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OFFICIAL REPORT

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

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

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House of Lords

Friday 24 February 2017

10 am

Prayers—read by the Lord Bishop of Southwark.

Homelessness Reduction Bill

Second Reading

10.05 am

Moved by ***Lord Best***

That the Bill be now read a second time.

Lord Best (CB): My Lords, it is a great honour for me to pilot this ground-breaking Private Member's Bill through your Lordships' House. I declare my interests as on the register, including as chair of the council of the Property Ombudsman for the private sector, as a past president and vice-president of the Local Government Association, as a member of the Crisis external advisory board and from nearly 50 years of working with housing charities and housing associations.

The Bill, which has been guided so expertly through the other place by its sponsor, Bob Blackman MP, is indeed ground-breaking because of the fundamental change it brings to the way that homelessness is tackled in this country, but also because it has followed a unique route through Parliament. The story began two years ago with a report from an inquiry initiated by the well-respected housing charity Crisis, chaired by the leading academic in this field, Professor Suzanne Fitzpatrick. This report showed that very many of those becoming homeless were not receiving the help they needed and that some people were being treated very badly.

The Select Committee for Communities and Local Government in the other place, chaired by Clive Betts MP, took up the story and made proposals for action to stem the rising tide of homelessness. By great good fortune Bob Blackman, who as a London MP has a keen interest in this issue, secured second place in the ballot for a Private Member's Bill and, working with Crisis, choose the homelessness theme. Most unusually, under Clive Betts's leadership the CLG Select Committee then undertook full pre-legislative scrutiny of the draft Bill. Important changes to the original version were agreed on a cross-party basis. Next came the all-important decision of the Government to back the Bill in principle. All this was just the start because an extensive and robust Committee stage followed the lengthy debate at Second Reading, with its 39 Speeches. With its seven sittings and 15 hours of discussion, the Bill Committee agreed amendments which returned for a five-hour Report, with a further 21 amendments, and Third Reading with speeches by 20 honourable Members. I suspect that no Private Member's Bill has ever had quite so much attention and scrutiny and, ultimately, so much cross-party support in the other place.

What was achieved was the reconciliation of the conflicting interests and concerns of all the key parties. The list of these different bodies is extensive. First, there were the charities representing the interests of the homeless people they serve: alongside Crisis, there was St Mungo's, Shelter, Centrepoint, Homeless Link and others. Secondly, there were the vital local government interests, represented by the Local Government Association in particular. Local authorities will have responsibility for implementing the new legislation and, naturally, councils have been anxious about taking on new duties and the cost of paying for them. Thirdly, there were the interests of the organisations representing private landlords, since the private rented sector is now the source of homes for so many households, having doubled in size since 2000. Fourthly and finally, there were the interests of central government, which must find the funding for the extra burdens placed on local councils. Here the lead was taken by the DCLG Minister Marcus Jones, who has proved immensely skilful—not least, I feel sure, in difficult behind-the-scenes discussions with HM Treasury.

The end result of all the negotiations is a Bill which delicately balances the interests of these different parties. It has proved acceptable—this is pretty remarkable—to all the political parties, to central and local government, to the housing charities and to the landlords' representative bodies. I congratulate Bob Blackman, Crisis and all involved in this mammoth effort. I believe that the Minister will shortly spell out the new measures in the Bill in more detail but perhaps I could briefly summarise what it aims to achieve.

Exactly 40 years on from the Housing (Homeless Persons) Act 1977, a landmark in itself, the Homelessness Reduction Bill seeks to build on that foundation. It reaches out to the homeless people who have not been helped by the earlier Act because they have not been deemed as in "priority need", mostly because they are single or in childless couples with no specialist problems. For these people, a new duty on councils is introduced to provide them with the advice and support that can get them off the streets or prevent them ending up there in the first place. For those families and vulnerable people who are regarded as in priority need, for whom the 1977 Act has been invaluable in requiring councils to find them somewhere to live, the Bill now goes further: it ensures the process of assisting them starts earlier, two months before they seem quite likely to become homeless, most often because they have been given notice to quit by their landlord. Again, the aim is to prevent homelessness rather than to pick up the pieces too late in the day.

In so far as prevention succeeds, the Bill will bring down the cost of homelessness in terms of human misery, as well as in hard cash. Costs follow directly from a priority household having to be found temporary accommodation and indirectly from a non-priority household being forced to sleep rough with all the attendant health and social costs that brings. These measures bolster the Government's important homelessness prevention programme, for which extra funds have recently been found.

Some exemplary local authorities are already engaged in strenuous efforts to help potentially homeless households. I recently saw the work being done by the London Borough of Lambeth against almost insuperable odds. Lambeth has a big team dealing sensitively with heart-breaking cases, as I know from sitting in on

[LORD BEST]

interviews there. The caseworkers will refer those who are non-priority cases to specialist support services; they will mediate with landlords, maybe helping tenants with a deposit or organising discretionary housing payments to top up inadequate rental entitlements; sometimes they will even pay off some rent arears; and always they will treat people in trouble with respect.

Sadly we know there are also councils that seem to do as little as possible to assist people before a real crisis strikes. Bad practice too often takes the form of telling those tenants who have been served notice that they cannot be helped until that notice has expired, until court action against them has been taken, or even, in the worst cases, until the bailiffs are at the door. A family that has been forcibly evicted will find it virtually impossible ever to secure a new tenancy elsewhere. The trauma and disruption will stay with them, particularly for children, for years to come, and then follow the cost and distress of temporary accommodation, perhaps in an awful, unsafe bed-and-breakfast hotel.

Sometimes, moreover, it has seemed that certain local authorities have used the excuse that someone has failed to co-operate, even if they have only failed to attend an interview, maybe for very good reason, to refuse them any further help. For some councils, a whole cultural shift is needed to go from finding reasons for doing nothing to making efforts to help people pre-empt, prevent and avoid homelessness, with proper assessment of their requirements and a formal plan for their future. The Bill includes a provision for new codes of practice, which would be the subject of extensive consultation and parliamentary scrutiny, to up the game of everyone.

There is no denying that this Bill places extra burdens on local authorities. It will cost millions to implement even if, in the longer term, a reduction in homelessness leads to savings. I congratulate the Minister, Marcus Jones, on securing £61 million, which represents the Government's estimate of costs over the next two years, but many in local government, while not wanting to avoid the new duties the legislation will bring, believe actual costs will be a lot more. Pressure from the Local Government Association and the Opposition Benches in the other place has led to the Government agreeing to a full-scale review before the initial two-year funding runs out. This is a very important commitment by the Minister. With councils suffering badly from inadequate resources, particularly for social care, it is extremely important that this funding is at the right level. If costs turn out to be more than the Government anticipate, I would certainly expect additional resources to be forthcoming, since that is the commitment which this Bill implies, but I realise the Treasury will make no promises for a period more than three years from today.

It is not for me to try to unpack or disturb the agreed content of the Bill after all that has gone before, but this is an opportunity to air some wider thoughts about homelessness in the UK, about the context for this new legislation and about the issues yet to be resolved alongside the implementation of the Bill. This brings me to two wider policy points, and I feel sure other noble Lords will add their broader comments on issues of homelessness.

It is obvious that problems of homelessness will continue so long as there are not enough homes to go round. Addressing the chronic housing shortages with which we are now all so familiar is clearly a prerequisite. I commend the Government's determination to get far more homes built, and I think the housing White Paper takes us in the right direction, not least in its central recognition that new homes to rent are needed as well as new homes to buy.

Increasing supply to match demand is a five to 10-year project that calls for all hands on deck, no longer relying on a handful of big housebuilders but backing councils, housing associations and build-to-rent developers as well as smaller building firms, retirement housing providers, self-build, custom housebuilding and new garden villages and garden towns. We cannot conquer homelessness or even reverse its alarming growth while, year after year, we have more new households formed than new homes built. The Bill can give councils new responsibilities to guide, advise, help and support but, if there are not the homes available, we will still see families moved to other areas, people sleeping in doorways on our high streets and people impoverished by their housing costs. It will take every new measure in the housing White Paper and more to tackle this underlying, abject deficiency in this country's housing system.

If my broader comment is one of encouragement for the direction being taken by the Department for Communities and Local Government, I am afraid that is not the case for the actions of the other key government department, the Department for Work and Pensions. In its understandable but unrealistic efforts to cut the cost of housing benefit, the DWP is busy undermining the efforts of the DCLG and local authorities and, indeed, of this new Bill.

Our Shelter briefing on this Bill says that:

> "Housing Benefit is one of the best tools to improve affordability and prevent homelessness by allowing those on low incomes to house themselves without having to turn to their local authority".

Cuts to housing support accelerate and exaggerate current homelessness problems because they block off opportunities for accommodation in the private rented sector. I must leave on one side the DWP's unfortunate plans to limit rents charged for specialist supported and sheltered housing where, in theory, DWP funds via local authorities will top up local housing allowance payments. That issue is a big worry in the homelessness sector, but I have a bigger concern about rent ceilings, benefit caps and freezes on the local housing allowance. These cuts mean fewer and fewer landlords will take in anyone who relies on government help with housing. Increasingly, there is a widening shortfall between the rents which landlords can obtain from those not reliant on any housing benefit and the rents which housing benefit will cover. Shelter figures show that, by 2020, the local housing allowance will not cover rents for even the cheapest properties in over 80% of local authority areas.

These real-term rent reductions come on top of the hazards for landlords from the difficulties poorer households face in finding deposits and rent in advance, as well as the DWP's insistence on paying housing support to the tenant not the landlord. The result is

not simply that, in seeking to prevent homelessness, councils and charities will find fewer and fewer landlords willing to accept the people they want to assist; the bigger problem is that, gradually, more and more existing tenants will find their landlords ending their current shorthold tenancies because reduced housing benefit support means those tenants can afford a rent only well below that available on the open market. As Shelter says:

"By far the largest cause of homelessness is people being unable to find somewhere else to live when their private tenancy ends"—

out goes the mother with two children; in goes the two-earner couple or even the three students. It seems quite likely that over the next couple of years, we could see a large proportion of the 800,000 or so households who are currently in the private rented sector and receiving housing help from the DWP being asked to leave. This will create a crisis indeed. I simply ask DWP Ministers to recognise that they cannot buck the market: if the least affluent are to be housed in the private rented sector—as they must be, because there is a woeful lack of available council and housing association accommodation—then the DWP must return to paying the same rent as the landlord can get from other tenants. The freeze on local housing allowances must go.

The Bill is not going to end homelessness. That will require, first, massive efforts to ease housing shortages—on which an important start is being made, I hope—and secondly, a better understanding by the Department for Work and Pensions that it is creating the problem, not the solution to homelessness. Nevertheless the Bill can, and I believe will, reduce homelessness, reduce the numbers suffering the horrors of living on our streets and reduce the far greater numbers of people who, in the absence of relatively inexpensive guidance and concrete support, are forced into hidden homelessness—sofa-surfing or living in ghastly conditions. Although this occasion brings the opportunity for us to put our wider concerns about the housing scene firmly on the record, I hope very much the Bill receives strong support from your Lordships. I warmly congratulate Bob Blackman and all those who have brought this ground-breaking Bill before us. I beg to move.

10.23 am

The Lord Bishop of Rochester: My Lords, I declare my interest as the chair of the organisation Housing Justice and thank the noble Lord, Lord Best, for his sponsorship of this Bill in your Lordships' House. I also add my thanks to Bob Blackman, the Member for Harrow East, for his initiative in bringing forward the Bill in the other place. Before turning to the specifics of the Bill, I will echo the final points made by the noble Lord about the connection between the wider issues of housing supply and housing finance and the sharper end of homelessness which we see on our streets and in other manifestations. It would be such a tragedy if some of those wider matters were not tackled and frustrated the good intentions of this Bill.

I particularly welcome in the Bill the extension and redefinition of the duties laid on local authorities around prevention, relief and referral. These new duties should significantly extend the reach of support, care and help for those who are homeless, not least those such as the single homeless, already referred to, who hitherto have tended to fall through every net that there is to fall through.

I also welcome the Government's commitment of £61 million of funding. Clearly, where local authorities and other public bodies are being given new duties to undertake, they need to have the resources to do so. But there is the question of the unknown demand for advice, advocacy and support services which may result from the Bill—hence the commitment by the Government to a review after two years, which is very welcome. Slightly pre-empting that review, I will dare to express the hope that the Government might do something which we might not always associate with a Government of any hue, which is to be generous and, when the time comes, to make sure that in future spending rounds—to pick up another point that has already been made—all local authorities are resourced in such a way that they can operate at the level of the best, and thereby ensure that we are working together to tackle these issues.

Legislation provides frameworks, and the Bill will greatly improve the framework around which we deal with matters of homelessness. Local authorities and other public bodies have duties and, as we have already heard, new duties will be given as a result of this legislation if the Bill is passed. The reality on the ground is that much of the provision often comes from voluntary and community organisations of one kind or another, ranging from the big national organisations, some of which have already been referred to, to little local initiatives in particular communities. That will continue to be the case: indeed, that provision may even need to increase as new possibilities come forward through the Bill.

I know my right reverend friend the Bishop of Southwark will refer to some specific projects and initiatives in places which illustrate this, and the importance of partnership between statutory agencies and voluntary and community organisations in helping to end homelessness, and I suspect that other noble Lords will, too. Had I been minded to bring forward an amendment—I assure the noble Lord that I will not be doing so, because that would risk frustrating the passage of the Bill—it might have been around a clearer duty on local authorities to work in partnership with voluntary and community organisations. In the best places, that works really well—but that is not universal, and we need again to encourage all to aspire to what is done by the best. It is often the voluntary sector bodies that are providing those services, sometimes referred to as non-commissioned services, which are vital if we are going to achieve our intentions of reducing homelessness and even—it would be wonderful—ending it.

The organisation I referred to which I chair, Housing Justice, is a coalition body for a range of Christian and church-related organisations working in the homelessness and housing sector. Following a symposium at the end of last year which we convened across the road in Millbank, we published a statement in January, on the occasion of Homeless Sunday, which affirmed the commitment of the Christian homelessness sector to work with energy, enthusiasm and everything that we can bring to end homelessness in our country. We believe that the sector has resources to offer, not least

[The Lord Bishop of Rochester]
in the form of people of good will who bring time, commitment and energy. We know that if the contribution of church-related organisations was taken out of the homelessness sector, we would all notice it. So we reaffirm our offer to be a resource and the offer of our experience, energy and commitment to work with central and local government to seek solutions to homelessness wherever it is found.

Alongside the affirmation of the offer, we also in that statement encourage both central and local government, at the different levels, to produce comprehensive and long-term strategies to end homelessness. It seems to me that the Bill provides a good framework within which that might happen. I encourage those statutory bodies to actively seek out partners in their particular area with which they might develop such strategies in order to give effect to what the Bill seeks to bring about.

I assure the Minister of the commitment of the sector that in a sense I represent, and of the willingness of the Christian homelessness sector to be part of the solution to these issues. I also affirm my continued support for the Bill as it passes through this House, and I very much hope to see it enacted. I therefore welcome it. I once again thank the noble Lord, Lord Best, for his sponsorship of the Bill, and trust that it will have a smooth passage through your Lordships' House.

10.30 am

Baroness Grender (LD): My Lords, like my colleagues on these Benches, I wholeheartedly support the Bill and congratulate Bob Blackman and the noble Lord, Lord Best, on their work on it. I congratulate the Government on their support and the DCLG Select Committee, chaired by Clive Betts, on its pre-legislative scrutiny. It is rare in this place that we view something that has been through a proper process of due diligence in the Commons. Today we have been served not the usual dog's breakfast from the other place but a hale and hearty dinner, lunch and high tea, with a cheeky cocktail thrown in, too. It deserves a fair wind, full support and a speedy process in this place.

The new duty to assist those threatened with homelessness within 56 days and the prevention measures that are included are a historic step forward for those of us who have campaigned in this area for too many years to mention. At a time of so much division, that this issue crosses party divides and has consensus is further evidence that Jo Cox was right when she said that,

"we are far more united and have far more in common than that which divides us".—[*Official Report*, Commons, 3/6/15; col. 675.]

The people who will be served by the Bill need our consensus and united purpose now more than ever.

Part of that achievement is the work of Crisis, its independent expert panel and the backing of Centrepoint, DePaul, Homeless Link, Housing Justice and St. Mungo's. It was on a visit to St. Mungo's in Shepherd's Bush that I met a couple in their mid-20s who had been rough sleeping. They were far from the borough they started out in and therefore had little chance of help in a place that did not want to take on the burden of their problem. I am delighted that the Bill, particularly Clause 2 with its duty to provide advisory services, will start to tackle those kinds of issues.

I am sure that most noble Lords would agree that it is crucial to know who is homeless in order to identify how best to help them, which is why I am so concerned about the continuing failure of DCLG to be robust in its analysis of levels of homelessness. Last August the DCLG Select Committee published a report on homelessness and expressed serious concerns about data collection and robust information. It sought reassurances from Marcus Jones, the Minister for Local Government, that data would be robust by the end of the year, as he had received, frankly, a bit of a ticking-off from the UK Statistics Authority a year earlier. He was unable to give that commitment.

At the end of last year I was so concerned about the use of DCLG statistics regarding homelessness that I made a complaint to the Statistics Authority, which published its result this week upholding my complaint, which is available on their website. What transpired from its inquiries as a result of my complaint was that statements were being published, without proper clearance in DCLG, making the claim that homelessness was currently less than half its 2003 peak. Those statements were made without placing them in any context. I praise the Minister for using much more cautious language in this place than any of his colleagues have.

The reason why I believe this is important is that, first and foremost, data should be robust. When Howard Sinclair from St Mungo's and the DCLG Select Committee ask us to consider the strong recommendation that CHAIN, the multiagency database, should be used across the country rather than the current methodology of a snapshot survey, we should listen.

Secondly, the highly political use of the reference to the 2003 peak suggests a level of complacency on the part of this Government—complacency that is not borne out by their backing of this Bill—about how many people are sleeping rough. Frankly, you would struggle to walk through the streets just outside this building currently and make that argument. The CHAIN database records information about rough sleepers and the wider street population of London. The DCLG's figures on rough sleeping are based on rough-sleeping counts and estimates carried out on one night in October and November each year. At the time when the estimates were introduced it was progress, but technology and recording have moved on. CHAIN is a continuing record, with different categories of all contact by outreach teams, every day of the year.

In the Select Committee report, the CHAIN projection between April 2015 and March 2016 was that there were 8,096 people seen sleeping rough in London compared with the 940 reported in the DCLG's equivalent figure. I say to the civil servants behind the Minister and back in the department that I hope my complaint to the UK Statistics Authority will result in greater power for you to put your foot down when the numbers cannot be defended. When Ministers make decisions about funding and support for the Bill to the total of £61 million, I worry about which estimates they are using. I worry that DCLG is underestimating the problem, and I can see no evidence to argue against

that. When London Councils argues that the £61 million will not go very far and Lewisham estimates that the additional burdens will cost it £2.4 million, I sincerely hope that we are listening.

Shelter says that the Bill must be implemented but cannot be seen in isolation from the necessary resources to back it up, which includes help for private tenants—tenants who according to the new White Paper the Government will champion. So in tandem with this Bill I ask the Government to look again at local housing allowance rates, as the noble Lord, Lord Best, described, to ensure that they reflect actual housing costs, and use that as a powerful tool to prevent homelessness alongside the Bill.

I am also delighted with the recently announced intention to ban tenants' fees from lettings agents. I believe that will alleviate an up-front burden for many on the cliff edge of homelessness in the private rented sector. I particularly welcome the commitment by the Government to review the implementation of this legislation and its resourcing two years after commencement of the main clauses.

This is all about the future so I thought I would share with the House a letter written by a schoolgirl from St Patrick's primary school in Sheffield, asking us to give our wholehearted support to the Bill. She says:

"I am writing to you because of the appauling amount of innocent people living on the dusty streets!".

So she sees the problem just as we do. Her name is Minar Khan. She expresses a very nice vision of the future, as does the Bill.

I have expressed concerns about the robustness of the data in particular, and I would like to hear the Minister's response to that. However, I conclude by saying I have no hesitation in expressing our full support for the Bill going through unamended. I congratulate all who have been involved in campaigning for it and I hope that we can get on with it as soon as possible.

10.38 am

Lord Stirrup (CB): My Lords, this is a very welcome Bill. It gives me great pleasure to support it, and I congratulate my noble friend Lord Best on introducing it so ably to your Lordships' House.

Some nine years ago I was at a small seminar at Lancaster House, chaired by the then British Foreign Secretary and the American Secretary of State, in preparation for a joint visit that they were about to make to Afghanistan. I was asked on that occasion to introduce and lead a discussion on the aspirations of Afghan civilians. Of course I had to start by saying it was not for me to speak for Afghans; I did not live in their country, I was not of their religion and I came from a very different cultural background. However, I continued, many years of experience in diverse parts of the world had persuaded me that the desire for certain basic needs was common to the great majority around the globe, whatever their location, history or circumstances. First, they wished to be secure in their persons and their property. They wanted assurance that their lives, their well-being and the possessions they had accumulated, no matter how meagre they might be, would not be ripped from them by predators. But second only to this, and pertinent to our debate today, they wanted to be able to provide a roof for their heads, a fire for the hearth and food for the table—a roof for their heads, my Lords.

In that meeting, we were discussing the pressing needs of the people who were part of a society that was in many ways still medieval and was riven by decades of war. It was perhaps unsurprising that home and hearth were such fragile aspirations for them. How much more embarrassing, then, that here in the UK, in the 21st century, we have so many citizens who face a similar plight?

