PARLIAMENTARY DEBATES
(HANSARD)

HOUSE OF LORDS
OFFICIAL REPORT

ORDER OF BUSINESS

Questions
Brexit: Crime Prevention .......................................................... 731
Brexit: Court of Justice of the European Union .......................... 733
Disabled People: Independent Living ...................................... 736
Child Support: Unpaid Maintenance ........................................ 738
Prescribed Persons (Reports on Disclosures of Information) Regulations 2017 .......................... 740
Deregulation Act 2015 and Small Business, Enterprise and Employment Act 2015 (Consequential Amendments) (Savings) Regulations 2017 ........................................ 746
Public Sector Apprenticeship Targets Regulations 2017 .......................... 751
Local Authorities (Public Health Functions and Entry to Premises by Local Healthwatch Representatives) (Amendment) Regulations 2017 ........................................ 761
European Organisation for Astronomical Research in the Southern Hemisphere (Immunities and Privileges) (Amendment) Order 2017 ........................................ 768
Electoral Registration Pilot Scheme (England) (Amendment) Order 2017 ........................................ 772
Electoral Registration Pilot Scheme (England and Wales) Order 2017 ........................................ 772
Electoral Registration Pilot Scheme (Scotland) Order 2017 ........................................ 772
Representation of the People (Scotland) (Amendment) Regulations 2017 ........................................ 773
West Midlands Combined Authority (Functions and Amendment) Order 2017 ........................................ 789
Motions to Approve
Brexit: Legislating for the United Kingdom’s Withdrawal from the European Union Statement ........................................ 800
Combined Authorities (Finance) Order 2017 Motion to Approve ........................................ 814
Role of the Lord Speaker Question for Short Debate .......................... 818

Grand Committee
Local Arts and Cultural Services ........................................ GC 49
Educational Attainment: Boys ........................................ GC 65
Organisation for Security and Co-operation in Europe ........................................ CG 81
Local Post Offices ........................................ GC 96
Alcohol Abuse ........................................ GC 110
Questions for Short Debate
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<th>Abbreviation</th>
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House of Lords

Thursday 30 March 2017

11 am

Prayers—read by the Lord Bishop of Winchester.

Brexit: Crime Prevention

Question

11.06 am

Asked by Lord Paddick

To ask Her Majesty’s Government whether they plan to continue sharing sensitive personal information with other European Union member states for the purposes of crime prevention and detection following the United Kingdom’s withdrawal from the European Union.

The Minister of State, Home Office (Baroness Williams of Trafford) (Con): My Lords, the Government are clear that our commitment to co-operation with European allies on security and law enforcement will be undiminished as a result of leaving the EU. The effective use of data to underpin that co-operation will be an important consideration as we look to establish a new relationship with the EU, but it is too early to say what the future arrangements might look like.

Lord Paddick (LD): My Lords, the issue of information exchange has taken on an added significance this week. I hope the House will forgive me but I take the avoidable death of one of my former police colleagues very seriously. Less than a week after four people died as a result of terrorism on our doorstep, does the Minister think that the implied threat made by the Prime Minister in her Article 50 letter—backed up yesterday by the Home Secretary—that the UK will withhold security co-operation with the EU if it does not get the trade deal that it wants, was insensitive, reckless, an empty threat, or all three?

Baroness Williams of Trafford: My Lords, I too pay tribute to the people who lost their lives last week and who still lie in hospital injured. However, I take exception to what the noble Lord says. The letter says that both sides would cope, but our co-operation would be weakened. We want and we believe that the EU wants, security to be part of the new partnership. That is why it will be part of the negotiation. That is the right way forward.

Lord Tebbit (Con): My Lords, does my noble friend realise that the appropriate reply to the noble Lord, Lord Kinnock, lies in The Gospel According to St Matthew, chapter 6, verse 21?

Baroness Williams of Trafford: Perhaps the right reverend Prelate would like to comment.

Baroness Jones of Moulsecoomb (GP): My Lords, perhaps I can bring us back to the Question. Will the Minister clarify whether, if sensitive information is going to be passed to the EU, that will exclude information that is held by the security services and by the police on environmental campaigners, journalists, photographers and even politicians who have committed no crime?

Baroness Williams of Trafford: The information that is shared is for the purposes of investigating crime, so someone who had not committed a crime would be unlikely to have their information shared with other countries.

Baroness Janke (LD): My Lords, what assessment have the Government made on the future role of the European Court of Justice for the future of joint working with the EU on security after Brexit?

Baroness Williams of Trafford: My Lords, we will not be bound by the European Court of Justice after we leave the EU; we will be bound by the UK court system.

Baroness Williams of Trafford (Con): Would it assist my noble friend in answering the noble Lord, Lord Paddick, if she explained to him that, far from withdrawing or departing from anything, we are arriving at and entering a global network of new technologies in which the methods of crime detection and prevention are likely to be very much expanded and improved?
Lord Blair of Boughton (CB): My Lords, does the Minister not agree with me that the best way of answering the Question asked by the noble Lord, Lord Paddick, is to ensure that the Government arrange with our European partners to deal with security issues first and foremost, separately from trade, to make sure there is no moment when we fall off a security cliff?

Baroness Williams of Trafford: The noble Lord is quite right in the sense that the Prime Minister put these aspects of the negotiation right at the forefront. I have been in debates in the last few weeks talking about this co-operation. The fact that we have been world leaders in those areas is so important as we go forward, but of course it is all part of a whole deal, bearing in mind the context in which we operate.

Lord Cormack (Con): My Lords, to reinforce what the noble Lord, Lord Blair, just said, would my noble friend agree that as we begin this long and difficult process, intemperate remarks are hardly helpful?

Baroness Williams of Trafford: It depends which intemperate remarks my noble friend is referring to, but yes, I think we all have to be very careful about what we say.

Lord West of Spithead (Lab): My Lords, I am afraid I disagree with my noble friend Lord Kinnock on the reading of this particular piece. For some seven decades now, the US and the UK have been the prime safety net for Europe in defence and security terms. We must not allow this very complex web of agreements and the noble Lord, Lord Blair, just said, to our European partners to deal with security issues first and foremost, separately from trade, to make sure there is no moment when we fall off a security cliff?

Baroness Williams of Trafford: I am very pleased that the noble Lord has put this in the broader context. He is absolutely right about our co-operation beyond the EU. The sharing of intelligence with the EU and international partners is far broader than simple measures within EU laws. He is right in that broader context.

Brexit: Court of Justice of the European Union

Question

11.14 am

Asked by Baroness Ludford

To ask Her Majesty’s Government what assessment they have made of the impact on the United Kingdom’s economic interests of the pledge to bring an end to the jurisdiction of the Court of Justice of the European Union in the United Kingdom.

Baroness Goldie (Con): My Lords, the Prime Minister has clearly set out the position that the jurisdiction of the CJEU in the UK will end. Work is under way to ensure that the impact of this across all the UK’s interests, including economic, are understood and factored into decision-making. After we leave the EU, our laws will be made and enforced in London, Edinburgh, Cardiff and Belfast, and they will be based on the specific interests and values of the UK.

Baroness Ludford (LD): My Lords, the Minister has just said. But there appears to have been a dose of cold reality, because yesterday’s Article 50 letter to President Tusk states that, in trading with the EU, UK companies, “will have to align with rules agreed by institutions of which we are no longer a part”. That means EU rules made by the EU institutions and enforced by the European Court of Justice. This will reassure many companies and universities, whose cross-border research partnerships, for instance, depend on the recognition of EU law. But how does it square with assertions that all laws will be made in the UK and that our courts will be the final decision-makers? Is it not true, is it? An exercise in deceit and smoke and mirrors is going on.

Baroness Goldie: The position is very clear. I am aware that the noble Baroness is something of a stranger to optimism, but it is very clear that we are able to leave the EU, we are able to leave the jurisdiction of the European Court of Justice and we are able to operate within the confines of our own legal systems—which are multiple in the United Kingdom and which, incidentally, enjoy a worldwide and global reputation, and quite rightly so. Of course we will look closely at the impact of ending CJEU jurisdiction, including working out what our future resolution mechanisms will look like—but it is quite wrong to suggest that there is no future outwith the European Court of Justice.

Lord Forsyth of Drumlean (Con): My Lords, does my noble friend not think that the Liberals are arguing that, in order for us to thrive economically, it is necessary for us to be subject to the jurisdiction of a foreign court? Is it not as absurd as trying to argue that in order to export things to the United States, the Supreme Court should have jurisdiction over the UK? Is it not high time that they got behind the Prime Minister in the interests of the country and stopped fighting battles they have already lost?

Baroness Goldie: I thank my noble friend for a predictably helpful and constructive intervention. I suspect that the answer to all his questions is yes.

Lord Wigley (PC): Is it not true, however, that if there are changes following rulings of the European Court of Justice, the UK will have the choice of either following those, albeit through our own mechanisms here at Westminster, or ignoring them, in which case there will be an economic price to pay?

Baroness Goldie: I thank the noble Lord for his substantive question, which goes to the heart of an important technical point. For as long as EU-derived law remains on the UK statute book, it will be essential that there is a common understanding of what that law means. I can reassure the noble Lord that, to maximise certainty, the great repeal Bill will provide
that any question as to the meaning of EU-derived law will be determined in the UK courts by reference to the CJEU's case law as it exists on the day we leave the EU.

Baroness Hayter of Kentish Town (Lab): Given Germany's demand for the acceptance of an ECJ role for access to the single market, will the Government rethink their blanket opposition to this, should that be the price of frictionless trade and a free trade agreement?

Baroness Goldie: As the noble Baroness will understand, I cannot pre-empt the detail of the negotiations. We all understand why these must be able to proceed in an arena of privacy and confidentiality. It is wrong to conflate two distinct issues: one is the current role of the European Court of Justice in the European Union; the other is how we approach the generation of economic growth with the global opportunities in the economy post Brexit. Clearly, there are huge opportunities, and we have set out our ambitions. The Prime Minister has been clear about her ambitions in negotiations to get a full free trade agreement—and that is a very positive aspiration.

Lord Faulks (Con): My Lords, does my noble friend agree that one thing is crystal clear: as a result of our no longer being subject to the CJEU, we will equally not be subject to the European Charter of Fundamental Rights—a document to which the party opposite said we were not bound? None the less, the ECJ took a different view, as a result of which there was a great deal of expensive litigation and confusion in the law. I hope my noble friend will confirm that that will be the end of that.

Baroness Goldie: I thank my noble friend for a very helpful observation. It is the case that one implication of leaving the EU is indeed that laws will be made and enforced not in Brussels but in Westminster, Edinburgh, Cardiff and Belfast. That will bring to our legal systems throughout the United Kingdom an overdue clarity—and also, if I may say so, a sense of sovereignty and of being in control of the laws that we make.

Baroness Goldie: Let me try to unpick some of the stitches in that closely woven interrogation. First of all, we all agree that the rule of law is important—there is no question about that. Respect for the rule of a law and a suitable judicial mechanism within any jurisdiction of any country is necessary to ensure that the rule of law can be interpreted and applied. I disagree with the noble Lord that in some way the CJEU and the principles of Roman law will be abruptly terminated when we leave the EU. I have made it quite clear that there is a recognition that EU law, which derives from many sources—indeed, my own Scottish legal system is derived largely from Roman law—will not stop being an important component of the body of UK law on leaving the EU. It is not that the jurisdictions of our courts are diminished; it is that we will be taking back control of law-making and law enforcement. That is a very important distinction.

Lord Richard: My Lords, whatever the Minister says about the jurisdiction of the European Court of Justice, will she re-emphasise the Government’s position that they do not intend to withdraw from the jurisdiction of the European Court of Human Rights?

Baroness Goldie: These are technical issues which of course will be reflected upon—that is absolutely clear. It is perfectly obvious to all that when you begin the mechanism of withdrawing from a very complex set of principles and jurisdictions in international law, questions will arise. But the Prime Minister has made it crystal clear that when we leave the EU, we will return sovereignty—including law-making and the enforcement of law—to the UK.

Baroness Thomas of Winchester (LD): I very much welcome that reply. The most important thing is that the infrastructure—such as enough care support and accessible transport—is got right around the country. Disabled people must have enough support. I wonder whether the Minister’s department will now agree to conduct a cumulative impact assessment on current government policies, which shows their effect on disabled people. The Equality and Human Rights Commission has offered its support and this should be taken up.
Lord Henley: My Lords, I am sure that I should necessarily want to do it in the manner suggested by the noble Baroness, but I assure her that we shall continue to examine the effectiveness of all our policies and of all the benefits that we administer on behalf of the Government. Only today, the second of two reviews conducted by Paul Gray into PIP has been published. We promised these statutory reviews as a result of legislation passed some years ago. The Government will respond to the second review in due course.

Baroness Masham of Ilton (CB): My Lords, I declare an interest as president of the Spinal Injuries Association. Is the Minister aware that we have many young people of working age who have broken their backs and necks and are paralysed and who need help to get in and out of bed and into their cars? They need expensive personal care so that they can get to work. If they do not get this, they cannot work.

Lord Henley: My Lords, the noble Baroness is right to draw attention to the problems of people with spinal injuries. The same is true for people with any of a host of other conditions, be they mental or physical. That is why we offer the help that we can and why we are committed to trying to reduce the employment gap between those who are disabled and those who are not by seeking greater working opportunities for those with health problems.

The Lord Bishop of St Albans: My Lords, the Motability scheme is a crucial element for getting people back into work, yet about 50,000 people have lost out on it. What is particularly worrying is that the vast majority of appeals are upheld, by which time those concerned have lost the vehicle and then have to get it again. It is costing a lot of time and money. Would Her Majesty’s Government consider having a scheme whereby people do not lose the vehicle until the end of the appeal process? This would make much more sense where the appeal is upheld.

Lord Henley: My Lords, I understand the problems to which the right reverend Prelate refers. The department is looking at these matters. My honourable friend the Minister for Disabled People, Health and Work is well aware of them. As the right reverend Prelate will know, schemes are available for one-off cash payments to help those who are losing their cars. We shall certainly look at speeding up the whole appeals process to make sure that the problems to which the right reverend Prelate referred do not get any worse.

Baroness Sherlock (Lab): My Lords, to pursue this a little further, I appreciate that the Minister may be thinking about this but the point made by the right reverend Prelate is that people cannot wait. Between October and December last year, 800 people a week were having to hand back their Motability cars because they did not have the money to pay for them any more as a result of PIP reassessment. The Motability website says clearly that you get only six weeks from that decision to hand back your car. Frankly, the DWP is a long way off speeding up assessment to the point where appeals are concluded within six weeks. Will the Minister please look at this a little more urgently?

Child Support: Unpaid Maintenance

11.28 am

Asked by Baroness Royall of Blaisdon

To ask Her Majesty’s Government what action they are taking to expedite the collection of over £3 billion in unpaid child maintenance which was ordered by the former Child Support Agency.

The Parliamentary Under-Secretary of State, Department for Work and Pensions (Lord Henley) (Con): My Lords, the main focus of the Department for Work and Pensions is to collect money owed that will benefit children today. It is well established that much of this old debt is uncollectable due to its age and the circumstances of these cases. The department is currently developing a new strategy for handling historic arrears accrued on Child Support Agency schemes. We will consult on the proposed approach before publishing the new strategy.

Baroness Royall of Blaisdon (Lab): My Lords, I simply do not think that is acceptable because, according to a withering NAO report, around £3 billion in child maintenance is likely to be uncollectable. The Government say that they are offering parents a fresh start by suggesting that they write off debts to which their children are legally entitled. These are some of the poorest children in society, suffering as a result of incompetence and cuts in enforcement work, so why do not the Government restore staffing levels, step up enforcement and ensure that the new Child Maintenance Service is obliged to collect outstanding debts?

Lord Henley: My Lords, I would be more than happy to accept the noble Baroness’s assessment that this is withering and the figures are astronomical if we were talking about figures that related to the children who are likely to benefit today. A lot of this £3.9 billion—sorry, £3.8 billion; there are different figures according to different things—goes back a very long way to the 1993 scheme. Some of it goes back before the reforms introduced in 2003 by the Government of whom the noble Baroness was a member, and some of it goes back before 2008. If the noble Baroness thinks about the number of years that have passed, she will realise that those children are now grown up and will not benefit from recovering that money. It is very sad that absent parents have behaved badly. The only people who have lost out—as the noble Baroness put it—are those children. However, we are concerned about the children of today and to make sure that matters operate properly now, and that the money owed by absent parents, where the department has a role in trying to enforce that, gets paid to the caring parent so...
Baroness Eaton (Con): My Lords, financial arrears are often symptomatic of an adversarial approach to collecting child maintenance. How is the new child maintenance system encouraging parents to set up family-based arrangements, and what success is it having?

Lord Henley: My Lords, I thank my noble friend for that question. I am not going to go into what we are doing about arrears. However, I shall talk about the 2012 scheme of child maintenance. By bringing in more simplified methods of calculation, we are helping parents to sort these matters out. We are also encouraging parents to sort these things out themselves without necessarily using the department. We are now at a stage where in nine out of 10 cases parents are paying towards the child maintenance that they owe, and paying the appropriate amount. Therefore, we are making progress but there are still some who are not doing what they can.

Lord Kirkwood of Kirkhope (LD): But is the Minister aware of the concern that the government arrangements to manage the outstanding £3 billion-worth of arrears are not yet clear? Arrears are still sitting in the CSA legacy schemes. They need to be sorted out because the biggest risk to the 2012 scheme is a botched job in closing the legacy CSA schemes.

Lord Henley: My Lords, as I said, this goes back a long way. It covers Conservative Governments, Labour Governments and the coalition Government. We have all tried to sort this out. I am afraid that a lot of this money is lost for ever. We are looking at a new arrears scheme and will consult on that to try to get what we can, but I am sure the House would agree that the first priority should be to get money that can still benefit the children of today rather than trying to get the money that was owed yesterday, or the money that is owed to the department. The bulk of the money is very historic.

Baroness Sherlock (Lab): My Lords, I am happy to take the Minister at his word. Let us look at today, but in doing so I declare an historic interest as a member of the board of CMEC before I came into the House. The Government are closing the CSA and if you have an active case on the CSA, instead of transferring it to the new system, it is shut down and you are invited to apply to the new system. The Government estimated that two-thirds of parents would apply to the new system. The Government estimated that two-thirds of parents would apply to the new system. The NAO has found that only one in five is doing so. The Government have said that most of the rest would make private, family-based arrangements. More than half of families have no arrangement at all in place. This matters because it is not just important for tackling child poverty: a decent child support system sends out a message to the world at large that you might divorce your spouse or separate from your partner but you do not stop being responsible for your kids. Will the Government sort this out?

Lord Henley: My Lords, I agree with the noble Baroness’s last sentence: the important thing is that the children of today benefit. That is why I cited the figures earlier. We are now at a stage where in nearly nine out of 10 cases parents pay towards the child maintenance they owe. When we are dealing with historic debt, I am sure the noble Baroness will agree that the right thing to do is to pursue that debt that is likely to benefit the children of today rather than those of before. I think that we were also right to seek reforms to the Child Support Agency, which the noble Baroness’s party tried to do in 2003 and 2008. That is why we brought in CMS. CMS allows us to provide assistance to parents on some occasions, but on many occasions it allows many others to manage these things for themselves without the interference of the Government. The noble Baroness thinks I have not answered sufficiently, but this is why I started off with the fact that most people are making payments.

Prescribed Persons (Reports on Disclosures of Information) Regulations 2017

Motion to Approve

11.36 am

Moved by Baroness Buscombe

That the draft Regulations laid before the House on 20 February be approved.

Baroness Buscombe (Con): My Lords, there is currently no legal obligation within the whistleblowing framework for prescribed persons to investigate a disclosure made to them. The call for evidence in 2013 identified that whistleblowers did not have the confidence that their reports of wrongdoing were being investigated. The Employment Rights Act 1996, as amended by the Public Interest Disclosure Act 1998 and subsequently, provides employment protection for workers who have blown the whistle. It protects them from detriment if they have made a “protected disclosure” when they reasonably believe the disclosure tends to show wrongdoing and is in the public interest. The legislation is intended to build openness and trust in workplaces by ensuring that workers who hold their employers to account are treated fairly. Individuals should be able to report malpractice without fear of reprisal and employers should be prepared to work with them to resolve any concerns that may arise, particularly by means of effective internal procedures.

To ensure that a worker’s employment rights are protected, they must make their disclosure either to their employer or to the relevant “prescribed person” as set out in the prescribed persons order, or others, such as a Minister of the Crown or the media. Disclosures can also be made to a legal adviser. If a worker decides to blow the whistle to a prescribed person rather than to their employer, they must choose the person or body from the prescribed person list whose remit is relevant to the wrongdoing that they are disclosing. We have kept the prescribed persons list up to date with annual reviews. This will ensure that workers who are not able to go to their employers to report wrongdoing can generally find the relevant responsible body on the prescribed persons list.

that the appropriate children benefit. I am terribly sorry but a lot of that £3.9 billion is in effect lost, as the noble Baroness said, to those children who are no longer children now.
There is also comprehensive guidance to assist employers and prescribed persons in handling disclosures, including guidance for employers on creating a whistleblowing policy and a code of practice. The Government are updating the guidance for prescribed persons and will publish an updated version online by 1 April. Workers also have clear information and guidance available on who they can report wrongdoing to and guidance on how whistleblowing works in practice. This will assist workers and give them the confidence—this is the most important thing about these regulations—to come forward with genuine disclosures.

In response to the concerns raised following the call for evidence in 2013, the Government sought a way to increase confidence that disclosures from workers were indeed investigated and followed through. They sought to increase transparency in the system, which might identify which prescribed persons are not as effectively discharging their responsibilities, while respecting the importance of treating disclosures in confidence. The Government introduced a power in the Small Business, Enterprise and Employment Act 2015 to enable the Secretary of State to make regulations to require certain prescribed persons to report annually on whistleblowing disclosures. The regulations before us today are laid under that power. This approach aims to increase confidence in the actions taken by prescribed persons through greater transparency about how disclosures are handled. In turn, that will also improve consistency across different bodies in the way they respond to disclosures.

I turn now to the detail of the regulations. They require most prescribed persons to report annually on a number of details. First, a prescribed person will need to report on the number of concerns that have been raised with that body in a 12-month period which it reasonably believes are qualifying disclosures. Secondly, from those disclosures they will need to report on the numbers in which a decision to take further action was made. They will also need to provide general commentary on the action taken in response to whistleblowing disclosures and how the information from whistleblowers has impacted on the prescribed body’s activity in its relevant sector.

The regulations require prescribed persons to publish their reports online so that they are available to all or, if not online, in another place which will bring them to the public’s attention. We intend to have their reports collated and to lay them before the House. To minimise the burden on prescribed persons, the reports are not required to be separate documents. For example, they may be included in a wider annual report that a body already publishes routinely. The new measures will require prescribed persons to reflect upon what they do with whistleblowing disclosures. We envisage that this in turn will encourage greater focus on the positive impact of whistleblowing in their respective sectors.

The regulations do not apply to Members of the other House. Although they are prescribed persons so that constituents can contact them about wrongdoings at work without affecting their employment protection, they are not in quite the same position as bodies with a regulatory responsibility in relation to a particular sector or type of wrongdoing. Likewise, the regulations do not apply to Ministers of the Crown.

In conclusion, in recent years the Government have undertaken significant reforms to the whistleblowing framework, working to improve the environment for whistleblowers. This includes improved guidance for individuals, employers and prescribed persons on how whistleblowing works in practice, including a non-statutory code of practice, which we will review this year; bringing the prescribed persons list up to date, including designating MPs as prescribed persons; and delivering on the commitment to review the list annually. These regulations are an important step to ensure that workers have the confidence to report any wrongdoing and ensure greater transparency in the way disclosures are handled and taken forward. I commend the regulations to the House.

Lord Stevenson of Balmacara (Lab): My Lords, I am very grateful to the Minister for appearing so fresh and alert at the Dispatch Box. She certainly has the upper hand on me, given that we finished near midnight last night and we were in the same positions across the Dispatch Box. The rest of you were all sleeping soundly in your beds, but we were doing the best we could, and here we are again.

We absolutely support the regulations before us today. They come from a Bill that I was involved in and we are aware of the background, which the noble Baroness has very helpfully outlined. We want to give the regulations our full support.

I have two very small points and one slightly larger one to raise with her. I do not necessarily expect an answer today, but perhaps the noble Baroness could write to me, if she wishes. Your Lordships will be aware that I have a long-standing issue with the Government—with all Governments, in fact—for not adhering to the good practice, which I thought had support on all sides of the House, of bringing new regulations forward on set days in the year, even though they may not have a major impact, so that businesses and other persons affected by them can be aware of the fact that there will be a change. These dates are 6 April and 1 October, and they are broadly adhered to now by the Department for Business, which is good. However, I see that this one from the department with responsibility for employment is coming in on 1 April, and I think that it would not have been very difficult to defer it to 6 April. I suggest that, in future, they might think about this. Common commencement dates are important to those who have to respond to SI s. It is therefore important that we try to have a unilateral practice across government.

11.45 am

As for the substance of these regulations, what they do—which is terrific—is address the problem of a lack of consistency in approach and how communications from prescribed persons are circulated. What the noble Baroness said in this area is very good. However, there is one issue that would help us understand a bit more about this.

The Explanatory Memorandum helpfully reviews the consultation that was run by the Government from 1 August to 30 September 2014, and broadly this
is very supportive of the proposals here, which is a good thing. However, the Explanatory Memorandum states that, “respondents … challenged the government to ensure that reporting requirements struck a balance between transparency and confidentiality, including protecting the identities of both the worker and employer.”

I looked in the text of the statutory instrument for an expression of how that was to be brought forward in the regulations but I cannot find it. It may be that it is going to be in the memorandum or notes of guidance that will issued separately, in which case that is something we can deal with by correspondence. The only reference to this is in Regulation 5 of the SI, entitled “Content of report”. It simply says: “The report must contain, without including any information in the report that would identify a worker who has made a disclosure of information, or an employer or other person in respect of whom a disclosure of information has been made”, followed by the details of what it is. I do not think that quite takes the point that was raised in the consultation process about needing to be much surer that the requirements strike that balance. As I say, if the answer is that there will be details put forward in future in guidance, then obviously that can be done at a later date.

I am not a lawyer and maybe it needs a lawyer’s brain to explain my third and final point which is that the formulation of the “Extent and Territorial Applications” in this particular SI is unusual in the sense that the extent of the instrument is Great Britain and the territorial application of the instrument is Great Britain. That means, of course, Scotland, England and Wales but not Northern Ireland. Can I have an assurance from the Minister on the question of how this important issue is to be taken forward in Northern Ireland? It seems to be left uncovered by the statutory instrument. I assume that other arrangements, perhaps by the Assembly when it gets going again, will be carried forward but I would be grateful for some information on how that is going to happen. Whistleblowing is an important area. It should apply to all parts of the United Kingdom. In fact, there may be reasons why it is even more important in Northern Ireland. I look forward to hearing from the Minister on that point.

