court in terms of the differences that could happen.

Like my noble friend Lord Shipley, I understand that the Explanatory Memorandum states at paragraph 7.7 that further orders will come into place, even though a mayor could be elected. The powers may not have been agreed. This is specifically important for this area because the Minister may not know—his officials and the previous Minister will know—about the deal agreed on 22 October between the leaders of South Yorkshire and the former Chancellor of the Exchequer. Within weeks, the leader of Sheffield City Council said she could not support that deal. That caused confusion and mayhem for local businesses in the area. She specifically mentioned two issues. The issue about areas such as Chesterfield and Bassetlaw being allowed to join if they so wished has been resolved.

The other was to do with the veto of the mayor on the combined authority. I would like the Minister to confirm this so that there is clarity in South Yorkshire because no one from the Government's side has clarified this yet. According to the *Yorkshire Post*, the veto of the mayor could be dissolved by a vote of those authorities that decide to join the new combined authority, even though the veto may be in the order. Has that issue been solved? If so, what is the resolution to that particular issue? As I said, I welcome the order on the whole, but there are serious questions that need to be addressed if we are to see this work as effectively and powerfully as I think all noble Lords in this House wish to see.

*8.45 pm*

**Lord Bourne of Aberystwyth:** My Lords, I thank all noble Lords for their contributions to what has been a wide-ranging debate. I shall try to deal with the various issues raised, I hope for the most part in the order in which they were raised. I turn first to the noble Lord, Lord Beecham, and I thank him very much for his kind comments. I well remember seeing him down in Wales at the time of the Beecham report, as it became known, and I am happy to update him on the progress—or perhaps lack of it in some areas—on local government reform there.

Let me try to deal with the points he raised. First, there is obviously a different approach to the issue of local mayors. We are of the view that there is a need for strong local leadership to carry this forward—somebody who will be accountable as a leader. It is the sort of thing that the Labour Party used to believe in, but it may be that it now has some issues about that. This should not take anybody by surprise because it is something that we have signalled clearly. Perhaps I may say that the Henry Ford analogy is somewhat unfair because local authorities have the option not to go down this route. Gateshead, for example, has chosen not to do so. So there is an option not to pursue the

mayoral route but to have the quite separate arrangements that Gateshead has opted for.

I should also say that this will be somewhat different from mayoral elections that have taken place previously, which were not for combined authorities. This is a combined authority where the elected mayor will be responsible for the combined authority responsibilities but not for the constituent parts of the combined authority. As I indicated when introducing the Motion, while I know that polls are notoriously dangerous, a ComRes poll did show support in all the areas where we have proceeded so far for mayors taking over responsibility over all other types of organisation.

The issue of Bassetlaw and Chesterfield was raised. As I understand it, while it is true that there is an issue in relation to Chesterfield and Derbyshire, I think, although I may be proved wrong, that the discussions between Bassetlaw and Nottinghamshire are fruitful and moving forward. I will write to noble Lords about the progress of Bassetlaw and Chesterfield because I am not entirely sure where we are on that. Noble Lords will appreciate that I picked up the brief only yesterday afternoon, so I would be the first to admit that there are gaps in my knowledge.

If the Secretary of State is not satisfied that the statutory test has been met that the change is likely to improve the exercise of statutory functions in an area, he will be able to turn it down. That should give noble Lords some comfort on that point.

Perhaps I may deal with the point raised by several noble Lords about the Public Accounts Committee report published just over a week ago and the recommendations made in it. On the November 2016 deadline that was suggested in relation to overview and scrutiny committee obligations, we intend very much to honour that deadline and indeed to be ahead of it. I should like to offer that assurance. We will obviously—indeed we are statutorily obliged to do this following the Cities and Local Government Devolution Act 2016—ensure that there is an independent and appropriate chair of both an overview and scrutiny committee and an audit committee. But I appreciate the point that where it may be a single party in relation to a devolution arrangement, we need to flesh that out and look at it in more detail. I undertake to have a closer look at that.

The appointment process will be open, transparent and based on open advertisement. I am also happy to be able to confirm that it will follow the Nolan principles. As I say, we will be bringing forward statutory guidance and fleshing out some of the rules as suggested.

Perhaps I may say in relation to a point made by several noble Lords—and certainly by the noble Lord, Lord Prescott—about Humberside and other areas that it is open to all authorities to come forward with proposals and the Government will take a close look at them. He is absolutely right to say that we are already looking at Greater Lincolnshire, which is Lincolnshire plus north-east Lincolnshire as a possible devolution deal, and others are being taken forward as well. We are looking at proposals in East Anglia that are still at a very nascent stage. So we are certainly open to looking at that; I can give that undertaking.

In relation to points raised by the noble Lord, Lord Shipley, about whether a district can be a full party to more than one devolution deal, a district or county council can be a full party to just one deal, but a county council could be a party to two or more deals because different parts of its area could be in different devolution deals. So a district or county council could not be part of more than one deal. That seems to be the logical position.

The noble Lord, Lord Scriven, asked about Sheffield and a mayoral power of veto. I understand that the only veto that exists is with the Government. I do not think that the mayor would have a veto, but I shall write to the noble Lord if I am wrong about that.

**Lord Scriven:** The issue was within the devolution deal. The mayor could have a veto on a vote of the combined authority. That was the issue that the leader of Sheffield City Council took exception to and, apparently, there has been some way forward, but it has not been reported to the people of South Yorkshire. The Minister's letter would be welcome on that issue.

**Lord Bourne of Aberystwyth:** I am most grateful for that clarification. I certainly will write to the noble Lord and copy it to other noble Lords who have participated in the debate. I will ensure that everybody who has participated in the debate is sighted on all the points that have been raised and discussed.

I hope that I have covered all the points that have been raised. They were various, relevant and germane. In so far as I have missed anything, I undertake to pick that up in my response.

The noble Lord, Lord Beecham, raised a point similar to that from the noble Lord, Lord Prescott, about the North Midlands. It is certainly open to the North Midlands to come forward with proposals on a devolution deal if it wishes to do so. If Bassetlaw and Chesterfield were to be part of the Sheffield city deal, they would obviously not be able to participate in both. It could involve parts of Nottinghamshire or Derbyshire in any North Midlands deal.

On one last point that I have not covered, the noble Lord, Lord Scriven, asked whether the £30 million for Sheffield—and, by implication, the £36.5 million for the West Midlands—was capital or revenue. I confirm that it is indeed both.

I will write to noble Lords on the points I have missed. I thank them very much for their participation in this debate, and beg to move.

*Motion agreed.*

## West Midlands Combined Authority (Election of Mayor) Order 2016

*Motion to Approve*

*8.52 pm*

*Moved by* ***Lord Bourne of Aberystwyth***

That the draft Order laid before the House on 30 June be approved.

*Relevant document: 5th Report from the Secondary Legislation Scrutiny Committee*

*Motion agreed.*

*House adjourned at 8.52 pm.*