No human society can ever be perfect, and I doubt whether we will ever reach the stage when we have totally eliminated poverty and homelessness, but it is surely our duty to maintain the struggle, to continue to reach for perfection, even if we know it will continue to elude us. The Bill does exactly that. It will not eliminate homelessness, as is apparent from its very title, the Homelessness Reduction Bill. It will advance the struggle, it will make practical changes that will have a real impact on this terrible problem. It will, crucially, put prevention at the forefront of our efforts to tackle the issue—and who can doubt that pre-emption is so much to be preferred over treatment? But where pre-emption fails and people are left homeless, the Bill extends the duty of care beyond the narrowly defined group that is perceived to be hardest hit and brings so many more within the ambit of local authority assistance.

These are important improvements to the current position and seem to me more than ample reason to support the Bill, but I have a narrower, more personal motive for speaking on its behalf. The homeless in our nation are not, as some might imagine, simply people from the fringes of society who contribute little, who are somehow inadequate and whom we should help just out of some sense of condescending charity. They have fallen on hard times for all sorts of reasons and they come from diverse situations and backgrounds. Among them, I regret to say, are veterans of the UK Armed Forces. I am encouraged to see that the number of these ex-military homeless has fallen in recent years, not least because the Ministry of Defence and the service charities have put a great deal of effort into addressing their plight, which in itself goes to show that more effective action can yield results, but they nevertheless exist. They are not, in the main, homeless because of their experiences in the military. A small number suffer from post-traumatic stress disorder, and many more suffer from wider mental health problems, but the factors that have driven them to their current situation are, by and large, the same as those that affect the wider population. In that sense, they are no different from their fellow sufferers.

How ought we as a society to respond to such a situation? How ought we to feel when some of those who have served their country, often in the most difficult and dangerous conditions, are being allowed to languish on our streets without a roof to their heads? Ought we not to say to ourselves, "We cannot allow this to continue—not just common humanity but our own sense of obligation commands us to act"? Of course we should. I therefore welcome the Bill's specific acknowledgement of this particular group.

[LORD STIRRUP]

I do not mean by this to suggest that the homeless who have no military background are somehow less deserving. They all have their stories, they all suffer, they all deserve our help. My point is that the presence of veterans among their number demonstrates clearly that this is not a problem afflicting others, it is a problem afflicting all of us. It adds yet more weight to the urgency of the challenge and the need to address it with ever more vigour. The Bill is a valuable and very welcome step forward in that regard, and it has my full support.

10.44 am

Baroness Armstrong of Hill Top (Lab): My Lords, I remind the House of my interests in this matter. I chair an organisation called Changing Lives, which is active in this area of work and based in the north-east of England, although we work way beyond the north-east. I am also involved with Lloyds Bank Foundation. We fund a number of small charities which work with the homeless.

I am delighted to congratulate the noble Lord, Lord Best, Bob Blackman, and those charities, particularly Crisis and St Mungo's, who have been driving the changes in the Bill. I am also delighted to follow the noble and gallant Lord, Lord Stirrup. When I was responsible for tackling rough sleepers between 1997 and 2001, far too many were ex-service people. It was clear that that was not something that the Armed Forces had been thinking about before discharge, particularly for squaddies who had struggled a bit before they got into the Armed Forces and might find life difficult once they left. We had a particular programme for that. The Ministry of Defence Minister with responsibility for veterans used to come to all our planning meetings on tackling rough sleeping, and the head of the Rough Sleepers Unit, as it then was, went especially to Catterick to work with the Army on how it could use preventive methods before a problem arose. I know that, since then, lots more work has been done. I was always grateful that we could engage actively with the Ministry of Defence to consider those issues.

The Bill is very important. It will put on the statute book measures to help to tackle homelessness. Prevention and advice for all, including the single homeless, is very important; the Bill provides new support to those who are not entitled to assistance under current legislation, particularly the single homeless, which is the area in which I have the most knowledge and experience. Inevitably, services have grown up to tackle single homelessness but, too often, they pick people up when they are already sleeping rough and facing a whole range of problems.

The new prevention duty in the Bill, which extends to 56 days the period for someone being threatened with homelessness, is also very sensible. It will give local authorities time to plan and work with landlords and others to try to ensure that eviction does not take place, as well as introduce measures to deal with the family or individual if it comes to pass. The new duty on other public bodies that encounter those threatened with homelessness or who are homeless to refer them to local authority homeless teams is also important. When I was Minister for social exclusion in 2007-08, we mapped those individuals with multiple needs in one London borough and, unsurprisingly, found that they would turn up at a range of organisations from A&E to mental health services, from addiction services to the police, as well as the homeless services. Most of them were without long-term accommodation, but no service took overall responsibility. It was out of that scoping work that we developed the programme that we called ACE—government is really good at all these acronyms; it stood for adults with chronic exclusion, if I remember rightly—to find more effective ways to work with people in a more holistic way. That work has subsequently been taken up by the Big Lottery, which is funding about 12 programmes around the country called Fulfilling Lives that are about helping local services to address the needs of the most excluded in a more holistic way. The charity which I chair is running one of those programmes.

The Bill will not solve this, but it will at least mean that agencies talk to one another about accommodation needs. Most of us could give horrendous examples of people who are in need but are turned away because they have not turned up at the right service that day. We have to change the way in which services deal with someone who is homeless, addicted or whatever and treat them as a whole person, recognising that they have to bring together the services that they are going to need.

I welcome the Bill and will work for its speedy passage. But—there is bound to be a but—in terms of the scandalous rise in homelessness and rough sleeping in recent years I find it modest. Its provisions will be important, but much more needs to be done in a structural way. Homelessness has not risen because the Bill was not in place: it has done so because of decisions that have been taken, many of which the noble Lord, Lord Best, spoke about. These need to be addressed in order to ensure that homelessness really is a thing of the past. Are Ministers asking themselves about the effect on homelessness of the withdrawal from some local authorities of the fund for supported housing and supporting people who are vulnerable in housing? Three authorities in the north-east have now withdrawn the fund since the Government increased cuts to local authorities and stopped ring-fencing it. Our experience is that many people are now being pushed into the city areas because the services they had been used to in their own local authorities are simply not available any more. This rise in homelessness in the cities is putting real pressure on them.

Are Ministers asking themselves what effect the changes in local housing allowance will have on the availability of rented accommodation to those who are struggling? Not all of them will be seen as vulnerable, but many will be struggling because rent levels are becoming so high and landlords will pull out of offering housing to those who depend on public support. Why are so many housing associations pulling out of supported accommodation and asking the voluntary sector to take over those responsibilities? I am a bit scared by the number of housing associations that are coming to the charity I chair saying: "We are going to pull out of this because we cannot afford to do it. Will you take it on"? The Government tell me that I have to be absolutely sure that the board which I lead appreciates the challenges of funding and does not undertake things if it does

not know it will be able to fund them, so I am a bit anxious. We spent some time last Friday looking at this. Our chief executive is always enthusiastic and optimistic, which is great, but we had to say to him that there has to be very good due diligence. If the housing association is saying it cannot afford to do it, will we be able to?

We also know that the market will not step into much of this work. When the funding was earmarked in George Osborne's last Budget, all the money allocated to voluntary, not-for-profit organisations for bringing empty homes back into use was put for developers to use. Surprise, surprise, the programme virtually stopped. It was suspended by the Homes and Communities Agency in terms of giving grants to not-for-profit organisations, in the hope that developers would take this on. However, this was not their priority or what they wanted to do, so the HCA has now reinserted and ring-fenced some money and reopened that programme. However, this has slowed down my organisation's work of recovering and bringing back into use empty homes, which our service users help to refurbish and then move into. That affects our business model, but we will try to get into it again. We have been developing this area of housing partly because we know that enabling the single homeless—even those with multiple needs—to go straight into independent tenancies works, if they are properly supported. That is another reason why I am asking the Government to keep an eye on what is happening to the supported housing fund. If that is withdrawn, people who are put into independent tenancies will struggle.

It is also because local authorities are saying to us that they are finding it more and more difficult to meet the cost of hostel provision. They are sort of giving us warning that this area may have to go, in the cuts that they see coming down the road. My own local authority has just announced another £65 million of cuts for this year. They know that more will come next year. With an ageing population in the county of Durham, more and more money has to go to social care. This is not part of that priority, so hostels will begin to be more difficult to fund effectively. That is why we need more independent housing for the most vulnerable, but that is also becoming hugely challenging. I know that the Government have been exploring social investment bonds to deal with some of this, but I urge caution. Experience of these bonds has so far led all the charities that I am talking to to approach them with caution because they are proving exceptionally difficult to develop. Even though the strength of the SIB is that it will be there for six or eight years, it is challenging for charities, particularly smaller ones, to get involved in this.

In this period of local government cuts, the extra money is welcome, but is it going to be enough? I support others who are saying that the two-year review of the Bill will be very important. I hope that in that time the Government will look honestly at what it costs to prevent someone becoming homeless and really keep an eye on it so that it is kept at a level that ensures local authorities can develop. I hope this is not just a move to put all the blame on to local authorities. I am sure that it is not; I am not that cynical. However, we have to demonstrate that that is the case.

The Bill is welcome and, as I say, I enthusiastically support it. However, it will not be sufficient to end homelessness. I have raised some issues. Other Members have raised and will raise others. I hope that the Government recognise that there is very wide support across this House to tackle homelessness and, indeed, to end it. I believe that we can virtually end homelessness. From my period in government, I know what needs to be done about rough sleeping and what you can do to bring the number down to many fewer people than is the case at present. Many people in this House have experience of both historic developments and current activity. If the Government are wise, they will harness that experience—dare I say expertise, or are we still saying that we do not need expertise? I hope not. I hope that the Government will harness the expertise and the experience in this House to tackle homelessness in that more holistic way which is essential if we want to get anywhere near ending it.

11.01 am

The Lord Bishop of Southwark: My Lords, in common with the sentiments already expressed, I strongly support this Bill with its emphasis on the reduction of homelessness. Like others, I am heartened by the cross-party work that has been done, not least by the Government, to bring this important legislation to this point. I congratulate the noble Lord, Lord Best, on his sponsorship of the Bill and, in another place, Mr Bob Blackman, the Member for Harrow East. I trust that we will expedite matters at all stages of the Bill and fully endorse what was said by my friend the right reverend Prelate the Bishop of Rochester.

Under no circumstances is homelessness an easy or positive expression of living. There is also the twin malady in a country where housing provision, especially in the capital, is often at ruinous expense. Homelessness is always born of crisis and once embarked upon rapidly erodes physical and mental well-being. I particularly welcome, therefore, the expansion in the Bill of the rights of single homeless people, to which the previous speaker alluded. Too often people go to their councils for help, are turned away because they are not considered to be in "priority need", and end up sleeping rough. It is a dreadful scenario to which the appropriate solution must be remedial action: relevant services, including housing provision; and a relational response, which often comes from voluntary and community organisations.

Across my own diocese, a number of projects respond magnificently to the need. In Greenwich, operating out of 10 church venues an ecumenical endeavour runs a night shelter every night of the winter, staffed by 120 volunteers. Meanwhile, 28 churches in the London Boroughs of Lambeth and Southwark, through a project called Robes, have welcomed 70 guests for the night each winter, with the help of over 400 volunteers. I declare my interest as a patron. I myself participate in the annual sponsored sleep-out in the grounds of Southwark Cathedral to raise money for this project. Last year it raised over £100,000, which has funded the project and provided for a full-time support worker. In Wandsworth, churches do similar work with a charity called Glass Door. Again in my diocese, the ecumenical Croydon Churches Floating Shelter was

[The Lord Bishop of Southwark]
set up in 2004, a partnership of 22 churches offering overnight hospitality to guests, from November to March each year. Your Lordships will be familiar with the inspirational work of Street Pastors, also an ecumenical endeavour, which brings a non-judgmental encounter and help throughout the night to the streets of our cities and plays a significant part in reducing crime.

Only last Sunday on my visit to the Church of St Peter Norbiton, I was able to see for myself the offices of Kingston Churches Action on Homelessness, and in particular the Joel Community, operating in what was until recently the church hall, offering shelter, food and friendship and accommodating over 70 people a year experiencing homelessness. The aim is a fully tailored service for each person. A repeat factor in the story of many of those experiencing homelessness is isolation, which is in itself soul destroying. In response, the Joel Community seeks to provide a focus of welcome and hospitality within a community setting. This, in common with all the examples I have cited, but in a still more focused manner, is a relational approach seeking to bring people through the crisis of homelessness to a better place. It can be life-saving. Thus, this Bill, if implemented effectively, should ensure that more individuals will at last receive meaningful assistance to prevent or relieve homelessness.

One group of individuals whom I hope are already covered by the existing definitions of priority need are military veterans. I support the words of the noble and gallant Lord, Lord Stirrup, on this matter. The Armed Forces covenant, to which the Church of England nationally is a signatory, signals important considerations in this area. Veterans, for whatever reason, still form a disproportionately high element among the single homeless. I pay tribute to Veterans Aid and its work housing such veterans in New Belvedere House, a stone's throw from my old rectory in the parish of St Dunstan's, Stepney, in the Diocese of London, where I served in the 1990s, and to Alabare, founded by the Reverend John Proctor, a permanent deacon in the Roman Catholic Diocese of Clifton, which also works among homeless veterans and others.

Changes in legislation will not be enough on their own. Legislation will avail us little if suitable accommodation is not available in areas where there is a chronic shortage of affordable housing. On the structural level, like the noble Lord, Lord Best, I pay tribute to Her Majesty's Government for making available £61 million of additional money to local authorities for the years 2017-18 and 2019-20 to meet the costs arising from the Bill. However, following on from what the noble Baroness, Lady Grender, said about the London Borough of Lewisham, your Lordships may wish to know that London borough councils alone estimate that their additional burdens under the Bill will be £77 million in the first year. It is important that new demands be properly funded. None the less, I remain of the conviction that our endeavours in this critical area will fail without the necessary relational approach.

I have a further concern as regards regulations due to be laid by the Secretary of State for Work and Pensions which restrict entitlement to the housing costs element of universal credit for some 18 to 21 year-olds. For many young people the financial support provided through the benefit system to cover their rent is all that stands between them and homelessness. I hope we may hear about this during our deliberations. I trust we agree that the Bill be read a second time, and that it may proceed without amendment.

11.08 am

Baroness Manzoor (Con): My Lords, I support this important Private Member's Bill. I place on the record a declaration of interest, in that I have a number of properties in the private sector. I start by congratulating my honourable friend Bob Blackman MP for bringing forward this very important legislation. I am delighted to see Bob here today. He has been present from the start of the debate.

I also want to take the opportunity to thank the noble Lord, Lord Best, for continuing to aid the Bill's passage through your Lordships' House, and for his excellent speech outlining the steps leading to the Bill and the scrutiny it has already received.

Last but not least, I also congratulate the Government on fully supporting the Bill and on the extra £61 million funding they will make available. I also thank the charities such as Crisis, St Mungo's, Centrepoint and Shelter, which do such invaluable work to support the homeless and the most disadvantaged in our society. I was also delighted when the *Evening Standard*'s Young & Homeless Appeal smashed through the £3 million barrier a few weeks ago. That money will enable the creation of Centrepoint's Young and Homeless Helpline. As an ex-trustee of the NSPCC, I know how important a helpline can be—a lifeline.

Through my work in the NHS and the charitable and legal sectors, I have seen the devastating effects on people and families who become homeless. They are individuals fleeing domestic violence or abuse, those with mental health problems, and people who have difficulty just keeping their heads above water. Food, shelter and warmth are all basic rights of humanity, yet so many people have difficulty in fully accessing these necessities—not in some war-torn country but here in the UK. This is unacceptable, particularly when employment is at a record high and we are the fifth richest country in the world. It is to our huge discredit that there should be even one person sleeping rough, in the bitter cold, exposed and vulnerable to the many dangers on the streets of our country. Of course, homelessness is a very complex issue, and there is no single silver bullet to remove homelessness overnight. However, the fact remains that rough sleeping has doubled since 2010, and more will need to be done to tackle it.

In autumn 2016 there were an estimated 4,134 rough sleepers in England—the highest figure since 2010 and an increase on the previous year—of which 23% were identified in Greater London. Sadly, an increasing number of women are sleeping rough. Interviews with homeless women conducted by Crisis showed that over 20% become homeless to escape violence from someone they know, with the majority—70%—fleeing violence from a partner. Homeless women are also more likely than men to have greater levels of mental illness as a result of physical and sexual abuse. Statistics show that in 2015,

112,330 people made a homeless application, with 54,430 accepted as homeless and in need of assistance. But these figures are likely to be significantly higher, as has already been stated, as many people are in overcrowded accommodation or sofa-surfing. I am therefore pleased that the Government have announced a package of measures costing £40 million to tackle rough sleeping.

It is right that the Bill seeks to change the culture in local authorities and the point at which they provide housing support to vulnerable people. Currently, many local authorities act only when someone is literally on the streets or indeed sleeping rough—when an individual is in crisis. But crisis management cannot be the answer any more. It is failing too many individuals and causes huge distress and despair to those in need. Crisis management can also come at a huge cost to the public purse if individuals or families must be placed in expensive temporary accommodation in an emergency. The ONS report of 30 September 2016 stated that a total of 74,630 households were in temporary accommodation.

The Bill, along with the promised extra government funding, will promote prevention and enable a change in the culture of many local authorities by enabling them to provide proactive support to people who find themselves in difficulties before they are in crisis and become homeless. The aim of the Bill is to ensure that everyone, irrespective of whether they have drug or alcohol addictions or other priority status, will be entitled to receive free information, advice and support 56 days prior to becoming homeless. Local authorities will have a duty to provide a focused personalised plan which will highlight steps to prevent the person becoming homeless. Clause 1 is important.

The Bill will also aid better co-ordination between key public services because there will be a duty on public bodies such as the NHS to ensure that anyone who is identified as homeless is reported to their respective local authority so that it can take the most appropriate action for the individual concerned. I also welcome that the Bill creates a power for the Secretary of State to introduce a statutory code of practice, which will provide further guidance on how local authorities should deliver their homelessness prevention duties, particularly as there are variations in the standards of service given by local authorities. Some are very good while others, sadly, are less so. However, it will be important for the Government to make sure that they put in place proper monitoring arrangements to ensure that this duty is being met. Perhaps the Minister will say how the Government will assess this duty to ensure that it is being met.

Another aspect of the Bill will enable local authorities to check private sector accommodation to ensure that it meets both safety and suitability criteria before it is let to individuals. This will help to remove and sometimes improve the appalling and dreadful conditions and unsuitable accommodation that some people are forced to live in. This is to be hugely welcomed. The Bill is a compassionate response to a growing problem. It is a good start. I of course recognise the priority of ensuring more affordable housing, particularly as rents are high and becoming increasingly out of reach for some of our most disadvantaged people. Indeed, for working people like teachers and nurses who live and work in places such as central London, it is becoming increasingly difficult to rent or afford to buy accommodation without sharing or receiving significant financial help to get on the property ladder. I therefore welcome the Government's White Paper, which seeks to address these issues. While increasing the stock of affordable housing or inducing lower rents is welcome, it is not the purpose of the Bill, although it adds to the wider government strategy on housing.

As I and other noble Lords have said, the Bill is about moving from a crisis-management response to a focused preventive strategy by local authorities—a significant cultural driver for change. Although there were up-front costs, Wales has already instigated such a strategy, and some figures show that in some 65% of cases in Wales, homelessness has been successfully prevented when at-risk households have been helped by local authorities sooner.

I urge the House to support this Private Member's Bill as drafted because, should noble Lords put down any amendments, it may fall due to lack of parliamentary time. As Crisis and other charities have stated, the Bill,

"could transform the help available to homeless people, and if passed could represent one of the most important developments for homelessness in nearly 40 years".

I fully support it.

11.18 am

Lord Bird (CB): I am pleased to support the Homelessness Reduction Bill. In the 25 years that I have been involved with the *Big Issue* I have rarely seen the word reduction—or even prevention—used in relation to homelessness. Reduction and prevention are, of course, not the same. Prevention is a science that we have not yet arrived at. The elements that make up homelessness are not yet defined adequately and scientifically enough so that we can begin the process of dismantling it even before it manifests itself.

What is so interesting about Mr Blackman's Bill and the work of my noble friend Lord Best is that at last we have before us a mechanism for embracing that beautiful word "prevention". But we have to go even further and start preventing in the schoolroom and in the ghetto, and we have to prevent people being bullied and pushed out because they are gay, black or Gypsies, or because their mum and dad have problems with drink and drugs. I look forward to that process beginning not just in this House but in the other place. We have to fall in love completely with the idea of social transformation. I shall not talk too much because your Lordships are all incredibly eloquent and have all the facts and figures before you.

I am reminded of that wonderful song by Ian Dury, which I will not sing: "There Ain't Half Been Some Clever"—I will say "Bar stewards" rather than the word he used. Listening to the right reverend Prelates, the noble Baroness, Lady Manzoor, and everyone else, it is clear that we are all able to intervene in the lives of the poor and come up with some very astute observations and methodologies, but prevention is where we need to start.

I started the *Big Issue* 25 years ago with a man called Gordon Roddick, who, as your Lordships know, started the Body Shop with his wife. The *Big Issue* was

[LORD BIRD]
a business response to a social crisis. We wanted to prevent people continuously falling into trouble. We did not look at what the 501—there are now over 2,000—homelessness organisations in London were doing; we said that we were going to stop people falling back into crime again and again, as that just complicated the problems.