Lord Palmer of Childs Hill (LD): My Lords, I thank the Minister for her detailed explanation. I am slightly fresher because I did not have a late-night assignment in this House last night and I want to try to clear up some confusion in some of the points that she made.

The Minister talked about annual reviews of the list of prescribed persons. As far as I can see, and this is reiterated within the statutory instrument that we are debating today, she was referring to the 111 prescribed persons listed in the Public Interest Disclosure (Prescribed Persons) Order 2014. That does not really tie up with the idea of an annual review, so I find that confusing. Can the Minister also explain how consistency will be maintained, assuming there are still over 100 organisations? It would be so much easier for anyone looking at this to have those 100 or so organisations actually listed in the statutory instrument rather than people having to look back to other legislation for them. As the noble Lord has just said, we are not all lawyers and it should be on the face of the statutory instrument. I find it very sad that it is not. Can the Minister say whether there is going to be any government action to compare these various bodies and how they report? For someone who is a professional it is a fact of life that whatever the regulations say, if you have numerous organisations, they will have different attitudes to how they report.

I also understand that the annual reports will not require the disclosure of any information which could identify the worker who made the disclosure—that is absolutely right. However, I query, and ask the Government to reconsider, that the same anonymity applies to the employer about whom the disclosure is made if it is then found that further action was taken. I can see that there should be anonymity for both employer and employee if there is no further action, but if the employer is found guilty—to use the word in its general sense—why should that person or organisation not be named? I hope that the Minister will be able to answer my queries.

Baroness Buscombe: My Lords, I am rather glad that the noble Lord, Lord Stevenson, referenced our late hour last night, because I am not sure that I will be able to answer all the questions that have been put to me this morning. However, I will do my best to answer at least some of them.

First, on the question about 1 April, the reason for that date is the timing of the reporting period, which is 1 April to 31 March each year. The regulations do not impact on prior business, and prescribed persons whom it impacts on have been advised. I hope that that makes sense.

On Northern Ireland, bodies operating in devolved fields that are prescribed persons for the purposes of Great Britain employment law are included in the reporting duty and will be required to publish reports on their own websites. This does not affect their existing lines of accountability. I can confirm that employment law is devolved in Northern Ireland.

In response to the noble Lord, Lord Palmer, perhaps I will come back to anonymity across the board in a moment. Sorry, I am advised that it is probably better if I write to the noble Lord, Lord Palmer, with respect to whether there is anonymity for the employer if guilty.

It might be helpful, with respect to both noble Lords, if I made some reference to the question of blacklisting, which is important to this. It is important that we address the issue of whistleblowers becoming blacklisted as a result of making disclosures. The Government have taken action to deal with serious offences of blacklisting relating to trade union activity that were uncovered in the past. Among the actions taken, the Government have increased the penalty that the Information Commissioner’s Office can impose for serious breaches of the Data Protection Act 1998 to £500,000. Data protection law is undergoing reform as a result of the general data protection regulation, which takes effect from 25 May 2018. The ICO’s fining powers will substantially increase as a result.

We are also bringing forward regulations in the health service to introduce protections for job applicants who have been whistleblowers, and there is a similar...
[Baroness Buscombe]

power in the Children and Social Work Bill for the field of children's social care. We think it is right that those who work with vulnerable people need to be able to report concerns about vulnerable people's responsibility— I think that all noble Lords in this House will know of people who have experienced exactly the situation we are determined to deal with. Importantly, if they make a protected disclosure, they should be protected themselves from being blacklisted and unable to find a new role.

We have seen limited evidence that this is a problem with regard to not protecting whistleblowers and blacklisting in other sectors of the economy. Much of the anecdotal evidence has been concentrated in one or two fields where there is legislation in progress. Any new regulation would have an impact on employers, so we need to take care that it is appropriate and proportionate to the aim that it seeks to achieve.

The Information Commissioner intends to undertake a call for evidence later this year to help develop her understanding of the underlying issues, building on the ICO's own observations from its investigations of blacklisting complaints. I could go on, but with regard to whether the Government will introduce a new criminal sanction in employment law for the blacklisting of job applicants, most employment law is enforced through civil sanctions. However, if the ICO finds a breach, it can also issue an enforcement or information notice and non-compliance with an ICO enforcement or information notice, where this is in place, is a criminal offence.

I am conscious that I have not been able to answer all the questions. I hope noble Lords will accept that I will write to them on any other points. In recent years the Government have undertaken significant reforms to the whistleblowing framework, working to improve the environment for whistleblowers. I know that noble Lords have paid close attention to these developments, but it is important that we seek to achieve here.

The duty will increase confidence in the actions taken by prescribed persons through greater transparency about how disclosures are handled—of course, the balance between transparency and anonymity is a very difficult one to strike. The measure is also intended to drive up consistency in the way prescribed persons handle whistleblowing disclosures. By making a public interest disclosure to a prescribed person, a worker will qualify for protection from detriment or dismissal from work if the individual reasonably believes that the information disclosed is substantially true and that the matter falls within the remit of the prescribed person's responsibility.

Once prospective whistleblowers are able to see that action has been taken as a result of previous disclosures to prescribed persons, I hope—and I am sure all noble Lords will too—that more employees who have witnessed malpractice at work will have the confidence to come forward and report it to the relevant authorities. I commend these regulations to the House.

Motion agreed.
measures to increase the use of electronic communication and websites; and, fifthly, the removal of a requirement to formally file claims for small debts.

With regard to changing the way in which decisions are made, in the past, to begin some insolvency proceedings and make decisions in all insolvency proceedings the officeholder was required to call a physical meeting of the creditors of the insolvent person. Feedback from stakeholders was that this process was more expensive and cumbersome than was really necessary. In response to that feedback, changes have been made to the way in which officeholders will engage with and seek decisions from creditors. Physical meetings will no longer be the default mechanism for making decisions in insolvency proceedings. In fact, an officeholder will not be allowed to hold a physical meeting unless 10% in value of the creditors, 10% of the creditors in number or 10 individual creditors request that a meeting is held. This puts control back into the hands of creditors, and it is anticipated that this move alone will result in savings of more than £6 million per year. In many cases, an officeholder will be able to use a process of “deemed consent”, where they write to creditors with a proposal and, provided they do not receive objections from more than 10% in value of creditors, the proposal will be deemed to have been approved. Alternatively, officeholders can use an online virtual meeting, a telephone meeting or an electronic voting system, or seek decisions by way of correspondence.

With regard to the abolition of final meetings, currently an officeholder must hold a face-to-face meeting with creditors in order to lay his or her final report on the outcome of the case. These meetings were in fact rarely attended by creditors. Going forward, the officeholder will simply send a final account of the case to creditors, but this will not reduce the creditors’ rights to challenge any actions of the officeholder.

With regard to opting out of correspondence, previously in insolvency proceedings the officeholder was required to send all notices, all reports and all other documents and communications required by legislation to all known creditors, even where a creditor wants to put all future communications with creditors on a website. This considerably restricts the use of technology. The requirement for a court order has therefore been removed.

With regard to no need to formally file claims for small debts, where a creditor is owed up to £1,000, new provisions will allow an officeholder to rely on information contained in a company’s or bankrupt’s records and to pay a dividend without the need for the creditor to submit a formal claim.

It is fair to say that as business practice has developed, particularly through new technologies, corresponding changes to insolvency law have been slow to follow. Users have not always been able to take advantage of the quickest, most cost-effective or most convenient methods of engaging with the insolvency process. The changes coming into force on 6 April modernise the insolvency process by encouraging the use of electronic communication and decision-making processes fit for the 21st century. These changes will increase creditor engagement through more convenient methods of interaction, as well as reducing the costs of seeking decisions. In particular, amendments enabling modern methods of communication and decision-making to be used in place of paper communications and physical meetings will be introduced. This will increase creditors’ engagement in insolvency cases by encouraging the use of decision-making processes fit for the 21st century.

The insolvency reforms have been informed by extensive consultation and engagement with a range of parties affected by insolvency, including the insolvency profession, creditor representatives, insolvency regulators and public bodies. I hope that gives a full explanation of these regulations and I commend them to the House. I beg to move.

Lord Palmer of Childs Hill (LD): My Lords, I thank the Minister very much for that detailed explanation. I welcome the streamlining and digitising of the system, which is well overdue.

I raise two points, which I hope the Minister can answer. On the European Convention on Human Rights, the Minister for Small Business says: “In my view, the provisions of the”, various regulations, “are compatible with the Convention rights”. Can the Minister be a little more definite on what legal opinions the Government have taken on these regulations post-Brexit, which is around the corner? The Minister for Small Business just gives her view rather than the legal view, which the House is entitled to hear.

The other points I take up with the Minister are the non-requirement of creditors meetings and the streamlining of methods. That is absolutely ideal and it is the way to reduce the costs, but there is no mention in this legislation or the Minister’s introduction of the statutory instrument of the not insubstantial insolvency fees coming out of the carcass of an insolvency. I am a registered chartered accountant, though I have never been an insolvency practitioner, but I have seen, sadly, many of my clients being subject to bankruptcy and insolvency. The one thing that I have always
thought a little worrying was that the insolvency practitioners’ fees—with all insolvency practitioners—come out of the carcass of that insolvency before anybody else gets a dip into it. By streamlining it in the way we have, I wonder whether the Minister and the Government’s civil servants have looked at the attitude of creditors to the size of and, sometimes, lack of change in the level of insolvency fees. It tends to happen in smaller bankruptcies that, after the insolvency practitioner has charged their fees—at a not insubstantial hourly rate, particularly in London—there is not much left.

Lord Stevenson of Balmacara (Lab): My Lords, I too thank the Minister for her very full introduction to this. I was involved in the passage of the Deregulation Bill 2015 and the Small Business, Enterprise and Employment Bill 2015, so I have some background and previous on this. I do not think the noble Lord, Lord Palmer, was involved, but he might be advised to read Hansard for both those Bills because extensive discussion of the points he raised took place on the primary legislation. It is not irrelevant for him to be referred to that because a number of very important points were made along the lines of the ones he made. Good responses were given by the Government about these points, which I recommend to him.

There was one point in what the noble Lord said that would be useful to put on the record again. A lot of the Minister’s statement was concerned with making the case that these changes, which are in practice quite narrow, will make a huge difference to the insolvency arrangements. At the end of my remarks I will come to a couple of points on the broader picture here.

In truth, the main debates we had on the Bills that led to this statutory instrument were concerned with making the case that these changes, which are in practice quite narrow, will make a huge difference to the insolvency arrangements. At the end of my remarks I will come to a couple of points on the broader picture here.

Ultimately, the proposal was to abolish the meeting of creditors, at which some exercise by creditors could be played out in full. The point was made by so many people around the business and many insolvency practitioners that the creditors’ meeting was really the meat of any insolvency. I am sure that the noble Lord, Lord Palmer, would say the same, even though he is not a direct practitioner: it is only when you get the creditors around the table with the IP person that you get the chance to work out exactly what will come and how much will be paid to each of them.

There was also an assumption behind the Bill that was not borne out in practice, which is that all creditors are equal, that somehow the decisions would always be accepted by a group of creditors if they were brought together and that that could therefore be replicated in a virtual space. That is not the case. In most small business insolvencies there is usually a major creditor—usually a bank—that is completely intransigent. The problem is not one of trying to resolve how much is divvied up between them, but trying to get the bank to agree to terms that do not freeze out the smaller creditors, many of whose businesses will suffer if they cannot get the proceeds from the insolvency.

The compromise position that we came up with of a rule of 10 was that you could have a meeting if it was 10% by value of the creditors, 10% of the number of creditors or 10 creditors. It was an uncomfortable compromise. I am sure that the Box would agree that we did not find a very good position on this, but it was the best way of trying to balance those competing issues that I have identified. The overbearing behaviour of the single big creditor, the difficulty of trying to reach out to the smaller creditors and the position of the insolvency practitioner as the person who ran this all play against the creditors being in control. We should not underplay that point.

It is true that the new technologies will help. The noble Baroness did not mention the change in the language, but it is quite striking in these regulations, with a move away from “meetings must be held” to “processes may be carried out”—from the negative, “You are in problems if you do not do it this way”, to the permissive, “If you do it this way, there is a recognition of how it will happen”. That will prove more beneficial in the long run than much of what we have been talking about. Nevertheless, we broadly support what has happened. These are the natural consequences of the discussions held during the passage of the Small Business, Enterprise and Employment Bill and the Deregulation Bill. They are appropriate and I am extremely grateful to see that they will be brought in on 6 April.

12.15 pm

Baroness Buscombe: I thank both noble Lords for their contribution to this debate. To respond first to the noble Lord, Lord Palmer, on his question of whether legal advice is obtained by the Government before making the ECHR statement, the answer is very much yes. Ministers are advised by government legal advisers before expressing such a view. Further than that, or on what happens post-Brexit, I would not like to comment.

My experience of insolvency goes right back to the Insolvency Act 2000, when I was in the same position as the noble Lord, Lord Stevenson of Balmacara, is now. The language of regulations and primary legislation in those days was very different but ever since then I have been able to understand where the noble Lord, Lord Palmer, is coming from with regard to the not insubstantial fees of the insolvency process. The question, of course, is what the Government are doing, if they can do anything, to interfere in the marketplace with regard to who charges what fees. In October 2015, the Government introduced the need for officeholders to provide a fees estimate, which creditors are asked to agree. These rules will be reviewed and possibly revised, depending on how effective they are proving. I hope that is helpful. I absolutely understand why the question was asked.

I thank the noble Lord, Lord Stevenson, for helpfully expanding on where we have come from in terms of the rule of 10, as, yes, on the face of it, these appear quite narrow changes. It was also helpful of him to
suggest to the noble Lord, Lord Palmer, that on the question of expenses and so on, we should look back in Hansard to when these issues were discussed in much more detail then they can be in relation to the regulations before us.

The proposal to abolish meetings of creditors is important. It struck me when I first looked at it because the noble Lord suggested, of course some people want to be at the insolvency meeting to put forward their case, particularly the smaller creditors involved. I am advised that research shows that physical meetings are very poorly attended by creditors and, as a result, are not an effective means of engaging with them. They do not reflect modern methods of communication that are available and could be used to seek decisions from creditors. There are better ways of seeking a view, such as using video or telephone conferencing or online voting methods, and officeholders are now being given the flexibility to identify and use the most appropriate of these. We very much hope that these new provisions will give more scope for creditors to actively participate in making case-related decisions.

I am reminded of a debate on a recent order before your Lordships’ House, when the noble Lord, Lord Mendelsohn, talked about the need to find more savings in regard to the cost to business. We estimate that this will be a £22 million saving, which is one small contribution to that difficult process. There is always the possibility of unintended consequences when trying to make things more streamlined, effective, efficient or 21st century—whatever that can mean. We have to be very careful that we do not compromise people such as the small creditor who is having to push his or her weight against the larger creditor, who can take his or her place more aggressively—if I may use that term.

I am glad that the noble Lord, Lord Stevenson, referenced the change of language. I agree that it really does help. It is important that we think about language when drafting legislation in areas such as this—the change from “must” to “may” is a good move in that sense.

I thank noble Lords for their consideration of the regulations and their valuable contributions to the debate. I hope we can agree that these regulations will bring important benefits from updating the legislation to ensure that it is efficient and effective, delivering the best returns possible for those affected by insolvency. I commend these regulations to the House.

Motion agreed.

Public Sector Apprenticeship Targets
Regulations 2017
Motion to Approve

12.19 pm

Moved by Viscount Younger of Leckie

That the draft Regulations laid before the House on 6 March be approved.

Viscount Younger of Leckie (Con): My Lords, these regulations are the first use of the power under Sections A9 and A10 of the Apprenticeships, Skills, Children and Learning Act 2009 which enables the setting of apprenticeship targets for prescribed public bodies. There is a fair amount of ground to cover so I hope the House will forgive me if my remarks take slightly longer than usual.

I will start by setting out what we are trying to achieve, the scale of our ambition and how these regulations enable that to be met. The public sector comprises bodies ranging from large government departments, such as the Department for Work and Pensions, to more independent institutions such as local NHS trusts. With 4.2 million people working in the public sector, in professions stretching from front-line nursing to local council administration, it is vital that all those employed have the skills they need to succeed.

Apprenticeships are the cornerstone of our skills strategy and across the country employers are hiring apprentices as part of the workforces of the future. Therefore, to encourage public sector bodies to incorporate apprentices into their own workforce planning, these regulations set an apprenticeship target for prescribed public bodies. The apprenticeship target is for the number of apprentices who start working for the public body over the target period to be equal to 2.3% of the public body’s headcount in England. The target period is from 1 April 2017 to 31 March 2021.

I do not intend to go into the formula used to set the target at 2.3% of a public body’s headcount but I will say that this figure reflects the public sector’s proportional share of our broader target to achieve 3 million apprenticeships starts by 2020. Across the public sector, 2.3% means a goal of more than 80,000 new, employer-led, quality apprenticeships in each year the target is in effect, with the positive impact felt by everyone from police forces to schools to government agencies, and the public benefiting throughout from the delivery of world-class public services.

To realise this, the regulations prescribe the public bodies in scope of the target, how public bodies can calculate their progress towards meeting the 2.3% target, and the information they must publish and send to the Secretary of State. The regulations enable the Government to effectively set and monitor this target, and they will be supported by statutory guidance, assisting public sector bodies to understand how they can best have regard to the target.

I will now focus on quality and benefit. Historically, the public sector has employed far fewer apprentices than the private sector and that is why it is necessary to establish the target, to ensure that all parts of the economy are able to benefit from a skills revolution. Through these regulations we are creating more opportunities for people to earn as they learn in an apprenticeship.

Quality remains at the core of the Government’s apprenticeship reforms. New, employer-led standards will ensure that each apprentice will be fully competent in their profession, and the Institute for Apprenticeships, which is coming on stream on 1 April 2017, will oversee the quality of apprenticeship standards and assessment plans. We have also legislated to protect the term “apprenticeship” by creating an offence for a person to provide or offer a course or training as an apprenticeship in England if it is not a statutory
apprenticeship. This is crucial as we must uphold quality in order that the strong benefits of apprenticeships may continue.

Employing apprentices makes sense for everyone involved. It makes economic sense and delivers a high return on investment, with research indicating that adult apprenticeships at level 3 bring £28 of economic benefits respectively for each pound of government investment. Employers benefit, too. In a 2015 survey 87% of employers said they were satisfied with their apprenticeship programme. That is the latest survey that we have.

Finally, the financial benefits to apprentices themselves are immediately apparent. Apprenticeships boost current earnings by 11% and 16% for levels 2 and 3 apprenticeships respectively.

Although we are not intending to set sub-targets for individual groups, we remain committed to improving access to apprenticeships for all, including those from BAME backgrounds, those with learning difficulties or disabilities, care leavers, and those from deprived areas. We are taking a range of actions to make apprenticeships more accessible, including implementing the recommendations of the Maynard taskforce for people with learning difficulties or disabilities, and establishing the Apprenticeships Diversity Champions Network.

We are also investing over £60 million in supporting apprentices from deprived areas. As a priority, we are establishing parity of esteem to ensure that doing an apprenticeship is no longer seen as a secondary choice to the academic route. This is particularly important as we ensure that apprenticeships are valued by all and remain opportunities open to all. Apprentices no longer fit the image of old; now they work in all sectors from education to planning and administration, at all levels from first job even up to management level, and they are from all backgrounds.

During the passage of the Enterprise Act 2016, which inserted this provision into the Apprenticeships, Skills, Children and Learning Act 2009, this House debated and voted on provisions enabling the Government to set apprenticeship targets for prescribed public bodies. At that time there was cross-party support for what was rightly recognised as an opportunity to improve public services and provide more opportunities for people of all backgrounds.

We consulted extensively on the proposed bodies and scope and the calculation of the target, and heard from a wide range of 180 public bodies and representative groups of different sectors. The majority of respondents felt it vital that the public sector engaged with our reforms and that public sector bodies also benefited from the growing apprenticeship movement, with one trade union commenting that they, “welcome the extension of good quality apprenticeships”.

We also listened to concerns raised. For example, some respondents were critical of the target being assessed on an annual basis. As such, while still continuing to monitor public bodies’ progress in annual returns, for grouped bodies the target is calculated as an average over the target period. For all other public bodies, the target is calculated with respect to only those years in which the public body has 250 or more employees.

This will enable organisations to plan their training and recruitment of apprentices to meet their workforce needs, and for government to monitor and support public bodies where needed.

Following consultation, we will also allow local authorities to separate the headcount of those bodies where they employ staff but do not direct the workforce planning—including schools and emergency services—in their information returns. We have also responded to those who were concerned about how the target may impact them given their high proportion of part-time workers. We suggest that these bodies can, should they choose to, use their full-time equivalent number in parallel under their obligation to report on headcount, in order to explain any underachievement of the target as necessary.

I will move on to reporting requirements. In order to promote transparency, public bodies will be required to publish and/or provide information relating to their progress. They must do this in the six months following 31 March, in each year of the target period in which the body is in scope. There are two parts to this requirement. First, to make it clear which bodies are leading in their investment in apprenticeships, public bodies must publish and send information about their progress towards the target. This includes how many apprentices they employ as a percentage of their total headcount.

Secondly, public bodies will have to send an “apprenticeship activity return” to the department, detailing the actions they have taken to have regard to the target, why they may not have met the target, and their intended future actions to do so. This information does not have to be made available publicly but will instead be used by government to determine which bodies have had regard to the target before offering suitable support and guidance thereafter. To be clear, we do not intend to use a heavy hand in our approach to public bodies in this respect but rather consider the details that they have provided in the return, before assessing whether they have had regard, or enough regard, to the target.

We do not wish to overburden the public sector unnecessarily and we remain aware of the challenges faced by different bodies. That is why the Department for Education is liaising with the Department for Communities and Local Government, the Department for Health, the Home Office and other departments across Whitehall to support them in delivering apprenticeships throughout their own wider public sectors. Departments will also work with public bodies to develop new, employer-led apprenticeship standards and increase the number of quality apprenticeships, thereby directly improving services delivered to the public.

12.30 pm

Let me take this opportunity to highlight the progress we have already made across government to ensure that there are opportunities for apprentices to develop their careers throughout the public sector. Four main areas of the public sector will deliver a majority of apprentices towards the target: the NHS, schools, local government and the emergency services. I will now set out what we are doing to ensure not only that
they can have regard to the target but that they can employ apprentices most effectively to deliver the services that people need.

First, we estimate that there will be 100,000 new apprentice starts in our National Health Service over the course of this Parliament, and the Department for Health and its partners are working proactively to make this a reality. With all NHS trusts included within scope of the target, there is a real opportunity to ensure access to high-quality careers in the health sector nationwide, building from a strong start which saw 20,000 apprentices employed in the NHS in 2015-16.

The Department for Health and Health Education England have worked closely with Skills for Health and the National Skills Academy for Health to develop guidance for employers to support them in creating quality apprenticeships in the NHS. In addition, Health Education England is taking the lead in bringing trailblazing employers together in order to develop suitable standards. To date, they have focused on creating a pathway of apprentice standards in nursing, starting with level 2 healthcare support worker and leading to level 6 nursing degree apprenticeship.

Secondly, on schools, we recognise the importance of ensuring that apprentices in the educational sector are employed in the school setting. Not only will this help build skills and deliver more for local parents and students, but it will ensure that young people are exposed to apprentices working around them, allowing them to more easily recognise the value of the apprenticeship route. In order to support schools to practise what they preach in employing apprentices, the Department for Education and the Department for Communities and Local Government have been working closely to prepare schools for this Government’s apprenticeship reforms, including both the apprenticeship target and the apprenticeship levy. For example, the Department for Education has previously carried out mapping work to establish what wider existing apprenticeship standards could be utilised by schools. It has since published this as part of a guide to the new apprenticeship system, which outlines how different types of schools can be part of these apprenticeship reforms and, where relevant, how they should look to work with their local authority to maximise their impact. On standards, an apprenticeship option for teaching assistants has been available for a number of years, and a new standard is currently being consulted on. The Department for Education is also supporting a number of other trailblazer groups, which are developing apprenticeship opportunities in schools, including an apprenticeship standard for teaching.

Thirdly, the local government sector will be the largest contributor to the public sector apprenticeship target, aiming for more than 30,000 new apprenticeship starts each year. This means that councils across England are being set an ambitious collective target to deliver more than 120,000 apprentices over the period the target is in effect, ensuring that this policy will have a truly national impact. Some councils have already made great progress in incorporating apprentices into their workforces, and with all but the smallest councils being in scope of the target, there is a great opportunity for them to learn from each other. The Department for Communities and Local Government has been actively working with the Local Government Association and other stakeholders on a range of awareness-raising activity. This activity has already reached hundreds of councils, and DCLG will continue to work closely with the LGA to identify suitable standards to meet the skills gaps of the sector. This includes consideration of standards in social care, regulatory services and planning functions.

Fourthly, our emergency services—so important, as we know from the awful events of last week—will also be utilising the opportunity that this target presents to build the skills that they need as first responders to keep our neighbourhoods safe. The target will aim for 5,000 police and 1,000 fire and rescue apprentices starts per annum, with all police forces and all but two fire and rescue services, in scope.

To achieve this, the Home Office has been working closely with stakeholders across government and front-line bodies to develop “blue light” entry schemes for apprentices. For example, the police, fire and ambulance services have come together and are currently developing an emergency call handling apprenticeship standard. In addition, a standard for police constables has now been approved, subject to some final revisions, and a trailblazer group of leading employers is developing a new firefighter standard.

To conclude, the impact of these regulations will be felt, we believe, across the public sector in some depth, impacting and improving the lives of citizens nationwide. The regulations are an important part of our wider plans for the delivery of world-class public services and a skills system with apprentices at the heart of the workplace. They set an ambitious and demanding target, but one that has the potential to bring transformative results to public services nationwide, while opening up more opportunities for people from all backgrounds to progress in the workplace. I commend these regulations to the House.

Lord Watson of Invergowrie (Lab): My Lords, I thank the Minister for his comprehensive introduction of these regulations. He has gone into considerably more detail than Mr Halfon did in the other place, and that is helpful. I will look with interest in Hansard at the amount of information on the different sectors that the noble Viscount outlined. It would probably be quite a surprise if I began by saying anything other than that we welcome these regulations and the aim of the Government that they seek to facilitate. The extent to which it is achievable may be slightly more problematic, but only time will judge on that.