What is so beautiful about the Bill is that it will prevent quite a number of people ending up selling the *Big Issue*. I thank Mr Blackman and my noble friend Lord Best for that because we have too many people doing that. But the real politics will be preventing Johnny, who is now three years old, living a disfranchised life and becoming a *Big Issue* vendor or a drug user in 20 years' time. That is the big issue—that is where we have to move on to—and I am glad that we have started the process of dealing with prevention, bringing it forward in this House and out into the world, so that we can make progress on it.

Noble Lords will forgive me for stopping for a drink of water—I was out with a number of homeless people last night and got to bed very late.

I have developed something called PECC, which I have mentioned before. It stands for prevention, emergency, coping and cure. When you look at the vast amount of money that we spend socially on emergency and coping and at the very small amount we spend on prevention or cure, you can see that we live in a topsy-turvy world. Mr Blackman's Homelessness Reduction Bill is a step in the direction of making "prevention, prevention, prevention" the best course that we can all follow. I am glad that he is following the work of the *Big Issue.* I am not saying that we are the great leaders—we are still learning—but now we really do need to move the argument on and become vitalised by the wonderful idea of stopping children becoming homeless 20 years after the seeds of discontent and problems enter their lives.

I declare an interest. I was homeless at the age of five because my mum and dad were enemies of the rent man when there was no Crisis, Shelter or SHAC, or all the other 501 or 2,000 organisations that there are now. We have to start defining the causes of homelessness. Some of it is self-perpetuating and some of it is to do with not being able to budget, but a lot of it is to do with the fact that the mechanisms that lead to you receiving a Section 21 notice can drive you into homelessness—an area where you need not be. That is the beauty and magnificence of this Bill. I am so pleased that we are debating it today and I am 150% behind it. God bless you all.

11.26 am

Lord Kirkwood of Kirkhope (LD): My Lords, it is always a pleasure to follow the noble Lord, Lord Bird. He has the advantage over most of the rest of us in that he can say with authority and conviction that he has done something himself to ameliorate the situation. His experience is valuable to this House.

Noble Lords: Hear, hear.

Lord Kirkwood of Kirkhope: We encourage him to continue with his enthusiasm and flair in addressing this important problem.

I start by paying a special tribute to the sponsor of this Bill. Mr Blackman is a man whom I salute. I do so because I was the modest author of two small Private Members' Bills and I piloted them through Parliament in anticipation of the Freedom of Information Act a long time ago, so I know how precarious these Bills are. The noble Lord, Lord Best, is absolutely correct to say that this is a signal parliamentary moment. I have never come across a Private Member's Bill that comes armed with a money resolution and the prospect of money. In my experience, that is unique and it is not achieved easily. So I admire Mr Blackman's professionalism and application. The noble Lord, Lord Best, gave him an appropriate tribute and I want to add to that, because it is very special for him to have achieved his Bill being debated this morning.

I want to go back to 1977. The noble Lord, Lord Best, was right to say that the last time we really addressed this issue was on a Private Member's Bill in the hands of Mr Stephen Ross—a man of sacred memory and a valued former Liberal colleague. That was 40 years ago. He did not get the money and, apart from the glory of introducing a Private Member's Bill, he did not get very much else. It was an important Bill. It did not quite have the advantages of prevention that the noble Lord, Lord Bird, has so eloquently spoken about, and that is a significant difference. There is a real danger that this Bill will suffer the same fate as the one introduced by Stephen Ross—I hope not—but Mr Blackman must not give up with his application.

Prevention is very important. It has a much wider application across public services more generally and it can save money for the public purse. If it works—the next two or three years will be fundamental in establishing that—it should be a model, considered for application in other areas of public policy.

I want to say two things: one about context and one to reinforce what has already been said about the social security environment. To a large extent, the situation that we face has to be estimated using forecasts. I say up front that forecasts can be wrong and that things can change, but you do not have to be an economist to understand that the impact of inflation, lower exchange rates and things of that kind do not make things any easier.

Noble Lords will probably know that the bible for those who follow the arguments surrounding living standards is the Resolution Foundation's *Living Standards* report, which comes out annually. It was produced earlier this month. The executive summary looked at the regressive nature of future income growth, which I agree is a real matter of concern. It would be out of order for me to go into living standards at any great length but let me, if I may, share with the House a quote from page 10 of the executive summary that caught my attention. In looking at differential growth across income distributions, the Resolution Foundation said:

> "The result is that the parliament from 2015-16 to 2020-21 is on course to be the worst on record for income growth in the bottom half of the working age income distribution".

It goes on to say that,

> "we project the biggest rise in inequality since the 1980s, with inequality after housing costs reaching record highs by 2020-21".

The context in which we are applying this Bill is not auspicious, and that has to be recognised and taken into account by the Government when they are coming to the costings.

I applaud my noble friend Lady Grender for her valuable work in straightening out the data. I never believed the figures, and the work she has done will bear fruit in the future. We should congratulate her on that.

It is not new, but noble Lords will not be surprised to hear me say that the £12 billion cut in social security that we will experience between now and 2020 will have a massive impact on the cohort of our population that might be subjected to the horrors of homelessness in the future. I want to mention five cuts, which are known to the House. The four-year freeze on most working-age benefit rates will save around £5.2 billion. That will have an impact on homelessness. The new two-child limit will save £1.1 billion. In big families, that will also have an impact on homelessness. Cuts to universal credit of £2.7 billion will have a direct impact on homelessness. The right reverend Prelate the Bishop of Southwark mentioned the impact that universal credit can have, and there is the additional impact of the long waiting times before people can get the housing element of universal credit, which is currently causing such a problem. Cuts in employment and support allowance for the work-related activity group will save £0.4 billion. That will particularly affect those in our community who are disabled or incapacitated. Finally, the reduced household benefit cap will save £0.4 billion. These cuts are significant not just because of the money they will save but because of the impact they will have on the group of people we are discussing this morning.

I am also particularly worried about the tightening benefit cap, council tax increases and the effect of the local housing allowance. The noble Lord, Lord Best, is right: the private rented sector is a significant worry and we need to pay attention to it.

There will be regional variations in the application of this policy. The noble Baroness, Lady Armstrong, was quite right to give us her experience of what is happening in Durham. Homelessness is not just a London problem. I know that the incidence is high in London, particularly around temporary accommodation. However, it affects the rest of the country, particularly low-income areas. In the future, local authorities will struggle to fund any sensible services.

I strongly support what the noble and gallant Lord, Lord Stirrup, said about veterans. They are one of a number of specifically disadvantaged groups, and that includes those with mental illness more generally, which is a problem we are all struggling to face up to sensibly. I have mentioned families with a larger number of children, and some ethnic-minority communities have particular difficulties. Another group is young people in single households, whether they have had military experience or not. These are all particularly vulnerable cohorts of the population to which we should be giving time and special attention.

There are examples of good practice. Coming from where I do, the House might expect me to say, for example, that Scotland abolished the idea of priority housing need in 2012. A lot is going on also in Wales, where prevention ideas are being piloted in the new housing Act. I hope the Minister will accept the need to keep dialogue going across all the jurisdictions to make sure that best practice is shared and we all know what one another is doing. That ensures that there are no unintended consequences and is beneficial and positive.

As has been said, the long-term solution is obviously building better supply. It is astonishingly disappointing to me that we will be spending public money to the tune of £1 billion on discretionary housing payments. That is an enormous sum of money to shore up a system that is failing. The system is failing because there is no supply, particularly in relation to supported accommodation and social rented accommodation at affordable levels.

I have spent most of my public life looking at social security and social policy areas and there is one thing I am sure about. Low-income households are more robust and resilient than we imagine—the noble Lord, Lord Bird, is a good example of this perhaps. They can deal with a £5 cut here or there in innovative ways, but what they cannot do is survive homelessness—the family unit has nothing around which to build security and to develop. We all know that children learn to be poor and insecure by the time they are three—although the noble Lord, Lord Bird, survived until he was five. Addressing the needs of the homeless community is therefore a very serious issue. It is not only in their interests but in the national interest that we pass this Bill and get it on the statute book with all due speed.

11.37 am

The Earl of Listowel (CB): My Lords, I declare my interests as listed in the register as a property owner and as a vice-chair of the Local Government Association. I thank Mr Blackman for enabling the Bill to come to the House and for seizing the opportunity available to him in the Commons. I also thank my noble friend Lord Best for introducing the Bill and taking it through this place. As a former director of the Joseph Rowntree Foundation and chair of a housing association, he obviously has so much experience in this area. His introduction today reminds me of how valuable this House is because of the depth of expertise of its Members in many areas.

I thank the Government for supporting the Bill today; in particular, for the £60 million in financial support and the review they have undertaken to carry out in the next two years to ensure that local authorities are not out of pocket as a result of the Bill. I was grateful to the noble Baroness, Lady Manzoor, for drawing attention to the fact that the Government are also funding to the tune of £40 million their work on rough sleepers. The noble Baroness gave a very vivid example of why this Bill is so important. One can become callous. One sees people on the streets, day after day and year after year, and can take it for granted. The noble Baroness highlighted the fact that we are the fifth-richest nation in the world, with one of the highest levels of employment, yet we cannot get this right. I found what she said very helpful.

[The Earl of Listowel]

In the referendum last year, I was disappointed by the decision that was taken. But one of the very positive things that came out of it is a growing recognition that large sections and areas of this nation have been left behind and forgotten. I am grateful to the Government for recognising this and for taking these steps to ensure that the forgotten—those who have been left behind—are properly taken into account and for introducing measures to ensure that their needs will be better met in future.

I am particularly grateful for the impact the Bill will have on young, disadvantaged people, who are perhaps managing without a family. Let me give the example of a young person I met in December of last year. The Drive Forward Foundation is a charity which works with care leavers to help them into professions. A number of its ambassadors came to Parliament to meet with me and to discuss their experiences. I was introduced to a young black woman in her early 20s, about five foot tall, who had a disability. She had secured an apprenticeship in a City firm, at great sacrifice to herself because of the complexities of how things work with housing benefit. For many care leavers there is a disincentive to enter work because, as long as one is on benefit, one is fine. However, as soon as one starts getting an income one's housing benefit drops and one has to perhaps seek a new home—as she did—in order to be in employment. She just managed to meet her rent each week and was eking out a living in order to do this apprenticeship which was important to her.

She had to lie to her landlord because, as we have heard, more and more private landlords do not wish to accept people on housing benefit. She did not tell him that she was on housing benefit but he found out and decided that she must go. I had an e-mail about a week after we had met to say that this young woman was about to become homeless and asking if I could do anything to help. Thankfully, through her own resourcefulness, she found another room.

I was also told that, as she was a care leaver, her local authority owed her certain duties. Her local authority said, "Wait until the bailiffs arrive and then we will come and help". Her situation highlights the importance of the early intervention that the Bill offers. The last thing this young woman needs is to have to worry about her accommodation. By enabling early intervention to help people through the transition, the Bill will be a great help to disadvantaged young women like her who are ambitious to make a good job of their lives.

I have another request for the Minister. It would also be helpful to young men and women in her position if the Government were to respond to the requests in the Crisis campaign to ensure that, first, there is a proper mortgage guarantee for people entering private landlord accommodation; and, secondly, that help-to-rent supports both the private tenant and the landlord to give them confidence that things will progress well. There should be a mortgage guarantee and support for the tenant and landlord so that it becomes more attractive for private landlords to take on tenants such as this young woman.

Perhaps the Minister will write to me outlining what progress has been made in responding to the Crisis campaign in this area. The noble Lord, Lord Best, has raised this matter in the past and I would be grateful if the Minister would write to me about it.

In closing, I say that I am grateful to Mr Blackman and my noble friend for bringing the Bill to this House and for the Government's response. Listening today to broadcasts about the recent by-elections, I heard one woman say, when asked about her vote yesterday, "I feel forgotten. I do not think it matters which way I vote". Another resident of Stoke-on-Trent said, "For 40 years nothing has been done here. I feel that no party has taken any interest in my area". So I am therefore grateful that the Government are taking steps such as these to reach out to people who may have been left behind in the past. I wish the Bill a speedy journey to the statute book. I certainly will not seek to make any amendments to it.

11.44 am

Baroness Butler-Sloss (CB): My Lords, like all other noble Lords, I strongly support the Bill. It is wonderful that Bob Blackman MP should have got it through with all the amendments in the Commons. It is hugely to his credit and that of the Government that that happened. We are fortunate that the noble Lord, Lord Best, opened the debate today with an excellent speech. We need to congratulate the Government, as others have done, on supporting the Bill—and not only supporting it but supporting it with finance, which is probably the first time that that has happened in many generations.

I will draw the attention of the House to two vulnerable groups of people about whom nothing has been said so far this morning. They urgently need priority housing. I declare my interests as vice-chairman of the Human Trafficking Foundation and a co-chair of the All-Party Parliamentary Group on Human Trafficking and Modern Slavery. The first group consists of overseas trafficked victims who come to this country and go through the national referral mechanism. They have 45 days-plus of accommodation organised by the Salvation Army. They are looked after during that period. If they do not have conclusive grounds, they are rejected and after two days—after 48 hours—they have to leave the secure accommodation. If they are found by the national referral mechanism to be conclusively victims of trafficking in this county, they have to leave after two weeks and absolutely nothing is done for them unless one or other of the charities comes in to help them.

They are to be contrasted with asylum seekers, who have a number of rights. Many of them are pushed into the asylum process, which does not offer the sort of help that they need and which they begin to get by going through the national referral mechanism. They have no status and no rights, and many of them go on the streets. That is why I am referring to them today.

On the streets they may well be re-trafficked, with the women, and some men, going into prostitution in order to survive. This is a scandal as a national referral mechanism set up by government has identified them as victims of trafficking and identified that they have been slaves. Then they go missing. Speaking as a

former lawyer, I say that this is a side-effect of some importance, because it is more difficult for the Crown Prosecution Service and the police to prosecute successfully to conviction because the victims do not have accommodation and the police cannot find them. That is the first group.

The second group consists of the British victims of slavery and trafficking. I do not know how many noble Lords know—I only learned recently—that soup kitchens are good places for traffickers to target those whom they wish to make slaves. In Westminster there is a soup kitchen which, as the Shadow City report of 2013 pointed out, has traffickers targeting it two or three times every night.

In 2008, the Swedish police sent seven dossiers on British people who were slaves in different parts of Sweden. This was particularly taken up in the Connors case. The Connors were a number of English Gypsies in Bedfordshire who I am glad to say are now serving long sentences of imprisonment. They picked up a number of English men at soup kitchens and took them to the north of Sweden. We are a source country, not just a country of destination or transit, for some reason particularly for workers on construction sites in Sweden. It was only because one of a group of Swedish slaves in northern Sweden managed to get to Stockholm and report this to the Swedish police that the police travelled 500 miles north, banged on the door of the caravan where a number of these men were locked in, got the door open and said to them, "Do you realise that you are slaves?"—because they did not. The reason I know about this incident is that I had been working with Frank Field MP and the then MP Sir John Randall on an inquiry for the then Home Secretary, Theresa May, and one of the victims from Sweden came and gave evidence to us. It is interesting to note that we are also a source country. We have homeless English people on the streets who are being targeted and find themselves becoming victims both in this country and abroad.

Hugely to his credit, the very active Independent Anti-Slavery Commissioner, Kevin Hyland, commissioned a report from an NGO, The Passage, which reported in January this year. It made a large number of important recommendations, one of which was about awareness. A great many social workers have absolutely no idea that the people they see on the streets can be the victims of trafficking and slavery. But the consensus of the report was how enormously important it is to provide support of all sorts, including housing of course, for the victims of trafficking who are found on our streets. So there is a clear need for priority housing and free advice for these two groups of very vulnerable people.

An example of what can go wrong is mothers with children who are moving from one form of temporary accommodation to another or are indeed homeless. I learned about one mother who had had to move house and so had two children in school in one London borough and one child in school in another borough. That is not a helpful situation for someone who is a trafficked victim from overseas.

The Bill should, could and, I hope, will do something about these two groups. I am acutely aware that the noble Lord, Lord Best, does not want any amendments, much though I would like to put down an amendment to deal specifically with the victims of trafficking and modern slavery. But perhaps I may refer to Clause 2(2), which states:

> "The service must be designed to meet the needs of persons in the authority's district including, in particular, the needs of … any other group that the authority identify as being at particular risk of homelessness in the authority's district".

I hope and expect that the two groups about which I have spoken will be seen as coming under that provision.

It is interesting to note that in November last year, before the Bill came to this House, Bristol City Council recognised that there was a local authority responsibility to provide welfare support for the victims of trafficking and modern slavery in order to avoid breaching Articles 3 and 4 of the European Convention on Human Rights as well as, I am glad to say, the Council of Europe Convention on Action against Trafficking in Human Beings and the EU directive on human trafficking. I hope that the relevant national and local authorities will listen and that the Bill will help those two groups.

11.54 am

Lord Shipley (LD): My Lords, it is always a pleasure to follow the noble and learned Baroness, Lady Butler-Sloss, and to pay tribute to her work to stop human trafficking. I am the 12th speaker in the debate and I am pleased to note that the first 11 have all been strongly supportive of the Bill. I should remind the House that I am a vice-president of the Local Government Association. The debate has demonstrated the wide expertise and experience in this House, which has been brought to the fore in the detail on the clauses of the Bill. It is a vitally important Bill and I too pay tribute to Bob Blackman MP, the noble Lord, Lord Best, and the Government for their support, to the charities and the voluntary sector, and all those who have undertaken such an enormous amount of work to make this Bill what it is. It has benefited from a lot of scrutiny before it reached your Lordships' House. That has come through in terms of the clarity with which the policy changes are proposed. The Bill rightly identifies the importance of extending more help to homeless single people, and seeks to do something practical about the problems caused by Section 21 notices.

We have heard a great deal about the large number of voluntary organisations that assist to ameliorate homelessness and I was particularly pleased to hear the comments of the right reverend Prelate the Bishop of Southwark, who mentioned Street Pastors. In the early hours of a Saturday morning a few weeks ago I accompanied the Street Pastors in Newcastle upon Tyne in order to meet those who were sleeping rough. Two things struck me. The first was that the rate of rough sleeping in the city was clearly rising, and the second was that a number of those who were sleeping rough had recently been discharged from prison. We heard earlier about those who have left the Armed Forces, and it should not be the case that people are discharged from an institution and have nowhere to go.

We have seen the impact of this problem both in the numbers of those sleeping rough and in the Government's own homelessness figures, which show that in December there were nearly 75,000 households in temporary accommodation, including 125,000 children who were

[LORD SHIPLEY]
homeless at Christmas. Three-quarters of the households in temporary accommodation are in London, but it is a general problem nevertheless. I am particularly pleased that the Government have recognised this, and I pay tribute to the work that Ministers have been doing. It is hugely helpful to have a sense of common purpose on an issue as important as this.

Much has been said in the course of the debate about why homelessness is rising. My noble friend Lord Kirkwood of Kirkhope and most other speakers identified the consequences of the reform of welfare, some of which were forecast, I have to say. It is clear that the welfare reforms have had an impact. We have not been building enough homes for social rent in this country. I think that the housing White Paper may help in that regard and I am pleased that the Government seem to have altered course. It is pretty evident to me and to most noble Lords that it is vital to build more homes which people can rent at a social rent, because otherwise it is very difficult to see how homelessness will be reduced.

Falling security for private tenants has been a factor as well. I was particularly concerned to hear during the debate that this may get more difficult unless the supply of homes increases. Of course, we have had the impact on supported housing. We heard from a number of speakers that it has made it more difficult for a number of voluntary organisations and housing associations to manage supported housing. This is a question that successive Governments have not faced up to: a recent report by the Chartered Institute of Housing pointed out that the Government are investing some £45 billion in housing up to 2020-21, but only £2 billion, or 4% of that, is for housing below market rent. There is a very big strategic issue here for the Government to address: subsidy is going into owner-occupation, which is understandable in many ways, but I believe that the Government have got the balance wrong. We need to give extra support to social rented housing.

Quite a lot has been said about the costs of homelessness. The issue for local government around the initial costs of prevention is clear and evident and will become more evident over the two years of monitoring. Can local authorities manage to fulfil the terms of the Bill? I very much hope that they do and they all need to try. Evidence from Wales shows that the Housing (Wales) Act 2014 has led to a 69% reduction in the number of households owed the main homeless duty. If figures of that scale can be produced it indicates that if the public sector invests properly we will save money later. I commend what has happened in Wales and I hope that, with the huge financial burden which is about to occur in London, for example, which has some three-quarters of homelessness, the investment will enable savings to be generated further down the line.

Very close monitoring is important. Crisis's research is impressive and indicates that public spending could fall by around £370 million in England if 40,000 people were prevented from homelessness for one year. These are very large sums of public spending. I mentioned the importance of close monitoring of what happens over the next two years. A number of noble Lords talked about this. The noble Baroness, Lady Grender, reminded us, in her closely argued case on statistics, that we have to understand the numbers. They have to be right or it is very difficult to draw conclusions. I pay tribute to her work on letting agents' fees: that is equally helpful in assisting those, particularly in the private sector, having to move very frequently who have been confronted by regular payment of letting agents' fees.