As the Minister said, apprenticeships have a crucial role to play in ensuring that young people—but not only young people, of course—are provided with the ability to take up proper training that enables them to progress to well-paid and sustainable employment into their adult lives. The public sector clearly has a major role to play in that, and I welcome the fact that the Government have placed an onus on the public sector to play, and to be seen to play, its part in the long haul towards the target of 3 million apprenticeship starts by 2020.

On that point, I would ask the Minister to clarify the target for the four years spanned by these regulations. I listened carefully to what he said and I think I am
correct in saying that he mentioned the figure of 80,000 each year, which he said reflected the public sector’s proportionate share of the 3 million target. We are slightly puzzled by that because those projections do not suggest that the public sector will be pulling its full weight towards the aim of 3 million. My understanding is that the public sector accounts for some 16.2% of the total workforce, yet the figure of 320,000 apprenticeship starts over four years represents around 11% of the 3 million target, and 16.2% of 3 million is almost 500,000. Perhaps I am missing something—the fact that there is a significant gap between the two figures suggests that I may well be—so it would be helpful if the Minister could explain why the public sector target is not more in line with that figure of 16.2%.

I was struck by the fact that the only government department excluded from these regulations is GCHQ. I can just about understand why that might be—although is it not rather a shame that there will be no openings for apprentice spies, albeit those who operate in front of a computer screen or in a darkened room wearing headphones? Just imagine the surge of applications for those apprenticeships, had they been available—or is it the case that they are available but the information is classified?

A question which the Minister might be more comfortable answering relates to the figure of 2.3% of a department’s or a body’s headcount being the target for apprenticeship starts. That figure is to be averaged over the four years beginning next month, which is not unreasonable as the target is unlikely to be achieved in the first year and perhaps also in the second year. If that happens, it is self-evident that in future years the figure will need to exceed 2.3% to achieve the average. Is the Minister confident that that will happen? If he is, on what basis does he have such confidence?

I will not repeat the argument made by my honourable friend Mr Marsden in the other place about the demands being placed on local authorities by the funding shortfall that they face. The Local Government Association estimates that figure at £5.8 billion by 2020. The Minister cannot deny that this will place many in a real difficulty. If that happens, it is self-evident that in the future years the target will need to exceed 2.3% to achieve the average. Is the Minister confident that that will happen? If he is, on what basis does he have such confidence?

A similar situation was secured in that vote for care leavers in terms of bursaries. Both these measures will assist with social mobility and so, for consistency’s sake, surely the Minister can regard them only as positive developments. I trust that his colleague Mr Halfon will also adopt that view and will not seek to overturn the vote then the Bill returns to the other place.

Mr Halfon made an intriguing comment in the debate on these regulations earlier this week in relation to Schedule 2, excluding both Houses of Parliament. He mentioned that, although the ban on smoking in workplaces did not formally apply to the House of Commons, the Speaker had decreed that it does. Although I am not aware of the formal position in your Lordships’ House, I presume there must have been an equivalent decree by the Lord Speaker. So will the Minister say whether, although these regulations do not apply to your Lordships’ House, he would be in favour of seeking a means by which they could be applied? It would set an excellent example to other public bodies and there would be many opportunities for apprenticeships in interesting and fulfilling jobs within Parliament were that the case.

My final point concerns the gender balance within apprenticeships. It is widely acknowledged that 53% of apprentices are female, yet they tend to be in lower-paid sectors of the workforce. A year ago, in answer to an Oral Question in your Lordships’ House, the then Parliamentary Under-Secretary of State at the Department for Business, Innovation and Skills, the noble Baroness, Lady Neville-Rolfe, stated that since May 2015 there had been 366,000 apprenticeship starts in England and that, while a narrow majority were females, “of the 74,060 apprentices in engineering and manufacturing”—[Official Report, 14/4/16; col. 354.]
a mere 6.8% were female, while in ICT the figure was 17.5%. I doubt that those figures will have changed markedly in the intervening period, but these regulations allow the Government to lead by example and begin to turn them around, ensuring that young women are encouraged to apply for apprenticeships that both require and develop skills that involve the STEM subject areas. There is certainly a wealth of opportunity within the public sector for that gap to be addressed.

A year ago, the noble Baroness, Lady Neville-Rolfe, told noble Lords that only 26% of apprentices in her department were women. It would be both interesting and helpful if the Minister could tell noble Lords what the current percentage is within the Department for Education. His officials may have the figure at their fingertips—but, if not, I would be quite happy for him
to write to me, including an outline of what specific plans his department has to ensure that it not only reaches a figure of 2.3% of the headcount as apprentices but indeed exceeds it. Can he say what the projected figure for the Department for Education in the first year will be?

I have posed a number of questions, not all of which the Minister will be able to answer in his reply, but questions of a wider nature will need to be resolved if the Government are to achieve the success that we on these Benches want to see in terms of a broad expansion of apprenticeships, not least in the public sector.

Lord Storey (LD): My Lords, I very much welcome the statement from the Minister. We have seen a revolution in apprenticeships, which of course was started by the previous Government. While I am in favour of targets, they have to be sympathetic to the quality of the provision—I would much rather see quality provision even if we do not reach the exact target that we want.

I have four particular questions. Some of my other questions have already been asked. First, the Minister said that there were not going to be subtargets for people from different ethnic backgrounds—men, women et cetera—but I presume that if, from the information we get back, we find a lack of opportunities for, for example, young people from particular ethnic backgrounds, we might have to revisit that issue. Similarly, if we find a concern about the spread of levels of targets related to age, we might have to revisit that as well. So while I accept his comment about subtargets, we have to keep this under review.

12.45 pm

My second question is relevant to the target for local government of 125,000 apprentices but applies equally to other public sector employees. How do we ensure, given that local government is strapped for cash, that full-time permanent jobs are not replaced by apprenticeships to save money?

My third question is on reporting. Of course there has to be reporting back on numbers, but we have to keep it simple. We do not want to get involved in too much red tape. If, for example, a school is taking on apprentices, the last thing it wants is yet more form filling.

My fourth question is on the different levels. How can we ensure across the piece that apprentices cover each level? We do not want to see them predominantly at one level.

To conclude, over the next three or four years apprentices will revolutionise higher and further education. Already we see an increasing number of young people who might have chosen to go to university suddenly saying, “Ah, if I do an apprenticeship with, say, the BBC at level 7 in media post-production, not only will I not have to borrow and worry about finance but I shall get paid while I do it. I shall get practical experience, I shall get the equivalent of a degree and at the end of it I have a good chance of getting a job”—and I think that at levels 1, 2 and 3 we shall see changes as well. So that’s a yes to apprenticeships. I welcome the Minister’s statement and I hope that he will answer some of the questions that I have raised.

Viscount Younger of Leckie: My Lords, I thank the noble Lords, Lord Watson and Lord Storey, for their comments and questions. First, I am pleased that in general they welcome what we are doing. As the noble Lord, Lord Storey, said, these initiatives started under the previous Government. We realise that this is long-term work. We fully intend to roll this out and stick with it over the long term. It takes many years to ensure the success of this sort of initiative.

The noble Lord, Lord Watson, asked about the Department for Education in relation to apprenticeship participation. This is a fair point. The Department for Education is confident that it will meet the target. I shall write to the noble Lord setting out precise numbers and the wider plan in the education sector. I shall also cover his other points as to the percentage of apprenticeships in the department and the percentage of women apprentices. I can certainly do that.

The noble Lord also asked whether the House of Commons or the House of Lords were in scope of the targets. In other words, would we and the other place be taking on apprenticeships? While we are not imposing this target on this House and the other place, there is nothing to prevent us or the other place from creating apprenticeships. We do not fall in scope because we do not seek to have Ministers tell us what to do.

Lord Watson of Invergowrie: I understand that the Minister cannot direct either House and I accept that. That is why I referred to smoking in the workplace. That, equally, cannot be enforced. However, it is de facto, if not de jure. I welcome the noble Viscount’s response because he is encouraging both Houses to adopt this measure. It is interesting to have that on the record. We shall see what figures emerge over the next two to three years and proceed with that, perhaps even jointly.

Viscount Younger of Leckie: I entirely agree with the noble Lord that having this recorded in Hansard encourages the Houses to initiate it.

Perhaps more important, though, is the question that the noble Lord raised about the target and the clarity of the target—in other words, the 80,000 which I mentioned. I may have to write to clarify this matter further because it is somewhat complex. I say, to be helpful, that this is a proportional target. It is based on the proportion of public sector employees as part of the total workforce in 2015. As this target is set from 2017-18 up to 2020-21, the number is not an exact copy of the 2015 number. In addition, following reaction to the consultation, we have excluded certain bodies who presented a good reason for not being included. We reiterate that this remains an ambitious and transformative target. It is important to have targets, but it is not set in stone. However, the 80,000 figure is there, and it is meant to be there.

The noble Lord, Lord Storey, asked about the support offered to engage those from BAME backgrounds. We are taking action in this area, as he will know. We have launched the diversity champions network, chaired by Nus Ghani MP, to champion equality and diversity. Public sector organisations, including councils and NHS trusts, are among our diversity champions. We are also celebrating the BAME apprenticeships in our Get In Go Far publicity campaign.
The question that he really asked concerned what we would do if there was concern about the targets not being met. I reassure him that the targets in these areas will be kept under review. Although I cannot promise any particular action, being kept under review means that, if there were any concerns, they should rightly be addressed.

The noble Lord, Lord Watson, asked about child benefit eligibility in an apprenticeship. Ministers fully understand the intention behind the noble Lord’s amendment. The Government need to analyse costs and the impact on the wider system. It is best for the Government to respond to this in the other place.

The noble Lord, Lord Watson, also asked about supply chains in the target. Supply chains are mostly, normally, in the private sector, so they are not included. However, the Government are using their procurement for contracts of over £10 million to take this forward. In the Department for Transport, for example, we should see 30,000 apprenticeships in the road and rail sectors through the use of the Government’s procurement programme. We anticipate that this will be about 2.3% of employees in those workforces.

The noble Lord also asked about the target of 2.3% and whether a higher target would be achievable in later years. That is a fair question. As I mentioned, we are asking public bodies to have regard to this figure. Some will achieve it each year, and some may not. But where they do not achieve it in the early years, we will look to employers to make further progress. We will do our best to support them to make that progress.

I hope that answers all the questions. I will, of course, read Hansard to check what questions were raised—quite a few questions were asked by the two noble Lords—and I will, of course, write to them if there are other questions to be answered.

Motion agreed.

Local Authorities (Public Health Functions and Entry to Premises by Local Healthwatch Representatives) (Amendment) Regulations 2017

Motion to Approve

12.53 pm

Moved by Lord O'Shaughnessy

That the draft Regulations laid before the House on 1 March be approved.

The Local Authorities (Public Health Functions and Entry to Premises by Local Healthwatch Representatives) and Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) (Amendment) Regulations 2015 transferred responsibility for commissioning public health services for children aged zero to five from NHS England to local authorities, allowing local public health services to be shaped to meet local needs. This includes responsibility for delivering the healthy child programme. This programme is the main universal health service for improving the health and well-being of children, providing families with health and development assessments and reviews, health promotion, screening and immunisation. This is supplemented by advice around health, well-being and parenting. The five reviews are offered by health visitors to pregnant women, new mothers and children from birth to age five and include the antenatal visit, the newborn review, the six to eight week check, the one year review and the two to two and a half year review. They are required to be provided by all local authorities in England.

I know that your Lordships will agree that health visitors play a crucial role in ensuring that children have the best possible start in life and lead the delivery of the elements of the healthy child programme which relate to these children. Health visitors provide valuable advice and support to families and are trained to identify health and well-being concerns. Through the health visitor programme, the Government have supported the profession more than ever before to transform the service and I pay warm tribute to its excellent work. In April 2015, at the end of the health visitor programme, there was an increase of around 4,000 in the number of full-time equivalent health visitors in the workplace since May 2010. Health Education England is now ensuring sustainable development of the health visitor workforce and there are presently more than 800 health visitor student training places commissioned. This, along with service transformation, means that more families now have access to the support they need in those precious early years.

The Government are also committed to supporting school-aged children and young people by promoting their health and well-being through school nursing services. There are currently around 1,100 school nurses in England, supported by other professionals, such as community staff nurses, health care support workers and nursery nurses. In January 2016, Public Health England published commissioning guidance for school nursing which makes it clear that school nurses should be accessible and responsive to children’s needs. The current 2015 regulations, which place a duty on local authorities to provide the five universal health visitor reviews, contain a sunset clause and so will lapse on 31 March 2017—tomorrow. The legal obligation on local authorities to provide health visitor services is also set to lapse tomorrow. The draft regulations before the House will prevent this. The current regulations also include provision for a review to be undertaken of the operation of the regulations.

The Department of Health commissioned Public Health England to carry out a review of the operation of the five mandated universal health visitor reviews following the transfer of responsibility to local authorities,
as set out in the 2015 regulations. A review was carried out in summer 2016 and Public Health England’s report of the review was published on 1 March 2017. The review found widespread support from local authorities and commissioners for the universal health visitor programme remaining in place, in order to secure the delivery of long-term benefits from the healthy child programme, including improved health and well-being outcomes for children and their families. There was also a strong view held by professional representatives of local government and the nursing profession that the services are essential for prevention and early intervention and a general agreement that they deliver a positive return on investment and contribute to other government priorities such as reducing childhood obesity, controlling tobacco and improving maternal mental health. I thank Public Health England for its important work on the review and for helping to inform these regulations.

Local authorities will continue to be funded to deliver the mandated health visitor reviews. They will receive more than £16 billion between 2015-16 and 2020-21 to spend on public health, which includes children’s services including health visitors. This is in addition to what the NHS will continue to spend on vaccinations, screening and other preventive interventions. The Government announced earlier this month that the ring-fence on the public health grant will be retained for a further year, until 2019, as we move towards implementing 100% local business rate retention. This is a step on the way to a more locally-owned system and will help smooth the transition by providing some certainty for the next two financial years.

It is right that local authorities should have appropriate flexibility to deliver against their local priorities, but it is also appropriate that there are some key requirements set nationally, such as the five universal health visitor reviews. By continuing these mandated elements of the healthy child programme, this Government intend to maintain consistency across all local authorities when ensuring the delivery of these services. The draft regulations before your Lordships today will remove the sunset clause from the current regulations, ensuring that local authorities continue to provide these important visits to families. Removing the sunset clause will ensure that the current duty on local authorities to provide these services does not lapse on 1 April. I am confident that this sends a clear signal to health visitors, family nurses, local authorities and the public of the Government’s ongoing commitment to universal public health support for pregnant women, children, and their families.

This Government are committed to improving the health outcomes of our children and young people, so that they become among the best in the world. What happens in pregnancy and during the early years of life has a huge impact throughout the life course. Therefore, a healthy start for all children is vital for individuals, families, communities and ultimately the nation. I commend these regulations to the House.

1 pm

Lord Hunt of Kings Heath (Lab): My Lords, I am very grateful to the Minister for explaining the intent of this statutory instrument. The Opposition supported the transfer of public health functions from the NHS to local government, including those for children from birth until the age of five in public health services. Indeed, that was the only bit of a lamentable Act of 2012 that we did support. We also support the provision of a universal health visiting service and the prescribed reviews, which are elements of the healthy child programme. The noble Lord has said that this decision was supported by the outcome of the PHE review, and I would like to come back to that.

I want first to refer him to the question of resources. He mentioned the changes in local government funding but he will be aware that, overall, the Government’s record in funding public health services has been lamentable. In February 2017, the Department of Health told local authorities that an average 3.9% real terms cut to health service budgets per annum would take place until 2020. This is a large reduction, as it accumulates. According to the King’s Fund, which has done an analysis of the impact that has had, as a result of these reductions stop-smoking services and interventions have lost 25% between 2015-16 and 2016-17, while other areas such as the health check programmes and sexual health services lost 7% to 14% of their funding. As the Local Government Association said, given that the Government issued a firm commitment to the NHS five-year forward view, with prevention put very much at its heart, to then make significant cuts to the public health service budget over the next five years sends entirely the wrong message and could undermine the objectives that we all share to improve the public’s health and keep pressure off the NHS and adult social care.

Recent work by the King’s Fund on sustainability and transformation plans—an Orwellian phrase, if ever there was one—points out that what is actually happening on the ground is going in the opposite direction to that which was set out in this plan. It is the same in public health. I would therefore like the Minister to explain a little more about how the Government justify the reductions in funding for public health services.

I refer the Minister to table 29 on page 58 of the report by Public Health England. It is a summary of written feedback from professional representative and membership organisations. Comments were made by the Society of Local Authority Chief Executives on the issue of the mandation of services, about which clearly local authorities have some reservations. It suggests that the Government collect and review all mandated public health services next year, including health visiting, when the overall position on local government funding and business rate reforms is clearer. In a sense, the Local Government Association has made the same request. Will the Minister inform the House whether the Government are going to respond to that?

On the outcome of services so far and the PHE review, it says that there was a statistically significant increase in the eligible population reach by a universal service during 2015-16. It states also that, largely, there is a positive national picture of progress with statistically significant improvement observed in many relevant outcomes over the lifetime of the national
[Lord Hunt of Kings Heath]

health visiting programme. However, it points to some large local variation and trends in the rates of breastfeeding, which it says are disappointing. It points also to the fall in the number of health visitors in employment in 2015-16. Will the Minister comment on the issue of disappointing rates of breastfeeding on the one hand and the fall in the number of health visitors on the other? What action do the Government intend to take on that?

Baroness Walmsley (LD): My Lords, I am delighted to support these regulations because I am an enormous fan of a universal health visitor service, and in particular the healthy child programme. Our economy is never going to keep up with the demand for health services unless we pay more attention to the issue of prevention. That really is the public health agenda. Any doctor will tell you that you really must lay the foundations for a healthy body, lifestyle and habits in the early years or you will get illnesses later on. The review of the programme so far has been very positive. As the noble Lord, Lord Hunt, said, there have been significant improvements in the populations reached. However, we will not see the true benefit of this programme until we are years down the track and find that those young children who have been given a healthy foundation grow up to have fewer of the terrible but preventable chronic diseases that are costing the country so much.

I am very proud of the coalition Government’s vision of improving the health outcomes of children, young people and their families. Transferring the responsibility to local authorities was part of that: it gives them the chance to combine services, right up to the age of 19. However, as the noble Lord, Lord Hunt, said, there are serious questions to be asked. The first, of course, is about resources. Although these services are mandated, and although the Minister may say that the money has been ring-fenced, budgets have been cut and are going to be further cut. Local authority councillors friends of mine tell me that it is getting more and more difficult for local authorities to provide even those services which they are mandated to provide because things are getting so tight financially. I hope the Minister can give us some encouragement on that, although I somehow doubt it.

The other question on resources is about people. We have heard from the Minister about the number of health visitors in training. Are they going to be enough to serve rising demand? We have a rising population and a lot of additional young people and families who require services. A universal service is terribly important because you do not just get health problems among the most deprived. However, there is a great deal of poverty in this country and the need for these services is growing. How confident is the Minister that we will have enough sufficiently trained nurses, given the stresses on all health service staff and given that so many people are leaving and retention is getting more difficult? Are we going to have enough people?

Are there any plans to extend these services a little further up the age range? I am particularly concerned about the large number of children who are starting school between the ages of four and five already overweight, obese or with poor eating habits. So, although the healthy child programme and the reviews that are mandated here in these regulations go up to the final check at two to two and a half years, it is really important that we do it again just before the child goes to school, because at that point they are already at a disadvantage. Many of these children are from a disadvantaged background and sadly these problems occur more frequently in those backgrounds. They get to school and they are already developmentally a good deal behind children from more advantaged backgrounds. I think the proof that we have had over the few years that this programme has been in place is sufficiently convincing to tell us that perhaps we ought to extend it a little bit further.

Lord O’Shaughnessy: My Lords, I am grateful to both the noble Lord, Lord Hunt, and the noble Baroness, Lady Walmsley, for their endorsement of the universal health visiting service. The noble Baroness is quite right to emphasise the long-term benefits that derive from a universal health visiting service of high quality and it is true that it is a great coalition achievement that we should be proud of. I am also grateful to the noble Lord, Lord Hunt, for his endorsement of not only the programme but also the mandated reviews and indeed of local authorities taking ownership of the programme.

To deal with the funding issue first, as I set out there is both the £16 billion that is going into local authorities for public health and the extension of the ring fence for another year. I will not gloss over the fact that it is a challenging fiscal environment. We know why that is; it is because the country continues to borrow more than it is bringing in in tax. I do not want to go into the reasons for that for fear of being accused of being too political, but we do operate in a challenging environment. That is why the business rate retention and reform is so important, to give local authorities more sustainability for their own funding base. I should also point out that, whether the issue is smoking or other risky behaviours, we are still making good progress, so it is possible to continue to reduce these kinds of risky behaviours, notwithstanding the pressures that are inevitably placed on budgets. In the round, total health budgets are increasing, not just in the NHS but across all health budgets. So while I do not gloss over the fact that it is a challenging fiscal environment, we are still making very strong progress, not just on health visitors but on a number of important public health issues.

In terms of the point that the noble Lord, Lord Hunt, made about the review by Public Health England of mandated services, obviously there are no plans to review the health visiting service, as I think we are all agreed that this is something we want to happen. Health visitors are popular and desired. I am not in a position to say at this point whether any other services are under review but I shall certainly write to him about that.

Both the noble Baroness, Lady Walmsley, and the noble Lord, Lord Hunt, asked about the numbers of health visitors. They increased by 50% in the last Parliament, which I think is a huge achievement. It has become slightly more difficult to track their numbers because they have a number of employers now that the
budget has been devolved, but there are still very high numbers of them as a result of the changes made in the last Parliament. There are over 800 training places for health visitors and there are more nurses in the system as well. So there is investment going into the workforce, and I absolutely recognise that there has got to be a high-quality workforce. It is also the case that other healthcare professionals are able to deliver some of these services. If a family, which of course will more likely be a poorer or more disadvantaged family, is receiving support from a family nurse partnership, then the nurses that are delivering that can also deliver the health visit and some of the early reviews, so it is a mixed picture. The number of family nurse partnership places has increased over the past few years as well.

There are a couple of final issues. Breastfeeding is part of health visitor training and indeed their mandate is to encourage greater breastfeeding. I am not aware of the specifics of the variability. I shall certainly look into that. It is a critical part of maternal and child health and to be encouraged. I know that there are variations from one part of the country to another. Whether they are due to training and workforce or to other cultural or longer-term issues is a different question and it is bound to be more challenging in some areas than others.

The noble Baroness, Lady Walmsley, asked about the age range. It is important for the health visiting service to stick to what it does best. I certainly recognise the picture she is describing, having worked in primary schools. There is an increase in children coming unprepared to school, or increasingly to nurseries, whether in their eating habits or toilet habits or whatever it is. The increase in formal childcare places that has been made available to both three year-olds and disadvantaged two year-olds will go some way to addressing that but I shall certainly keep an eye on that issue.

Baroness Walmsley: Sorry to spring this on the noble Lord but there was something that I forgot to ask him. He mentioned the accessibility of school nurses. The fact is that if a school nurse is looking after five schools they are not terribly accessible. I wonder if he might write to me as to whether there are any plans to increase the number of school nurses, because that is part of increasing the child’s health right the way through the age range.

Lord O'Shaughnessy: Yes, I shall certainly be happy to do that, probably looking at it in the round in terms of all the local health support that is available for school-age children. I hope, in responding, that I have been able to talk to all the points that have been made by noble Lords in this debate. I am glad that we all agree that health visitor support to families is vital and is about giving children the best possible start in life. It is why the Government have taken this action to continue to ensure the provision of the five mandatory health and development assessments and reviews so that this service continues to be provided for all families with children aged nought to five. I beg to move.

Motion agreed.

### European Organisation for Astronomical Research in the Southern Hemisphere (Immunities and Privileges) (Amendment) Order 2017

**Motion to Approve**

1.16 pm

Moved by Baroness Goldie

That the draft Order laid before the House on 28 February be approved.

Baroness Goldie (Con): My Lords, this order amends the 2009 order of the same name, and this revision confers on British nationals working for the organisation the limited privileges and immunities to which they are entitled under an international agreement between the organisation and the United Kingdom.

The European Organisation for Astronomical Research in the Southern Hemisphere is important to the United Kingdom. We contribute £17.5 million annually to its budget for a 16.4% share and 40 British nationals currently work there. The space sector offers significant research and economic opportunities. UK academics and businesses operating in the sector are internationally renowned and are in a strong position to take advantage of those opportunities.

I now turn to the details of the order. The European Organisation for Astronomical Research in the Southern Hemisphere was established by a convention in 1962. In 1974 its member states agreed by protocol to confer, in their respective jurisdictions, legal personality and certain privileges and immunities on the organisation and its staff. The United Kingdom acceded to the convention and joined the organisation in 2002. In 2012 we acceded to the protocol. The protocol was given effect in domestic law by the European Organisation for Astronomical Research in the Southern Hemisphere (Immunities and Privileges) Order 2009. However, the 2009 order failed to confer on British nationals working for the organisation the limited privileges and immunities to which they were entitled under the protocol. That error came to light in June 2014, and for the United Kingdom to continue its fruitful relationship with the organisation we must make this amendment order to give full effect to its international obligations.

The amendments concern three issues. First, on the taxation of employees, the protocol requires the UK to exempt from taxation the emoluments of officers who are British nationals or permanent residents. Of around 40 UK nationals or permanent residents working for the ESO, we know that at least 38 are based overseas in Germany or Chile; the remaining two have previously or occasionally worked in the UK and are directly affected. Secondly, the protocol requires the United Kingdom to confer on officers of the organisation who are British nationals or permanent residents immunity from legal process in respect of their official acts, excluding motor vehicle offences and damage, which are not included in this immunity. Thirdly, the protocol requires the United Kingdom to grant social security exemptions to officers of the organisation who are British nationals or permanent residents.

The 1968 Act of Parliament under which the 2009 order was issued permits social security exemptions to be
[BARONESS GOLDIE] granted only to “high officers”, namely the director-general and his or her deputy. This amendment order therefore confers exemption from national insurance contributions on the director-general and his or her deputy. In respect of social security exemptions for all other officers, the UK has entered a reservation to the protocol. The UK filed this reservation with the French Ministry of Foreign Affairs, which acts as a repository for all papers relating to the convention and the protocol on 14 February of this year. I make clear that the other states party to the protocol have 12 months to object to the UK’s reservation. In the unlikely event that another state party objects, the reservation will not be valid between the UK and the objecting state. However, the UK’s membership of the organisation should be unaffected.

Article 2(3) of this order amends Article 15 of the principal order to ensure that, if the director-general or person appointed to act instead of the director-general has a form of British nationality or permanent residence, that person shall benefit from: immunity from suit and legal process in respect of official acts, excluding motor vehicle offences or damage; exemption from income tax on emoluments received as an officer of the organisation; and exemptions relating to social security.