The contributions of the right reverend Prelate the Bishop of Rochester and the noble Baroness, Lady Armstrong of Hill Top, stressed the importance of all councils engaging with the voluntary sector and brought together the issue of local working. It is vital that all public agencies work strongly together to deliver the solution that we all want. I have two or three very brief final comments. I was very struck when reading the Bill by the amount of written correspondence that there is going to be as local authorities are required to do more for individuals. That is essential. One consequence of that will be an increasing role for advocacy, and the voluntary sector may have a key role in helping. There will be a need for advocacy support in terms of personal planning, reading and writing letters for those who are disadvantaged. I very much hope that part of the monitoring will relate to how individuals are helped, because official procedures can be daunting.

The issue of co-ordination between the DWP and DCLG was mentioned several times. It is difficult when different Whitehall departments have different objectives. The noble Lord, Lord Best, reminded us that cuts to housing support can prevent the help that individuals need. I entirely support his call for the freeze on the local housing allowance to cease. I wish the Bill speedy progress through this House. It is not a solution on its own but it is part of the solution. I finish with the words of the noble Lord, Lord Bird, who said, "At last, there is a mechanism for embracing prevention". I think those are probably the most important words we have heard in the last two hours, because the mechanism contained in the Bill will enable many other things to happen.

12.07 pm

Lord Kennedy of Southwark (Lab): My Lords, I preface my remarks by referring noble Lords to my interests in the register: I declare that I am an elected councillor in the London Borough of Lewisham and a vice-president of the Local Government Association. We support the Bill and wish it safe passage through your Lordships' House. The Opposition Front Bench will not be tabling any amendments and I urge all other noble Lords not to do so.

I very much agree with the opening remarks of the noble Baroness, Lady Grender, and I associate myself with them. She made important remarks about the data used by DCLG, which I fully endorse. I will look more closely at figures we get from the department on different areas in the future. I pay particular tribute to Crisis, which is the national charity for single homeless people and has supported and championed this legislation. It has worked hard to get the Bill to this point and is to be congratulated that in its 50th year of campaigning for single homeless people it is on the verge of bringing about a major positive change in the law. It is a campaigning organisation that works all year round as

well as providing services to homeless people at Christmas. I also pay tribute to Bob Blackman MP for steering the Bill so ably through the House of Commons.

The right reverend Prelate the Bishop of Southwark highlighted the fantastic work undertaken across the diocese of Southwark by volunteers and voluntary organisations who work to combat the nightmare of homelessness, the physical and mental harm and the constant presence of danger and risk of violence that living on the street brings. The Bill before us today, so ably introduced by the noble Lord, Lord Best, seeks to refocus the efforts of local authorities on the prevention of homelessness. It carries new duties for local authorities to intervene at earlier stages to prevent homelessness and to take steps to secure accommodation for those who are homeless. I very much agree with the comments of the noble Lord, Lord Bird, who spoke about the emphasis on prevention and the dramatic effect that can have.

Homelessness is something that no civilised society should have to put up with. It is very likely that noble Lords passed homeless people as they travelled to this noble House. They are outside every railway station in the vicinity: Charing Cross, Waterloo and Victoria. They are sleeping in Westminster tube station, near the entrance to the Palace. The noble Baroness, Lady Grender, also referred to this. There are people sitting in doorways facing another cold night on the streets, and this has not been the coldest winter we have experienced in recent years. The situation is truly appalling. It is a national disgrace and a personal tragedy for the people who are homeless that we have arrived at this situation.

The situation has got worse since 2010 and the blame for that lies squarely at the Government's door. According to the Office for National Statistics, local authorities accepted that 14,930 households had been statutorily homeless between 1 July and 3 September 2016. The ONS also reported that the total number of households in temporary accommodation as of 30 September 2016 was 74,630, a 55% increase from the figure of 48,010 on 31 December 2010—a record the Government should be truly ashamed of.

My noble friend Lady Armstrong of Hill Top referred to the welcome measures in the Bill. The new duties in the Bill that will become the responsibility of local authorities include: an extended period in which an applicant is to be treated as homeless, increasing from 28 to 56 days; strengthened advice and information obligations on housing authorities to prevent homelessness; and a new duty to assess and agree a personalised plan, which will require a local authority to carry out an assessment of the applicant's case. The prevention duty will require local authorities to ensure that suitable accommodation does not cease to be available to applicants who are threatened with homelessness. Further, the relief duty requires local authorities to help secure accommodation for all applicants who the authority is satisfied are homeless and eligible for assistance.

The noble and gallant Lord, Lord Stirrup, made a powerful plea to help veterans who have found themselves homeless after service to their country in some of the most difficult and challenging circumstances imaginable. The specific provisions in the Bill are most welcome in that respect. The noble Earl, Lord Listowel, made telling points about the plight of care leavers and I agree wholeheartedly with his comments. The noble and learned Baroness, Lady Butler-Sloss, told the House about the particular plight of people who have been trafficked and have no rights or status and often find themselves on the streets, as well as the risk of British people being taken into slavery after being targeted at soup kitchens. I was not aware that we had become a source of slaves for other countries. That is a truly shocking revelation.

There are problems with the Bill and, of course, they start with the funding. Originally, the funding announced was £48 million, which was allocated on the basis of £38 million in the next financial year and the remainder the following year, and from then on nothing at all—not a penny provided to local authorities. As a result of amendments passed in the Commons, a further £13 million has been allocated to cover the additional new duties. It is important to note that the new money goes with new responsibilities. There has been no increase in the original sum of money to fund the items in the Bill before it was amended. This sum of money is just not enough to fund the new duties that will be placed on local authorities. Local authorities need to be fully funded to provide what will be required of them. London Councils, which the right reverend Prelate the Bishop of Southwark referred to, estimates that in the next financial year £77 million will be spent by local authorities in delivering this new duty in London alone. That is £16 million more in one year than the entire funding so far provided by the Government for England and Wales for two years. We risk a serious funding crisis.

I am aware of the commitments given in the other place by Marcus Jones MP that the legislation will be reviewed within two years. I welcome that and ask the Minister to repeat that assurance in the House today. But I go further and ask the Minister to tell us when the review will happen within the two years. What happens if after only a few months it becomes clear that the Government's own figures—their allocation of resources—are woefully inadequate? What urgency are the Government going to place on this review to establish what the real costs are and what funding is really needed? These are serious matters, dealing with vulnerable people. Let us be clear: in itself, legislation will not significantly reduce homelessness if it is not properly funded. Without that being addressed, we run the risk of unlawful decisions; repeat homelessness, with damaging consequences for children and families; and a lack of meaningful outcomes for single people at the end of the process. That is good for no one.

The Bill and its possible effects must also be considered in a much broader picture. The fact is that budget reductions in a whole range of areas have an effect here and you cannot change the law in just one area and hope to solve the problem. Let us take local housing allowance as an example. If the freeze in local housing allowance continues until 2020, councils will struggle to pay rents for the cheapest properties in 80% of local authority areas. The noble Lord, Lord Best, set out the problems here and called for the Government to take action; otherwise, the problem will get worse. The right reverend Prelate the Bishop

[Lord Kennedy of Southwark]
of Rochester made important remarks concerning the housing supply and housing costs. I agree with him that this well-intentioned Bill must not be allowed to fail due to policy differences in other parts of government. A much wider effort is needed to tackle homelessness across a range of services, properly joined up to deliver the changes we all want to see. To date, we are not seeing that from the Government and that is what they need to focus on to tackle the horror of homelessness.

Looking at the Housing and Planning Act 2016—a truly awful piece of legislation from the Government—the forced sale of high-value council homes is only going to make trying to deal with homelessness more difficult. I support people wanting to own their own home but the ham-fisted measures in that Act are at odds with the aims of this Bill. Those include: the obsession with starter homes; the lack of support for local authorities to build more council homes; and the other obsession, the unaffordable "affordable rent model", when we should be delivering more social housing. That is the key to a lot of our problems but the Government just do not want to go there. We need an increased supply of housing, especially social housing, with a long-term objective of reducing housing benefit expenditure. But the freezing of local housing allowance by the DWP risks undermining a policy and a measure put forward by the DCLG. The noble Lord, Lord Kirkwood of Kirkhope, made telling points about the growth of income inequality. He also referred to cuts to various benefits and the effect they have on homelessness. I agree wholeheartedly with his comments. This is not an example of good government or joined-up thinking. It is an example of a Government using money to alleviate the homelessness they have created.

Homelessness should be eradicated in one of the richest countries on the planet. It can be done and it should be done, but it will not be achieved by the passing of this Bill alone. It is a well-intentioned piece of legislation, which can make a real, positive contribution to ending homelessness, but it will be truly effective only as part of a much wider approach to tackling the problem that cuts across government and is seen as a priority for the Government to deliver on. I hope the Government are going to do that and for that to happen there will need to be a raft of other changes across numerous government departments. I wish the Bill well. It is an important first step. As I said at the start of my remarks, I want the Bill to become law. To assist in that, the Opposition Front Bench will not table any amendments and I urge all noble Lords to do the same. In conclusion, I thank the noble Lord, Lord Best, for his sponsorship of the Bill and look forward to it becoming law in the next few weeks.

12.18 pm

The Parliamentary Under-Secretary of State, Department for Communities and Local Government and Wales Office (Lord Bourne of Aberystwyth) (Con): My Lords, I thank all those who have taken part in this Second Reading. I give a strong thank you to my honourable friend Bob Blackman, who has done sterling work in the other place; as we heard from the noble Lord, Lord Kirkwood, his has been an extraordinary success, not just in steering the Bill through the Commons but in achieving what he has in financial terms. Notwithstanding what the noble Lord, Lord Kennedy, suggested about the Bill coming without money, it has come with a significant amount of it. I congratulate my honourable friend on what he has achieved and thank him for being here today—it is good to see him.

I also thank the noble Lord, Lord Best, for giving a masterful exposition of the position in opening the debate on the Bill. He gave the unanswerable case for it, which I think all noble Lords have accepted without exception. I thank noble Lords for stating that they do not want to see any amendments coming forward, particularly the noble Lord, Lord Kennedy, who is opposite. I am very grateful as this is the way to ensure that this becomes law, which is what we all want.

This debate has shown the House of Lords at its best and made an unanswerable case for it, with all corners of the House and all political parties coming together for the common good. The noble Baroness, Lady Grender, made the point very movingly about the things that unite us, so in addition to the political parties we have had the right reverend Prelates the Bishop of Southwark and the Bishop of Rochester, and then, speaking on behalf of the armed services and others, the noble and gallant Lord, Lord Stirrup. There was then a powerful speech from somebody who really understands this area because he has lived it in a way that the rest of us have not: the noble Lord, Lord Bird, who has vast experience and wisdom on this area from the *Big Issue* and many other aspects.

From the legal perspective, we heard from the noble and learned Baroness, Lady Butler-Sloss, and from a ministerial perspective, the noble Baroness, Lady Armstrong, spoke of when she was in charge of exclusion policy. The noble Baroness, Lady Grender, of course led Shelter and my noble friend Lady Manzoor has vast experience in law and health. The noble Lord, Lord Kirkwood, spoke of his experience in the other place and of private Members' legislation. The noble Earl, Lord Listowel, has, I know, vast experience and wisdom in this area. I am very grateful for the support that my Front-Bench colleagues, the noble Lords, Lord Shipley and Lord Kennedy, bring to the task of ensuring that the Bill gets on to the statute book.

The noble Lord, Lord Best, opened with a helpful overview of the Bill and why it is needed. As I say, I thank him for sponsoring such important and much-needed legislation, which is clearly supported by all parts of this House. I am proud that the Government have given their full support to the Bill. I say this tentatively now in view of what the noble Baroness, Lady Grender, said, but I believe that the number of statutory homeless acceptances is down from its peak in 2003. I will write to her, if I may, in relation to the data issue, copy that to all noble Lords who participated in the debate and put a copy in the Library. I could not agree more that we can operate as an evidenced-based Government only on the basis of reliable data. That is certainly what we want to do.

Mention has also been made of the role of other groups. Faith groups were mentioned, quite rightly, by the right reverend Prelate the Bishop of Rochester, who I know has taken a lead on this in the Church and done much in relation to homelessness shelters. On a

recent visit to Peterborough, I was pleased to meet some of those providing support as part of the network he referred to. The right reverend Prelate the Bishop of Southwark also spoke, for example, of his experience of what is happening in Wandsworth and Croydon. I thank them because, whatever happens today, there is always a role for faith and voluntary organisations to come together. They are trusted, familial and responsive. They are a vital part of the fabric and mosaic in this area.

This important legislation will reform the support offered to everyone at risk of homelessness. People need a roof over their heads, a phrase which I think was used by the noble and gallant Lord, Lord Stirrup, about this basic human need. Local housing authorities will have a duty to provide support to all those affected, not just those covered under existing legislation. Services will focus on intervening earlier and working with people before they reach a crisis point. People facing a homelessness crisis will get quicker help to resolve it.

I particularly draw your Lordships' attention to Clause 2, which was referred to elliptically and once or twice directly during the debate. This clause and its new section extend the duty on local housing authorities to provide or secure the provision of free advisory services. Services must be designed to meet the needs of particular groups including: in new subsection (2)(b), care leavers, who were mentioned by the noble Earl, Lord Listowel, and, in new subsection (2)(a), ex-offenders—I believe it was the noble Lord, Lord Shipley, who referred to people coming out of prison and youth detention. Victims of domestic abuse, mentioned by my noble friend Lady Manzoor, are referred to in new subsection (2)(d), as are those leaving the Armed Forces, who were mentioned by the noble and gallant Lord, Lord Stirrup, and others, in new subsection (2)(c).

On the point made by the noble and learned Baroness, Lady Butler-Sloss, I got the answer ready as she was going through her speech; she then presented the answer in reference to new subsection (2)(g). I agree that that subsection at the end of the new section should encompass the cases of overseas trafficked victims and victims of modern slavery. I would like to pick up that point in a letter, if I may. I will have a general letter to noble Lords who participated in the debate to pick up the various points made and any that I might miss—although I hope I do not.

The noble Lord, Lord Best, spoke of the new duty to prevent homelessness, which requires local housing authorities to help eligible applicants who are likely to become homeless within 56 days. This doubles the prevention period set out in existing legislation and, for those who are already homeless, the relief duty means that local housing authorities will work with them for up to 56 days helping them to relieve their homelessness, regardless of whether they are in priority need. These are essential sections—or clauses—of the Bill and demonstrate the potential that it holds to change the lives of some of the most vulnerable people in our society.

As the noble Lord, Lord Best, said, and he was echoed by others, the collaborative spirit in which the Bill has been taken forward is unique. I would like to share some detail on the positive outcomes that have been achieved through that approach. When the draft Bill was first published, the DCLG Select Committee and local authorities highlighted some areas of concern about the cost and burden on local housing authorities. Many of them were addressed in the Bill when it was introduced—for instance, removing the requirement to provide 56 days' emergency accommodation for anyone who needs it, which was thought to be unworkable. The Government remain committed to helping those sleeping rough through our £50 million homelessness prevention programme and, in particular, the £20 million rough sleeping prevention fund, which was referred to by many noble Lords during the course of the debate.

This approach allowed the Government to support the Bill from an early stage and, critically, it ensured that local authorities are now supportive of the Bill. The collaboration has continued throughout the Bill's passage in the other place with close engagement between my honourable friend Bob Blackman, the Government and other key stakeholders. Crisis was quite rightly praised for its role in relation to this legislation.

Mentioning Crisis leads me to say in relation to point made by the noble Earl, Lord Listowel, about Crisis, financial support and security that I will write him into the write-round letter so that that point is covered.

The importance of voluntary organisations, as well as faith bodies and the third sector, in support was mentioned. I shall not go through the list, other than mentioning Crisis, because it has played a special part in this legislation, but there are manifold examples up and down the country of local support from voluntary organisations, as well as the bigger names, if I can call them that, which do sterling work across the sector. I know we are all very grateful for what they help us to achieve and for tackling the scourge which this legislation will help with.

Groups representing landlords and local government were concerned about Clause 1. It tackles the bad practice whereby some local housing authorities—certainly not all of them—advise tenants facing eviction to remain in properties until the bailiffs arrive, which is clearly bad advice. Landlords were concerned that flexibility included in the original drafting could be misused by some local housing authorities to delay their obligations to help tenants. They and the LGA were concerned that the clause was too complex and could be misinterpreted.

The Government and Bob Blackman worked with landlord groups, the LGA and homeless charities to simplify the clause, while retaining the core principle that any applicant with a valid Section 21 notice that expires in 56 days or fewer is to be treated as threatened with homelessness. This should ensure that valuable opportunities to prevent homelessness are not lost and that households are more likely to get the help they need at the right time. We have also committed to working closely with stakeholders on the guidance around this clause and, indeed, all clauses in the Bill. Alongside this we will work with stakeholders to improve our understanding of the scale and nature of the issue and use that evidence to consider whether further action should be taken.

[Lord Bourne of Aberystwyth]

Clause 7 contains provisions to incentivise applicants to co-operate with their local housing authority and allows the prevention and relief duties to be ended where an applicant deliberately and unreasonably refuses to co-operate with steps in their personal plan. Following discussions, this clause was amended to remove wording that presented a wider formulation of the circumstances in which a notice could be given. This ensures that the bar is set suitably high and does not disadvantage vulnerable applicants who may find it difficult to engage with services in the usual ways.

To ensure the Bill contains the right incentives, Clause 7 was also amended to ensure that where an applicant refuses a suitable offer of accommodation at the relief stage, the relief duty will end and the applicant will not progress to the main homelessness duty. However, alongside this change further amendments were made to safeguard the protections for those with a priority need, including requirements and checks for the accommodation offer and a right to review the suitability of the offer. Where an applicant requests a review of the suitability of the accommodation they have been offered, in circumstances where the main duty does not subsequently apply, the duty to provide interim accommodation will continue until the applicant has been informed of the review outcome. As noble Lords will appreciate, this has been quite a complex issue to work through, but through active and constructive engagement Clause 7 now provides the right balance between incentives and safeguards.

Finally on changes to the Bill, during the Committee in the other place's consideration of its detail, Members raised concerns about Clause 12, which extends the requirement to carry out additional checks to ensure that property secured with a private landlord under the new prevention and relief duties is in reasonable physical condition, safe and well-managed. As drafted, this protection was not extended to certain categories of those in priority need, including families with dependent children or pregnant women. In response, the Government amended the clause to cover all those with a priority need.

Turning to matters raised today, noble Lords asked valid questions about funding for local housing authorities. Let me repeat the commitment made by the Minister for Local Government, Marcus Jones, in the other place: the Government will provide funding of £61 million to local government to meet the new burdens costs associated with the Bill in this spending review period. We will also work closely with the LGA to develop a fair distribution model for the funding, reflecting the different need in different areas and the additional pressures and costs faced by councils in areas such as London. The final new burdens assessment will be published once this distribution formula is agreed and the Bill has completed its passage through both Houses.

The Minister for Local Government, my honourable friend Marcus Jones, also committed the Government to reviewing the implementation of the Bill, including its resourcing and how it is working in practice, concluding no later than two years after commencement of the substantive clauses of the Bill. I gladly repeat that commitment. In relation to Private Members' Bills, I think these provisions are unique. Bob Blackman has done extremely well in negotiating them and they take us forward in an agreed away. I hope this provides assurance to noble Lords who have spoken today about the costs of the Bill and its implementation.

Noble Lords, particularly the noble Lord, Lord Bird, also talked about the underlying causes of homelessness and the importance of preventing it at a very early stage. That indicates how this is very much a cross-government issue. It is not confined to DCLG, as noble Lords reflected in contributions. It is far more wide-ranging than that. The Bill will certainly make a considerable difference, but nobody, including those participating today, believes that this is a silver bullet that will completely crack the issue of homelessness in our society, which is something all of us in such a wealthy country share responsibility for.

The Bill will reform the support offered to people facing the threat of homelessness or already at crisis point. The Government are also responding through the housing White Paper published by the Department for Communities and Local Government on 7 February. Key matters are out for consultation until 2 May, as noble Lords will be aware. The importance of the White Paper was mentioned by many noble Lords, including the noble Lord, Lord Best, in opening. In it, the Government acknowledge that the pace of housebuilding has been too slow for decades—this is not a problem that suddenly happened but one for which we all share responsibility—creating a housing market that is failing too many. When I say housing market, this is not just about purchase of houses, as the housing White Paper makes absolutely clear. There is a range of measures, as the noble Lord, Lord Best, correctly said: self-build, custom build, an emphasis on rental which did not exist previously, the need for council house building and so on. There are many weapons in the armoury to tackle the scourge of homelessness and we should not shun any one of them. As I say, I encourage noble Lords and others, through this debate, to participate in the open consultation.

As I say, the White Paper includes a number of measures that address homelessness. We are working with the British Property Federation and National Housing Federation to ensure that family-friendly tenancies of three years or more are made available, which is important. We will consult ahead of bringing forward legislation to ban letting-agent fees to tenants, which will reduce up-front costs. I pay tribute to the pioneering work done by the noble Baroness, Lady Grender, which exemplifies the importance of looking at what is happening in the rest of our country and learning from the devolved Administrations. Reference has already been made to Wales, and to Scotland in the case of letting fees. Within the department I have set up a forum which looks at devolved issues and in which representatives of all four parts of the country discuss issues. I will try to ensure that this is on the next agenda, although it is for Northern Ireland to put it together, as we have already had one meeting here in London. It is important to learn from devolved areas and to share our experiences as well, of course.