Article 2(4) amends Article 16 of the 2009 order to provide that any officer of the organisation who has a form of British nationality or permanent residence, other than the director-general of the organisation or his or her deputy, shall benefit from immunity from suit and legal process in respect of official acts, not including motor vehicle offences or damage, and they will benefit from exemption from income tax in respect of emoluments received as an officer of the organisation.

Both the 2009 order and this order apply to the whole of the UK, but some provisions do not extend to, or apply in, Scotland. The opportunity has been taken to clarify which of the provisions in the 2009 order apply or extend to Scotland. Article 2(2) therefore inserts new Article 1A into the 2009 order to clarify the existing position. A separate Scottish Order in Council has been prepared in respect of those amendments within the legislative competence of the Scottish Parliament, and has been laid in parallel before that Parliament.

I reassure your Lordships that the privileges and immunities afforded to officers of the organisation, including those with a form of British nationality, are limited to those that the organisation needs to conduct its official activities. They are in line with those offered to officers of other international organisations of which the UK is a member.

Leaving the European Union will have no direct impact on the UK’s membership of the European Organisation for Astronomical Research in the Southern Hemisphere. The ability for UK staff to work effectively for the organisation before and after the UK’s departure from the European Union is controlled by our adherence to legislation that accurately reflects the convention and its protocol, and the privileges and immunities they afford to staff. In the light of that explanation, I beg to move.

Lord Collins of Highbury (Lab): I see that there are not too many volunteers for this one. This order appears to have had a difficult gestation period. It has gone through all kinds of hurdles and has failed at each one. That gives rise to a number of questions.

When I first saw that this order was on our forthcoming business, my noble friend Lord Foulkes suddenly thought that it was a great opportunity to raise the question of why a telescope on St Helena is not being funded by this organisation, as that might also ensure that we can improve travel and transport links there. However, on detailed reading I advised him that there was not really an opportunity to do that here, although I said that I would mention it. I hope that the noble Baroness could make some reference to that.

As the noble Baroness said in her introduction, we joined the convention in 2002, which of course was signed in 1962. According to the briefing from the Foreign Office—I express my appreciation to officials there, who helped me with the background and briefing on this—we signed the protocol in 2012, although it was given effect by this order in 2009, which of course is the beginning of the journey for this matter. I do not quite understand why the protocol was acceded to in 2012 when it was given effect by that order in 2009.

The error that the Minister referred to, namely that the 2009 order was defective as it did not give clear immunities in accordance with the protocol that we signed up to, was not discovered until June 2014. This error must have some implications; the individuals involved must have raised the issue, because they would have been working with people who were employed in accordance with the overall protocol. Therefore, when this error was discovered, how many people were affected by it, and is there any liability on the United Kingdom Government for this error? I assume that there may well be, if two people have been working in the United Kingdom. However, it may be more extensive; it may be that some people, this error being no fault of theirs, may be seeking some sort of recompense. I would like to be clear about that for the future.

I was also slightly concerned that the noble Baroness referred to the numbers that could potentially be affected. Of around 40, we know that at least 38 are based overseas in Germany and Chile. These are not huge numbers—I would have thought that we would be able to be a little more specific about the numbers involved and how we will put right this error.

On the general principle—the Minister referred to this—the briefing says:

“Providing privileges and immunities to International Organisations is standard practice where the Organisations need these privileges and immunities to operate and function effectively”.

That is accepted and I understand that, particularly if that is a requirement of the original protocol. It continues:

“The UK only agrees to confer privileges and immunities on International Organisations to the extent necessary for the proper functioning of the Organisation”.

What does that mean? How do we measure that? Why have we determined that certain individuals will benefit from the requirements of the protocol? This would be a classic episode of “Yes Minister”, I suspect, in terms
of understanding the language and the errors and the fact that this 2009 order has been brought before the House three times and still failed. It would help in terms of general policy to understand exactly how these things operate. I hope the Minister will forgive me for this direct approach and will be able to answer.

**Baroness Goldie:** As the noble Lord, Lord Collins, predicted, there is hardly a rush of enthusiastic interrogatories to deal with on this issue. I thank him for his insightful and helpful contribution to the debate.

The amendment order simply corrects a number of errors in the order it replaces and aligns domestic law with the obligations we have made to the European partners, with which we share an endeavour to increase our knowledge of space.

The UK’s commitment to the European Organisation for Astronomical Research in the Southern Hemisphere remains unchanged. We remain committed to strengthening our position as a world leader in astronomy and space exploration. Belonging to this organisation brings with it opportunities from which British companies and our scientists, academics, astronomers and astronauts of the future are well placed to benefit.

I will try to deal with some of the points which the noble Lord, Lord Collins, raised. He mentioned the nature of the journey to this point. I will be quite candid. The journey has involved a road with a number of potholes, and a certain degree of stumbling into and over the potholes has taken place. Why has it taken three years since the order was laid? While the order was laid in 2009, the UK did not complete payment of all the joining fees until 2010 and thereafter we went through necessary internal processes to ensure that we acceded to the protocol. This process took two years as it was given low priority because it was likely to impact on very few UK nationals.

As an aside, the noble Lord mentioned his noble friend Lord Foulkes and the matter of St Helena. I have no information on that but I undertake to look into his question and to write to him. I should make clear that the current telescopic facilities are based in Chile.

The noble Lord also raised the important issue of why the staff of the ESO need privileges and immunities. It is a legitimate question and important we endeavour to answer it. The UK is obliged to confer privileges and immunities by virtue of its accession to the convention establishing the European Organisation for Astronomical Research in the Southern Hemisphere and the protocol on the privileges and immunities of that organisation. Privileges and immunities are important for the organisation to conduct its official activities in the UK, irrespective of whether it has a physical presence in the UK. In particular, tax immunities ensure that partner contributions are directed to the construction and operation of the project and not into tax revenue.

The other issue that the noble Lord raised in that connection—and again it is an important one—was its impact and the personnel affected. As I said, my understanding is that of the 40 identified personnel, 38 work in Chile and two have worked or sometimes work within the UK.

I make it clear that UK nationals or permanent residents working for the ESO overseas are not liable to pay income tax in the UK on emoluments received as an officer of the organisation. However, if UK nationals or permanent residents working for the ESO overseas have income from a second employment, business, or financial investments in the UK, they will be liable for UK tax on such income on the same basis as anyone else working abroad.

The noble Lord, Lord Collins, raised a pertinent point about the potential impact for persons now covered by the order. I make clear that Her Majesty’s Government are not legally financially liable because the amendment order does not include a retrospective effect. In other words, it does not say that the Government will refund income tax payments. However, we will be sympathetic to the concerns of the organisation or the individuals affected if we are approached.

**Lord Collins of Highbury:** How much?

**Baroness Goldie:** The noble Lord poses a question that he knows I cannot possibly answer. I have not even given a commitment. I have merely, I hope, indicated a note of empathy in respect of the concern which he has raised.

The noble Lord was also concerned about whether this amendment order was the complete solution given the rather troubled history of where we have been and how we got there. Certainly, it is an important step forward in implementing the protocol in respect of officers with British nationality or UK permanent residence to the extent permitted by the Act of Parliament under which it is made. The Act does not permit us to confer by order the social security exemptions on any British nationals or UK permanent residents, other than the director-general. That is why I anticipated what the noble Lord might be interested in and obtained the specific information from the officials, which I was able to include in my speech. I hope that has reassured him.

I hope I have managed to answer the points raised by the noble Lord, Lord Collins. In conclusion, this Government remain committed to the European Organisation for Astronomical Research in the Southern Hemisphere and its ambitious programme to make scientific discoveries and look deeper into space than we have ever managed to do before. This will clearly be for the benefit not just of this generation but for many generations to come. I hope my comments have allayed any apprehensions that the noble Lord had.

Motion agreed.

**Electoral Registration Pilot Scheme (England) (Amendment) Order 2017**

**Electoral Registration Pilot Scheme (England and Wales) Order 2017**

**Electoral Registration Pilot Scheme (Scotland) Order 2017**
Moved by Lord Young of Cookham

That the draft Orders and Regulations laid before the House on 8 March be approved.

Lord Young of Cookham (Con): My Lords, I shall speak also to the Electoral Registration Pilot Scheme (England and Wales) Order 2017, the Electoral Registration Pilot Scheme (Scotland) Order 2017 and the Representation of the People (Scotland) (Amendment) Regulations 2017. The instruments will help enhance the operation of electoral registration across Great Britain. Noble Lords will be aware that individual electoral registration—IER—was successfully introduced in 2014 and for the first time ever enabled people in Great Britain to apply online to register to vote. Nearly 24 million people have applied to register under IER, 18 million of them online.

Applications to register to vote peak in the run-up to elections and during the autumn canvass, when each household in the country receives registration forms. Noble Lord will be aware that this process, and indeed registration overall, is costly for electoral registration officers—EROs. While the Cabinet Office currently provides direct financial assistance for registration linked to the introduction of IER, the total costs of the annual canvass are high, at some £65 million per year. The current process is inefficient, costly and burdensome for local authorities.

What is more, a large proportion of these costs relate to activities required by law that simply confirm that people are correctly registered. What is needed is a more effective and efficient system that targets resources on reaching out to underregistered groups to add new names to the register, rather than simply confirming names already there. The Cabinet Office is therefore working with EROs across Great Britain to pilot alternative approaches to the current paper-based, inflexible and prescriptive annual canvass. Three of today’s instruments will enable such pilots this year. The fourth instrument will enhance the operation of IER in Scotland to allow cost savings for EROs throughout the year.

I turn, first, to the annual canvass pilots for 2017. Three of these instruments establish pilot schemes under Sections 7 and 9 of the Electoral Registration and Administration Act 2013. As noble Lords may already be aware, Section 9D(3) of the Act requires the annual canvass to be conducted in the manner prescribed in the Representation of the People (England and Wales) Regulations 2001 and the Representation of the People (Scotland) Regulations 2001. This process requires EROs to send an annual canvass form—the household enquiry form, or HEF as it is known—to every property in their area. The HEF asks residents to set out whether there have been any changes in the composition of the household since the previous year’s canvass, and it enables EROs to identify whether any residents should be removed from the register or be invited to make an application. Response rates to the HEF are significantly lower under IER, as it is no longer a registration tool, yet, where no response is received, EROs are required to issue up to two further forms and to carry out at least one visit to the property.

These three orders disapply those requirements for 23 participating EROs in areas of England, Wales and Scotland. Instead, the orders require EROs in the specified areas to attempt to make contact with a person at each residential address in the area for which they act at least once between the date the order comes into force and 2 February 2018. The manner in which they do so, however, and whether they take further steps where no information is received at a particular address will be at the EROs’ discretion. This will enable EROs to test new and innovative approaches to canvassing—including using data, such as council tax data, the local land and property gazetteer, and internal local authority databases—to determine whether chasing responses to ERO inquiries is necessary. These approaches have been developed closely with the Electoral Commission, which is supportive of the pilots. The commission will be reporting on the schemes and will provide a copy of its evaluation to Ministers and the EROs by 29 June 2018. The order ceases to have effect on 6 July 2018.

The fundamental objective of the annual canvass—namely, the maintenance of a complete and accurate register through regular data collection—is and will continue to be a government priority. However, consultation with EROs and local authorities over an extended period has indicated that the annual canvass in its current form is not a sustainable way to achieve that aim. Many EROs, who are on the front line of electoral registration activity, have told the Cabinet Office that the canvass procedure is time consuming and expensive. Electors will receive up to three letters and a visit from their local ERO, even if they are already registered, solely for the purposes of information gathering.

Last year, for example, huge numbers of citizens registered to vote in the run-up to the EU referendum in June. This year, many may register to vote in local and devolved elections in May, and perhaps even for a by-election as well, yet, when the annual canvass takes place between July and December, they will receive fresh inquiries in the form of the HEF about their registration status. The reality is that household churn is around 12% per annum—thus the majority of the canvass activity is redundant. Over half of households do not respond to the initial HEF, meaning that EROs are required to chase them up with the further two forms and a visit, despite the fact that 88% of households will be listed as “no change” on the electoral register.

This tremendously bureaucratic process is frustrating for administrators. Having to follow steps prescribed in statute is stifling their capacity to innovate and adopt new approaches to canvassing. Through knowing their local area or having access to local authority data, EROs may well be aware of the registration status of households in their area. However, the current system does not allow them to draw on their own expertise or on other information held by the local authority. This is not an example of “smart working”, and it does not allow citizens to “tell us once” of changes to their registration.
Furthermore, it is worth noting that the recent referendum was conducted using one of the largest electoral registers ever. With the advent of online registration, it is becoming increasingly apparent that electoral defeats can drive registration to new heights and that the current system of canvassing around six months in advance of a poll, through an inefficient cycle of paper HEFs and household visits, may not be the best approach for the modern world.

It is important to note that the canvass itself is purely an information-gathering process. The pilots will not alter the requirements for the registration process and for invitation to register forms to be sent to individuals. Therefore, what is being proposed—the impetus for which has come from EROs themselves—is to enable local authorities to test alternative methods for conducting the annual canvass that have the potential to be more cost effective while still securing the same or higher levels of information on changes to the register compared with the current annual canvass process.

Operations along these lines were successfully carried out in 2016. Specifically, during the 2016 annual canvass process, the Cabinet Office ran initial pilots in three areas of England—Birmingham, Ryedale and South Lakeland. In order to broaden the evidence base, however, further pilots, including in Wales and Scotland, are needed to inform a wider change to the annual canvass across Great Britain. Early results from the pilots last year have been very promising, with provisional figures indicating that the costs of the alternative canvasses were substantially lower than those of the legislated canvass due to the reduction in printing, paper, postage and staffing costs. Ryedale, for example, estimated that the new methodology it employed resulted in an 89% saving in staff time and costs. Ryedale, for example, estimated that the new methodology it employed resulted in an 89% saving in staff time and costs.

In addition to the pilot areas from last year, the areas selected to participate in 2017 are Barrow-in-Furness, Bath and North East Somerset, Blaenau Gwent, Camden, Coventry, Derbyshire Dales, Dumfries and Galloway, East Devon, Glasgow, Hounslow, Luton, Newcastle, Salford, South Holland, South Norfolk, South Oxfordshire and Vale of White Horse, Sunderland, Torfaen, Wakefield and Woking.

Although the initial results suggest that alternative approaches to the annual canvass can be at least as effective as the currently prescribed method, the Cabinet Office intends to ensure that applying this learning to local authorities across Great Britain, including Wales and Scotland, generates similar results. If successful, the pilots will demonstrate that the annual canvass does not need to be so prescriptive and that a number of alternative methods are just as effective and more cost-efficient, potentially saving at least £20 million from the cost of electoral registration each year.

The 2017 pilots will take place in local authority areas across England, Wales and Scotland. The areas were chosen using robust research methodology to ensure a spread of electoral register churn, population size, chosen pilot model and region. In each area, the EROs will be operating control groups and pilot groups so that the results of these approaches can be rigorously evaluated.

Four models of piloting activities will run with these EROs in the 2017 pilot scheme. Each model has been created based on proposals from EROs, and each participating ERO has chosen the model they wish to apply to their area based on their local knowledge and expertise. Each model reduces the number of paper communications sent to electors, using means such as telephone and email channels, and one model uses existing local data to determine where best to focus resources. Again, these ideas have all come from the experts on the front line and are designed to improve the citizen experience as well as ease administrative burdens on hard-pressed electoral teams. The elector will benefit from the local authority being able to redirect resources and target canvassing more effectively towards underregistered groups.

I will now give more detail on each pilot model in turn to offer some insight into the innovative approaches being taken to move us towards a more effective and targeted canvass process.

The first model, which is being piloted in areas such as Torfaen, Ryedale and Barrow-in-Furness, tests the use of a household notification letter, or HNL. Under this model, the ERO will send all households in the treatment group a HNL instead of a standard household enquiry form. The HNL lists the details of everyone registered to vote in that household and advises residents to take action only where the details held are no longer up to date. This model allows EROs to reduce the number of paper communications sent to electors and also reduces the number of expensive household visits required.

The second piloting model involves the use of email in areas including Hounslow and Woking. For this model, an electronic HEF will be sent to households by email, chased with a visit if necessary. Where no email is held, households receive a postal HEF followed by a visit. This model further tests the use of email communication between EROs and electors, following the uptake of email invitations to register in England and Wales. This also expects to reduce the number of overall communications with electors including, again, expensive household visits.

The third model uses a discernment step to identify different types of properties, in areas such as Glasgow and Birmingham, so that EROs can take the most appropriate approach. This discernment could involve local data matching using sources such as council tax, or assignment by ward based on the ERO’s expert knowledge. Depending on the assignment, some properties will receive a HNL, while others will be more actively canvassed where a change in household composition is suspected. Where possible, communication will be sent to these households by email before being chased with postal reminders and visits if necessary. This model allows EROs to use the existing data and knowledge they have of their areas to target resources better as well as use digital means to communicate with electors.

Finally, a fourth model tests the use of telephones in the canvass process. Areas participating in this model include Dumfries and Galloway as well as East...
The efficiency and speed of the registration process can be improved by reducing the number of resources spent processing applications and increases in ER Os as to whether to canvass a property within the same cost optimisation measures as have been available to English and Welsh ER Os since last year. These regulations offer the same provisions to Scottish ER Os as the Representation of the People (Scotland) (Amendment) Regulations 2017. These regulations will modernise the system of registration by enabling Scottish ER Os to send invitations to register and ITR reminders by electronic means if they wish to do so. This delivers a quicker and more efficient service to the elector, who expects electronic communication in this age, as well as enabling cost savings. The instrument will also allow an attester to an applicant’s identity to be registered in any local authority area in Scotland. At present, both the attester and the applicant must be registered in the same local authority. This provision will assist those applicants whose identity cannot be verified using the Department for Work and Pensions matching process, local data matching or by documentary evidence who have to provide an attestation to verify their identity. This change will result in more eligible applicants becoming registered to vote. In addition, the regulations make a minor amendment to correct an error in an existing regulation concerning the requirement to provide fresh signatures following rejection of a postal voting statement.

The measures were conceived to generate savings from the cost of the annual canvass process to counteract the fact that the introduction of IER has increased the cost and administrative burden on local authorities. These provisions also aim to reduce unnecessary ERO correspondence and contact. Preliminary estimations project that these regulations will reduce the overall cost of IER in Scotland by around £125,000 for the single-occupancy provision and around £400,000 for email ITRs per year. The Electoral Commission was consulted during the development of these measures and on the specifics of this order, and it is supportive of these regulations offering the same provisions to Scotland as already exist in England and Wales.

The Cabinet Office has worked very closely with Scottish Government officials to ensure that these measures can be in place for the 2017 annual canvass, and also to ensure that Scottish ER Os are able to participate in the aforementioned pilot schemes. The Minister for the Constitution and the Scottish Government’s Minister for Parliamentary Business agreed last year for these instruments to make provision in respect of both the parliamentary and local government registers in Scotland. This will be done before commencement of the relevant provisions of the Scotland Act 2016, which will devolve competence in relation to the local government register in Scotland. This was agreed in order to ensure that Scottish ER Os could take advantage of these cost optimisation measures in respect of both the parliamentary and local government registers this year, and that local authorities in Scotland are represented in the canvass pilot schemes.

Secondly, the regulations will modernise the system of registration by enabling Scottish ER Os to send invitations to register and ITR reminders by electronic means if they wish to do so. This delivers a quicker and more efficient service to the elector, who expects electronic communication in this age, as well as enabling cost savings. The instrument will also allow an attester to an applicant’s identity to be registered in any local authority area in Scotland. At present, both the attester and the applicant must be registered in the same local authority. This provision will assist those applicants whose identity cannot be verified using the Department for Work and Pensions matching process, local data matching or by documentary evidence who have to provide an attestation to verify their identity. This change will result in more eligible applicants becoming registered to vote. In addition, the regulations make a minor amendment to correct an error in an existing regulation concerning the requirement to provide fresh signatures following rejection of a postal voting statement.

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Lord Blunkett (Lab): My Lords, I was waiting to see whether anyone else would intervene. I will not detain the House very long. Will the Minister, either now or in writing—I promise I will not talk about Sheffield this afternoon—be kind enough to reflect on the juxtaposition of the existing Data Protection Act 1998 with the Digital Economy Bill in relation to data sharing and, crucially, with the general data protection regulation of 2016, which the Government indicated on 1 March they would be taking forward and putting on statute the necessary changes, prior to implementation, in May 2018?

I welcome very strongly the proposals for the pilot schemes. The discerning approach will be very important for getting to households that are difficult to reach, dealing with churn and ensuring that, particularly with the Glasgow and Birmingham proposition, there is a real understanding of the difficulty within inner cities. I am concerned that we do not get caught with what is otherwise a very sensible privacy change—a tightening of the regulations under the GDPR—taking into account, as the Minister indicated, that there will be a privacy impact assessment. Will he say a little more about that?

Lord Hayward (Con): My Lords, before I comment specifically on the statutory instruments before the House, I will raise one or two questions relating to the general principle of ensuring that our electoral rolls are as accurate and complete as possible. I see the noble Lords, Lord Kennedy and Lord Rennard, in their seats. I think the noble Lord, Lord Rennard, in particular is likely to touch on the subject if he speaks soon after me. I am concerned, as I think we all have been concerned and successive Governments have been concerned, about the fact that the register is accurate for certain groups—the noble Lord, Lord Blunkett, touched on that in part in his brief comments—but large groups of the population are regularly missed in one form or another.

I mentioned this to the noble Lord, Lord Kennedy, in advance, but I did not have a chance to mention it to the noble Lord, Lord Rennard. Yesterday during Questions a Question came up relating to the 18 pilot projects identified around the country as a result of what one might describe as the Pickles review. I have been informed—I have not had the chance to check it, but I believe it to be correct—that in the case of both Burnley and Pendle the Labour and Liberal Democrat councillors on those councils have voted against participating in the schemes, despite the fact that in each case they are among the 18 authorities identified for review. I will say only this: I regret it enormously if that is the case, because being innovative and trying to find ways to deal with fraud and underregistration are key to the processes of our elections, whether they be local or national.

Specifically on the statutory instruments, I broadly welcome them for the same reason that the noble Lord, Lord Blunkett, identified. We should be innovative. Society is changing quite markedly. It is much more mobile than it was when the original legislation was introduced. We have very different forms of campaigning nowadays from those we had when I was somewhat younger. Therefore, we have to find ways of getting hold of potential voters in whichever way we can. I shall comment also on the Minister’s opening remarks, which concentrated rather too much for my comfort on savings. We were not given indications relating to the accuracy of the trials that have taken place so far. The Electoral Commission and other interested parties are conscious of not only the potential savings but the potential accuracy and gain achieved by any particular process within this trial.

I notice that the noble Lord, Lord Young, in his opening comments said that the results had been fairly positive from 2016. I recognise that it is a small step forward with a limited number of trials in local authorities. That is a good basis from which to work. Given where we are in the electoral cycle, and given that there are discussions with the local authorities that he identified, I shall ask for clarification just for confirmation that these projects will not interfere in any way with the local elections that are taking place. I assume that most of the preparatory work will take place later in the calendar year, but I would like that confirmation because a fair number of the local authorities to which he referred have elections—either in Scotland or Wales or in the county council elections this year.

I must admit that I am surprised and disappointed that the locations that he identified were the ones chosen. I think I understood him correctly to say that they would provide a range of local authorities to test the system. The Minister referred to model 1. Looking at the order to identify the local authorities involved, two of the authorities in model 1 are Welsh: Blaenau Gwent and Torfaen, which demographically are very similar. As far as I could see, there was no marked variation between those two local authorities: they are essentially valley mining communities. They touch on my other keen interest, rugby, in that they have produced many of the great Welsh rugby players and the great Welsh rugby teams—but they are very similar. If one was looking for Welsh authorities, I would have thought that one would not go for two Welsh valley authorities.

Equally, on the same list we have the authorities of South Holland, South Norfolk and Ryedale—which, again, are very similar in general make-up. We do not have one London borough in that group, but we have two metropolitan authorities. One could reasonably argue that the metropolitan authorities balance for a London authority, but it would have been better, rather than having two metropolitan authorities, Newcastle and Wakefield, if we had looked for slightly different metros across the country.

The second group, the email group, has a balanced combination of authorities: Bath, Coventry, the Derbyshire Dales, Hounslow—the first local authority in London—and Woking. The third category, described as the discernment model, has one London authority: Camden. I am sure that Camden will produce stellar results in its review. I declare a personal interest here: my niece is the Labour leader of that council, so I am sure that it will do its job very effectively indeed. Alongside that authority we have Salford, Sunderland and Birmingham—again, a combination of three metros,
which I do not think shows a reasonable balance. That is combined with South Lakeland. There are no unitary authorities from any part of the country. That is not a particularly balanced grouping.

I have the same observation relating to the fourth grouping, the telephone model, where four local authorities are identified in England: East Devon, Luton, South Oxfordshire and the Vale of White Horse. Three of those are district councils; most people would regard them as rural and fairly wealthy; and we have the rather odd position where South Oxfordshire and the Vale of White Horse—I again declare an interest as, being Lord Hayward, of Cumnor, I originate from one of those local authorities—are neighbouring authorities in Oxfordshire. You will not get much variation of information by picking that as a group. Therefore, if it is possible at this stage, I ask whether some of those local authorities could be switched round. It may be too late, but I make those observations on the different groupings.

I shall ask one final question relating to the use of telephones. More and more people do not have a landline. They operate totally on mobiles. It was not clear from the Minister’s opening comments whether the tests would include solely landlines or a combination of landlines and mobiles, or whether the authorities have access in one form or another to mobile numbers—I would be surprised if they do not in most cases. Those should be used, in the right circumstances and with the right qualifications—the noble Lord, Lord Blunkett, referred to data protection—because that will help the process.

I have made a few overall comments. I hope I have raised specific questions that can be dealt with either today or at a later stage in a written reply. But, overall, I broadly welcome the process as long as the objective is to achieve greater rates of registration, as well as the saving to local authorities in the process.

Lord Rennard (LD): My Lords, the sentiments expressed in the Minister’s very thorough brief about modernisation, efficiency and cost saving are very worthy and have my support. But we should consider the issues very carefully because none of the sentiments outweigh the overarching principle of the requirement in a democracy to make sure that every citizen entitled to vote is enabled to do so by being on the electoral register.

During the passage of the Electoral Registration and Administration Act 2013, I was among those who fought to preserve the principle of the annual canvass, and we ensured then that it was retained. After much deliberation, the canvass was seen—as the noble Lord, Lord Hayward, has just said—as an essential part of ensuring both the completeness and the accuracy of the electoral register. But the principle was hotly contested during those debates. Certainly, there were some within the Government who simply argued that it should go as a cost-saving measure; while others of us argued that ensuring that people entitled to vote were registered to do so was part of the cost of democracy and essential to the principle of fair elections. We come now, four years later, to look again at the issue of the annual canvass and how it can best be operated.

People like me have accepted that there might be better and more cost-effective ways of canvassing to complete the register and ensure its accuracy. Those of us—and there are many of us in the House—with long experience of canvassing in elections know a lot. I suspect, about targeting canvass efforts. In some areas it may be worth knocking on doors several times, while in others it may perhaps be impractical to call upon households personally. During the discussions four years ago one Minister told me that he thought the annual canvass was now completely redundant. He had been taken out by his advisers to a gated community and shown how it was almost impossible to gain access to canvass. It was suggested to him that the principle of the annual canvass should therefore be dropped. But such gated communities represent less than 1% of all households in the UK. The vast majority of households are accessible, and canvassing them is often an essential part of the process of completing the electoral register.

What I think can be done, however, is to use more modern methods to try and register as many people as possible in advance of attempting to call personally on doorsteps. Concentrating canvassing efforts on particular households where there is a need to make personal contact, and perhaps on low-registration areas where, for example, there may be many homes in multiple occupation, may be a higher priority—but all of this is predicated on making every effort to get people registered in ways that do not require a personal visit. If we are to extend this principle and vary the methodology involved in the annual canvass, I would like to ask the Minister about a couple of issues relevant to registering more people in advance of the doorstep call.

First, as we have discussed in correspondence, there is the provision of national insurance numbers to 16 and 17 year-olds. The Minister has told me that Her Majesty’s Revenue & Customs is willing, in principle, to supply to young people with their national insurance number information about how it can be used to register to vote. That clearly will save money and reduce the number of people who need to be called on personally. Since then, the Electoral Commission has said that there should be an automatic process of registration, so that when HMRC issues a national insurance number to a 16 or 17 year-old they are automatically included on the electoral register. That must fulfil the cost-saving principle that the Minister outlined in detail and would be a much better way of ensuring that 16 and 17 year-olds are included on the register. At that age they are already able to vote in Scottish Parliament elections, and it will ensure that they are on the register by the time they are 18 and can vote in England, Wales and Northern Ireland.

Secondly, I come again to the issue of student registration. It is particularly hard under the old-fashioned household canvass rules to canvass students in halls of residence and put them on the electoral register. The Explanatory Memorandum for the statutory instruments states:

“The purposes of these pilots are to gather evidence to establish whether alternative methods can be used to conduct the canvass that are just as efficient and more cost effective”.

We know that the traditional annual canvass method is not appropriate for students and we already know...
from pilots—which the Cabinet Office itself has referred to—that it is far cheaper and much more effective to offer students the opportunity to go on to the electoral register at the same time as they enrol for their course.

We know, for example from the Sheffield pilot that we debated, that students can be registered at a cost—according to Sheffield Council—of approximately £4 per student, compared to £5 per student using the traditional methodology which includes the annual canvass. In terms of completeness, which is a stated aim of government policy, the Sheffield model is registering students at a rate of about 76%, compared to institutions of a similar size registering students at a rate of only around 13%. The models may need to vary for different higher education students, but, if we are to change the principles of the annual canvass, we need to use all these methods to make sure that underregistered groups are more effectively represented on the electoral register.

2.15 pm

I have a couple of other questions relating specifically to the paperwork accompanying the statutory instruments. Can the Minister tell us a little more about what he means by “at least one”? It says in the paperwork that there should be at least one call at the door or attempt to canvass the voter. But that, of course, does not mean very much. It may mean just one attempt or it might mean more. I hope the Minister will provide guidance. The policy background section of the Explanatory Memorandum says that, “there will be a minimum requirement that they attempt to make contact with a person at each residential address in the area for which they act at least once during the pilot period”.

That should mean they will try to make contact as many times as is reasonably necessary and cost-effective to try to complete the registration process. It should not mean that the norm should be one attempt to call at a door. Those of us with experience of elections know that as politicians we often call at the same doors many times until we meet the voter we need to meet. This process should also involve making as many attempts as are reasonable to see the person who needs to be registered, bearing in mind the cost savings from registering many other people in other ways.

Finally, the privacy impact assessment, discussing the impact of canvass pilots on individuals, says that, “individuals are already required by law to provide EROs with the information in order to populate the electoral register”.

That is a simple statement of fact but I often hear somewhat different statements coming from the ministerial Benches, implying that the electoral registration process is not compulsory. It is true that it is not compulsory to register to vote but we had great and controversial debates in 2013 to ensure that certain principles of compulsion—that someone can be fined if they do not complete the household inquiry form and be subject to civil penalties if they then do not comply with the ERO’s further requirement to provide their details—are made known. Since it is clear within this statement that there is an element of compulsion, I ask the Minister to ensure that in the future the Cabinet Office will make it plainer to people that there is a requirement to comply with the process and, in particular, that the forms sent out by the 450 different EROs across the country asking people to register make plain that they are compulsory. We fought in Parliament four years ago to maintain the principle, which was introduced many decades ago—the fines were increased substantially in the period when Mrs Thatcher was Prime Minister—that people should understand that it is a civil obligation to register to vote as well as being a benefit to themselves. That element of compulsion must properly be made known if we are to do things such as reduce the cost of conducting the annual canvass.

Lord Kennedy of Southwark (Lab): My Lords, first, I make my usual declaration that I am a councillor in the London Borough of Lewisham and a vice-president of the Local Government Association. The four statutory instruments we are debating today are ones that I accept, as far as they go. I broadly welcome the process outlined by the Minister. Certainly, the entitlement to vote and the accuracy and completeness of the register are the most important things we are debating here. That underpins all this. I have some wider comments and one or two questions for the Minister but generally I welcome the orders and regulations and I am very happy that we are exploring new methods of getting people registered to vote.

On matters concerning elections and electoral registration, it is always desirable to get agreement among the interested parties on the way forward. I accept that that is not always possible but it is a desirable aim nevertheless. Changes should be implemented carefully, should be thought about, should seek to improve voters’ engagement in the electoral process and should command wide confidence. In that sense, pilots are a useful tool to see how certain measures will play out in practice, followed by proper evaluation and informed policy decisions. Can the Minister tell the House why the decision was made to extend these pilots for another year? I cannot believe that the Government have made this decision in isolation. But it is not clear from the papers why they have done so.

There is no mention of the political parties being consulted on the regulations. Will the Minister confirm that neither the Electoral Commission nor the Cabinet Office team that meets the political parties on a regular basis have brought these regulations anywhere near them? Of course, the Parliamentary Parties Panel is a statutory panel set up under PPERA. If that is the case, does the Minister agree that that is regrettable and should be rectified quickly? The political parties use the electoral register for their campaigning, they understand the registration process, and they have a legitimate voice that needs to be heard in any discussions on these matters.

I refer the Minister to page 3 of the Explanatory Memorandum to the Electoral Registration Pilot Scheme (England and Wales) Order 2017; he mentioned it in his introduction. Referring to the annual canvass, paragraph 7.1 in the section headed “Policy background” says:

“In its current form under IER, it is proving to be an unsustainable cost burden for local authorities to administer.”

I thought that was an interesting comment. I must say, it is not the biggest issue that comes up when we discuss finance and budgets and unacceptable cost burdens at Lewisham Council. The noble Lord, Lord Rennard, may have let the cat out of the bag by telling us that these issues were discussed in the coalition
Government in 2013. Of course, members of that coalition wanted to bring forward these proposals then.

I had a look at what the Local Government Association was saying and I could not find any mention at all of the unacceptable cost burdens of the annual canvass—not a thing—in its campaigns, press releases or anything else. I then had a look at London Councils and again there was no mention in any of its campaigns or media releases about these unacceptable cost burdens and the problems being caused for local authorities. Both organisations are well known to Members of this House. They are expert at getting their views across to us when they have issues they want to raise with us. But I have had absolutely nothing—not a letter, not an email, not a text message, not a phone call—from these bodies that represent local government.

Of course, there are many issues that these two bodies are interested in: the housing crisis, the social care crisis, education funding, public health budgets, business rates, pavement parking, homelessness and the lack of funding for that, bus funding, and many other issues—the list goes on and on. Many of these issues are putting local authorities in a difficult situation and putting pressure on budgets, but the Government are not the slightest bit interested in dealing with them. I also had a look at SOLACE and the AEA. Again, they are silent on these issues and do not appear to be campaigning on them at the moment.

It really is a bit rich for the Government to hide behind the suggestion that there are all these concerns from elsewhere in local government. The Government do not have a good record here. They sped up IER, against the advice of the Electoral Commission. They reduced the transition period for IER by one year. They threw out the consensus on that point. They moved ahead with reducing the number of seats in the House of Commons by 50. They removed voters from the electoral roll, against the advice of the commission, and of course that helped them in their redistribution of parliamentary seats and limited the scope of electors to get involved in local inquiries. At the same time, we all know that they made a record number of appointments to your Lordships’ House. Their claims about cutting costs just do not hold water.

Democracy costs money. We should cherish it and pay for it. We need an efficient, well-run, properly resourced electoral registration service in every part of the United Kingdom. In comparison with other services, the costs involved are not huge and the Government should be seeing how they can use every avenue of the state to get and keep people registered to vote. They should be learning from other parts of the United Kingdom. How does the Electoral Management Board in Scotland work in getting people registered to vote, compared with what happens here in England and Wales?

Pilots are good to see how we can efficiently and expertly register people to vote. There is nothing presently in force that stops EROs making any innovation, and many EROs do an excellent job of innovating to get people registered to vote. We should be looking at the incentives to get people on the rolls. What are schools, colleges and universities doing? What can we learn from the schools issue in Northern Ireland? Many noble Lords from all sides of the House have raised that and so far the Government have not been interested at all in bringing it into play in England. We should look also at what we can learn from other parts of the world.

I worry that the real agenda is just to cut the need to send out a prepaid envelope and a form and to avoid knocking on the door, with very little else under that. I am happy that we have new procedures and new ideas. We have to be absolutely sure that we are not making it any harder to get people registered to vote. I am not confident that so far the Government have done that.

My noble friend Lord Blunkett raised some very important points. The noble Lord, Lord Hayward, spoke about the two local authorities. I do not know that case but if that is the situation, it is regrettable. All the councils that have been invited to be part of the pilot should be part of it when it takes place next year. He made a very important point about savings. I am happy to make savings but, again, the important point in all this is the accuracy and completeness of the register. That must be paramount for all of us. The noble Lord, Lord Rennard, made some important points about automatic registration. Again, young people and students are a very important group and we must make sure that we get them registered. I know that many councils and EROs have worked closely with universities and colleges. We need to ensure that that happens as well.

I am happy to agree the orders and regulations before us today, although I worry about the Government’s real intention behind these matters.

**Lord Young of Cookham:** My Lords, I am grateful to all noble Lords who have taken part in this debate and for their broad welcome for the initiatives that are in the orders before the House.

In response to the noble Lord, Lord Kennedy, I am grateful for his welcome for what we are doing, but there were some uncharacteristically partisan comments in his speech. On the size of the House of Lords, I just say, as somebody who was Leader of the House of Commons at the time, that if his great party had supported the programme Motion on the House of Lords Reform Bill, the House of Lords would be a lot smaller than it is now. His party bears some responsibility for the failure to get the numbers down to a more manageable level. I will put that on one side because I know the noble Lord did not mean to stimulate an aggressive partisan debate on these non-controversial orders.

I will try to respond to the issues that were raised. The noble Lord, Lord Blunkett, raised the issue of privacy. Of course I confirm that the protection of personal data is important. As I think I said, the Cabinet Office carried out a privacy impact assessment which took into account privacy impact assessments commissioned from all the participating local authorities. The provisions before us do not have any significant further impact on an individual’s privacy than the current legislative requirements concerning registration. They simply support the EROs in carrying out their legal duty to take all the necessary steps to maintain
registers of electors in their area. As I said, we have consulted the Information Commissioner’s Office on this order and it does not consider that the proposed measures raise any new or significant data protection or privacy issues. The noble Lord also raised some issues about the Digital Economy Bill and I would like to accept his generous offer to pursue those in writing.

2.30 pm

My noble friend Lord Hayward commented on the selection of the areas for these pilots. As I said, the areas were chosen using robust research methodology to ensure a spread of electoral register churn, population size, chosen pilot model and region. He asked whether it was too late to amend the orders before the House. I think he knows the answer perfectly well—it is too late. He also asked about next year’s pilot of ID in polling stations. I entirely agree with him that it would be in the interests of those local authorities which the Electoral Commission has identified as being at risk to participate in those pilots. The list of pilots to be included in next year’s scheme has not been decided but I certainly take on board the issues that he raised. I will come back in a moment to some of the other issues he touched on.

The noble Lord, Lord Rennard, mentioned the issue of registering at the same time as one gets a national insurance number. That is a move towards automatic registration which so far the Government have resisted. We believe it is up to the individual to participate in those pilots. The list of pilots to be included in next year’s scheme has not been decided but I certainly take on board the issues that he raised. I will come back in a moment to some of the other issues he touched on.

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change—we cannot assume that everybody is e-enabled. Each change has to be carried out very carefully, otherwise we make mistakes, things go wrong and people lose their right to vote. That cannot be the case. The heart of this is that the Government must take a long period and absolute care when they pilot changes. The decision to reduce the time for confirmation was a mistake. If we had taken a longer time, we might not have needed these measures now. That is the point I am trying to make.

**Lord Young of Cookham:** I am grateful to the noble Lord. As I said, we are not stopping the annual canvass. The annual canvass remains. I will just end on this. The initiative for this has come for so much from the Government as from the EROs. They take their responsibilities very seriously and want to have the maximum number of people registered. They still retain all the powers they have at the moment, as well as the powers they have in the pilots, to continue to knock on doors and send all the forms. I personally have confidence that the EROs will use the powers they have, and which we are giving them today, not just to maintain the current accuracy of the register: I think we will end up with a better register if we go ahead with these pilots and extend the lessons that we have learned.

Motions agreed.

**West Midlands Combined Authority (Functions and Amendment) Order 2017**

*Motion to Approve*

2.38 pm

Moved by **Lord Bourne of Aberystwyth**

That the draft Order laid before the House on 6 March be approved.

The Parliamentary Under-Secretary of State, Department for Communities and Local Government and Wales Office (Lord Bourne of Aberystwyth) (Con): My Lords, the draft order which we are considering today, if approved and made, will bring to life the devolution deal which the Government agreed with the West Midlands on 17 November 2015.

The Government have already made significant progress in delivering their manifesto commitment to devolve far-reaching powers and budgets to large cities in England which choose to have directly elected mayors. This House has now debated and approved a number of orders establishing combined authority mayors and devolving powers, including Greater Manchester, the West of England, Cambridgeshire and Peterborough and, more recently, the Tees Valley and the Liverpool City Region, for which the noble Lord, Lord Young, stood in my place.

I am very grateful to the House for the attention it has given to these matters. We are now nearing the end of the first stage of this devolution process, with one final order after those today which confers powers on those combined authorities with May elections to be considered—that is, Greater Manchester, which was at the forefront of the devolution process. We also have the draft Combined Authorities (Finance) Order, which we will turn to following this debate.

The order we are considering today will confer important new powers on to the West Midlands mayor and the combined authority as set out in the devolution deal, particularly on transport, housing and regeneration, air quality, smoke-free premises, places and vehicles, anti-social behaviour, and culture. The overall result is to create for the West Midlands arrangements which will materially contribute to the promotion of economic growth across the area, improve productivity, and facilitate investment and the development of the area’s infrastructure. Through this deal, the West Midlands combined authority will receive: first, a devolved transport budget to help provide a more modern, better-connected network, allowing the West Midlands to choose how to spend the money across the area; secondly, new housing and regeneration powers to provide a strategic local approach to tackling these issues in the West Midlands; and thirdly, control over an investment fund of £36.5 million a year for 30 years to boost growth and prosperity in the area.

The implementation of the devolution deal agreed between local leaders and the Government has already seen two orders made, having been approved by this House and the other place, in relation to the West Midlands. First, the West Midlands Combined Authority Order established the combined authority on 17 June 2016, with functions in relation to economic development, regeneration and transport. Secondly, the West Midlands Combined Authority (Election of Mayor) Order created the position of mayor for the West Midlands, with the first election to be held on 4 May for an initial three-year term. Second elections will be held on 7 May 2020, with elections subsequently taking place every four years.

Today’s draft order is to be made under the Local Democracy, Economic Development and Construction Act 2009, as amended by the Cities and Local Government Devolution Act 2016. As required by the 2016 Act, along with this order we have laid a report which provides details about the public authority functions we are devolving to the combined authority. The statutory origin of this order is in the governance review and scheme prepared by the combined authority, together with the seven constituent councils of Birmingham, Coventry, Dudley, Sandwell, Solihull, Walsall and Wolverhampton, in accordance with the requirements of the 2009 Act.

The scheme sets out proposals for powers to be conferred on the combined authority, some to be exercised by the mayor, for funding and constitutional provisions to support the powers and functions conferred, and for the addition of a further five non-constituent members to the combined authority: North Warwickshire, Rugby, Shropshire, Stratford-on-Avon and Warwickshire. As provided for by the 2009 Act, the combined authority and the councils consulted on the proposals in their scheme. This was a public consultation which was entirely undertaken by the authorities concerned. They decided the approach, which was a matter for them.

I know noble Lords are interested in the consultation so will provide some further details. The local consultation undertaken by the combined authority ran for seven
weeks from 4 June to 21 August 2016. In that time, 1,328 responses were received. Of these, 777—60%—agreed that the mayoral combined authority will promote more efficient and effective governance in the West Midlands. With regards to some of the specific functions covered in the deal and conferred by this order, 79% agreed with the transport proposals, 71% with the air quality proposals and 69% with the housing proposals. On all the questions asked, more people supported than opposed the proposals.

Following that consultation, as statute requires, the combined authority provided the Secretary of State with a summary of the responses to the consultation in September. Before laying this draft order before Parliament, the Secretary of State considered the statutory requirements in the 2009 Act. He is satisfied that these requirements are met. In short, he considers that conferring the functions on the combined authority would be likely to lead to an improvement in the exercise of the statutory functions across the area of the West Midlands combined authority. He has also had regard to the impact on local government and communities. Further, as required by statute, the seven constituent councils and the combined authority have consented to the making of this order.

The detail of the draft order reflects the commitment in the deal that the mayor should take on responsibility for a devolved and consolidated transport budget and a key route network of local authority roads. This key route network of combined authority roads is identified in Schedule 1 to the draft order. It is clear that a lot of consideration and detail have gone into this network, and I congratulate the local area on the work that it has done in identifying this strategic network. The order provides that the mayor, with the assistance of the combined authority, will exercise the following powers over this network: powers to enter into agreements with highway authorities, Ministers and Highways England in relation to the maintenance of roads; powers to promote road safety and regulate traffic; powers to operate a permit scheme to control the carrying out of works on the combined authority roads; and powers to collect contributions from utility companies for diversionary works needed as a result of highways works carried out on the key route network.

2.45 pm

More generally, the mayor will have powers to pay grants—in practice for highways maintenance—to the seven constituent councils of the West Midlands combined authority, with the condition that the mayor has regard to the desirability of ensuring that the councils have sufficient funds to effectively discharge their highways functions. The mayor will also exercise, with the assistance of the combined authority, compulsory purchase powers in relation to housing and regeneration—the same power as the Homes and Communities Agency has elsewhere.

The order also provides that the functional power of competence, already exercisable by the combined authority, is also exercisable by the mayor. The order confers various powers on the combined authority, in addition to its existing transport, economic development and regeneration powers. These are: powers to issue penalty charges in respect of bus lane contraventions across the area of the combined authority; powers and functions of the Homes and Communities Agency relating to improving the supply and quality of housing, securing the regeneration or development of land or infrastructure, and supporting the creation, regeneration or development of communities in the area, to be exercised concurrently with the Homes and Communities Agency; power to designate mayoral development areas, leading to the creation of mayoral development corporations, such as we are seeing in the Tees Valley; powers relating to air quality, which can support the creation of emission control zones; powers to be an enforcement authority in relation to the prohibition of smoking in premises, places and vehicles; powers to issue civil injunctions for anti-social behaviour on the bus and tram network; and powers to take a role in cultural activities, in both the provision and support of cultural events and entertainments in its area.

Finally, the order also provides for the necessary constitutional and funding arrangements to support the mayor and the combined authority, including the establishment of an independent remuneration panel to recommend the allowances of the mayor and deputy mayor. It also provides for the addition of five new non-constituent councils—North Warwickshire, Rugby, Shropshire, Stratford-on-Avon and Warwickshire—to the combined authority, to join the existing five non-constituent councils to the combined authority: Cannock Chase, Nuneaton and Bedworth, Redditch, Tamworth, and Telford and Wrekin.

I should be clear at this stage that the inclusion of non-constituent council members to the West Midlands combined authority is the model proposed by the local area, which considers that this is the most appropriate governance structure to deliver growth across the area of the West Midlands combined authority and indeed the wider region. Furthermore, the addition of these new non-constituent council members does not alter the area of the combined authority, which remains, as it always has, that of the area of the seven constituent councils of the West Midlands. These non-constituent members will be able to sit at the table of the combined authority, but will be able to vote in decisions only if the constituent members of the combined authority choose to involve them in this way. This is a progressive way to ensure appropriate governance and decision-making in the area. However, the Government are clear that devolution of powers and funding should be achieved only through increasing the number of full constituent members. Residents in areas of non-constituent councils do not vote for the mayor.

The order will come in to force on 8 May, when the West Midlands mayor takes office, with the exception of the provision relating to the establishment of an independent remuneration panel, which will come in to force on the day after the order is made, to enable the combined authority to make any necessary arrangements in advance of the mayor taking office.

In conclusion, this order devolves brand new, far-ranging powers to the West Midlands, putting decision-making in the hands of local people and helping the area to fulfil its long-term ambitions. The draft order we are considering today is a significant milestone that will contribute to greater prosperity in the West Midlands.
[Lord Bourne of Aberystwyth]

and pave the way for a more balanced economy and economic success right across the country. I commend the draft order to the House.

**Lord Shipley (LD):** My Lords, I thank the Minister for introducing this order. I find it refreshing that councils want to join the combined authority, as opposed to wanting to opt out of it. It is good to see the broadly positive outcome of the consultation, with some quite strong figures. It will be helpful to have the extent of the responsibilities and powers that are defined in the order, because they are not up to the same as other combined authority orders, so it makes it much easier to pile up the differences between combined authorities. It is also good to see in the order the checks and balances in the powers of the constituent councils, the combined authority and the mayor. They are quite complex, particularly in view of the number of constituent councils, but I think they are quite workable.

I want to ask the Minister a very specific question about the powers of the mayor and the combined authority, given that they have compulsory purchase powers and, of course, that the combined authority takes over the powers of the Homes and Communities Agency. I just want to be absolutely certain on the record that there is no involvement by the mayor or the combined authority in the granting of planning permission in any part of the West Midlands Combined Authority.

The Minister referred to the independent remuneration panel. This panel relates to the mayor and the deputy mayor of the West Midlands. I think that we are creating too many independent remuneration panels. The time has come for there to be a single, national system for England in the remuneration of combined authority members, elected mayors and councillors. It should not be difficult to construct a system; most other organisations have national schemes. I no longer understand why everything has been localised in the way that it has or, indeed, why there has to be a separate independent remuneration panel for the mayor and deputy mayor of a combined authority.

I want to make two final, very brief points. In the paragraph about the appointment of a political adviser, which I understand applies to all combined authorities, can the Minister clarify the meaning of “within proportionate resource”? A political adviser can be paid “within proportionate resource”, but I do not understand what it is proportionate to. It could be proportionate to the remuneration of the mayor or of the deputy mayor; it could be proportionate to the remuneration of those serving on the combined authority; or it could relate to the budget of the office or of the mayor’s office. We need to be clear about what that phrase means because it is the kind of thing that might cause difficulty later.

My final point relates to political balance. There are 28 members on this combined authority, which I find a welcome number because it means that there is support for the concept of the combined authority. First, I want to be clearer about the political balance of those 28 members to ensure that all interests are involved. In other places—for example, in individual councils—questions of political balance on the appointment of committees are required to be considered. I am slightly concerned that one may find a predominance of only one political party, or maybe two, on a combined authority. How will political balance be ensured, given the number of members on the West Midlands Combined Authority? Second, with regard to the scrutiny function, which is subject to legislation that has already been passed by your Lordships’ House, I just want to hear from the Minister that political balance will be ensured on the terms that have already been agreed and that there will be no difference at all in the West Midlands, given the importance that scrutiny is going to have in what is a comparatively large combined authority.

**Lord Hodgson of Astley Abbotts (Con):** My Lords, I have not been involved in these matters before, but I am a member of the Secondary Legislation Scrutiny Committee and, during our earlier reviews, I have become aware of the questions about the extent of public consultation and the extent to which that consultation has favoured the Government’s proposals. My noble friend referred to that in his opening remarks; I think he said that 1,328 people had responded. That is a decent number, but we are talking about several million people in the organisation that we are talking about, so it is not a significant number statistically. Nevertheless, I welcome that more than half that number were in favour.

I happen to have had a regret Motion on a completely different matter that preceded the discussion we had the other day, about the combined authorities of East Anglia and the north-east, and I noted some of the concerns expressed by other noble Lords at that time. When the scrutiny committee had the West Midlands authority brought before it, I decided to look at it with slightly more care. I entirely appreciate and support the original concept of the urban West Midlands. I know that there are tensions between the Black Country and Birmingham, and so on, but nevertheless there is some cohesion. But when I saw what had been tacked on, I got out my mobile phone and googled the distance from Nuneaton, which is on the eastern end of the area, to Montgomery, which is just over the border in Wales and just outside the western end, and the distance is 96 miles. I did the same from north to south, and the distance is 106 miles. This is a very big area indeed, and I wonder what an authority which runs from the Potteries to the Cotswolds and from the M1 to the Welsh border is going to be able to do to hold this thing together and give it a sense of cohesion.

I understand about the urban West Midlands and the mayor elections taking place there in May. But with this very limited consultation in the first place, which brings in an entirely different type of society—rural, quite lowly populated—I wonder whether we are creating a structure that is really going to deliver what the people in those outlying, tacked-on areas are going to appreciate as a worthwhile and efficient use of local authority and indeed central government funds.