In implementing the Bill, the Government will also take the opportunity to learn from our existing programmes, particularly as we review and update the *Homelessness*

Code of Guidance for Local Authorities, working with local housing authorities and others with the appropriate interest and expertise. The Government are committed to building up evidence and good practice through our £50 million homelessness prevention programme, which I have already mentioned. We are supporting 84 projects across all regions of England, to ensure that more people have tailored support to avoid becoming homeless in the first place and receive the rapid support they need to make a sustainable recovery from homelessness.

I referred to the need for all Governments to work across departments. Reference has been made to the Ministry of Defence and its success with the military covenant, which has certainly helped here. Noble Lords also raised concerns about the impact of the Government's DWP-led welfare reforms. I will perhaps cover some of the detail of that by writing round, but will take up some of the points made by the noble Baroness, Lady Armstrong, about the local housing allowance policy and supported housing. We are of course ensuring that supported housing is not affected until I think April 2019 and then looking at a new funding model. I am very happy to offer to engage with the noble Baroness on this—I know we have previously had meetings on housing. I will try to pick up some of the points about social investment bonds and so on in the write-round letter. It is a point well made, and I am not disputing the importance of ensuring that if one government department does something, we are all marching in the same direction. That is entirely fair.

There are many reasons for homelessness, as I said earlier, and housing itself is only part of the solution. That is why I am pleased the Government are giving their full support to the Bill, because it is part of the solution. This important legislation rightly puts the focus on prevention and on working with people before they face a crisis. I apologise for mentioning the very old cliché that prevention is always better than cure, but it is a point that has been widely shared across the Chamber.

I think the noble Lord opposite is keen to get in, and I will finish by repeating my thanks to the noble Lord, Lord Best, for sponsoring this legislation so effectively and thanking the many organisations that have contributed to its scrutiny and improvement. I also thank my honourable friend Bob Blackman in the other place for seizing this opportunity with his Private Member's Bill, and for doing such unique and pioneering work on an issue on which I think the whole country is in agreement. I certainly believe the House of Lords is. On behalf of the Government, I give their support to the Bill and discourage any noble Lord from putting down amendments.

Lord Kennedy of Southwark: I thank the Minister. I did not want to intervene but on his second point, I want to be absolutely clear that I did not say the Bill comes with no money. I said it does not come with enough money. I based that on the figures from London Councils and contrasted those with the Government's funding today. I refer the Minister to the *Hansard* report of today's debate.

Lord Bourne of Aberystwyth: My Lords, I thank the noble Lord for that. The point I was seeking to make, although perhaps I did not make it as elegantly as I might have done, is that this situation is unique in terms of private Member's legislation coming with any government money at all. I know the noble Lord welcomes that; equally, I understand that, speaking as he did as the 13th speaker, his welcome for it was perhaps always going to be muted. I accept his cry, which I suppose is usual from all opposition parties, of, "Let's have some more money".

12.40 pm

Lord Best: My Lords, I think I get two minutes to say a few closing words. I thank my colleagues all around the House for 14 enthusiastic and supportive speeches that are deeply appreciated, especially with the harsh discipline of no one being able to put down any amendments, for which I am deeply grateful as we must get this legislation through. I am especially grateful to the Front Benches.

Special thanks go to the Minister for his summing up, which has covered all the ground we have covered and has therefore saved me doing that. Having been a Minister for one day, so to speak, in handling this Private Member's Bill, I have to say that Ministers have to work incredibly hard. Yesterday the Minister was being very helpful to me with an amendment on the Neighbourhood Planning Bill, and we are all going to be discussing the White Paper with him next Thursday. In handling this Bill I have also discovered that the civil servants do an incredible job, far more than one realises up front, and I am deeply grateful to them. The real credit for the Bill, though, goes to Bob Blackman in the other place, who has had God knows how many meetings with all the different factions and elements in this field and managed to hold things together, with helpful support from the Government.

We have come to the end of the road here. With grateful thanks to all the participants and to Crisis, which started the process and saw it through to the end, it remains only for me to say that I beg to move that the Bill be committed to a Committee of the Whole House.

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

Broadcasting (Radio Multiplex Services) Bill

Second Reading

12.43 pm

Moved by ***Baroness Bloomfield of Hinton Waldrist***

That the Bill be now read a second time.

Baroness Bloomfield of Hinton Waldrist (Con): My Lords, it is a great pleasure and privilege to be asked to sponsor this Private Member's Bill, which was so ably introduced and taken through the other place by Kevin Foster, MP for Torbay. I thank the DCMS staff for their helpful briefing when passing on responsibility for its passage through the House to me. The Bill completed its stages in the House of Commons without

[Baroness Bloomfield of Hinton Waldrist]
amendment, and enjoys government and indeed cross-party support. Broadcasting is a reserved matter and therefore the Bill relates to the whole UK.

The purpose of the Bill is to enable community radio stations and small commercial services in the UK to broadcast on the digital audio platform. It creates powers to modify the current regulatory framework in the Broadcasting Act 1996 for the licensing of radio multiplex services, thereby creating a new lighter-touch framework appropriate for the licensing of small-scale digital radio multiplexes. Each week 90% of adults in the UK listen to the radio—about 1 billion hours of listening in total, 45.2% of which is accessed through digital radio. This proportion is steadily increasing, and is expected to overtake analogue as the default listening mode in the near future.

I should perhaps dwell a little on the technical aspects of digital radio. The principle of digital is that the audio signal is converted to a digital format, compressed at the point of broadcasting into a single radio frequency and then decoded by the listener's digital receiver. Digital radio uses radio spectrum more efficiently than analogue, allowing more radio services to be delivered to listeners. All digital radio services in the UK are broadcast on multiplexes, a term that relates to the infrastructure for transmitting digital signals. These are licensed by Ofcom, and licences are currently awarded for either national or local, county-sized coverage.

In the UK, national digital radio stations broadcast by the BBC and commercial radio are transmitted on three national multiplexes. There are currently 200 smaller commercial radio stations and 244 community radio stations still transmitting on FM and MW analogue frequencies, because of the cost and capacity constraints on existing county-sized local digital radio multiplexes. Many of these smaller community and commercial radio stations have indicated that they would like the option of broadcasting on a terrestrial digital radio platform—known as DAB—to their local area if a practical, cost-effective solution were available. It is this problem that the Bill is intended to address by introducing a power to create an appropriate legal framework for a third tier in the system of radio multiplexes: new, small-scale radio multiplexes for sub-county level transmission.

Ofcom has recently completed a two-year programme of work, which has successfully tested the technology to enable small-scale DAB broadcasting and which also suggested that there was sufficient spectrum to license at least one small-scale multiplex in most areas of the country. Ofcom's work includes 10 trials of small-scale multiplexes in towns and cities, with 70 small commercial and community radio stations now broadcasting on digital for the first time. Based on these trials, Ofcom has concluded that there is demand from smaller radio stations for small-scale DAB multiplexes and that the wider rollout of additional small-scale services is possible.

The Bill is all about giving small radio stations a choice to broadcast on digital. It is not about mandating such a move. It would be a real opportunity missed to provide such stations with a low-cost option for broadcasting on digital if the Bill did not proceed. I recommend the Bill to your Lordships; I thank you all for staying for this Friday sitting; and I look forward to your speeches and the Minister's reply. I beg to move.

12.48 pm

Lord Trefgarne (Con): My Lords, I apologise that I did not appreciate that the Bill was coming before your Lordships until the last minute, and it is for that reason that I do not have my name on the speakers list.

I have a long-standing interest, particularly in the technical aspects of local broadcasting. I therefore warmly support the Bill and very much hope that it will soon find its way on to the statute book.

12.49 pm

Lord Stevenson of Balmacara (Lab): My Lords, we are in a slightly unusual situation because the fine introduction to the Bill by the noble Baroness has covered a lot of the ground. I reassure her from the start—she may be new to this business, and it may be a bit complicated—that my questions will not be directed at her specifically, although they would normally be to the sponsor of the Bill, because I think that they are for the Government to answer. In saying that, I am also aware that some of them raise issues that probably need correspondence rather than an answer at the Dispatch Box today, because they are not necessarily germane to the substance of the Bill.

Secondly, I reassure the noble Baroness that she was right to say that there was cross-party support for the Bill: we support it and will be anxious to ensure that it goes forward. As she may have hinted, the Bill will only make progress if we are disciplined enough not to make any amendments at any point in the process. So the only way we can explore it is by just asking questions and getting something on the record which might be helpful to those who have got to implement the Bill and to those who will be hoping to use the benefits that may flow from it.

We have had the technical background to and rationale for the Bill. We all understand what is happening here and welcome it. It is about extending further the digital audio broadcasting—DAB—system. That raises the question of when we are going to get to switchover. This is an issue for which I am sure the answer will be either "shortly" or "not shortly", as that is now the way we have to do these things. However, I would be grateful if the Minister, when she comes to respond, would shed some light about where we are going. I understood that it was largely dependent on the number of cars sold, because new cars now seem to be fully equipped with digital audio broadcasting. This is all very well in most places, except it has a very unfortunate squeaky noise when you come to a point where you cannot get the signal. Otherwise, it is much better than FM and I am sure we will all welcome it when it happens. However, we need some government action on this. We need a date and a transition plan, and it needs to be clearly signalled so that we can all get behind it.

My second general point is not really for comment. I always get a bit nervous when I see in a Bill, or in correspondence from Ministers, that they are proposing "lighter-touch" regulation or licensing. I am not quite sure what that means. Who is wielding the stick on this occasion? To whom is it being administered and what force is being applied? These questions are all left skulking in the background. I think what it means in principle is that there is going to be a regulatory framework but it will be responsive to the purposes of the introduction of this new form of broadcasting—which, as I understand it, is primarily to assist with having more community-based radio services on a smaller scale and having wider coverage. The licensing regime for that should, therefore, be appropriately scaled down and I welcome that.

The helpful Explanatory Notes prepared by the department in support of this Private Member's Bill indicates that we have currently got about 200 smaller commercial radio stations and 244 community ones, transmitting mainly on FM and medium wave, which do not have the opportunity to switch over to DAB or DAB+. In context, this is a relatively recent phenomenon. I have not seen much reporting of it and I could not find anything when I was trying to prepare for this speech. It would be useful if the Government could write to us at some point with some background detail—it does not have to be immediately. This is an interesting area of development in radio; it represents innovation and, sometimes, a distinctive voice which is not often there. If the Bill is about anything, it is about plurality of voices at a relatively modest and local scale. It would be interesting to have a record of what the department has made of that and the figures on it. It would be great if that were possible.

I have two specific questions on the Bill. Ofcom took advantage of an interesting technological development to take up this proposal and ran some trials across the country. I think I am right in saying that these were mainly in cities, so we do not really know yet whether the system is going to have any uptake in rural areas, which would be a good thing in terms of providing an additional service and more voices. I would be grateful if we could learn a bit more about the trials themselves—in writing if it is not possible to do it today. Am I right in saying that they were largely city based, and therefore is it right to conclude that this is going to be a largely city-based phenomenon? There is nothing wrong with that, but it would be interesting to know what the intentions were for this when it sets off.

Finally, there is a carefully worded phrase in the Ofcom briefing for the Bill which states:

> "Ofcom's wider spectrum planning work suggests that it should be possible to provide a small scale DAB multiplex in most areas (however this work is ongoing)".

I have heard of qualifying statements: this has got about six conditional clauses and sub-clauses in it. Is it possible to throw a little light on whether that spectrum planning has progressed? Is it likely that it will be possible to provide small-scale DAB multiplexes in most areas? If so, what further work is required? That would also be helpful—but, again, it does not have to be today; it could be in writing.

The responses of other people to the Bill fall broadly into two camps. One is the professional independent operators of radio. They have, probably inevitably, raised the question about a provision in the Bill that would prohibit anyone with an interest in a national or local radio multiplex being involved in this development. The question is not unexpected but it is interesting, given that the intention behind the prohibition is presumably to try to restrict the uptake of this type of broadcasting to a particular group, mainly those involved in community radio, and therefore to non-commercial bodies. Therefore, it seems right that there should be a block on the acquisition of these licences by those who already have national or local radio positions.

If, after a few months or even years, there is still no uptake in an area which has the local radio multiplex capacity, will that barrier be permanent? It would be a pity not to have spectrum available that could be used for services. I think this raises a policy issue rather than a matter arising in the Bill, but I hope that the Minister will respond to that point. Will there always be a block on the use of this spectrum in the hope that someone is going to turn up, or might alternative proposals be made in that area?

As I understand it, the Bill is intended to promote community radio activities. The Bill does not specify—and it may not need to—whether these community services are to be commercial or non-commercial, although I think the assumption is made that most community operations, given that they will have some costs associated with equipping and running an operation of this nature, will probably be non-commercial or have sponsorship or be funded in some other way. The question from the Radiocentre—and therefore a commercial interest—is about whether this is really a bar on commercial activity in this area or whether the prevention is intended to encourage non-commercial activity. There is a slight subtlety there. If the Minister is able to respond to that, it would be helpful, but the Bill is relatively clear on it.

The Community Media Association, the body most interested in developing this area, raises a couple of points. There is the usual worry that the draftsman has presumably required those who are responsible for the Bill to use "may" instead of "must" in certain areas. The confusion, as always, is on the question of whether by providing a "may" provision, one is implying that it is permissive: in other words, that those responsible for exercising the power have that option to do it and it is not that they will not do it. In other words, it is not "may not" that is excluded, it is possible that they may do it. The reason for putting "may" rather than "must" is that it is not a requirement; it is just what is expected to happen. The question that is raised by the Community Media Association is whether, if the provision is that by order services may be required to operate on a non-commercial basis, should that in practice turn out not to be sufficient, is there a provision or power available which would exclude commercial services if those services were proving to be too difficult in terms of competition or for other reasons?

The Bill does not limit the number of small-scale radio multiplex services that any one person can hold, which leaves open the possibility, although I think it is

[Lord Stevenson of Balmacara]
rather remote, that a level of concentration is built up whereby people pick up licences right across the country. I do not think that much further work is needed on this matter because I think the intentions are very clear. However, it would be helpful if the Minister could say on the record that the intention behind that is to make sure that these licences are not subject to group purchase, that large numbers of them will not be bought up by people, and that the intention is that purchase should be licence by licence going forward.

This is a very interesting development which could be of huge benefit to smaller communities and groups right across the country. It would be sad if it were not extended to rural areas. However, I recognise that technically and organisationally that may be problematic. I wish the Bill well and hope that it will be successful in getting through its stages.

12.59 pm

Baroness Buscombe (Con): My Lords, I first take this opportunity to thank my noble friend Lady Bloomfield for introducing the Broadcasting (Radio Multiplex) Services Bill before your Lordships' House. I also pay tribute to my honourable friend in another place, Kevin Foster, MP for Torbay, who worked so hard to make the Bill happen.

I say to the noble Lord, Lord Stevenson, straightaway —and as a lawyer—that this is indeed absolutely light-touch. The whole purpose is to be light-touch so that we do not put people off taking the opportunities that the Bill will present. I like his reference to the plurality of voices. The plurality of voices and content is absolutely critical, and the Bill will enable that to be supported.

The Government support the Bill because its objective is to create an appropriate framework for licensing the transmission of digital radio on a small scale. At present, many small local and community radio stations do not have a viable option of broadcasting on digital. The Bill will enable the creation of a tier of small-scale digital networks and address that issue.

Radio continues to be a popular medium. The latest industry figures indicate that 90% of adults in the UK listen to radio each week for an average of 21.5 hours, consuming in total over 1 billion hours every week. Although radio's popularity has been stable over recent years, it is changing. Listening on digital radio continues to grow steadily and is declining on analogue. Currently, digital radio's share is 45.2% of all radio listening, and 57% of homes own a DAB radio. The radio industry expects that this long-term shift in listeners' habits will continue, which means that digital will overtake analogue as the default listening mode in the near future.

Noble Lords have made some important points about the key role played by their local radio stations—small commercial and community radio stations—in continuing to provide an important means of informing and engaging with their communities as well as providing entertaining, popular and lively programming. I pay tribute to my noble friend Lord Trefgarne for all the work he has done over the years in connection with this and I appreciate his support for the Bill. The Government also recognise the important role that smaller stations play in supporting the local communities they serve, and the importance of transmission in rural areas, which is indeed very much in the minds of those who have developed the Bill.

Before I move on to the Bill, it may be helpful if I provide noble Lords with more background about the characteristics of digital radio and digital radio transmission services. There are three "layers" of commercial and independent radio in the UK—national, local and community radio stations—and the BBC provides its own national and local radio services. On digital, three national multiplexes transmit national services: Digital One and Sound Digital, which are operated by commercial radio, and the BBC's National DAB service, which currently broadcast between 10 and 19 stations each. These national services are available to up to 97% of the UK population in the case of the most extensive network. There are also 55 local commercial digital—DAB—multiplexes, which transmit local radio services, covering approximately county-sized areas. Each local multiplex broadcasts up to 14 commercial radio stations, as well the relevant BBC local station for the area. As a result of the programme to upgrade and expand this local tier, around 90% of UK households should be able to receive a local multiplex.

However, there are currently around 200 smaller commercial radio stations—covering small markets—and 244 community radio stations transmitting on mainly FM and MW analogue frequencies which are not broadcasting on digital radio. This is due to a combination of factors. There is insufficient capacity available on some of the 55 county-sized local DAB multiplexes across the UK, especially those serving urban areas. The costs of carriage on these networks can often be too high for many small local stations. Some of the costs are due to larger stations needing and wanting active monitoring, high-quality service standards and the provision of backup equipment to maintain broadcasting of services. Also, multiplex coverage area provided by county-level local DAB multiplexes may be too large for smaller stations compared to their own "core" FM transmission areas. But these smaller stations are concerned that they may lose prominence with local audiences and advertisers as digital radio listening increasingly becomes the default. The majority would like more options for broadcasting digitally and to have the option to broadcast on a terrestrial DAB platform to the localities they currently serve if a practical solution were available and if it could be done in a cost-effective way.

That brings us to the small-scale DAB trial led by Ofcom. Ofcom has been at the forefront of the development of a brand new approach to small-scale DAB transmission using open-source software to multiplex and encode signals and to distribute programme content in a much more cost-effective way. This opens the way for small stations to have alternative options to be carried on terrestrial DAB for the first time.

In December 2013, following a successful pilot in the Brighton area, the DCMS announced funding for two years—from April 2014 to March 2016—for a programme of work by Ofcom to examine the potential of the new software in real-life trials. I know that the noble Lord, Lord Stevenson, wanted more information

on this. The programme of work by Ofcom looked at spectrum planning issues, technology testing, small-scale network design and options for licensing small-scale DAB multiplexes. As the main part of the programme, Ofcom licensed 10 technical field trials of small-scale DAB multiplexes in cities and towns across the country. These trials were designed to test the viability of small-scale DAB technology and eventually involved more than 100 small commercial and community radio stations, including some new services, broadcasting on terrestrial DAB for the first time.

Ofcom published a technical evaluation of the trials in September 2016. The report concludes that the trials were generally highly successful and achieved their three objectives. The trials showed that the small-scale approach to DAB transmission is technically sound, and they helped Ofcom, those involved in the trials and the wider industry to understand the practical requirements for successfully sustaining DAB radio transmissions using the small-scale approach. I know that the noble Lord was concerned about the possibility of this being extended to urban areas. Although the trials were run mainly in urban areas, we are reassured that the technology would work equally well in rural areas. Indeed, the areas to be served by small-scale multiplexes are likely to be wider in rural areas which are not currently covered by local multiplexes, such as Cumbria.

The work by Ofcom has shown that small-scale mini-multiplexes work and that they can lower the cost barrier for smaller stations to broadcast on a terrestrial DAB platform. They open up a pathway for these types of radio services to transmit to small geographic areas, as they currently do on FM and AM. Ofcom also considered spectrum needs for new services as part of the trial. The conclusion here was that there should be sufficient spectrum to license small-scale multiplexes across most of the UK.

As a result of the trial, there is strong support from most parts of the radio industry for these trial small-scale DAB multiplex services to be put on a proper, permanent basis and for small-scale DAB services to be rolled out more widely. However, the trial arrangements for the 10 areas have been set up under the Wireless Telegraphy Act 2006 and we have concluded that these arrangements are not a suitable basis for the long-term licensing of small-scale DAB multiplexes. The current legislative framework for the licensing of radio multiplexes is set out in Part 2 of the Broadcasting Act 1996. However, the legislation is not suitable for licensing small-scale DAB multiplexes because it is restrictive and places on multiplex operators large burdens which, while appropriate for national and county-level multiplex transmission, are disproportionate for low-cost, small-scale radio multiplexes.

Given the success of the technical trials of small-scale DAB multiplex technology and the widespread support in the radio industry, particularly from smaller stations, the Government fully support the Bill. Its purpose, which was set out by my noble friend, is to allow for the modification of the requirements for licensing digital radio networks in the 1996 Act in order to create a new, lighter-touch regulatory framework that is appropriate for the licensing of small-scale digital radio multiplexes.

At present, the construction of the 1996 legislation means that all the same procedures, rules and requirements that apply to local and national multiplexes have to apply to small scale. Ofcom has no discretion to adapt the requirements in the legislation to take account of the size and audience share for radio station services targeted at smaller localities—that is, at sub-county level.

Similarly, there is no power for the Secretary of State to adapt or change the requirements to reflect changing circumstances. Under the Bill the Secretary of State will be able, by order, to modify legislation that sets out the licensing framework for radio multiplex services. Some of the requirements set out in Part 2 of the 1996 Act will continue to be important, but other requirements are unnecessary or will have to be applied in a way that is likely to be overly burdensome for smaller stations wanting to work together as consortium to bid for a licence to develop and run a small-scale DAB radio multiplex service. The proposed measure in the Bill will allow for the provisions of the 1996 Act to be modified for small-scale multiplexes, rather than replacing them with entirely new licensing arrangements, enabling a modified licensing regime that will take account of the different needs of smaller stations that will seek carriage on the small-scale radio multiplexes. This approach of modifying broadcasting legislation by statutory instrument follows the precedents used successfully for community radio and for local television—Sections 262 and 242 respectively of the Communications Act 2003.

However, as my noble friend Lady Bloomfield has said, there is more work to do to develop the detailed structure of the licensing regime with Ofcom. Furthermore, an in-depth consultation with industry stakeholders will be needed to thrash out the detail of the new regulatory regime that will apply.

The detail of an order made under this power is likely to be used in the following ways: to allow licence periods for small-scale DAB multiplexes to be set according to the needs of small stations rather than for a fixed period of 12 years, which is inappropriate given the much smaller capital outlay needed to set up small-scale DAB multiplex services; to remove the necessity for small-scale DAB multiplex licensees to provide reserved capacity on the multiplex to the BBC; to set clearer requirements on small-scale DAB multiplex licensees to start broadcasting within a fixed period following the award of the licence from Ofcom; and to restrict the ability of small-scale DAB multiplex operators to overcharge digital sound programme services for carriage on the multiplex. It will also be used to set eligibility requirements for the holding of small-scale multiplex licences—for example, to exclude organisations with any existing interests in either national or local radio multiplexes, mainly large commercial groups, and possibly organisations holding a licence in a national station, from holding small-scale DAB multiplex licences or to require that small-scale multiplex licences can be awarded only to "non-commercial" entities. I hope that answers to some degree one of the questions posed by the noble Lord, Lord Stevenson. Also, to allow Ofcom the discretion to reserve capacity on the multiplex for community radio services, in some or all cases, and to make changes to the definition of "digital

[Baroness Buscombe]
simulcasting" for independent local commercial radio stations that have taken carriage on a small-scale multiplex.

There are two areas where more thinking is needed, requiring consultation with industry. One, whether the small-scale licences should be held by a non-commercial vehicle or whether corporate entities should also be able to bid for and hold small-scale DAB licences. Related to this is the question of how Ofcom should decide between different consortia and whether holders or those with an interest in existing national or local multiplexes should be excluded from holding small-scale licences. We will need to consider both questions as part of a consultation on the detail and will need to take further comments from industry. The key point, however, is that it is useful that the Bill highlights these two areas as something that the modified requirements will need to cover.

The noble Lord, Lord Stevenson, asked about spectrum. The response to that has been very positive from Ofcom and work is continuing. However, that is very much dependent on this Bill.

On the question of "may" or "must", the point of the Bill is to set out what the order to be made using this power is capable of doing, not what it must or will do; hence the wording of the Bill enables the provision on this issue but does not require it do so or to follow a particular policy option.

I want to make it clear that what this Bill provides for is not in the Digital Economy Bill. Put simply, as the Minister in another place, Mr Hancock, said, DCMS needed to see the conclusions of the Ofcom trials before legislating. Ofcom published the evaluation in 2016, several months after the introduction of the Digital Economy Bill.

The Government's position on a switchover decision remains the same. A decision about the timetable for a future switchover will be considered only once the listening and coverage criteria have been met—that is, when 50% of all listening to digital and national DAB coverage is comparable to FM, and local DAB reaches 90% of homes.

Good progress is being made and we are very much in listening mode about this. I can reassure the noble Lord, Lord Stevenson, that it is not just about the number of cars sold. This Bill and other measures will contribute to when that decision will be made. Digital's radio share of listening continues to grow steadily—it now stands at 45.2%—and the radio industry expects this trend to continue. Therefore, with the funding by DCMS and the expansion of local DAB coverage, along with the BBC and commercial radio sector building 182 new transmitters across the UK and making technical modifications to 49 other sites, the programme will expand local DAB network coverage from around 75% of UK homes in 2013 to 91%, which is about 4 million extra, and from 56% to 77%, an extra 4,400 miles of major roads, by early 2017. So we are well on the way to considering when switchover can take place.

A key success of the small DAB trials has been the strong support from smaller stations, including community radio. The majority of trials of small-scale multiplexes are full or nearly full. Overall, based on the trials and other work, Ofcom believes that there is a significant level of demand from smaller community stations and commercial radio stations for carriage on small-scale DAB multiplexes and that a wider rollout of additional small-scale services into more geographic areas would be both technically possible and commercially sustainable.

This Bill will provide the vehicle to create an appropriate and lighter touch licensing and regulatory framework, which is a necessary prerequisite to facilitating the development of a tier of new small-scale DAB multiplexes across the UK, and for that reason the Government are fully supportive of it.

1.16 pm

Baroness Bloomfield of Hinton Waldrist: My Lords, I thank the noble Lord, Lord Trefgarne, for his support, coming as it does from a position of greater knowledge and experience in this field than I have. I am also grateful to my noble friend the Minister for her constructive comments and support.

I am grateful that the noble Lord, Lord Stevenson, has raised important concerns relating to multiple ownership and non-commercial purposes of these multiplexes. These were debated at length in the other place and were addressed by the Minister in her response. As to lighter touch regulation, as the Minister mentioned, the Government have stated that there will be a full and careful consultation on the detailed arrangements for this.

As this is the first Bill I have had the privilege of leading in this House, it is encouraging to know that it enjoys support from all sides, if not perhaps the same level of interest as was evidenced in the debates held earlier this week. I ask your Lordships' House to give the Bill a Second Reading.

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

Parking Places (Variation of Charges) Bill

Second Reading

1.18 pm

Moved by ***Baroness Redfern***

That the Bill be now read a second time.

Baroness Redfern (Con): My Lords, it is a pleasure and privilege to be asked to introduce this Private Member's Bill. I congratulate my honourable friend the Member for Bosworth, David Tredinnick, on sponsoring the Bill in the other place—where, I am pleased to say, there was opposition support and no amendment of the Bill. I also thank the Department for Communities and Local Government for my briefings. I refer the House to my interests listed in the register.

This Private Member's Bill supports businesses, large and small, which make up our town centre communities across the country, creating much-needed job opportunities. UK small businesses contribute 51% of our GDP and employ 60% of the private sector workforce. They are the foundation of the UK economy. The Federation of Small Businesses also supports the Bill before us as high parking charges can

do serious damage to small businesses. A lack of free parking and escalating charges are particular threats to small businesses operating in town centres and high streets, with seven in 10 small firms thinking that parking is a priority for the future of independent shops.

Independent retailers in town centres are the engine which helps to make local communities what they are. The Parking Places (Variation of Charges) Bill, which I have been asked to introduce, will be of positive benefit to local authorities, shoppers and businesses. The subject of parking is of real interest to residents in North Lincolnshire, where I have had the privilege of serving both as a councillor and then as leader, as it is right across the country, because parking charges can be a sensitive issue in some communities. My council's record of introducing free parking has been acknowledged as helping to inject substantial investment which has helped to stimulate and promote the high street. We have a duty to do all we can to make sure that our high streets are thriving places at the heart of our communities.

Since we first launched free parking across North Lincolnshire in 2011, we have seen more people visiting and spending longer shopping, socialising and visiting other venues. That choice helps to complement our large retail parks and challenge internet shopping. Our businesses need our support. This Bill sends a clear message to their owners and, it is hoped, will help to stimulate business confidence. In North Lincolnshire we have free parking all day on Saturday and Sunday in addition to two hours in the week and after 2 pm in The Parishes car park. We are seeing a reduction in the number of empty shops.

The clauses in this Bill would amend the existing powers of the Secretary of State under Sections 35C and 46A of the Road Traffic Regulation Act 1984 to make regulations providing for the procedure to be followed by local authorities in giving notice to vary charges on both off-street and on-street parking places. It will allow for new regulations to be made that revise the existing regulations to reduce the burden on local authorities choosing to seek to lower their charges. In addition, the Bill allows for a new power which would mean that local authorities will need to consult their communities and businesses if they increase their parking charges under an existing traffic order.

As I said earlier, town centres are at the heart of our communities. This Bill will allow local authorities to respond quickly to market changes and allow greater flexibility if they decide to reduce parking charges or even introduce free parking. It would put them on an equal footing with the private sector by allowing them to provide free or discounted parking at short notice to support town centre special events. Conversely, this must be balanced by the effect that increased parking charges has on businesses in town centres as anecdotal evidence suggests, and the FSB has stated. It discourages visitors to high streets who those businesses rely on.

I am strongly of the view that councils should engage with their local communities when raising charges to help ensure that the business community is aware of any proposals and able to make informed comments or representations. I feel that that will reinforce what should be good practice and, I would emphasise, ensure that the system is less bureaucratic for local authorities when implementing any changes.

Perhaps I may also make reference to the RAC Foundation where the director noted that in the 2015-16 financial year, councils in England made a combined surplus or "profit" of £756 million from their on-street and off-street parking activities. He went on to say that this Bill recognises that there are times when setting parking charges is not about keeping cars out of urban areas but about ensuring the vibrancy of our towns and cities by making them accessible, affordable and sustainable. Motorists and businesses will welcome a change in the law and agree that councils will be able to react quickly to boost local economies by cutting fees while ensuring that any prospect of charges being raised will be fully scrutinised through consultation.

Finally, it only remains for me to highlight once more that the Government are supportive of the Bill's purpose, together with opposition support in the other place. I beg to move.

1.24 pm

Baroness Thomas of Winchester (LD): I am very grateful to the noble Baroness, Lady Redfern, for giving me the chance to speak very briefly at this point. What I have to say is not really relevant to the Bill but it is relevant to the subject of the Bill because it is about car parking in towns and cities, specifically in private car parks. Although all car parks are useful to disabled people, the different rules that apply in private car parks can catch people out—when blue badges are not recognised, for example. Often, private car parks are close to DWP assessment centres, so it is quite a live issue. There can also be a problem when there are no ticket machines and payment has to be made by card. Quite often this arrangement does not work, for one reason or another. A person may try to give a credit card number and when it is rejected they face a penalty. One of my correspondents had this problem when he was delivering a disabled person to such an assessment centre. Or it may be that a disabled person is being helped out of a car, very helpfully and safely, and the time limit is overrun by a few minutes and a penalty charge is incurred. I ask the Minister whether there is any meaningful oversight of the running of private car parks to make quite sure that they are operating fairly, both for disabled people and other motorists. As far as the Bill is concerned, we Liberal Democrats give it a warm welcome.

1.26 pm

Lord Kennedy of Southwark (Lab): My Lords, I refer to my entry in the register and declare that I am an elected councillor in the London Borough of Lewisham and a vice-president of the Local Government Association. I congratulate the noble Baroness, Lady Redfern, on sponsoring the Bill and securing its Second Reading. Parking charges are an important issue, as the noble Baroness outlined, and the Bill proposes to make it easier for local authorities to lower parking charges and requires them to consult on changes such as increasing charges. I can be very clear that the Opposition support the Bill and wish it a speedy passage on to the statute book.

It is important to say at the outset that local authorities are not seeking to extract as much cash as possible from parking charges; these are part of managing the

[Lord Kennedy of Southwark]
traffic situation in their district and the fee charged is an important part of that and material in enabling traffic and parking in their area. It should also be noted that the Road Traffic Regulation Act 1984 is prescriptive about what the surplus can be used for; if there is a shortage of car parking spaces in towns, the money can be used to provide additional spaces and other improvements. It is not a profit-making service for the local authority and if a surplus is made, it is reinvested: it is important that we note that as well. It is not just about people being able to get in and out of our town centres but about supporting the economies of our towns and cities and their high streets to ensure that they are vibrant—as we know, they have been struggling for some time in many places. Review after review has highlighted the vulnerability of our high streets, in particular, and we want to make sure that we give them as much support as possible. The measures in the Bill are another way that we can do that.

We should give as much power, responsibility and accountability as we can to local councils and their communities to do what is right for their area: if it is not right the voters at the next local elections can give their verdict on the councillors concerned. My own local authority, Lewisham, often suspends parking charges on a few Saturdays before Christmas, for example.

We also need to be a bit clearer about what we mean by consultation and who is going to be consulted. In some cases this can be straightforward, such as consulting the business improvement district or another small group of people, but the area of interest could be much wider, meaning that a much wider group of people would be considered to have an interest and should be consulted. We want to be clear about what that involves. I would not want to see an onerous consultation exercise imposed on a council if it was seeking to reduce car parking charges or to make minor changes to the car parking arrangements. What will the consultation involve? Would a statutory notice in the local newspaper be enough or would we expect much more than that? Equally, councils, quite rightly, might look at raising their charges as part of their budget-making processes. If a local authority is proposing a modest, perhaps inflation-linked, rise in their car parking charges, what sort of consultation can we expect to deal with that? We need to be clear about what we want from councils in terms of proportionality. That is important.

It is also important to recognise that no two areas are the same. There are different local communities, local economies and local experiences. Lewisham, where I live, is very different from Brigg in the noble Baroness's district, which, again, is very different from Nottingham, where I lived for many years. These are all very different areas, which have their own problems of car parking and traffic and other issues. It is right for the local councillors to make what they think are the best decisions. It must be a matter for local councils. For me anyway, it is not just a way to generate revenue but is about ensuring that the parking arrangements support the viability of the shops and the retail sector in town centres. I think we all agree with that and we all want to see vibrant local economies. That is an important matter. I was pleased to learn that we have the support of the Federation of Small Businesses.

In conclusion, I congratulate the noble Baroness on presenting her Bill to the House. I wish the Bill well. I will not be tabling any amendments. This will be my last contribution on the Bill before it reaches the statute book, I hope. It is an important area and we need to ensure that we get these things right.

1.32 pm

Lord Young of Cookham (Con): My Lords, it is a pleasure to speak in support of the Bill's Second Reading. I begin by congratulating my noble friend Lady Redfern on taking her first—of many, I am sure—Private Member's Bill through the House. I also congratulate my honourable friend the Member for Bosworth for his hard work, in his 30th year in Parliament, in getting his first Private Member's Bill through the House of Commons. I am grateful to those who have spoken. I will come to the serious issue raised by the noble Baroness, Lady Thomas, in a moment, but I am grateful to the noble Lord, Lord Kennedy, for the support from his Benches for the Bill.

Parking is an issue that will be familiar to many of us. Indeed, my noble friend Lady Redfern assures me that as leader of North Lincolnshire Council she has always made sure that her local business community is properly consulted on changes to parking charges. North Lincolnshire Council has also led the way in providing targeted free parking in support of its high-street businesses. More than 1.5 million free parking permits were issued in 2015-16, double the number in 2012-13, by her council.

As my noble friend said, and was repeated by the noble Lord, Lord Kennedy, high streets and town centres are an essential part of the fabric of our lives and are the social core of local communities. The need for affordable parking to access town centres is critical to the sustainability of our high streets. The coalition Government brought forward reforms to make it mandatory for local authorities to give 10-minute grace periods for all on-street parking bays and all off-street car parks. This gives consumers greater flexibility to allow them to complete their business in the town centre without having to worry too much about feeding the meter. That Government were also concerned about the use of CCTV camera cars as a revenue-generating tool. That is why, in addition to the grace periods, they banned local authorities from sending parking tickets through the post. This means that individuals can have a degree of certainty that, when they get a ticket, they know about it on the day.

My noble friend the Minister for Local Government noted that further reforms to the local government transparency code will follow. A recent consultation set out the Government's intention to amend the code so that everyone will be able to see first-hand a complete breakdown of the parking charges their councils impose and how much money they raise, promoting accountability.

The noble Lord, Lord Kennedy, raised the issue of what consultation is. I would like to take that away but perhaps my noble friend Lady Redfern, who also consults at the moment on parking charge changes in North Lincolnshire, can shed some light on best practice in her part of the country.

My noble friend's Bill recognises on the one hand that all councils need flexibilities, but that they also need to involve local communities in the decision-making process. Her Bill offers a real opportunity for a small but sensible reform to local authority car parks. It will give the Government powers to scrap the bureaucratic requirements on local authorities if they wish to lower their car parking charges. This would allow councils to take a flexible approach in supporting their high streets—for example, by responding to the opportunity of local festivals that can be used to celebrate town centres.

While there is a need to offer councils flexibility in respect of car parking charges, it is important that we recognise that charging levels are a significant concern to town-centre businesses. The Government therefore think it fit and proper that councils are responsive to local concerns before seeking to increase charges. My noble friend's Bill provides for a consultation requirement if local authorities want to raise their charges on an existing traffic order. I believe this is a sensible and proportionate reform that balances the needs of the local authority to set fair pricing policies, but takes into account the views of local communities.

I listened with interest to the speech from the noble Baroness, Lady Thomas, and I was concerned to learn about the problems that face many disabled motorists in private car parks when they have difficulties paying or with other issues. Of course the Equality Act applies to all bodies, and the Government urge those who operate private car parks to discharge their responsibilities under that Act. We are carefully considering our response to the discussion paper that we published on private parking in 2015, which focused on a range of issues including disability. We will announce our response in due course and I will make sure that the concerns expressed in this short debate by the noble Baroness are taken on board.

The Government are supportive of the Bill's intentions because it helps to deliver a more effective parking model that is supportive of Great Britain's high streets and town centres.

1.37 pm

Baroness Redfern: My Lords, I too have sympathy with the noble Baroness, Lady Thomas, regarding fairness to disabled people in private car parks. I also take this opportunity to thank the noble Lord, Lord Kennedy, for his comments, particularly about not wanting too much bureaucracy when we consult people. I thank the Minister for his constructive comments and support.

The Bill recognises that councils need not only to have flexibilities but to involve local communities in their decision-making process. It offers a real opportunity for a small but sensible reform to local authority car parks and will give the Government powers to scrap the bureaucratic requirements on local authorities, if they wish to lower their parking charges, and to react more quickly to market changes and allow for greater flexibility. It also offers a real opportunity for councils to take a flexible approach to supporting their high streets. That is what the Bill seeks to achieve and I ask the House to give the Bill a Second Reading.

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

Abortion (Disability Equality) Bill [HL]

Report

1.39 pm

Clause 1: Disability equality in respect of abortions

Amendment 1

Moved by ***Lord Winston***

1: Clause 1, page 1, line 2, at end insert—

"( ) After section 1(1)(a) insert—

"(aa) that the pregnancy has exceeded 24 weeks and there is a high probability that the fetus will die at, during, or shortly after delivery due to serious fetal anomaly; or"."

Lord Winston (Lab): My Lords, in rising to discuss the Bill, I first pay considerable tribute to the noble Lord, Lord Shinkwin, whose courageous approach to these matters is massively appreciated on all sides of the House, irrespective of the argument that we may have about the nature of termination of pregnancy in different circumstances. His tireless work on disability is of massive importance to our society, and I very much hope that he will continue that work—even though I disagree with some aspects of the Bill, to which my Amendment 1 refers.

I feel I need to correct a particular impression that the noble Lord gave in the Second Reading debate. Unfortunately, I could not be here; I was lecturing in the United States. Very far from the Bill being modest, reasonable or logical, there are all sorts of flaws which are not modest in their effects on women and their families and are not reasonable for women who are suffering with these hugely difficult decisions about what to do in their interests and the interests of their family—and I do not believe that the Bill is in any way logical. As noble Lords will see from the amendments I have put down, I do not intend to try to prevent the Bill going through, but it must at least be adjusted and, in one aspect, Amendment 1 does that.

One thing that concerns me about the Bill is that the noble Lord, Lord Shinkwin, talks about discrimination against people who have a disability. One problem here is that it is surprising that he has produced the Bill for termination of pregnancy where a minor number of babies are being aborted but has avoided a much bigger issue. For example, he has not discriminated against pre-implantation genetic diagnosis, which is going on worldwide in every in vitro fertilisation centre and is designed to screen out foetal defects where families suffer from those defects.

I have to explain to the House exactly what happens in that situation, because it is relevant to my amendment. There are some 6,000 to 6,500 severe foetal disorders of different kinds caused by mutations in DNA. It so happens that in the debates so far only two have been described, neither of which is fatal. Neither muscular dystrophy nor brittle bone disease is generally fatal, but most of the 6,000 diseases are fatal—they kill mostly children, and they kill them mostly at an early age, usually before the age of 2 or 3.

Noble Lords might say that we can screen DNA, and people have been talking about eugenic screening, but we cannot do that because, for example, even in

[LORD WINSTON]
the case of muscular dystrophy, which was cited, at least one-third of those mutations occur de novo in families without any previous history, so they cannot be detected and families will not expect them to be there until the woman is pregnant. Added to that, in, for example, the case of muscular dystrophy, which affects mainly males, there are about 700 different mutations in the dystrophin gene which causes that disease. So this is a seriously complex situation which is being looked at in a rather simple and, as the noble Lord, Lord Shinkwin, said, modest way, in the legislation that he is proposing—but it is very far from that.

The other thing that very much concerns me in his words and language is the charge that we have become search and destroy. To the noble Lord, Lord Shinkwin, I say this: in my professional life, although I have been mainly involved with reproductive medicine, I have been a professional obstetrician and a fellow of the Royal College of Obstetricians and Gynaecologists. I have been involved with pregnant women and their families for more than 40 years, and I find it objectionable to consider that we undertake search and destroy during early pregnancy. What we try to do in pregnancy is what we should do as obstetricians, which is to diagnose and discuss. That is very different from search and destroy.