**Lord Snape (Lab):** My Lords, on the question of remuneration for the mayor, I ask the Minister whether the Government have a particular figure in mind. He will be aware that the election of a mayor in the West Midlands has caused a little controversy in the area...
about the size of the salary. Indeed, I understand that a recent meeting of leaders of various local authorities recommended a figure of around £40,000, which is, understandably, a bit less than one or two of them earn themselves. Can we have an idea from the Minister, before he sets up the remuneration committee, what a sensible figure would be? Does he agree that that figure ought at least to be in excess—perhaps considerably in excess—of the salary of existing local authority leaders, given the wide area, as outlined in the previous contribution, for which the mayor would be responsible? Can the Minister give us some assurance that whoever is elected will be seen to be independent of government, so that if it is necessary for the mayor to take a decision contradicting the views of government Ministers, he would not, regardless of party, be subject to the sort of treatment that has just been meted out to the noble Lord, Lord Heseltine, who, because of his temerity in disagreeing with the Government’s philosophy, was hurriedly dropped from a particular government position despite his distinguished record? The least the Minister can do is to reassure the House that whoever is elected will be seen to be independent of government.

3 pm

**Lord Grocott (Lab):** My Lords, the noble Lords, Lord Shipley and Lord Hodgson, both referred to the consultation process. I do not really want to make an observation on that, but consultations are wondrous things, are they not? They are often prayed in evidence. The figure that the Minister gave was, I think, that 777 people or thereabouts had agreed with the proposals. What that represents as a proportion of the West Midlands would barely be able to be determined on a quite sophisticated computer—it is a very, very small proportion of the population of the West Midlands. Having said that, I find myself impressed at the idea that as many as 777 people agreed with the proposal—when I for one find even these orders extraordinarily complex—and had weighed up these issues and thought that, on balance, it was a good system to introduce.

On the question of intelligibility—there are a lot of things that I am not keen on, including the point implied by my noble friend Lord Snape—let us get it down to punter level. I lived just outside the area, but for someone living in the West Midlands area who is faced with a problem involving housing, transport or jobs, is there a simple guide being proposed by the Government that tells them whether to go to their combined authority or to one of the constituent boroughs? Any democratic system, in my book at any rate, needs to be as intelligible as possible, and I am not at all sure about this new structure. It took the Minister, who understands these things, 10 minutes of speed-reading to refer to just these orders. The punters need to know what they are buying.

That brings me to my last point: has anyone worked out the cost so far of reaching the stage that we are at now? I dread to think how much it cost to produce these documents before us—I imagine quite a bit of ministerial and Civil Service time, not to mention the time spent by the local authorities themselves, who have had to submit evidence and attend meetings. And of course there is the cost of these elections, when they take place in May. Some indication, along the lines of the request of my noble friend Lord Snape, would be helpful for us to know precisely what sort of figures we are dealing with.

**Lord Rooker (Lab):** I will briefly follow up on a couple of the points that have been made. I declare an interest in the sense that I live in the total area, as I live in Ludlow, in Shropshire. I will be amazed when the people of Shropshire wake up on 8 May and discover that they will be sending the combined authority what will be a few tens of thousands of pounds—they are not involved in the election of the mayor, because the mayor is only for the metropolitan county area, which is the old seven councils. I wish it well—do not get me wrong—but the noble Lord, Lord Hodgson, mentioned the variation of the area, and I think that we do need to exploit the assets of the area.

For example, there are 326 local authority areas in England, and their density of population varies from 9,000 people per square kilometre to well under 100 people per square kilometre—as it is in Shropshire. Of the 326, Shropshire lies at about 312; in other words, it is an incredibly sparse area. What that tells me is that it has land for development. We do not need to rip up the countryside to use the land for development, and therefore there is potential in this area—the motorway links are not brilliant, by the way.

I do not know what the local authorities will do about this. The bosses who run Shropshire are not very keen on factories coming into the area. I once raised the issue at a public meeting, as I think jobs and manufacturing are important. In the area of the old seven councils—where I lived and worked and I also represented the area, so I know what it is like—it is not easy to put a factory on a greenfield site. You cannot do that in the Black Country: you can use brownfield sites, but you are absolutely limited for modern, technological industrial undertakings and you cannot do it in the old way. I just want to put that on the record.

On consultation, I have not seen anything in the local papers about the effect of this. I remember that the issue of consultation was raised about three orders ago. I hope that we are not playing with fire, because the body is being set up and it will perform its functions from 8 May.

My final point is that, in the West Midlands, we miss figures of substance, if I can put it that way.

**Lord Hodgson of Astley Abbotts:** I think that the noble Lord will find that, because Shropshire volunteered, it was not consulted at all. The consultation referred to by the noble Lord, Lord Grocott, was about the West Midlands area. I do not think that there was any consultation in Shropshire at all; it was a volunteering effort by the Shropshire leadership. So I do not think that the people of Ludlow, where the noble Lord and I both live, would ever have had a chance to say anything.

**Lord Rooker:** That is right; it has not been commented on. It has not been an issue that has figured at all, and that is why I think it will be a bit of a surprise on 8 May.
[LORD ROOKER]
My final point is that I hope that the new structure will generate some figures of substance. We miss in the West Midlands people of the stature of the late Sir Adrian Cadbury and the late Denis Howell, who got things done. That is the one thing that has been missing in the West Midlands compared to the north-east and north-west, where figures of substance have emerged in a leadership role, which has transformed the communities. So in some ways I hope that—although I have not seen any on the horizon at the moment—once this new structure is up and running, such people will come forward.

Lord Kennedy of Southwark (Lab): My Lords, I welcome the order before us today and I welcome the combined authority. It is good news that the constituent councils have all agreed this, and of course there are also non-constituent members taking part in this new arrangement. I lived in Coventry for many years, so I can see the logic of, for example, Nuneaton and Bedworth being part of the combined authority, as that is very near there. However, I do not know the area of Shropshire as well as my noble friend Lord Rooker does.

The noble Lord, Lord Hodgson of Astley Abbots, has raised an important point, though, about the wider area. I will not get into this today, but I think that there is an issue about where are going with local government in England. No party has dealt with this, outside of London, and it is an issue that at some point someone needs to deal with. I am not sure that these patchwork arrangements are the solution.

It is good that the consultation was positive, although I take on board the point that the number of responses was still quite low. However, for some of the other orders that we have looked at, the consultation response was very negative. At least the consultation response on this order was supportive of it.

When the Minister responds, it would be useful if he could comment on the powers that the mayor will have under the order. Will the mayor have the power to dispose of public land at less than market value for use as social housing? In terms of the mayoral development corporation, can he confirm whether it will have that power as well? As he will know, we tried to get this issue resolved in the Neighbourhood Planning Bill in respect of London, but for all sorts of reasons, which I am not yet quite clear on, it never happened, despite it being suggested and everyone being in support of it.

Can the Minister also say something about powers? I am conscious that this combined authority has more powers than some authorities but fewer than others, such as Greater Manchester, which has powers over the police and the health service. How would this authority go about getting further powers? Were there powers that were asked for but were refused? I do not know, and it would be interesting to find out.

The noble Lord, Lord Shipley, made a very important point about the remuneration panel. The idea of an England-wide panel is sensible, rather than having lots of different remuneration panels. That seems a good idea.

Having said that, I am content with the order. I shall finish my remarks by saying that I wish the authority well and, whoever is elected as mayor, I wish them well in this important role.

Lord Bourne of Aberystwyth: My Lords, I thank noble Lords who have participated in the debate. I shall try to pick up the points made. I thank noble Lords for the generally positive way in which they want to take things forward, although there are some understandable concerns. I shall try to address the points in the order in which they were made.

Turning first to the noble Lord, Lord Shipley, I thank him very much for his comments on progress, on checks and balances and on the consultation response. As the noble Lord, Lord Kennedy, has just said, the response was much more positive than has been the generality and was perhaps the most positive of all such consultations. Positive responses outweighed negative ones on every single question asked in the consultation, in most cases by a significant margin.

In that regard, I happenily concur with the noble Lord, Lord Grocott, about the intelligence of people in the West Midlands. In relation to the wider and very fair point that he made about an intelligible guide on how this will operate, in the department we are going to publish a plain English guide. I welcome that, because sometimes the language about how mayors and combined authorities will work is obscure and Byzantine. I hope that that guide will be helpful.

The noble Lord, Lord Shipley, rightly said that compulsory purchase powers are exercisable by the mayor. I can confirm, as he has raised the issue, that planning permission stays, as before, with the constituent councils. There is no change on that point.

I take the noble Lord’s point about the independent remuneration panels existing in isolation. Clearly, each authority is bespoke and they are different one from another, so one would expect the remuneration packages to be somewhat different. I shall take away the idea of having some way of cross-referencing the independent remuneration panels, so that we can both share experience and perhaps seek to keep costs down. That seems a sensible approach.

On the point that the noble Lord raised about the political adviser, within the mayoral office there is the capacity for a political adviser. That is paid for out of the mayoral budget, and we anticipate that the cost will be proportionate to that budget.

On my noble friend Lord Hodgson’s point about the scrutiny committee—it may have been the noble Lord, Lord Shipley, who made this point—there must be political balance on the scrutiny committee. With regard to the combined authority, there is no statutory requirement, just as in any local authority election. The balance is the balance as represented in the elections and the process that follows from that. However, there is a legal requirement that carries across to scrutiny committees of combined authorities in the same way as for other authorities.

On my noble friend Lord Hodgson’s point about the extent of the authority, I think that it is important to distinguish the combined authority, with its seven constituent members, from the larger area that he cited as stretching from Nuneaton to just outside Montgomery and from north to south. That larger area includes non-constituent authorities, which do not have rights to vote and do not participate in the mayoral election. They are part of the broader engagement
because of the strategic interest that often arises in relation to transport, housing and so on. They are not tacked on in any casual sense; they are important for strategic concerns.

The noble Lord, Lord Snape, echoed the point about remuneration, which I have already addressed. He talked about how the Government would work with mayors. I share his view that it is important that we work well with mayors. The experience of the Government working with the Mayor of London has been positive—we have engaged with Sadiq Khan on a regular basis on issues such as housing and last week's atrocity—and it has been a positive exercise.

I pay tribute to the work that my noble friend Lord Heseltine has done in my department. It was considerable. Of course, he was not elected in the same way as a mayor, as the noble Lord knew when he was making the point. However, I place on record the debt that we all owe to the work of my noble friend Lord Heseltine.

3.15 pm

The noble Lord, Lord Grocott, talked about the fact that not that many people responded to the consultation. That is true. As we know, that has been the experience across the piece with consultations. One always wishes that more people did respond. However, 1,328 is at the better end in this area and, as I think that we have all agreed, 777 in favour—about 60%—was considerable. There were quite a lot of "Don't knows" so those in favour considerably outweighed those that were against.

On the costs of elections—the costs, as it were, of democracy—I shall, as I often do, write to all who have participated in the debate. Of course these things come with a cost, and I shall try to answer. I do not have all the figures to hand. There are costs, but, as I have indicated in my response on the independent remuneration panel, we are trying to keep those costs sensibly down without prejudicing the importance of the process.

The noble Lord, Lord Rooker, also made some valuable points about the differences in the area that includes the non-constituent councils, such as Shropshire. Shropshire is very different from the densely urban parts of the area, such as Birmingham, Coventry and so on. I observe that the seven councils forming the constituent members are pretty heavily urban.

I share with the noble Lord the hope that a national figure of substance will arise from the elections, and I hope that Andy Street will be that person. We may not agree on that particular issue, but I look forward to the forthcoming elections.

How constituent councils decide who serves is a matter for constituent councils. It is usually the leader of the council, but there is no requirement that it should be. I have covered the point about the political balance on scrutiny committees. That balance is still there.

The noble Lord, Lord Snape, asked whether the Government have a view on mayoral remuneration. It would be inappropriate for us to have a view when we are setting up an independent panel on remuneration, but I share his view that this is a substantial role and I am sure that panel members will bear that in mind.

Finally, I thank the noble Lord, Lord Kennedy, for his general welcome—he always provides a general welcome—of what we are seeking to do in this area. I thank him for that and for acknowledging that the consultation was more positive than in some other cases. He asked whether other powers had been discussed with Birmingham, as had been done for Manchester. He is right that Manchester has had a bespoke deal that gives more powers; the powers are not uniform. As he knows, every combined authority is slightly different. I am unaware of any discussion on any other issues, but I shall cover that in a letter because I am not absolutely certain.

The noble Lord also asked about the power of the mayor to dispose of land. I think that that is in conjunction with the combined authority and subject to the normal rules of obtaining best value and acting intra vires. I shall also cover that in a letter to ensure that I am right on that point. I commend the order to the House.

Motion agreed.

Brexit: Legislating for the United Kingdom's Withdrawal from the European Union

Statement

3.18 pm

The Parliamentary Under-Secretary of State, Department for Exiting the European Union (Lord Bridges of Headley) (Con): My Lords, with the leave of the House, I will now repeat a Statement made by my right honourable friend the Secretary of State for Exiting the European Union. The Statement is as follows:

"With permission, Mr Speaker, I would like to make a Statement about today’s publication of a White Paper on the great repeal Bill. Yesterday we took the historic step of notifying the European Council of the Government's decision to invoke Article 50. The United Kingdom is leaving the EU. That notification marks the beginning of our two-year negotiation period with the EU and it reflects the result of last year’s instruction from the people of the United Kingdom. As the Prime Minister said yesterday, it is our fierce determination to get the right deal for every single person. Now is the time to come together to ensure that the UK as a whole is prepared for the challenges and opportunities presented by our exit from the EU.

We have been clear that we want a smooth and orderly exit, and the great repeal Bill is integral to that approach. It will provide clarity and certainty for businesses, workers and consumers across the UK on the day we leave the EU. It will mean that as we exit the EU and seek a new, deep and special partnership with the EU, we will be doing so from a position where we have the same standards and rules. But it will also ensure we deliver on our promise to end the supremacy of EU law in the UK as we exit. Our laws will be made in London, Edinburgh, Cardiff and Belfast, and interpreted not by judges in Luxembourg but by judges across the United Kingdom.

Some have been concerned that Parliament will not play enough of a role in shaping the future of the country once we have left the EU. Today’s White Paper
[Lord Bridges of Headley] shows just how wrong that is. This publication makes clear that there will be a series of Bills to debate and vote on, both before and after we leave, as well as many statutory instruments to consider.

Let me turn to the content of today’s White Paper. The paper we have published today sets out the three principal elements of this great repeal Bill. First, it will repeal the European Communities Act and return power to the United Kingdom. Secondly, the Bill will convert EU law into UK law wherever practical and appropriate, allowing businesses to continue operating knowing that the rules have not changed overnight, and providing fairness to individuals, whose rights and obligations will not be subject to sudden change. Thirdly, the Bill will create the necessary powers to correct the laws that do not operate appropriately once we have left the EU, so that our legal system continues to function correctly outside the EU.

I will address each of these elements in turn before coming to the important issue of the interaction of the Bill with the devolution settlements. Let me begin with the European Communities Act. Repealing the ECA on the day we leave the EU enables the return to this Parliament of the sovereignty we to some degree ceded in 1972, and ends the supremacy of EU law in this country. It is entirely necessary to deliver on the result of the referendum. But repealing the ECA alone is not enough. A simple repeal of the ECA would leave holes in our statute book. The EU regulations that apply directly in the UK would no longer have any effect and many of the domestic regulations we have made to implement our EU obligations would fall away. Therefore, to provide maximum possible legal certainty, the great repeal Bill will convert EU law into domestic law on the day we leave the EU. This means, for example, that the workers’ rights, environmental protection and consumer rights that are enjoyed under EU law in the UK will continue to be available in UK law after we have left the EU. Once EU law has been converted into domestic law, Parliament will be able to pass legislation to amend, repeal or improve any piece of EU law it chooses, as will the devolved legislatures, where they have the power to do so.

However, further steps will be needed to provide a smooth and orderly exit. This is because a large number of laws, both existing domestic laws and those we convert into UK law, will not work properly if we leave the EU without taking further action. Some laws, for example, grant functions to an EU institution with which the UK might no longer have a relationship. To overcome this, the great repeal Bill will provide a power to correct the statute book where necessary to resolve the problems which will occur as a consequence of leaving the EU. This will be done using secondary legislation, the flexibility of which will help make sure we have put in place the necessary corrections before the day we leave the EU. I can confirm that this power will be time-limited, and Parliament will need to be satisfied that the procedures in the Bill for making and approving the secondary legislation are appropriate. Given the scale of the changes that will be necessary and the finite amount of time available to make them, there is a balance to be struck between the importance of scrutiny and correcting the statute book in time. As the Constitution Committee in the other place recently put it:

“The challenge that Parliament will face is in balancing the need for speed, and thus for Governmental discretion, with the need for proper parliamentary control of the content of the UK’s statute book”.

Parliament, of course, can, and does, regularly debate and vote on secondary legislation: we are not considering some form of government “executive orders”, but using a legislative process of long standing. I hope that today’s White Paper and this Statement can be the start of a discussion between Parliament and government about how best to achieve this balance. Similar corrections will be needed to the statute books of the three devolved Administrations, and so we propose that the Bill will also give Ministers in the devolved Administrations a power to amend devolved legislation to correct their law in line with the way that UK Ministers will be able to correct UK law.

Let me turn to the CJEU and its case law. I can confirm that the great repeal Bill will provide no future role for the CJEU in the interpretation of our laws, and the Bill will not oblige our courts to consider cases decided by the CJEU after we have left. However, for as long as EU-derived law remains on the UK statute book, it is essential that there is a common understanding of what that law means. The Government believe that this is best achieved by providing for continuity in how that law is interpreted before and after exit day. To maximise certainty, therefore, the Bill will provide that any question as to the meaning of EU law that has been converted into UK law will be determined in the UK courts by reference to the CJEU’s case law as it exists on the day we leave the EU. Any other starting point would be to change the law and create unnecessary uncertainty.

This approach maximises legal certainty at the point of departure. But our intention is not to fossilise the past decisions of the CJEU for ever. As such, we propose that the Bill will provide that historic CJEU case law be given the same status in our courts as decisions of our own Supreme Court. The Supreme Court does not frequently depart from its own decisions, but it does so from time to time, and we would expect the Supreme Court to take a similar, sparing approach to departing from CJEU case law. But we believe it is right that it should have the power to do so. Of course, Parliament will be free to change the law, and therefore overturn case law, where it decides it is right to do so.

Today’s White Paper also sets out the great repeal Bill’s approach to the Charter of Fundamental Rights. Let me explain our approach here. The Charter of Fundamental Rights applies to member states only when they act within the scope of EU law. This means that its relevance is removed by our withdrawal from the EU. The Government have been clear that in leaving the EU, the UK’s leading role in protecting and advancing human rights will not change. And the fact that the charter will fall away will not mean the protection of rights in the UK will suffer as a result. The Charter of Fundamental Rights was not designed to create new rights, but rather to catalogue rights already recognised as general principles in EU law.
Where cases have been decided by reference to those rights, that case law will continue to be used to interpret the underlying rights which will be preserved.

I would now like to turn to devolution. The United Kingdom’s domestic constitutional arrangements have evolved since the UK joined the European Economic Community in 1973. The current devolution settlements were agreed after the UK joined, and reflect that context. In areas where the devolved Administrations and legislatures have competence, such as agriculture, the environment and some areas of transport, this competence is exercised within the constraints set by EU law. The existence of common EU frameworks has also provided a common UK framework in many areas, safeguarding the functioning of the UK internal market.

As powers return from the EU, we have an opportunity to determine the level best placed to take decisions on these issues, ensuring that power sits closer to the people of the United Kingdom than ever before. It is the expectation of the Government that the outcome of this process will be a significant increase in the decision-making power of each devolved Administration, but we must also ensure that as we leave the EU no new barriers to living and doing business within our own union are created. In some areas, this will require common UK frameworks. Decisions will be required about where a common framework is needed and, if it is, how it might be established. The devolved Administrations also acknowledge the importance of common UK frameworks. We will work closely with the devolved Administrations to deliver an approach that works for the whole of the United Kingdom and reflects the needs and individual circumstances of Scotland, Wales and Northern Ireland.

Let me conclude by stressing the importance of the great repeal Bill. It will help to ensure certainty and stability across the board. It is vital to ensuring a smooth and orderly exit. It will stand us in good stead for negotiations over our future relationship with the EU. And it will deliver greater control over our laws to the people of the United Kingdom than ever before. It is the expectation of the Government that the outcome of this process will be a significant increase in the decision-making power of each devolved Administration, but we must also ensure that as we leave the EU no new barriers to living and doing business within our own union are created. In some areas, this will require common UK frameworks. Decisions will be required about where a common framework is needed and, if it is, how it might be established. The devolved Administrations also acknowledge the importance of common UK frameworks. We will work closely with the devolved Administrations to deliver an approach that works for the whole of the United Kingdom and reflects the needs and individual circumstances of Scotland, Wales and Northern Ireland.

3.31 pm

Baroness Hayter of Kentish Town (Lab): I thank the Minister for repeating the Statement, which introduces one of three broad areas of scrutiny facing this House over the coming 18 months. The other elements are the array of primary legislation—anywhere between seven and 15 Bills covering agriculture, customs, immigration and all their associated SIs. Alongside this will be our scrutiny of the Government’s negotiation with the EU 27, culminating in a vote in this House on the final deal.

Today’s foreshadowed Bill is, in one way, the easiest of those three tasks, as it takes existing EU law and incorporates it into domestic law. However, we have heard the Secretary of State for International Trade arguing:

“To restore Britain’s competitiveness we must begin by deregulating the labour market”.

Meanwhile, the Foreign Secretary wants to use the “opportunity” to axe needless regulations that have “accreted” since Britain joined the EU. How do those comments chime with the Prime Minister’s introduction to the White Paper—and, indeed, the Government’s long-standing promise—which states:

“The same rules and laws will apply on the day after exit as on the day before”?

Will the Minister confirm that it is the Prime Minister who is the boss and that, despite the words of others, there is no intention to follow their madcap ideas within the repeal Bill?

Despite its aim of simply converting existing rules into UK law, the Bill will be, in the words of our Delegated Powers and Regulatory Reform Committee, “a wholly exceptional piece of primary legislation”, with implications for, “the fundamental issue of the balance between the Executive and Parliament”.

We are pleased that the Secretary of State confirmed that delegated powers introduced by the Bill will be subject to time limits, but a number of concerns remain. At paragraph 3.21, the Government believe that current statutory instrument procedures in this House are sufficient for the task. We have our doubts—so will the Minister give serious consideration to our recommendations? They are: that an explanatory memo be published alongside each statutory instrument; that there will be early consultation with outside stakeholders; that there will be provision of a comprehensive delegated powers memorandum for Parliament when the Bill appears; that there will be provision of draft regulations, so that scrutiny can commence before the Bill is enacted, in view of the sheer scale and complexity of the secondary legislation; and, given that delegated legislation is unamendable, that there will be consideration of a strengthened scrutiny procedure to help ensure that Parliament retains some control over significant statutory instruments, including some “triage” of the various proposals. Everyone in this Chamber knows that our committees do excellent work on this, but it is clear that some form of extra capacity will be needed if we are to scrutinise the vast array of statutory instruments that are to come.

Many EU regulations are monitored or enforced by the Commission, the Court of Justice or another EU body. The question, therefore, is how the Government will ensure that the new regulations, once domesticated into UK law, will still be monitored and enforced. There is little point in entrenching EU rights and protections if the Government do not also make sure that they are enforceable. As converting EU acquis into domestic law will have significant implications for the devolution settlements, which were all premised on our continued membership of the EU, can the Minister tell the House about their plans for dealing with repatriation in areas of devolved competence, including London? In particular, can he provide assurance that consultation will improve?

Just yesterday, the First Minister in Wales confirmed that he had not seen the Article 50 letter in advance and had not been invited to contribute to its drafting. He described that as,
Baroness Hayter of Kentish Town:
“unacceptable... the culmination of a deeply frustrating process in which the devolved Administrations have been persistently treated with a lack of respect”.

Today, again, he said on the White Paper:

“We are disappointed we were not given opportunity to contribute to its production, despite assurances that we would be.”

Is this the level of co-operation that the Government think is satisfactory?

Although lacking in certain respects, today’s White Paper provides some clarity. Labour has insisted that our withdrawal from the EU must not lead to a reduction in workplace rights or environmental and consumer protections. These must be retained with no qualifications, limitations or sunset clauses. The White Paper, although I have not had time to read every detail, seems to accept this entirely, and even sets out some welcome examples. However, given the comments by the Foreign and International Trade Secretaries, and the former chairman of the Conservative Party, there are dangers ahead.

If we are to do our job properly, we will need the resources and structures to deal with the avalanche of secondary legislation and a way of ensuring that delegated powers are limited, used only when it is vital and not misused. The Minister knows that the House stands ready to do what is needed, but we will need rather more detail and assurance before we can be sure that the Bill is fit for purpose. The Government stress the importance of sovereignty. For us, this means parliamentary sovereignty, not an unacceptable power grab by the Government. We will be watching you.

3.38 pm

Baroness Ludford (LD): I, too, thank the Minister for repeating the Statement. If the price of pointing out when the Government’s Brexit emperor lacks clothes is to be labelled “a well-known pessimist”, it is a price I willingly pay. The first and most obvious flash of nakedness is in the title of the Bill. It is not great and it repeals nothing. It is, in fact, the “Sneaky Copy/Paste Bill”. After all, we learned yesterday that Brexit does not in fact mean Brexit; it means a deep and special relationship—so of course we will still be complying with lots of EU law.

The deeper our relationship with the EU, the more the flimsiness of the emperor’s red-lined garments becomes apparent. It seems that the Government cynically hope that, as long as they pull out of EU institutions, the fact that the UK will continue to comply with most EU law can be sold as “freedom” and “regained control”. But, instead of taking back control meaning that that appears to allow. This power to correct will be exercised by secondary legislation allegedly to provide flexibility and speed. So, although government Executive orders are apparently ruled out, true reassurance is in short supply.

I want to associate myself with the remarks of the noble Baroness, Lady Hayter, about the resources in this House. The Liberal Democrats will be insisting on full parliamentary scrutiny, transparency and due process, including the involvement of the devolved Administrations.

The Statement and the White Paper pledge to end the supremacy of EU law in the United Kingdom, such that the laws we obey will not be interpreted by judges in Luxembourg. However, as I have already had occasion to remind the House today—it bears repetition—the Article 50 letter admits that UK companies trading in the EU will have to abide by EU rules while the UK takes no part in the institutions that shape those laws. In other words, we will become a rule taker and not a rule maker.

Therefore, the claim of no future role for the CJEU in the interpretation of our laws is simply untrue. Unless we want to forfeit whatever single market access is achieved, the CJEU will continue to play a large part in our lives. That is true also of treaty rights. Indeed, a few lines down from the ringing assertion that we will be ending the role of EU law, we learn that Brexit does not in fact mean Brexit; it means a deep and special relationship—so of course we will still be complying with lots of EU law.

The abolition of the application of the Charter of Fundamental Rights is shown also to be more apparent than real, because the Luxembourg court has taken account of it in many of its judgments. Again, this is admitted a few paragraphs later. Therefore, the assertion in paragraph 2.23 of the White Paper that the charter’s relevance is, “removed by our withdrawal from the EU”, is also simply incorrect. Can the Minister explain how our courts will keep up not just with historic but with new EU law and CJEU case law? There are obscure references to common frameworks, but this must surely mean EU-compliant ones.

Lastly, how will the Government reconcile their pledge not to repeal protective legislation with the pressure from right-wing Conservatives, backed recently by the Daily Telegraph, to promise a bonfire of EU red tape in their 2020 manifesto to put Britain on a radically different course? Is that what “correction” actually means? If so, when will the Government go back and tell the British people that they voted to diminish their rights, including rights over flight compensation, food labelling or roaming charges?

The Liberal Democrats will not support anything that weakens human rights or environmental, workplace and consumer protection, or which threatens freedoms to study and work in the EU, research funding or security co-operation. This reinforces the need, which
my party demands, for the British people to have the final say on the Brexit deal and for that say to be before the repeal Bill is enacted.

**Lord Bridges of Headley:** I thank the noble Baronesses, Lady Hayter and Lady Ludford, for their contributions. I particularly thank the noble Baroness, Lady Hayter, for her overarching view that we have provided at least some clarity on the approach we are taking. I think we are providing a considerable amount of clarity.

In her first point, the noble Baroness, Lady Hayter, asked: is the Prime Minister the boss? To clarify, yes, the Prime Minister is the boss—I had better make that very clear.

**Noble Lords:** Oh!

**Lord Bridges of Headley:** On a more serious note, as for the points made by the noble Baronesses about changes that might be made in years hence to EU-derived law once it is in UK law, that is some time off for the very simple reason that we have to get this process through and done in the time that we have. Any changes to EU-derived law, if they were to be made—I should say more correctly “proposed”—would obviously need to be passed by this Parliament, but that is not for now. As this paper makes very clear, the task before us is to provide for a smooth and orderly exit on day one.

I want to pick up on a point made by the noble Baroness, Lady Ludford. I totally understand the concerns about people’s rights, but we are making it absolutely clear that we do not intend to undermine or erode people’s rights as they are derived from the EU. Furthermore, the noble Baroness suggested that this is a power grab. This is not a power grab. We make very clear in the paper the balance that we are striving to achieve between the need to get appropriate scrutiny from Parliament while, at the same time, having a fully functioning statute book on the day that we leave the EU.

From paragraph 3.16 onwards, we set out a number of constraints that might be taken. As I said in the Statement, we are committed to a time limit. The noble Baronesses, Lady Hayter, made some very interesting suggestions about other constraints that are not in the White Paper as such. I draw the House’s attention to paragraph 3.17 on the scope of the power as it is currently considered and the potential that, “we will consider the constraints placed on the delegated power in section 2 of the ECA to assess whether similar constraints may be suitable for the new power, for example preventing the power from being used to make retrospective provision or impose taxation”.

The noble Baroness made a number of other suggestions. She echoed the points made in the excellent report by this House’s Constitution Committee—and many thanks to those Members who contributed to it—on Explanatory Memorandums, which is a very interesting idea. She referred to consultation on drafts, which again is going to be very important as we move to implementing SIs that touch on sectors of the economy, a comprehensive delegated powers memorandum, which is worth mulling over, draft regulations, strengthened scrutiny procedure and finally triage. These are all thoughts that my door is open to have discussions on with any noble Lord who wishes to do so. I stress the point that is made in paragraph 3.23 of the White Paper: “This White Paper is the beginning of a discussion between Government and Parliament as to the most pragmatic and effective approach to take in this area”.

The noble Baroness makes a very good point about the monitoring of EU regulations once they are converted into EU law and why those EU regulations are today enforced by EU regulators. I am glad she has raised this point. We are having extensive discussions with UK regulators on how this will work and furthermore, as she alluded to in her opening remarks, the need for consultation and discussion about that process and how we bring them over.

The noble Baroness, Lady Ludford, moved on to the interpretation of case law. I simply say gently to the noble Baroness that we need to have the certainty of the interpretation of case law which underpins a number of significant legal and policy cases—I am thinking in particular of our VAT policy. A large number of CJEU case law precedents shape that policy. We need to have that certainty on day one, hence the approach that we are taking.

As regards the noble Baroness’s point on consultation with the devolved Assemblies, yes, we will need to consult. We are giving Ministers there a power to amend their legislation to ensure that it, too, is going to be fit for purpose on day one. We are having regular meetings and we will continue to do so.

I am very keen to continue to consult with all Members of this House about the measures contained in the White Paper as it is absolutely critical we get this right.

**Lord Howell of Guildford (Con):** My Lords, I realise that the bulk of this is mainly a conversion exercise, which is very sensible and I greatly welcome that, but when it comes to the powers to correct statutes and make and approve secondary legislation, as the Minister has described, can we assume that there will be some degree of filtration and even removal? Many of these vast numbers of regulations are not only unwanted—that may be a matter for opinion and debate in Parliament—but obsolete and come down to us from a pre-digital age and an era of centralisation which is long past. It would be a real waste of time, effort and space on the statute book merely to place them there when they are redundant.

**Lord Bridges of Headley:** My noble friend is making a good point that the noble Baroness, Lady Hayter, made about the potential for triage and flagging up to Parliament whether an SI is of a very technical nature or of a more substantial policy nature and therefore the level of scrutiny that is required. All I will say at this stage is that I am very keen that we get the balance right between bringing noble Lords and the other place with us as we make these changes, making sure that we get the scrutiny right with the level of speed that we need to proceed with. I am very interested in the point that my noble friend makes and we will certainly look at that.

**Lord Hain (Lab):** Will the Minister clarify the welcome reference in the Statement to a significant increase in the decision-making power of each devolved
Lord Hailes: In respect of the Social Chapter, for example, will Wales be able to have that fully enforceable, even if it were to be amended at a UK level? Will he also confirm that any powers coming from Brussels to the UK applying in devolved areas will be able to be retained at, for example, a Wales level and will not need to be grabbed back by London? And will the European Convention of Human Rights still apply in the devolved areas?

Lord Bridges of Headley: On the second point, there is absolutely no plan for the Government to withdraw from the ECHR—I can assure the noble Lord of that. On the first point, there is again absolutely no intention to use this process in any shape or form to erode the decision-making powers that currently exist for any of the devolved Administrations. As regards how powers come back, that is clearly a matter, as the Statement makes clear, that we need to consult on very carefully to make sure that it works in all our interests.

Lord Hannay of Chiswick (CB): My Lords, I welcome the fact that the Government have got rid of the Orwellian title the “Great Repeal” Bill on the title page, although they seemed to revert like a ponticum rhododendron when they got inside. Would it not have been better to adopt the by-line of the Prince of Lampedusa’s famous remark in The Leopard when he gave the definition of revolution as:

“Everything was changed so that everything may stay the same”?

I think that is probably rather more the title, and the Daily Telegraph’s regulatory bonfire may be a bit short of dry kindling.

I have two questions. First, paragraphs 1.16 and 1.19 recognise that the provisions of this Bill will be operated in parallel with the Article 50 negotiations but there is no parliamentary process for approving the changes that may have been agreed in a deal with the European Union other than the binary choice when that deal is brought to Parliament. Are the Government really asking us to give them a blank cheque for all those changes they negotiate and to deny Parliament scrutiny of the details?

Secondly, paragraph 1.20 of the White Paper makes it even clearer than it was before that the Government are anticipating no process of parliamentary approval in the context of the UK exiting without a deal. Surely this lacuna has shown even more clearly than it was shown before that we have to have a provision for approving or disapproving a decision to exit without a deal?

Lord Bridges of Headley: My Lords, for fear of frustrating noble Lords, I will not repeat all the arguments regarding the noble Lord’s second point. I will simply say with regard to all these points that there will be ample opportunity, as I have said many times at this Dispatch Box, for your Lordships and the other place to scrutinise how the negotiations are proceeding. In addition, as we make it clear here and as we said before, there will be a vote in both Houses on the agreement at the end of the process, and were measures to come out of the withdrawal treaty that needed to be implemented, again, there would be a chance for Parliament to scrutinise those.

Lord Beith (LD): My Lords, the White Paper, referred extensively to the report of the Constitution Committee but not to its recommendation that both Houses need a mechanism for deciding whether enhanced scrutiny is required for some of these instruments. Given that statutory instruments cannot be amended and may be wrong in part but not as a whole, and that this House is reluctant to vote them down if they have been passed in the other House, surely we need that kind of mechanism.

Lord Bridges of Headley: My Lords, the noble Lord makes a valid point. I have read that excellent report, which makes a very useful contribution to the debate. I will not start committing one way now; indeed, it is not my role to start committing on the precise point the noble Lord made. However, I have had private conversations with some of your Lordships about this, whom I thank, and I am happy to meet the noble Lord to discuss this. However, I will not make a commitment on his point right here and now.

Baroness Couttie (Con): My Lords—

Lord Higgins (Con): My Lords, the Prime Minister’s foreword to the White Paper stresses the importance of trying to minimise uncertainty during the negotiations. Does my noble friend agree that among those suffering most from uncertainty are UK citizens living elsewhere in the European Union and those from elsewhere in the European Union living in the United Kingdom? When the Prime Minister approached this in Brussels she was told that she must wait until negotiations had begun and Article 50 had been implemented. Can my noble friend assure us that we will now press ahead with resolving the matter at the earliest possible moment? Should we not be absolutely clear that we must avoid a situation where nothing is agreed until everything is agreed? That would perpetuate the uncertainty for this group of people and many other groups of people for two years or perhaps many more.

Lord Bridges of Headley: My Lords, my noble friend makes a very good point. As regards the substance of it, I draw attention to the second point in the “principles for our discussions”, set out in the letter that my right honourable friend the Prime Minister sent yesterday, which repeated our absolute aim to strike an early agreement about the rights of both EU citizens in this country and UK citizens right across Europe. It is absolutely our intention to do so, and it is obviously good news that we can now start that process. We have been heartened by the fact that in conversations with our European partners, they too largely share that overriding intent.

Lord Grocott (Lab): My Lords, the Minister should gain strength and succour—I am sure he will—from the fact that although he will be on his feet for hours on end in the complexities of this and other Bills, this Bill has the advantage that although the detail may be difficult, the objective could not possibly be simpler. It is to ensure that this Parliament—and we are all
parliamentarians—makes, changes and amends the laws, which the people of this country expect this Parliament to perform. I know from all my experience as an MP that they expect Parliament to carry out that duty by being able to make the decisions on their behalf. Therefore, all of us who are keen parliamentarians and who value the priceless authority we have in either House, but principally in the Commons, should bear in mind, surely, that this is a wholly desirable piece of legislation.

Lord Bridges of Headley: I am delighted that the noble Lord sees it that way. I certainly agree that although the challenge ahead is extremely complex, we need to proceed with some simple principles and as simple an approach is possible, while being mindful of the complexity and of the view, which I know some of your Lordships hold, that in the process of restoring sovereignty to Parliament we should not give the Government excessive powers. We need to get the balance absolutely right and that is what I am determined to do.

Lord Woolf (CB): My Lords, I am sure the Minister has well in mind the problems with amending legislation of a subordinate nature in this House. I have experience of dealing with a much more modest situation, which arose when I was Lord Chief Justice and the Lord Chancellor’s status transformed, and we realised that over 300 pieces of legislation had not been taken into account. I suggest that it is possible to include in whatever the Bill will be called—great or otherwise—a provision which enables a statutory instrument to be amended without affecting its validity. That will give much greater comfort to those in this House with regard to what is proposed.

Lord Bridges of Headley: The noble and learned Lord makes an extremely interesting point. I am sure he will make other points and I very much look forward to having discussions with him about this and other issues in the months ahead

Lord Campbell of Pittenweem (LD): My Lords, I confess to an almost irresistible urge to return to full-time practice at the Bar because this is a legal minefield. When a relevant right of action arises between now and the date of our departure, is it not the case that any such proceedings which may follow fall to be determined by European Union law and are justiciable by the European Union Court of Justice, however long that might take?

Lord Bridges of Headley: I am not sure I entirely get the noble Lord’s point. I am sorry to say, I have set out the position on case law. Until we leave the European Union obviously we continue to be bound by the ECJ. Forgive me if I am missing the noble Lord’s point. I am happy to meet him to discuss it.

Baroness Royall of Blaisdon (Lab): It is the turn of the noble Baroness opposite.

Baroness Fookes (Con): My Lords, as chairman of the Delegated Powers Committee, I am pleased that the Government seem to be taking on board many of the recommendations we have made in tandem with the Constitution Committee, with which we are working closely. The most important from our point of view is the sunset clause—the time-limiting one—which deals, I think, with many of the worries people have about giving the Government extensive powers. May I take it a little further? There will be primary legislation dealing with other matters where we will wish to take a different approach and have a different policy. My guess is that there will be considerable delegated powers. I ask the Government not to take too much for granted. Our committee will have beady eyes on it all.

Lord Bridges of Headley: I am delighted that the beady eye of my noble friend will continue to purvey all that comes from government, and so it should. I thank very much my noble friend and the members of her committee for their work. As I said, we have confirmed that there will be a sunset clause in this piece of legislation. My noble friend is absolutely right about the other pieces of legislation that will follow. I will not say here and now the extent of any delegated powers they might have, but we are obviously very mindful of the need to ensure that those powers are proportionate.

Lord Davies of Stamford (Lab): My Lords, the Government’s policy is to leave the single market, with potentially devastating consequences for the British economy. It is already causing the deepest anxiety in the City and among the manufacturing industry particularly. I hope the Minister has read the recent report of the engineering manufacturers’ federation on the subject. The Government defend their policy. Their stated reason, or excuse, for it is that any other policy would be incompatible with their desire to restrict EU immigration. Now that the Secretary of State for Brexit has publicly acknowledged that in practice there will not be any meaningful reduction in EU immigration for some time, would it not be elementary common sense to re-examine this whole policy? The cost of leaving the single market remains the same, but the potential gain or return for which the Government said they were hoping is obviously much less than anticipated and possibly non-existent. Is it not common sense in those circumstances to review their policy, quite apart from the other issues such as the difficulty it would create for Ireland to create a new frontier across the island of Ireland, which could be avoided if we remain in the single market?

Lord Bridges of Headley: I respect the passion with which the noble Lord speaks on this matter; he does so with great eloquence. I have very little more to say to expand on what I have said at the Dispatch Box on this issue many times before. We view the need to leave the single market as reflecting the view and the instruction that the people delivered on 23 June last year. We have always said that we believe we need to take control over our borders. We also see that as an instruction and part of the need to leave the EU. As regards how we do so, my right honourable friends the Secretary of State and the Prime Minister have both said on many occasions that we need to do so in a sensible way, mindful of and sensitive to the needs of the economy. I have little to add to that.
Lord Dykes (CB): My Lords, the Minister is well known for his engaging sense of perpetual optimism, so can he reassure the House that all the legislation in this vast Bill will be completed by the end of the next parliamentary Session, which presumably will start on 17 May or thereabouts? There will be more or less only a year to make sure that it all goes through. Will he also reassure us that, as the word “instruction” is rather an improper term to use in comparison with “indication”, “judgment” or other softer words, the final vote of the sovereign Parliament, particularly the House of Commons, will be the final decision on this matter?

Lord Bridges of Headley: My Lords, the people have said that they wish to leave the European Union and that is what we are doing. As regards the timetable for this Bill, the noble Lord makes a very good point. We obviously have a timetable that reflects the Article 50 process. We fully intend to see this Bill on the statute book as soon as possible so that we can start to use the powers and ensure that our statute book is fit for purpose on the day we leave the European Union.

Lord Blackwell (Con): My Lords, in connection with the challenge—

Baroness Royall of Blaisdon: We have to hear from the noble Baroness on the Conservative Benches.

Lord Taylor of Holbeach (Con): I understand that my noble friend does not wish to proceed.

Lord Blackwell: In connection with the challenge set out in the White Paper of ensuring appropriate parliamentary scrutiny of the EU legislation being translated into UK law, might my noble friend consider the precedent set some years ago by the tax law rewrite committee? As noble Lords may remember, this Joint Committee of both Houses was set up in similar circumstances with the simple purpose of replicating laws without changing them. It had the advantage that laws could be published in draft, others could look at them, and a Joint Committee of both Houses could scrutinise them and, as the remit was set, that the laws were being translated without changing their meaning. That might be an effective way of dealing with the volume of legislation in this situation.

Lord Bridges of Headley: That is an extremely interesting point and I will look at that suggestion. Obviously we will look at what is practical and what will work best in consultation with appropriate committees of this House and the other place.

Baroness Andrews (Lab): My Lords, I have been encouraged by the Minister’s response to my noble friend on the Front Bench about his door always being open regarding the recommendations of the Constitution Committee, which have been marshalled around the House. He says—and the White Paper makes it clear—that the Government want to strike a balance between scrutiny and speed. I understand the constraints of speed but will he assure the House that, when it comes to finding that balance, they will have to lean towards scrutiny as far as this House and its role are concerned? In particular, will he look closely at the provision of draft regulations? One problem that has beset this House and its scrutiny processes in recent years has been our inability to comment on the impact of legislation because we have not had draft regulations for consideration. When so much of such a profound, not technical, nature will be dealt with through secondary legislation, we will need draft regulations to do that job properly.

Lord Bridges of Headley: I thank the noble Baroness for that contribution, and I totally take heed of what she says. I think this comes back to the points raised by the noble Baroness, Lady Hayter, and my noble friend Lord Howell about how to ensure, in some shape or form, that there is a reflection of the technical nature or otherwise of the SIs, making sure that the legislation is presented to Parliament in a timely manner. I hear what the noble Baroness says and I will certainly reflect on it.

Lord Thomas of Gresford (LD): My Lords, following the contribution of my noble friend Lord Campbell, can the Minister confirm my reading of the White Paper: any obligations incurred under pre-exit European law, including obligations on the Government of this country, will be justiciable in our domestic courts following exit?

Lord Bridges of Headley: I make it clear that EU case law will be preserved as it stands on the day of exit, and it will be that which the UK courts will need to observe from then on.

Combined Authorities (Finance) Order 2017

Motion to Approve

4.09 pm

Moved by Lord Bourne of Aberystwyth

That the draft Order laid before the House on 13 March be approved.

The Parliamentary Under-Secretary of State, Department for Communities and Local Government and Wales Office (Lord Bourne of Aberystwyth) (Con): My Lords, the order puts in place the process that elected mayors and their combined authorities will follow for setting the mayoral budget and issuing precepts. For the six mayoral combined authorities with elections this May, these processes will apply in relation to 2018-19 and each subsequent year. This is applicable to all mayoral combined authorities, except for the West of England. In this case, reflecting local choice, there will be no mayoral precept and outcomes secured by provisions in the order establishing that combined authority. In addition, the order makes certain transitional finance provisions for Greater Manchester, reflecting that, from 8 May 2017, its mayor will have police and crime commissioner responsibilities, and be responsible for the Greater Manchester Fire and Rescue Service.

This order establishes the final element in the funding framework for mayoral combined authorities. Under this framework, the activities of combined authorities and their mayors will be funded as follows. First, combined authorities and their mayors, as provided for in the devolution deals, will receive new, additional
financial resources from government. In particular, noble Lords will recall that the Government are providing £30 million per year for 30 years of investment funding, known as “gain share”, to areas such as Greater Manchester, the West of England and the Liverpool City Region. In the case of the West Midlands, which we have considered in the previous debate ahead of the Statement, this investment funding is £36.5 million per year for 30 years. In the case of Cambridgeshire and Peterborough it is £20 million per year for 30 years and in the Tees Valley, reflecting the size of the area, it is £15 million per year for 30 years. Central government resources also include budgets for transport and the mayors will have the powers to allocate this funding to the constituent councils, as we saw in the order that we previously considered today for the West Midlands.

Secondly, the primary legislation—the Local Democracy, Economic Development and Construction Act 2009—together with the orders we have made for individual combined authorities, provides that the constituent councils can make contributions to combined authorities and mayors. Importantly the orders also provide that, in the case of mayoral expenses, the mayor must agree contributions with the constituent councils in advance of incurring expenditure.

Thirdly, combined authorities can levy on their constituent councils for transport costs. It is open to us also to make further secondary legislation to extend these levy powers for other functions of the combined authority. The constituent councils then build these levies into their own budgets.

Finally, mayoral functions—to the extent they are not met by other means—are to be met by a precept. This precept is determined each year through the mayoral budget process and is formally issued by the combined authority to the billing authorities in its area. The billing authorities then build this precept into their council taxes and the precept will be visible on council tax bills. As I said earlier, the mayor for the West of England does not set a precept. In this area, the costs of the mayor will be funded through contributions from the constituent councils.

If approved by Parliament, today’s order is to be made under the Local Democracy, Economic Development and Construction Act 2009—as amended by the Cities and Local Government Act 2016—and makes detailed provision about budgeting and precepting. If approved by Parliament, the order will come into effect the day after it is made. The specific provisions, which are designed to ensure an effective process including robust arrangements for scrutiny and challenge of the mayors’ proposals, are as follows. First, there is a requirement for combined authority mayors to submit by 1 February of a given year a draft budget to their combined authority for consideration. Secondly, the combined authority recommends any amendments to the draft budget before 8 February, and the mayor considers them and makes a further proposal if he should choose to do so. Thirdly, the constituent members of the combined authority may impose amendments to the mayor’s draft budget, if supported by a two-thirds majority—except in the case of the Tees Valley, where that majority is three-fifths. In the absence of this majority, the mayor’s proposals must be accepted by the combined authority.

Fourthly, the combined authority must set a mayoral budget if the mayor does not submit a draft for consideration by 1 February. Fifthly, the mayor is to fund mayoral functions through a precept, which will be subject to referendum principles that limit precept increases in the absence of a council tax referendum. Sixthly, the standard local government finance regime applies so that precepts must be issued by 1 March. Seventhly and lastly, to aid transparency the mayor is required to maintain a fund relating to the receipts and expenses of the mayor’s functions, excluding police and crime commissioner functions, for which Manchester city combined authority is responsible and for which there is a separate police fund.

The order also contains detailed provisions about transitional measures. The duty to issue a precept is disapplied in relation to the year in which the first mayor for the combined authority is elected. This is because for this year the mayor will not be in office in time for the precept to be set. Mayoral expenses in this first year will therefore be met by contributions from the constituent councils.

The final transitional provisions relate to Greater Manchester, where the mayor will be responsible for police and crime functions and the fire and rescue services. These provide that the precepts for 2017-18, which have been issued by the Greater Manchester police and crime commissioner and the fire and rescue service, will from 8 May this year fund the mayor’s activities in respect of policing and fire and rescue functions.

In conclusion, the order will support the new combined authority mayors to fund their functions through a precept and a budget-setting process that allows for effective challenge and robust and transparent scrutiny by the combined authority. The draft order will complement the orders already approved by this House to implement the devolution deals agreed between local areas and the Government, paving the way for a more balanced and successful economy and improving housing supply across the country. I therefore commend the order to the House.

Lord Shipley (LD): My Lords, I shall make two brief points. First, the powers and the checks and balances proposed in the order seem appropriate, but I note the final paragraph of the Explanatory Memorandum concerning monitoring and review, which says:

“Mayoral combined authorities will be required ... to put in place an extensive programme of evaluation”.

I suggest to the Minister, not least because there are two different methods for creating the mayoral budget now—for most the precept, and for the West of England by agreement of the constituent councils—that evaluating how that works could well be something for independent review as opposed to being done by the combined authorities. I hope the Minister will pay some regard to that.

The other issue is that I did not quite understand what the Minister said about audit and, in particular, scrutiny. There is a very tight timetable between the
Lord Shipley: My Lords, I thank the noble Lords, Lord Shipley and Lord Kennedy, for their contributions on the issue of local government finance. If I may first pick up the point from the noble Lord, Lord Kennedy, in relation to the previous debate, I will certainly take another look at that. As I indicated, I think the function will be balanced between the different interests of the mayor and the combined authority and to the important checks and balances. He asked specifically about the budget process and about scrutiny. As I think he will know, the overview and scrutiny committees can require the mayor to appear before them at any time, including in the first year of the mayor’s term, before this more detailed process kicks in. In the first year, of course, it is too late for the precepting procedure, which applies later on. The budget scrutiny requirement refers to the scrutiny of the mayor’s budget by the combined authorities, though there is a specific requirement under the order, as the noble Lord appreciates, for a mayoral fund to be set up. I will perhaps enlarge on that in a letter because it is a fairly technical area.

I thank the noble Lord, Lord Kennedy, again for his pragmatic approach and for welcoming this particular measure. He raised similar points about scrutiny in addition to the point he raised on the last order. I will of course pick those up in a detailed letter.

As I said, this issue is central to the system of mayors, which I think we all support in principle. I accept that we have different concerns but it is obviously essential that going forward we have a system for how money is to be organised. I also accept that we have bespoke deals. For example, the West of England Combined Authority did not want precepting, while Tees Valley Combined Authority wanted decisions to be made with a 60% rather than a 66% majority because it has five constituent councils—I think that is the reason for that; they would each have 20% of the vote. Accepting that there are going to be slight differences, the general approach to scrutiny and budgets is set out in this order, which I think is non-controversial. As I said, any points that have been raised and that have not been covered in my response will be picked up in a letter, in addition to the point made by the noble Lord, Lord Kennedy, in relation to the previous debate. I commend the order to the House.

Motion agreed.

Role of the Lord Speaker

Question for Short Debate

4.24 pm

Asked by Lord Grocott

To ask the Leader of the House what plans she has to initiate a review of the role of the Lord Speaker.

Lord Grocott (Lab): My Lords, almost 11 years ago, in June 2006, the House of Lords took what was considered at the time to be a quite dramatic, almost revolutionary step. Despite considerable opposition, the House decided to elect its own presiding officer: the Lord Speaker. Prior to that, the person sitting on the Woolsack had been a senior member of the Cabinet, appointed by the Prime Minister. When you think about it, it is astonishing that a legislative assembly, the House of Lords, should have had so many of its Members preferring to have a member of the Government as its figurehead rather than someone who the Members themselves could elect—almost as odd, you might think, as having by-elections to elect hereditary Peers.
I mention this bit of history for two reasons. First, I want to remind everyone that yesterday’s revolutionary suggestion soon becomes today’s accepted practice. I do not know of any Member of this House today who is suggesting that we should replace the Lord Speaker with a senior member of the Cabinet. Secondly, the strong opposition at the time explains why the newly elected Speaker was given the bare minimum of powers, reflecting the views of so many Members that we were embarking on such a risky new venture. In fact, I kid you not, when one of the candidates in the first Speaker’s election was asked what he planned to do with the role, he replied, “As little as possible”.