What we do with screening in pregnancy is to try to make certain that the foetus is healthy. If the foetus is not healthy in some way or suffers from an anomaly, what we can then do, having made that diagnosis, is discuss that at great length with the woman concerned—along with her husband where appropriate and if necessary with her family—and then decide with her what is in the best interests of the family. Hopefully, that pregnancy will continue whether the foetus is disabled or not, but knowledge of the disability means that we can have appropriate medical resources available at the time of birth. This is far from destroy: on the contrary, it is in fact designed to protect, promote and enhance life wherever possible. That is a basic issue that we have dealt with.

1.45 pm

The third thing that concerns me very much, which has been mentioned again and again, is the word that has been bandied around the Chamber by different speakers in different contexts throughout the Bill. The word "eugenics" is constantly being mentioned, which I resent. I have to say to the noble Lord that I fear that it is rather unfortunate to talk about the "eugenicists" in the Department of Health. It is not for me to say how inefficient the officials in the department are—and I have had many quarrels with the Department of Health—but I do not believe that their motives for doing what they do is in some way reprehensible. It is a misunderstanding of our ethical principles in these individual cases to talk about eugenics.

We have five ethical principles in medicine. The first is respect for the autonomy of the person in front of you. For example, if somebody comes to me requesting a termination of pregnancy, as an Orthodox Jew I might not want to do that termination because it might be against my religion—and I suspect that that would be true for many Catholics as well. My autonomy is involved in the decision as well, and it has to be respected. But as a medical practitioner I have to respect the autonomy of that individual and make certain that if I cannot do the termination of pregnancy, or cannot treat that patient, I put the patient in touch with another medical practitioner or another group of people who can give advice and have a considered discussion about how the woman should handle that.

That autonomy is critical, and of course eugenics is not talking about the autonomy of the individual. The eugenicists to whom the noble Lord, Lord Shinkwin, referred to were the eugenicists in Nazi Germany—if I may say so, a very unfortunate reference. They were, perhaps, bizarrely altruistic in that they believed that by promoting survival of the fittest, they were protecting the interests of their society—but that was a fundamental flaw in their ethics. In protecting their society, they forgot the key issue of respecting the autonomy of the individuals who would be affected by the dreadful SS doctors, of whom there were many. That is something which we have to understand. It is a basic issue. Again and again, when people have these dreadful decisions to make, we have to decide what is in their interests and consider their autonomy. We have to give them correct information and be unbiased. We therefore have to be very careful about how this is promoted in legislation, because there is a risk of damaging that autonomy.

There are of course other issues, one of which is that, under the second ethical principle, we doctors try to be beneficent: we try to do good wherever we can. That makes for very difficult decisions, because sometimes you have a tussle between the foetus, who cannot give consent, and the woman, who can give consent, after she has been given information. That may be difficult, but in British law as I understand it—the noble and learned Lord, Lord Mackay, may have something to say about this—the key person we protect is the pregnant woman, because she is a live, existing and fully grown human outside the womb. She therefore carries some precedence, in British law, over a baby as yet unborn—although perhaps the noble and learned Lord may have a different view on that.

The third issue is that we do not act maleficently when we treat patients. We try to do good. It is very difficult, but we have to balance good and evil, and that certainly applies if you do a termination of pregnancy. I do not believe that I have ever seen a woman who has gone through a termination of pregnancy, or considered one, without a massive amount of soul searching. It is very important that we understand that; it is not a simple decision for any family to abort a pregnancy.

Next comes the issue of justice. As doctors, we are called on increasingly to make very difficult decisions, and we have to understand the justice of those decisions. That is not easy.

Lastly, we have to understand the normative values of our society. I say to the noble Lord, Lord Shinkwin, that it is clear what the normative values of our society are: whether we like it or not, whatever our religious position might be, the fact is that we accept termination of pregnancy and I believe that most people in our society have the normative consideration that it is reasonable, in cases where a foetus is severely damaged and unlikely to survive or is going to be extremely ill and in great pain, to terminate that pregnancy.

I shall try to put those issues in place. I do not believe that the womb has become, as the noble Lord says, a more dangerous place; on the contrary, the research that we do at the Genesis Research Trust, a charity set up to protect women's health that I have the great privilege to be chairman of, tries to avoid the womb being a dangerous place; we are trying to do everything we can to improve the prospects for women.

I shall tell the House briefly about a particular case that is absolutely relevant to the Bill: the case of Peter. His mother had three unexpected miscarriages and then could not get pregnant for a while. Eventually she had a fourth miscarriage but then she gave birth to a male baby called Peter. Peter was obviously not particularly well. He survived birth but did not move normally. He had muscular contractions all the time and was developing very abnormally. Moreover, it was clear that his development and his cognitive ability were well below what we would expect. At a very young age he was already starting to bang his head against the wall. He was trying to mutilate himself and increasingly his self-mutilation and jerking movements carried on all night and during the day. His mother and father faced a dreadful situation. Their marriage broke up purely, I think, as a result of the damage that they were seeing.

It turned out that the boy had a very rare disease called Lesch-Nyhan syndrome. You cannot screen for it because every mutation in every family is different, so the only way it can be diagnosed is actually when there is a male baby in the womb already. Over the next period of time the mother refused to have a termination of pregnancy because she wanted another child, but she continued to have more miscarriages. By the time she had her ninth pregnancy, though, she was distraught and she had terminations of male pregnancies. Eventually, pre-implantation genetic diagnosis was able to take an embryo from that lady and, after about two years' research, we were able to find the mutation in it and replace it in the uterus, and she had a normal male child. To my mind, that is not discriminatory or eugenic; it is doing what we should be doing in medicine, which is trying to help people who have these appalling conditions.

To make it very clear, I should tell noble Lords that Peter was strapped to a wheelchair; he was not allowed to move because if he did, he mutilated himself. He tried to throw himself down the stairs. All his teeth were extracted because he bit off his lips and his tongue, and he was getting oral infections that would have been fatal. His mother did everything to try to protect him, but eventually she came to the decision that she needed to discriminate, if you like, between embryos—and that, to my mind, was an ethical decision.

The amendment I am moving is very simple. There are a number of women who have massively deformed foetuses that result in death, perhaps not during pregnancy but at the end of pregnancy or within the first week afterwards. Many of those women need to have a caesarean section as you cannot do a vaginal delivery in such cases because you cannot deliver the baby through the birth canal. The Bill might make such women go through pregnancy to term, have a delivery that has to be operative and then watch that baby die shortly afterwards. To my mind, that is totally inhumane. For that reason, I feel that the amendment is a vital minor adjustment to the Bill at this stage.

Lord Lester of Herne Hill (LD): My Lords, it is a privilege to speak after the noble Lord, Lord Winston. He and I go back together a long time to when we both created life—I as lawyer and he as expert witness—in Diane Blood's case. As a result of that case, she was able to create two boys using her dead husband's sperm. I listened with care to his speech. We are privileged to have him, one of the greatest experts in the country on the subject, and I agree entirely with his speech; I simply do not agree with the amendment, and I need to explain why.

I am a man; I am not, as far as I am aware, disabled at the moment; and I am not a doctor, so what is my reason for speaking on this subject, as I believe that it is very much up to the woman and parents, not to others, to decide whether to have babies? The reason I speak is because of my experience when I was counsel for the Family Planning Association in Northern Ireland, in a case that went to the Court of Appeal in Northern Ireland seeking to provide guidance to women in Northern Ireland, where, as your Lordships will know, there is no abortion Act in force, only the common law. The problem in Northern Ireland was, and is: what kind of medical service should be provided to those women in a common-law situation without the Abortion Act?

What I discovered during the course of the case and told the Court of Appeal, which was pretty disturbed by it, was that the one situation in Northern Ireland where women can get abortions without having to come to England, Scotland or Wales is on the grounds of foetal abnormality. They do so at common law, and they do so quite regularly. They do so without the benefits or burdens of the Abortion Act. My difficulty with the Bill, but my particular difficulty with the amendment, is that were it or anything like it passed, we would go back to the common law position, which is very uncertain and vague, but encourages the worst thing of all, which is backstreet abortions. The more difficult you make it to terminate pregnancies against the wishes of the woman, the more likely it is that she will be driven to other ways of aborting the foetus. That seems to me profoundly undesirable.

I understand perfectly well where the noble Lord, Lord Winston, is coming from with his amendment, but it cuts down the situation in which abortions are lawful under the Abortion Act and should remain lawful: where there is foetal abnormality but the foetus is unlikely to die when born. It should not be our function to limit the circumstances in which there can be a termination, given all the safeguards in the Bill about the medical profession and its ethics, which the noble Lord has talked about. Therefore, although I agree entirely with his speech, I cannot support his amendment.

Baroness Tonge (Non-Afl): My Lords, I did not intend to speak to the amendment, but I have to stand up as a fellow medical practitioner—if a very humble one—to say that whenever the noble Lord, Lord Winston, speaks on his subject in this Chamber, he makes me feel young again. I am again a medical student listening to one of the best profs give a superb tutorial, and I thank him for that, because it was extremely useful. I add only a couple of things. I get very tired of people arguing that doctors assist women towards having an abortion—that somehow they want to get on with it,

[Baroness Tonge]
are complicit and do not allow women enough time. In my experience as a family planning doctor, and even when I was a Member of Parliament, I never came across examples of this. Women are listened to very carefully and allowed to make up their own mind. Allowing women to have the choice is essential.

A number of people say that women are terribly upset and traumatised after they have had an abortion. That is, again, a rarity. Usually, if they have had the right counselling and right termination, when they have had the abortion for whatever reason—particularly in the cases we are discussing this afternoon—there is a sense of great relief at being able to get on with their own lives. If the Bill went through we would be taking that away from a large number of women and I would deplore that.

2 pm

Lord Alton of Liverpool (CB): My Lords, I will speak against the amendment and support the noble Lord, Lord Shinkwin, in bringing the Bill forward. The noble Baroness, Lady Tonge, and the noble Baroness, Lady Barker, who is sitting in front of her, will not be surprised that we take a diametrically opposed view of this and not for the first time in our lives. They will recall that the reason I left their party was their proposition that abortion should become party policy rather than a conscience question. I have always been saddened that this issue should be politicised. Diametrically opposed views can be sincerely held for perfectly good reasons.

The noble Baroness, Lady Tonge, and the noble Lord, Lord Winston, have spoken as doctors. I am only the humble father of a doctor but I had the chance earlier this week to speak to two eminent doctors, one a former president of one of the royal colleges and the other a former president of the BMA, both of whom are opposed to the amendment. For one this is because of the danger of misdiagnosis. She gave me the specific example of a baby whose mother had been told it had a fatal foetal disability, but this did not turn out to be the case when it was born. The other said that it is far better to go ahead with the pregnancy and for the baby to be delivered in order to help the mother at that stage. I will come back to that point in a moment, because it is borne out by the guidance of the Royal College of Obstetricians and Gynaecologists in the submission it made on this subject in 2010.

We can disagree about these things, but let us at least accept that there is a disagreement. I wish that the noble Lord, Lord Winston, had been able to bring forward his amendment in Committee, when we would have been able to have a more robust argument and discussion about it. It is strange that this amendment should be laid before your Lordships' House at 24 hours' notice before Report. Since it has been, I have done my best to discuss it with others who know more about these things than I do. In 1990, when a Member of another place, I moved my only amendment in 18 years in the Commons on which there was an equality of votes. Mr Speaker Weatherill—who became Lord Weatherill—had to use his casting vote for the status quo. He was one of my two sponsors when I became a Member of your Lordships' House and I know through subsequent discussions with him how disturbed he was that he was not able to follow his conscience that day but had to follow precedent in upholding the status quo. My amendment sought to ensure that, in the 1990 amendment to the 1967 Abortion Act, the nature of the disability would be placed on the green form authorising the abortion. I was challenged by Harriet Harman who said that it was scaremongering for Professor John Finnis, one of the country's leading experts on jurisprudence, to suggest that the legislation as drafted could lead to abortion on the grounds of cleft palate. As noble Lords know from the figures that have been produced, there have been abortions post-24 weeks' gestation on the grounds of cleft palate. Notwithstanding the examples the noble Lord gave a few moments ago, 90% of all babies diagnosed with Down's syndrome in this country are now routinely aborted.

I have never described the Department of Health as being responsible for eugenics and I would never do that, nor do I believe that doctors in this country are. The noble Lord, Lord Shinkwin, has said that society slides into eugenics when these things become normative. Therefore, I hope that when the noble Lord replies to the debate, he will tell us exactly what the list of disabilities is that cannot be diagnosed before 24 weeks' gestation. Despite my own strongly held views about the law—indeed, 8 million abortions have taken place in this country since 1967, there are around 600 every working day and one in five pregnancies is now ended on those grounds—this Bill is not about that. This Bill is about equality legislation and discrimination, and whether a child with a disability should be treated differently from an able-bodied child.

I simply point out to your Lordships that there is a certain irony, as the very last words spoken by the Minister at the Dispatch Box in the previous debate on a Bill about car parking were about ensuring equality of opportunity for disabled people to be able to park in car parking spaces. All Members of your Lordships' House have properly campaigned over the years on the rights of disabled people, and have a huge reputation in this country for asserting those rights. Is there not an inconsistency if we campaign for ramps to be attached to public buildings in this country but say that it would be better that someone with a disability had not been born in the first place? What sort of message does that send?

I do not think that people like me can put forward arguments such as this if we are just anti things. One of the things in which I got involved in my own city of Liverpool was the building of the first baby hospice in the country, Zoe's Place, of which I continue to be a patron, and others have since been opened. It was built specifically to help mothers in this situation. You have to be positively for the unborn child but for the mother as well in these tragic and very difficult circumstances.

I admire medicine when it is at its best. The noble Lord, Lord Winston, and I sometimes disagree. Nevertheless, he knows that I admire hugely a lot of the work that he has done. When noble Lords such as the noble Lord, Lord Winston, are able to develop—as they are doing—surgery in utero to deal with things such as spina bifida, that is good science and good medicine marching hand in hand with good ethics. However, if I

were to say to the noble Baroness, Lady Barker, for instance, that I was in favour of abortion beyond 24 weeks for reasons such as gender, race or—if it could be diagnosed—orientation, what would your Lordships say to me? I hope that they would rebuke me. That is why I argue that we should treat disability in precisely the same way as those issues.

I said that I would return to what the Royal College of Obstetricians and Gynaecologists had to say. There were two things, one of which shocked me, when I read the details of what happens in late abortion of this kind. This is the college's description, not mine:

"Intracardiac potassium chloride … is the recommended method to ensure fetal asystole. After aspiration of fetal blood to confirm correct placement of the needle, 2-3 ml strong … is injected into a cardiac ventricle. A repeat injection may be required".

It goes on to describe other ways of doing this. This is a late abortion. Babies have been born and lived from 23 weeks' gestation, so this is beyond viability that we are talking about. The college also states:

"Most women will be unaware that, within the NHS, medical abortion induced by drugs is the procedure usually offered after 14 weeks of gestation. The prospect of labouring to deliver a dead fetus will be difficult for many and discussions about the procedure will require sensitive handling by experienced staff. Although the prospect of labour in these circumstances is especially daunting, some women gain some satisfaction from having given birth and have welcomed the chance to … hold their baby".

The college goes on to talk about the options that need to be offered for pain relief,

"and whether the woman might want to see the baby and have mementoes such as photographs and hand and footprints … She will … be made aware of information from a postmortem … These discussions are likely to be distressing for the woman and her partner".

So let us be very clear that this is a tragedy for everyone involved.

I turn to the noble Lord's amendment. It states that,

"there is a high probability that the fetus will die".

We are drafting legislation here. What does this mean? Is the probability 99.99990%, or 50%? How should a high probability be objectively defined in law? Why is that not specified in the wording of the amendment? I am very disturbed by the fact that the noble Lord's amendment says that you may go on to carry out these procedures "shortly after delivery", when the baby has been born alive. Is this a matter of minutes, hours, days, weeks, months or, arguably, even years? It needs to be clearly defined in law, otherwise it will be interpreted far too widely. That is why the amendment should have been brought forward in Committee, when we could have had a proper discussion about it. However, I hope that the amendment will be resisted and that the Bill in the name of the noble Lord, Lord Shinkwin, will be given a safe passage so that it will have a chance to go forward and there can be a proper debate about it in another place.

Baroness Massey of Darwen (Lab): My Lords, I intended to speak much later but I have to emphasise something which the noble Lord, Lord Lester, said, that we often forget. This is not and should not be a political issue. It is often about the life and death of women. The remark made by the noble Lord, Lord Alton, for whom I have the deepest respect, about gender and race in comparison to disability, is unfortunate, to say the least.

We have to remember the history of abortion in this country. At one time, women who could not obtain an abortion for legal reasons resorted to what were called back-street abortions or self-abortions. Those were dangerous and often humiliating. Do we really want to go back to that? The Bill, if it is carried, could mean going back to that for women. I suspect that if our laws were changed to deny abortions at any stage we could see women's lives put in danger, and that would be completely abhorrent. For those reasons and others, I cannot support the Bill.

I have the deepest respect for the noble Lord, Lord Shinkwin, but this is an emotive issue, and much has been said already. First, on disability, I read something recently by the disability rights advocate, Professor Tom Shakespeare, who himself has a disability. He said that prenatal diagnosis is not straightforwardly eugenic or discriminatory:

"Nor should we interpret a decision to have … a termination as expressing disrespect or discrimination towards disabled people. Choices … are not incompatible with disability rights".

I agree with him.

Our laws on abortion, which we are fortunate to have, have been well debated and carefully constructed. They are supported by professional bodies and by the vast majority of the general public. Women overwhelmingly support testing for abnormality in a foetus, knowing that the result may cause them immense distress and difficult decisions.

We know that some conditions cannot be diagnosed within 24 weeks. In fact, some can be diagnosed only within the third trimester. I find the Bill quite punitive. We know that parents find a decision on abortion difficult and distressing. They think not only of themselves —they are not being selfish—but of the whole family, possibly including children who have already been born. Such parents need support, advice and often grief counselling. It is not a simple matter. Medical services take account of this distress—my noble friend Lord Winston spoke eloquently about that—and I know some parents who have been advised and helped to hold a funeral for the aborted baby.

While this is an emotive Bill, we have to consider the rights of women and of the family, and think about the impact that it might have in particular on women who used to go for those back-street abortions.

2.15 pm

Lord Mackay of Clashfern (Con): My Lords, I am, of course, not a doctor, although I have the great honour of being an honorary fellow of the royal college of which the noble Lord, Lord Winston, is such a distinguished member. I well remember the situation which produced the result that the noble Lord has spoken of—that of amendments on abortion being made to our very interesting, important and ground-breaking Bill on IVF and related matters. I was clear, as were the Government, that the approach to the main part of that Bill depended on one's conscience, so there was a free vote in both Houses of Parliament. There was always the possibility that the result of a vote in this House would be different from one in the House of Commons. That was a very serious thought in relation to a Bill of such ground-breaking importance, and the introduction of amendments on abortion in the Commons rather increased that difficulty.

[LORD MACKAY OF CLASHFERN]

However, I am glad to say that in the end we got what I think is regarded in the general scientific areas of the world concerned with these matters as a very good Bill. It allowed research which is not allowed in quite a number of other parts of the world. I know that the noble Lord, Lord Alton, has a different view from mine, but that was an important aspect of the Bill which depended very much on people's consciences.

So far, I have understood this Bill to deal with the principle of equality as defined in our legislation in relation to disability. I understand that the Bill is based on the proposition that abortion would be in breach of the principle of not regarding disability as a ground for discrimination. It is as simple as that. The idea that this amendment would destroy the Bill and bring back back-street abortions and so on strikes me as rather excessive. It is an amendment to the existing Bill; it does not seek to abolish the Abortion Act. It simply suggests—with a good deal of merit, as I think my noble friend Lord Shinkwin has said—that the principle of not discriminating against disability should apply to this provision.

This amendment, produced by the noble Lord, Lord Winston, suggests that something else might be done. It proceeds on the basis that the nature of the condition is such,

"that the fetus will die at, during, or shortly after delivery due to serious fetal anomaly".

That is not quite the same as what is in the Abortion Act. If that were the formulation of the clause, it might well avoid the idea that this provision of the Abortion Act is a breach of the rule against discrimination on the ground of disability. This is a different point and I can see the force of it as a different matter entirely from the provision in relation to this matter which is currently in the Abortion Act.

Baroness O'Loan (CB): My Lords, I pay tribute to the noble Lord, Lord Shinkwin, for bringing the Bill before your Lordships' House. It is very important that we come back to what the Bill deals with and possibly leave behind some of what I might regard as the slightly unwarranted assertions that we are in danger of reintroducing back-street abortions wholesale as a consequence of this Bill. What it actually does is give us the opportunity to remove the right to abort after 24 weeks an unborn baby which has a disability unless there is a risk of serious permanent damage to the mother or her life is at risk. I say with the greatest respect that it is, therefore, perhaps a rather more modest proposal than was described by the noble Lords, Lord Winston and Lord Lester.

Amendment 1 deals with the situation in which the foetus will die at or shortly after delivery due to serious foetal abnormality. I absolutely oppose this amendment. The noble Lord, Lord Alton, has very competently articulated some of the problems with the amendment, and I am not going to rehearse all the arguments against it. I will simply tell another little story. I have a friend: her name is Tracy Harkin. Tom and Tracy have a little daughter. When Kathleen Rose was born in November 2006, she had trisomy 13, which is one of the conditions that is generally regarded as what is loosely described as a fatal foetal abnormality. Kathleen Rose is now 10 years old. I want to quote her parents: "She has a beautiful, distinct personality. She is known for her mischievous laughter and her enormous hugs. Last year, she was the angel in the school nativity play, and to all of us, of course, she was the star of the show".

I have another concern. The amendment in the name of the noble Lord, Lord Winston, would extend the provisions of this Bill to Northern Ireland. As noble Lords will know, Northern Ireland is currently in the midst of a very fraught election campaign. I know that in Northern Ireland the tabling of Amendment 1 and Amendment 8 has caused considerable anger and concern. Both justice and health are devolved to Northern Ireland. Therefore, the law on abortion in Northern Ireland—undoubtedly a sensitive and very controversial topic—should be dealt with only by the people of Northern Ireland through their constitutional processes. And my goodness, the right to do business in Northern Ireland through constitutional process has been very hard won. The Abortion Act does not extend to Northern Ireland. That is a position which, despite consideration, has not changed since 1967. It is therefore entirely inappropriate for this House to be considering introducing a change to an Act that does not apply in Northern Ireland and making that change apply in Northern Ireland.

As noble Lords may be aware, only last February, the Northern Ireland Assembly considered the question of whether abortion should be legal in Northern Ireland on the grounds of what is described as "fatal foetal abnormality"—a term which even the noble Lord, Lord Winston, explained to us lacks clarity. For a disability to be fatal, when does it have to be fatal—within hours, days, weeks, months or years? What of Kathleen Rose, heading for her 11th birthday? After a lengthy debate, the Assembly decisively rejected this move by 59 votes to 40. Following last May's election, an MLA brought forward a Private Member's Bill to allow for abortion on these grounds. The Northern Ireland Assembly had plenty of time to consider this Bill—in the nine months since the last election, the Assembly passed one Bill: the Finance Act. However, the Private Member's Bill was not dealt with and it fell. The Northern Ireland Assembly is the place where this issue should be developed and debated, as it affects the people of Northern Ireland.

I know that some noble Lords do not accept the law on abortion in Northern Ireland, but when Parliament accepted the principle of devolution, we accepted that devolved parliaments have a right to make decisions about their own law, whether we like them or not. Reversing that principle and bringing the powers back to Westminster would be a major constitutional change, which Parliament would have to consider very seriously in the light of all the implications of such an action. It is fundamentally wrong for this House to seek to make a decision in this area and we should not, therefore, support these amendments.

Equally importantly, the sensitivities which surround this amendment are greatly compounded by the fact that they are proposed within five days of the elections in the Northern Ireland Assembly. Those elections are unlikely to result in a devolved Assembly because the

two parties having the greatest number of seats currently have indicated that they will not go into government together unless significant preconditions are met. In those circumstances we are moving rapidly towards direct rule, with all the political sensitivities attaching thereto, including the threat to our fragile peace process. Only yesterday there was an attempt to murder a police officer. A bomb was placed under his car; that bomb exploded and in all probability it would have killed him. These are fragile days in Northern Ireland and noble colleagues who are supportive of this Bill are understandably there today and unable to address your Lordships' House.

Whatever happens, there will eventually be a devolved Assembly which has a mandate to uphold or change Northern Ireland abortion law, and that is where this debate should take place. I hope, therefore, that other noble Lords will join me in rejecting Amendment 1 because of the effect of it on the Bill of the noble Lord, Lord Shinkwin, and in rejecting Amendment 8 because it is repugnant.

Lord Brown of Eaton-under-Heywood (CB): My Lords, my position on the Bill is rather less in favour of the noble Lord, Lord Winston, than it is against the Bill as a whole. I come to the Bill with no pretence to any medical expertise or direct experience in this field but, alas, as an arid lawyer. As such, I seek to stand aside from the huge emotional weight which always attaches to debates on abortion and on disability—as here, where both those emotive topics come together, there is much to be disregarded.

The Bill is concerned with cases where there is a substantial risk, recognised by two doctors, of a child being born with a serious handicap. As the noble Lord, Lord Shinkwin, for whom I have the most profound regard, recognised at Second Reading, at column 2546 of *Hansard*, if that risk comes to light within the first 24 weeks it is highly likely that, if the mother so wishes, she may be aborted under Section 1(1)(a) of the Act. However, if it is discovered later, the question arises—and this is the crunch question—should the mother be compelled to carry that child to birth or should she be allowed a later abortion?

According to the statistics given at Second Reading by the noble Baroness, Lady Chisholm, at column 2560 of *Hansard*, in 2015 there were some 230 abortions carried out under the Section 1(1)(d) provision after the 24-week initial period. That squares with the figure given by the noble Baroness, Lady Hayter, of some 200 to 300 women.

The noble Lord, Lord Alton, for whom I have the greatest respect, as I have for all who have taken part on both sides of this debate, referred at Second Reading—as he has again today—to terminations on grounds of "rectifiable disabilities", and mentioned cleft palate and hare-lip, and in Committee he added club foot. I find it difficult to suppose there have been Section 1(1)(d) cases after 24 weeks on those grounds, and that two registered medical practitioners have certified in the terms of that provision. If they have, that seems to be a matter for the proper policing of this legislation. It is not the altar on which should be sacrificed the interests of those 200 or 300 women a year whom this Bill is otherwise condemning to be required to bear that child, whatever feelings they may develop, and however justifiable that it is a disability which only came to light after 24 weeks. For my part, I would not wish that they be so condemned.

2.30 pm

Lord Swinfen (Con): My Lords, I am a complete layman in these matters. When the noble Lord, Lord Winston, responds, can he tell the Committee what in his view is a "high probability"? What does he mean by that? Also how long is "shortly after" a birth? Would that be hours, days, weeks or years?

Baroness Stroud (Con): My Lords, I thank the noble Lord, Lord Winston, for the time he has given me to understand fully his amendment, and I put on the record my deep admiration and respect for so much of the work he has done.

Of all people, the noble Lord, Lord Winston, will be only too aware of the extraordinary medical progress that is being made in perinatal and neonatal care. In this Bill we should be advocating for the best treatment of children with disabilities. The provision of holistic care, including perinatal and neonatal hospice care at the end of life, can help to ensure that these babies are treated with dignity, care and love. While the life expectancy of these babies may well be brief, they do have a life and are significant family members who will be valued, remembered and treasured.

The Northern Ireland Executive have recently set out a commitment to provide such hospice care in the Department of Health's 10-year plan on palliative care for children. I hope that we will see such care being provided elsewhere in the UK. Perhaps the Minister can comment on that.

Amendment 1, aside from being antithetical to the spirit of the Bill, is fraught with difficulties, as we have heard in the debate. Taking the amendment in the order of its wording, what would be judged to be a "high probability?". We have heard that question repeatedly in the debate. Is that more than 90%, more than 50%, or 65%? How would the decision about likely death be made? Would that be with or without treatment, since conditions may be classified as the same but manifest varying symptoms, from those which may be lethal to those which may in fact be treatable or not immediately lethal? In my meeting earlier with the noble Lord, Lord Winston, we discussed cleft palate, which can be very severe or quite minor and correctable. How long would "shortly after" need to be to qualify? Would it be a matter of hours or days or months? What would count as a "serious fetal anomaly", since that is not even a medical term? Amendment 1 does not bring any certainty; rather, it raises more questions than answers.

These questions demonstrate how the law would treat these children differently from those without disabilities. It would again enshrine the discrimination that my noble friend Lord Shinkwin is seeking to eliminate, and I encourage noble Lords not to support the amendment.

Lord Elton (Con): My Lords, after that intervention I need say very little indeed. I share with everyone else my admiration for the noble Lord, Lord Winston, as I have for my noble friend Lord Shinkwin. However,

[LORD ELTON]
while it would be helpful to have the noble Lord's assurance as to what is meant by these terms, that is not sufficient. It has to be on the face of the Bill because that is what the law will be. Otherwise it will be decided by the courts, which would mean there is no certainty. The purpose of good legislation is bring certainty, not doubt.

Baroness Gale (Lab): My Lords, we have had a thorough debate on this amendment and I thank my noble friend Lord Winston, who has such great expertise in this field, for his clarity in explaining why he wishes to move this amendment.

This is a sensitive matter with strongly held views on both sides. The noble Baroness, Lady Tonge, mentioned a woman's right to choose: many people hold that view. My noble friend Lady Massey said that this was not a political issue. I agree that it is not a political issue. Whenever these matters are debated, in both Houses, Members have to make up their own mind; I think that that is the right thing to do. The term "back-street abortionist" has been used several times this afternoon. Many of us remember those days and absolutely no one wants to go back to a time when women were put at such great risk.

The noble Baroness, Lady O'Loan, mentioned Northern Ireland. We may be debating that later, on other amendments, but I take her point. The arguments have been well rehearsed on both sides of the debate today and from the Front Bench I can say only that the Opposition still fully support the Abortion Act 1967.

The Parliamentary Under-Secretary of State, Department of Health (Lord O'Shaughnessy) (Con): My Lords, I start by joining other noble Lords in congratulating my noble friend Lord Shinkwin on steering the Bill through its Lords stages so far and on his engagement with noble Lords on the Bill. It raises important and sensitive issues about disability rights and abortion and it is quite right and proper that these are discussed and scrutinised at length by your Lordships. I am also grateful to the noble Lord, Lord Winston, for his amendment and for the scientific authority which he brings to the issues. I commend all noble Lords for the quality of the debate we have had on this amendment.

As I set out in Committee, the issue of abortion is a matter of conscience for noble Lords, as the noble Lord, Lord Alton, and the noble Baroness, Lady Massey, reminded us. The decisions that we take on this transcend the normal political or partisan divides and it is for that reason that the Government have taken and continue to take a neutral position on this issue and on the Bill. The Government do not, therefore, have a position on the amendment of the noble Lord, Lord Winston, or on those that will follow in the House today. I do not intend to comment on subsequent amendments unless there are specific points that noble Lords wish to put directly to me and to which I can respond.

I do, however, wish to make one point that I believe is germane to the issues under discussion in this amendment and, indeed, in the Bill in general, and that is that it is vital that we have accurate statistics on and evidence for the reasons for termination of pregnancy. Officials are working directly with hospital staff to improve reporting on abortions. We have also reminded all doctors involved in abortion care of their legal responsibility under the Abortion Act 1967 and the Abortion Regulations 1991 to submit form HSA4, the abortion notification form, within 14 days of a termination.

Overall, between 2013 and 2015, there was an 18% increase in the number of reported ground E abortions. While we obviously cannot claim that this increase is solely the result of increased reporting of these abortions, as opposed to increased instances, we do know that this is the case in some of the units that officials have been working directly with. The department will continue to monitor carefully levels of underreporting of abortions for foetal abnormality.

The noble Baroness, Lady Stroud, asked about palliative care for babies. I fear that I do not have that information to hand but I will be happy to write to her on the issue.

Lord Shinkwin: My Lords, I thank all noble Lords who have expressed support for my Bill and I thank the noble Lord, Lord Winston, for his medical lecture on so-called serious foetal anomalies. I address the noble Lord, Lord Winston, with respect but I also address him and all other noble Lords as an equal. I should say at the outset that I totally reject the very premise of this amendment. Other noble Lords have already explained why the amendment is totally inappropriate and, indeed, crassly insensitive, from a Northern Ireland perspective in particular, when it is linked to Amendment 8. I offer a disabled person's perspective on why it is unacceptable. I have been consistently clear that the purpose of my Bill—a disability rights Bill—is to bring the law as it applies to disability discrimination before birth into line with the laws that your Lordships' House has already passed to counter disability discrimination after birth.

Noble Lords will know that I accepted an amendment in Committee for an impact review as a logical amendment to a logical Bill. However, in the context of a Bill which promotes disability equality where discrimination begins before birth, this cynical amendment is not remotely logical. Indeed, it runs counter to the very essence of my Bill. The amendment reinforces discrimination because it singles out even more acutely a particular group for destruction on grounds of disability. It seeks to legitimise their destruction after 24 weeks with terminology that commands no clinical consensus and despite the fact that cell-free foetal DNA can first be detected in maternal blood as early as seven weeks' gestation, which means that genetic or chromosomal abnormalities are being detected well in advance of 24 weeks. So what justification is there for abortion after 24 weeks on the grounds of so-called serious foetal anomaly?

Some noble Lords have seen that I recently asked the Department of Health about the number of fatal foetal abnormalities diagnosed in each of the past five years. The answer was that the information is not collected centrally. I followed up and asked about the number of fatal foetal abnormalities diagnosed after 24 weeks in each of the past five years. The answer was the same: the information is not collected centrally. I find that revealing, not because information is being concealed but because it reflects the reality—the truth of the situation.

Those noble Lords who were invited to attend a meeting on this issue, which I understand was held somewhere in the House on Wednesday, could be forgiven for thinking that there is some medical authority—some clear medical consensus—behind the definition of "fatal foetal abnormality". There is not because there is not an agreed definition. Indeed, the consensus is that what is considered fatal or life-limiting involves a degree of subjective judgment which is influenced by understandings and by the availability of technology, both of which can change with time. The noble Lords who received the invitation to that meeting might also have got the impression, as was intended by the wording of the invitation, that those 230 disabled babies aborted after 24 weeks in 2015 had all been diagnosed with severe or fatal foetal abnormalities. They were not. Of the 659 babies aborted for the crime of having Down's syndrome, for example, two were aborted at 25 weeks, one at 26 weeks, one at 28, one at 30, another at 31, three at 32 weeks, two at 33, two at 34—and one at 39 weeks.

2.45 pm

The question for me, apart from the obvious one of why the severely disabled Member of your Lordships' House sponsoring the Bill was not even contacted about the meeting, is therefore twofold. First, how do the organisations behind the meeting—the British Pregnancy Advisory Service, the Family Planning Association and the organisation for termination for abnormality, now named euphemistically as Antenatal Results and Choices—know that the 230 disabled babies aborted in 2015 after 24 weeks because of their disability had all been diagnosed with severe foetal abnormalities? The answer is that they do not know. The Department of Health has already said that the information is not held centrally, so none of these organisations knows this and neither does the noble Lord, Lord Winston. So, secondly, why should they have insinuated and implicitly claimed this? The answer is in their overtly discriminatory agenda, which informs both this amendment and the noble Lord's complete failure even to make contact with me.

This amendment is completely inappropriate and incompatible with the progress achieved on disability rights, which your Lordships' House can be rightly proud of helping to secure. That is quite apart from the crass insensitivity to me, as a disabled and equal Member of your Lordships' House, of the noble Lord's hijacking of my disability equality Bill in order to advance a blatantly discriminatory eugenic agenda.

I understand why those who oppose my Bill are desperate to misrepresent it and to say that it is all about abortion, which it barely touches, and to ignore disability equality and disability rights before birth. Their message is stark and bleak. It is: "Let's ignore the fact that these disabled babies are human beings, with an equal right to exist. Let's reclassify them and call them foetal anomalies. Let's go one better and call them serious foetal anomalies. What does it matter that the Department of Health collects no data centrally on so-called fatal foetal anomalies, as long as we can use the term to dehumanise?". Well this foetal anomaly, this proud Member of your Lordships' House, is having none of it. I utterly reject this medical mindset that clings to the idea that a disabled baby is a medical failure to be eradicated through abortion. I beg no one for my equality. I know I have as much right as anyone to be alive.

However, should the noble Lord decide not to withdraw his amendment and instead to divide the House, I humbly ask that all noble Lords stand with me and people with congenital disabilities and affirm that we are all equal.

Lord Winston: My Lords, I shall not use unparliamentary language. I reject the charge that my view of this matter is in any way cynical. I believe that it is compassionate. Perhaps unlike the noble Lord who has promoted this Bill, I have been in constant contact with pregnant women who have had to go through these difficult decisions throughout their pregnancy throughout my professional life. I have been a practising doctor—I am now not on the register as a full practitioner—for more than 40 years, and I have tried to listen rather than interrupt; I have tried to be non-judgmental rather than to judge; and I have tried to find a way through what are very difficult decisions for both the patient and her family and for my team and myself.

Sometimes there have been very long arguments and sometimes we have debated these issues repeatedly among ourselves and tried to internalise the arguments to come to the right decision. I do not think that my moving this amendment is in anything other than good faith, and I am sorry that it seems, at least to the noble Lord, to be merely a cynical adjustment to his Bill. If it was, I would have tried to have the Bill talked out, but that is not my intention. My intention is to discuss and examine some of the things that have been said during the passage of the Bill, to which a very large number of people will have a strong objection—and also of course because there is a great deal of misinformation.

The noble Lord, Lord Shinkwin, is under the impression that DNA diagnosis is the next generation of diagnosis. Believe me, it is not. I tried to explain that to him but he probably did not understand. If you have 6,500 different genetic disorders and you have, let us say, 500 different mutations that can cause each of those disorders, you end up with hundreds of thousands of different mutations for which you cannot screen at seven weeks, or even 24 weeks. The problem is that they come at different times. Unless the patient has already had and is bringing up, with great difficulty, a child with one of these problems, who is going to die, they do not know that they are carrying a mutation.

So one reason for this amendment—I thought it would have been quite obvious—is that one of the big problems for families is that a large number of women are, in all good faith and as great parents and wonderful people, trying to bring up children with Down's syndrome, or with conditions that are far worse than Down's syndrome in their impact on the child, and they frankly cannot manage to bring up another child, and there is a risk of those children having even more difficulty in their upbringing, adding great damage to those families. That is partly the purpose of this amendment.

[Lord Winston]

I did not understand the interjection by the noble Lord, Lord Alton. He comes from Liverpool, where a large number of pregnant women do not present at an antenatal clinic until they are beyond 24 weeks. This happens in the East End of London as well. I remember that I was once called down to casualty to see a patient with abdominal pain. I went down there, and the casualty officer said, "I don't know what's wrong. She's got a large swelling in her abdomen and she's in abdominal pain". This 22 year-old was in the second stage of labour at 40 weeks of pregnancy, but she denied that she could be pregnant because, given the background she came from, she would not have undergone antenatal screening. Sadly, we do not live in a society that always has the same values that we have. Very often, women do not present at antenatal care for all sorts of reasons. One of the reasons for tabling this amendment is to protect those women.

The noble Lord has mentioned this before, but I am surprised that he raised the question of cleft palate, Down's syndrome and club foot. With all due respect, most of us would regard these as being relatively minor and certainly not, on the whole, life-threatening conditions. However, cleft palate can be; there is a mistake about understanding this. Very severe central line defects are incompatible with life and, in spite of surgical operations on the foetuses, many of these foetuses will die in utero with such serious defects, even though they are diagnosed as cleft palate.

I will tell the House of one patient I heard about from a colleague of mine at Imperial College only a couple of weeks ago. This woman has now reached just beyond the 24-week limit and there is a question whether the child has hydrocephalus. The woman does not want to terminate the pregnancy but dreads the thought that she is going to have a baby that might have the most serious cranial defects. The advice that we gave, after great difficulty and a lot of discussion, is to wait to see how the pregnancy develops, because some of these babies do not end up with severe deformity, while others have a monstrous head that cannot even be delivered through the birth canal. The solution is to do some kind of horrific delivery with an operation on the foetus at term—in a woman who is now anaesthetised—or to do a caesarean section. We have to understand that this is not a simple matter of just obstetrics and medicine solving everything.

One or two noble Lords talked about the word "probability". I would have thought it pretty obvious what that meant. We have a definition of the perinatal period, which is what I am referring to. That would normally be defined as the first month after birth, but if noble Lords feel that it should be the first week, which is why I did not define it, I would be happy to accept that in the amendment. That perhaps should be considered. But these things are defined: death before delivery is quite clear, death during delivery is quite clear and I would argue that death in the first stage of the perinatal period is also perfectly clear. I have no problem with any of the issues about it being shortly afterwards.

As for a serious abnormality, let us just look at the Abortion Act as it is written. As it stands, it is full of these rather gentle allusions and is very carefully worded. The noble Lord used the word "insensitive". I find that truly astonishing, because with the best of faith I do not feel that I am insensitive. I do a huge amount of outreach in schools. The noble Lord may not realise, but much of that outreach is in schools with children who are severely disabled. I go into those schools regularly because I feel so strongly about disability rights. I do not feel prepared to have the finger pointed at me saying that I am not trying to do my best, in a small way, for a society where disabilities occur.

Claus 1(1)(a) of the Abortion Act refers to the situation where,

"the pregnancy has not exceeded its twenty-fourth week and … the continuance of the pregnancy would involve risk, greater than if the pregnancy were terminated".

That is a judgment; it is not an absolute. We cannot say exactly what the risks might be. No doctor can say for certain that a termination of pregnancy will be safe. Terminations can occasionally result in the death of the individual, completely surprisingly. I have seen people haemorrhage profusely after termination, which is not always easy to recognise and document. One has to say that we make a judgment—that was my point about the ethical considerations in trying to do good rather than harm. I was hoping that that would be understood in this amendment.

However, I have listened carefully to your Lordships and do not want to prolong this debate any further. I am concerned of course about the women of Northern Ireland, who do not have equality with women in the rest of Britain. I feel that there is a question of discrimination, but for the moment I beg leave to withdraw the amendment.

Amendment 1 withdrawn.

Lord Taylor of Holbeach (Con): My Lords, it is the custom of the House on Fridays to finish at 3 pm and we are very nearly at that time. I do not think that we will do any debate justice by starting another amendment at this stage. I hope that noble Lords will understand if I now move that the House do now adjourn.

Consideration on Report adjourned.

House adjourned at 3 pm.