In keeping with the caution of this Chamber, I am suggesting two small changes to the role of the Speaker which I believe would improve both the efficiency of the House and the intelligibility to the public of the way in which we conduct our affairs. The first relates to Question Time. In 2011 the then Leader’s Group on Working Practices produced its report. On Question Time. In 2011 the then Leader’s Group on Working Practices produced its report. On Question Time. In 2011 the then Leader’s Group on Working Practices produced its report. On Question Time it had this to say:

“The conduct of oral questions is the topic which, to judge by the responses to our invitation for views, concerns Members of the House more than any other … When the political character of question time is combined with the larger size of the House, the result is an increasingly fractious and at times aggressive atmosphere … many Members, from whom the House might wish to hear, and whose knowledge and experience would be particularly valuable … are discouraged from participating”.

The House voted on the proposal of the Leader’s Group to transfer Question Time responsibilities to the Lord Speaker, but the Motion was defeated. But since that vote six years ago, there have been significant changes. The House has grown even larger, in both size and daily attendance. This has made it even more difficult for people without loud voices to make themselves heard at Question Time. What is more, there has been increasing scrutiny of this House and the way in which we manage our affairs by the media and the public. Something that should be of concern to us all is the impression given to the public when they view Question Time. At times it appears to be a complete shambles, with people shouting at each other and no one in control. Anyone who observed Question Time this morning would find at least one example of that.

I believe there is a simple and cost-free solution to this problem: we should give control of Question Time to the Lord Speaker. In recommending this, I want to make one thing very clear. I am not criticising in any way the current Leader of the House, the Chief Whip—I never criticise Chief Whips—or any other Minister who might intervene at Question Time. I am saying simply that where they sit in the Chamber, on the Front Bench, is an absurd position from which to see the House and exercise control.

The House of Lords is unique in many ways but none more so for being the only legislative Chamber anywhere on the planet where the person responsible for maintaining order has their back to half the audience. I know I have done my bit from time to time. You cannot see who is standing up behind you. You need wing mirrors. The people in the Gallery—the people we are here to serve—cannot see who is in control either. They look to the person in the chair, as they would at any other public event. But the Lord Speaker’s role in the chair is purely decorative—and he does that very well. The Companion to the Standing Orders insists on this. Paragraph 4.06 says:

“The role of assisting the House at question time rests with the Leader of the House, not the Lord Speaker”.

I hear the objectors say, “You are eroding the authority of the Leader”, to which the answer is that from the very start the establishment of our elected Lord Speaker has involved the transfer of responsibilities from members of the Cabinet to the Speaker. I will give a couple of examples. Until 2006 the power to determine whether or not a Private Notice Question should be allowed, believe it or not, was in the hands of the Leader of the House. Imagine that for a moment. The power to grant an Urgent Question, invariably requested by a Member of the Opposition and, to put it mildly, not often welcomed by the Government, until 2006 was determined by the Leader of the House as a senior member of the Government. That power was transferred to the Lord Speaker, and rightly so.

Another precedent involves the Lord Chancellor. Prior to 2006, the power to recall Parliament during a recess lay with the Lord Chancellor—like the Leader, a senior member of the Government. That power now rests with the Lord Speaker. Paragraph 1.55 of the Companion says:

“The Lord Speaker may, after consultation with the government, recall the House whenever it stands adjourned”.

So there are two examples—Private Notice Questions and the recall of the Lords—where power has been transferred from the Government to our elected Lord Speaker. In my book, that is entirely consistent with, and indeed an enhancement of, our valued tradition of being a self-regulating House.

I need to emphasise very strongly that I am in no way recommending a Speaker comparable to the Speaker in the House of Commons. I do not think anyone here, including former MPs like me, would want a Lord Speaker who, for example, had to rule every day on seemingly endless, usually bogus, points of order. There are a number of experts on that sitting around me this afternoon, and occasionally I would include myself. But paragraph 1.52 of the Companion states quite clearly:

“The House does not recognise points of order”.

That prohibition would remain. All I am suggesting is that the Lord Speaker should in future perform precisely the functions that the Leader does at present—no more and no less. I have no doubt whatever that this modest change would diminish the shouting match which often characterises Question Time. It would make proceedings more intelligible to the public and encourage and enable many more Members to participate who are reluctant to do so at present.

I suggest one other change to the Lord Speaker’s role, and today is a timely day to suggest it. I would like to see the Speaker take control of the House when Statements are made. At present, all that happens is that the Minister making the Statement simply stands up and reads it with no introduction. It is bizarre, but we are so used to it that we do not regard it as unusual. I think the Lord Speaker should announce the Statement and call the Minister. Otherwise, the matter is not that intelligible to the public. I have sat in this House many times when halfway through a debate or between two
orders a Minister stands up and reads a Statement. It would be helpful if that were done by the Lord Speaker. All we have at present is a message on the annunciator to say that a Statement is due. It would also fall to the Lord Speaker to manage Statements in order to prevent mini-speeches—we had the odd example of that today—and to ensure that as many Members as possible are able to contribute in the 20 minutes that are allowed.

I believe the role of the Lord Speaker has grown over the years entirely to the benefit of the House. I also believe that the profile and leadership shown by the current Lord Speaker in speaking for the House on matters of public interest which are relevant to the House as a whole—both to the press and to the public—have been very much to our advantage. Enhancing the current Lord Speaker in speaking for the House on matters of public interest which are relevant to the House as a whole—both to the press and to the public—have been very much to our advantage. Enhancing his role at Question Time, in particular, and for Ministerial Statements would establishing him more effectively in the eyes of the public and the media as the person who can speak for the House of Lords.

My proposals today represent a small but significant extension to the responsibilities which were given to our first Lord Speaker 11 years ago. Nearly half our Members today—362 out of 804—were not Members then. It is high time that we reflected on our experience of having an elected presiding officer and consider the changes that I have suggested. They would make our proceedings fairer to Members and more comprehensible to the public. They would cost nothing and disadvantage no one. I commend them to the Leader, who will be responding, and to the House.

4.35 pm

Earl Attlee (Con): My Lords, I am grateful to the extremely experienced and noble Lord, Lord Grocott, for tabling his QSD. I have agreed with much of his counsel in the past, and even today, but on this occasion, I think we should maintain the status quo and rely entirely on our excellent system of self-regulation.

I observed that when I was a junior Member of the Opposition Benches, I had no difficulty in getting my fair share of questions, even though I do not particularly have the gift of the gab. When I have guests attend Question Time, they often marvel to me how your Lordships know when to get up, as the Lord Speaker appears to have no role and very often my noble friend the Leader has no need to intervene. When she comes to respond, perhaps she can tell the House how often she has had to intervene. I also take this opportunity to say how well she performs her duties and to express our gratitude to her.

No doubt, many noble Lords will focus on Question Time, and I shall point out some of the advantages of the current arrangement that could be lost with any changes. I expect many noble Lords will make the point that the Leader has a better view of the House than the Lord Speaker. Although, unlike the Speaker in the Commons the Lord Speaker sits on his own, in the House of Lords, the Leader, the Government Chief Whip and the Clerk of the Parliaments work together as a team, especially at Question Time. Either the Chief Whip or the Leader will create a matrix to ensure that each Bench has its fair share of supplementary. The Leader will need to be seen by the House as being scrupulously fair or she will risk losing the confidence of the House, and then be in danger of losing her job.

For ordinary legislative business, Statements and time-limited debates, the role of the Leader is usually delegated to a junior Government Whip, who seeks to express or suggest the sense of the House, in the same way as the Leader. Your Lordships will recall that I have performed this role, and I sought to do so as a servant of the House and not of the Government. I had no difficulty in helping the House manage Statements: it was quite easy. Once, when I got the sense of the House slightly wrong, I was able to say, “My Lords, this is a self-regulating House and a self-regulating Committee. If the Committee wants to hear more from the noble Lord, he should continue”. That is what self-regulation is about.

When noble Lords address the House, they generally do so looking very carefully at the Minister and the Government Front Bench in order to gauge their reaction. They do not look at the Lord Speaker. If a noble Lord is running out of his time, the Whip has a number of non-verbal techniques, which can be escalated, and these can easily be detected by the noble Lord speaking long before the Whip need rise to the Dispatch Box. In these circumstances, noble Lords know that they should drop their remaining points and conclude. Indeed, when I did have to go to the Dispatch Box to intervene on a noble Lord regarding time, I regarded it as a failure on my part. The beauty of this arrangement is that the Whip’s activity will not be seen on the video link, and no guests will be aware—they will not realise that the Government Whip is giving non-verbal directions to the speaker.

I have another reason for being very cautious about expanding the role of the Lord Speaker. The noble Lord, Lord Grocott, was very careful to say that this would be only a very small change, but I fear that we are talking about a slippery slope—the noble Lord correctly anticipated that. With the sensible exception of money Bills, nothing on God’s earth can prevent a Peer tabling an amendment and having it debated to the extent that he or she desires and then if, necessary, calling a Division. In the Commons, amendments are grouped and selected by the Speaker, obviously, “for the convenience of the House”.

We should be ever so careful about expanding the role of the Lord Speaker, lest we eventually find ourselves in the position of Back-Bench Members of the House of Commons, who are severely constrained.

My final point is this. I expect that the noble Lord, Lord Foulkes, believes that he has a unique parliamentary style which will in time make it necessary to give the Lord Speaker increased powers. The noble Lord looks shocked at that, and I can assure him that this is not the case. When my noble friend Lord Trefgarne was a Minister, he had to deal with the likes of Lord Hatch of Lusby, who had a similar style—I am getting gestures from the Opposition Benches, but I am not yet getting anything non-verbal from the Government Whip. When I arrived it was Lord Molloy. Now it is the noble Lord, Lord Foulkes, and I can assure him that the House has no difficulty in accommodating him or his predecessors, or in enjoying his contributions.
Lord Rooker (Lab): My Lords, I agree with one point made by the noble Earl: that the issue of creep would stop Back-Benchers. But that is not what my noble friend Lord Grocott was talking about. I want to support exactly what he said—no more, no less. I do not want this House to replicate the other place anyway. It is a very modest change. For two years, between July 2005 and July 2007, while the noble Baroness, Lady Amos, was the Leader of the House, I was delegated as Deputy Leader and, as such, on occasion I had to help the House out. Because I am a squirrel, I have here two years’ worth of Order Papers, where I meticulously kept a record of every Question. I was not waiting until trouble arose. I looked at every Question as it went through the House, so that I knew there was fairness in there. Because I am a squirrel, I put them all in a box and they are all there so that I have a record. We were meticulous in making sure that all sides got to be involved in the debate. One has to consider that some of our Members are a bit slow in getting up than others. I will not mention any names because that is not fair, but occasionally I was tipped off in advance that such a Peer would like to speak and therefore I could commend the House to listen to the Peer.

It is not easy to perform the role. When I sat there, I had the Labour Peers behind me and, if I remember rightly, the Cross-Benchers were to the immediate right; the configuration has changed slightly. You need your head on a swivel wire because you cannot hear who is shouting, and that is part of the problem.

It is not right that a Minister should be the person to choose the Member to question a Minister. There is a point of principle there. In fact, in performing the role, I was a bit rigid in being scrupulously fair on occasion. I recall one day when I cut off the noble Baroness, Lady Trumpington, just about to go into full flight. I can tell noble Lords that later that day I was on my knees at the side of her desk, begging forgiveness. When the noble Baroness, Lady Ashton, became Leader, I was instructed to cease the role.

While I was in the role, I once checked on speakers at Question Time—I would like to think that the noble Baroness the Leader of the House has already done this—and discovered that 50% of the supplementary questions were asked by 10% of the Members. This is grossly unfair to the vast majority of the House. Some noble Lords have never asked a question. This is the system that is wrong. I found it really difficult when I became a Back-Bencher in 2008, because I had arrived here in 2001 as a Minister. I thought, “What the hell am I going to do? How do I get in at Question Time?”. I found it incredibly difficult to start to participate, and I am quite restrained these days because there is a serious problem.

It is a very modest technical challenge that does not alter anything for anybody but would give an impression of this House to the public that we are a bit more professional and look as though we know what we are doing. At present, at Question Time—I watch it on television occasionally—it looks as though we do not know what we are doing. That diminishes the House and we cannot defend it outside.

Lord Low of Dalston (CB): My Lords, as I have said only recently, it is always a pleasure to follow the noble Lord, Lord Rooker—it feels like only the other day but I see that it was last December. Uncharacteristically, I could not hear him as well as I usually can to begin with; it must have been some quirk of the microphones because I am sure that it cannot have been a quirk of the noble Lord.

It is also a pleasure to support the noble Lord, Lord Foulkes of Cumnock. I usually do so from behind, but on this occasion I hope that I may be blazing a trail for him. Of course, I have no idea what he is planning to say, but I think we can have a fair idea. If I am right, I hope that my remarks will be supportive, but I in no sense wish to steal his thunder—I am merely the warm-up act for the pyrotechnics to come.

I am very grateful to the noble Lord, Lord Grocott, for tabling this QSD and securing this debate, because I have long held that the Lord Speaker’s role needs to be enhanced to give him or her the power to call speakers at Question Time and in response to Statements. A recommendation along these lines—originally emanating from the Leader’s Group on working practices of the House, under the chairmanship of the noble Lord, Lord Goodlad, but recrafted by the Procedure Committee for formal presentation to the House—was debated by the House on 8 November 2011. The recommendation ran:

“the role thus transferred includes the responsibility to arbitrate between groups within the House, but not any responsibility to arbitrate between individual members by name”.

However that may be, it was a good start and I was very much in favour of it—no doubt because it was a recommendation I had myself made to the Leader’s Group. I argued that the principle of self-regulation had not been working well at Question Time. The free-for-all, which was by no means an exceptional feature of Question Time, with Members unwilling to give way to one other, verged on the unseemly. It did
not show the House in a good light and called for a greater degree of control than self-regulation appeared to exert.

The noble Lord, Lord Dubs, in that debate, said that, “our procedures work pretty well on the whole. However, the one area where they do not work well is at Question Time. All I would say is that a House that approaches matters with more dignity than the Commons becomes extremely undignified when we get to Question Time or questions on Statements, and I do not like that.” —[Official Report, 8/11/11; col. 142.]

I also said that I was not alone in thinking it inappropriate that identifying speakers should be the function of the Government Chief Whip. I might interpolate here that as I came into the Chamber this afternoon as the Statement was being discussed, with umpteen people jumping up to speak simultaneously, it was not so much a matter of dignity or unseemliness; the spectacle was simply one of confusion.

In an earlier debate on the Goodlad report on 27 June 2011, the noble Lord, Lord Grocott, said that the role that was proposed to be given to the Lord Speaker was, “not an enhanced role as such: the role currently fulfilled by the government Front Bench is being transferred to the Speaker. This does, I suppose, enhance the role of the Speaker, but it does not give any more powers—it is very important to note that.” —[Official Report, 27/6/11; col. 1573]

He concluded that, “This is long overdue”.

When the House came to consider the report of Procedure Committee—as opposed to the Goodlad report—in November 2011, there was disagreement as to who could see more of the House: the person on the Woolsack or the Government Front Bench. The noble Lord, Lord Rooker, on that occasion as well as this afternoon assured the House—from experience—that it was the person on the Woolsack. The other day I spoke to a Minister sitting on the Front Bench. He was clear that he was handicapped by comparison with the Lord Speaker in not having eyes in the back of his head.

When the House debated the Procedure Committee’s report in November 2011, the proposal to transfer the function of advising the House on which group’s turn it was to speak next was defeated by 233 to 169. I was in the Lebanon at the time and thus unable to attend the debate—otherwise, I am sure that the result would have been different.

At all events, I am sure that it is time for a review of the role of the Lord Speaker. With a new office like this, it made sense to start low key, but the position has now been in being for 10 years and the House now has confidence in it. No one should worry about its going up a gear. Those who make a fetish of self-regulation may have some qualms, but I hope that they are willing to countenance an experiment in the interests of finding out pragmatically what works best.

I hope that the noble Baroness, the Leader of the House, will give serious consideration to instituting a review. You never know, but we might find, as the noble Lord, Lord Grocott, says, that what seems like a revolutionary innovation today becomes the orthodoxy of tomorrow.

4.51 pm

Lord Foulkes of Cumnock (Lab): My Lords, I thank my noble friend Lord Grocott for giving me the opportunity to articulate properly what I have been saying from a sedentary position for quite a long time now. Every time that I say it, colleagues outside say, “But we do not want to become a carbon copy of the House of Commons”, but, with respect, it is not just the Commons—or, indeed, every other legislature—which has a chair who conducts proceedings, calls speakers and keeps the meeting in order. It is not just legislatures; it is Rotary clubs, union branches, party branches and Women’s Institutes. I do not know if I have covered anything in which the noble Earl, Lord Attlee, is involved, but I am sure that he has been in meeting after meeting where there is someone in the chair who carries out the function of moderator, presiding officer, chair, speaker or whatever it is.

Like my noble friend Lord Grocott, with whom I agree totally, I am not proposing a revolutionary change. I should actually like the Lord Speaker to call every questioner one after the other, moving from side to side, from party to party. Probably that would not be to my personal advantage, since I have a loud voice and rather a powerful manner. However, it would be fairer.

If we cannot do that, we should, at the very least, change who resolves disputes about who the next person to be called should be, at Question Time and at Statements. We saw such disputes today at Question Time and at the Statement. As the Leader of the House and the Chief Whip, whom I have known a long time, both know, I really have the highest respect for them. My objection is not to them individually; it is that these decisions should be made not by a party-political appointee but by someone who is elected by the House.

I say to the noble Earl, Lord Attlee, again with no disrespect to the Leader of the House, that the Leader of the House is not chosen by the House. She is chosen by the Prime Minister. So we could not get rid of her. We do not want to, but we could not. That is why we want that change.

No one has yet mentioned the Clerk. Again, with no disrespect to the Clerk of the House—we have the putative Clerk of the Parliaments here today and with no disrespect to him and to the current holder of that post—I do not know why the Clerk calls the four questioners on the Order Paper. Why does the Speaker not get up and name the person whose Question it is and call them to ask that Question? How did the Clerk get that role? Perhaps the Clerk will send me an email and let me know why it arose, but it does seem to be anomalous. I do not understand it. Nowhere else does it carry out the function of moderator, presiding officer, chair, speaker or whatever it is.

There is also a role—I perhaps go a bit further than my noble friend on this—in relation to order in the House. When the Deputy Speaker, the noble Countess, Lady Mar, for whom I have a lot of respect, called to order a Liberal Democrat speaking from the aisle, which apparently is out of order, it was very strange that she was able to do so from the Back Benches rather than from the Speaker’s
Chair. It seemed very strange. It might be more appropriate for the Lord Speaker to call for order at that time.

Non-verbal messages may be used to indicate that a speaker’s time is up. Pointing at one’s watch is one such non-verbal message. However, it would be more dignified and appropriate for the Lord Speaker to indicate that someone’s time is up and bring the House to order. By the way, I am watching the clock to note when five minutes have passed.

I would go a little further than my noble friend Lord Grocott in that I would like to see points of order introduced in this Chamber, although I do not think that will happen in the immediate future. However, there are ways of raising points of order. My noble friend the Leader of the Opposition can do it from time to time. I have found mischievous little ways of raising a point of order when we discuss the business of the House. However, it should not be just the Leader of the House and people like me, with mischievous intent, who can raise these things. There should be a proper procedure for doing that. As my noble friend Lord Grocott said, there is a danger that this could be abused, and I think it is something for the longer grass and longer consideration.

However, I hope that the noble Baroness the Leader of the House will look at the other points that have been made. If she could set up just a small group—a Leader’s group—to look at those points, it would be more understandable to the outside world. To that end, rather than several years ago. We all know that by which we could test the opinion of the House. Modern minded and practical, and I am sure she will see the total sense in this.

Moreover, the situation works against new Members in particular. He was once a new Back-Bencher and appreciates what it is like. The Whips have often told me that new Members find this place rather intimidating. If they have been highly successful in other walks of life, they do not like to lose their dignity here. They see that that cannot happen if they are trying to intervene and cannot do so. They are not used to that. They need to be led in a little more gently. If that were done, I suspect that we would get a better response. It is probably right that a lot of noble Lords do not partake in Question Time because they are simply intimidated by the atmosphere. Curious though older hands may consider that to be, I think that it is the case.

The noble Earl, Lord Attlee, said that it is self-regulation. It is not self-regulation. How can it be self-regulation when it is regulation by the Front Bench? That is not, by definition, self-regulation. It has to be regulation by the Lord Speaker, who is elected by the Back-Benchers and the entire House of Lords. That is self-regulation. As a former Member of the House of Commons, I find there is less self-regulation here than there was in the House of Commons. That is the truth of the matter, because we do not only get regulation by the Front Benches during Question Time; they also choose the order of speaking, as they have today. That does not happen in the House of Commons, so I think there is far too little self-regulation.

I know that the noble Earl, Lord Attlee, is worried about the “thin end of the wedge” argument, but the time it has taken to get nowhere on this issue means that we need not really worry about a further step beyond this: it will be decades before we ever get there, frankly, so it is not anything to worry about. I support the first resolution of the 2011 Leader’s Group, the so-called Goodlad report, which said that the Lord Speaker should take over the role of the Leader of the House during Question Time for a trial period of 12 months. I would add “during Statements as well”, as I think that makes sense. In my view it would improve self-regulation and fairness; there would be more order, less embarrassing chaos; and it would be more understandable to the outside world. To that end, I would like to see the Government promote a Motion in government time, with government support, by which we could test the opinion of the House today, rather than several years ago. We all know that the Leader of the House, my noble friend, is charming, modern minded and practical, and I am sure she will see the total sense in this.
Lord Haskel (Lab): My Lords, I think that I am going to be the odd man out, because in reviewing the role of the Speaker, I think that we should think in much broader terms than just Question Time in the House. Yes, the Speaker has a crucial role inside the Chamber, but there is a much more crucial role outside the Chamber. It has always seemed to me that this is of greater importance because we are an unelected House: we must reach out to the public so that the public understand the work and the role of this House.

When you google the Lord Speaker, yes, he is there on the parliamentary website and Wikipedia, with plenty of information about him and what he does, so that the public can learn about him, his job and responsibilities, but it needs a lot more. Already 100 of us are involved in the Speaker’s “Peers in Schools” outreach scheme. We must add to this by reaching out to other places—universities and colleges, businesses, trade organisations and charities. I have rarely met a Peer who is not involved in a charity and I have always felt that an outreach scheme could both help the charities and say something about us. The Lord Speaker could maintain a public schedule of this involvement: it would be easily done on a website.

Of course, we receive Speakers and other parliamentarians from overseas, and once a year we reach out with our Chamber event for non-Members, but I think that the Lord Speaker has a particular role in outreach. It is a role that I would like to see further emphasised, to clearly enumerate our mission statement and sense of purpose. We are here to challenge the Government, to challenge the elected Chamber, to challenge proposed legislation. This is what defines us and by reaching out in this way, I think that the public will understand far better what we do and why we do it than they did through the recent BBC programmes.

Turning to the role of the Speaker inside Parliament, I agree with my noble friend Lord Grocott that his task must be to take a lead in maintaining the House’s reputation; yes, at Question Time, but also in other areas. Where I think the Speaker could intervene at Question Time might be by giving a signal when a Question or an Answer has been going on for too long, often much to the irritation of the House.

There is a case for the Speaker leading the way on modernising the House. Take dress, for example. Clerks in the other place now no longer wear wigs. Should we follow suit? Are we going to dress down? I think that this is the kind of thing on which the Lord Speaker could take the lead.

Lord Foulkes of Cumnock: His is not a wig.

Lord Grocott: It’s real.

Lord Haskel: He is lucky.

Thanks to several changes in recent years, the House now has a clearly established code of conduct, with powers to discipline or even expel Members who have broken the code. It is by being a champion for this code that the Lord Speaker plays an important role in maintaining the reputation of the House.
it with grace, dignity and scrupulous fairness. My view is that the Lord Speaker should do it in the same way, saying, for example, “It is now the turn of the Liberal Benches” or “It is now the turn of the Conservative Benches”. I think we want to be a little bit careful before we give to the Lord Speaker the absolute power of selecting who will take part.

One thing leads to another. I was very attracted before I came to this place by the knowledge that if you want to speak in a debate in this place and you put your name down, you know you will take part. There is no question of arbitrary selection. There is a little on the part of my noble friend the Chief Whip when he is deciding where you will be in the batting order; I accept that. Once or twice I have been quite high up; much more I have been rather low down, but that does not matter. The knowledge that you will be able to make a contribution is of enormous importance and I would be wary of giving the Lord Speaker the power to decide who will speak and who will not speak in a debate. So we have to take this thing gently and we have to take it sensibly forward.

On points of order, I completely agree with the noble Lord, Lord Grocott, that they are an absolute abuse in the other place, but there ought to be in this place an opportunity for Members to raise matters of real concern. I believe that we perhaps ought to allow the Lord Speaker to decide not only on Private Notice Questions but on business questions, so that if there is a matter that is going to come before the House which is not for voting, at least the chairman of the appropriate committee can be called to the Box to explain what it is all about. I have in mind a proposal which I read recently. It says that the Services Committee is going to make some changes to our stationery. We are not necessarily going to have an opportunity to debate that but we ought to have the opportunity to ask questions.

The noble Lord, Lord Grocott, has given us a lot to think about. We have an excellent Lord Speaker but we should not place too many new responsibilities upon him. We should, however, look at those that I have mentioned.

5.11 pm

Lord Snape (Lab): My Lords, it is a pleasure to follow the noble Lord, Lord Cormack, who, if I may say so, would have made a distinguished Lord Speaker himself, had the House taken a different view late last year. I am grateful, too, to my noble friend Lord Grocott for the opportunity to debate this matter today. I agree very much with what he and my noble friend Lord Rooker said about some of the procedures in your Lordships’ House. I have been a Member of this House now for 13 years and I am still baffled by some of the procedures and still wonder why we tolerate a system which, as was said earlier, benefits those with the loudest voices, those with the most confidence and those who feel that their words should be heard on each and every occasion.

I have to choose my words carefully in these days of equality but I think the self-regulatory system that we have at present discriminates against women Members of your Lordships’ House. A prime example of that took place about an hour or so ago. I have never met or heard before the noble Baroness who was trying to intervene from the Conservative Benches but I thought it was pretty ungentlemanly of her colleagues to talk over her in the way that they did, and eventually she gave up and left. I really do believe that if we had a presiding officer—if the Lord Speaker had the power to call individual Members of the House—it would be fairer on those Members on both sides who do not particularly wish to participate in what is a bit of a bear garden.

There are more than 800 of us now, as my noble friend Lord Grocott reminded us earlier, and getting in sometimes at Question Time is extremely difficult. Someone once said all politics is local. All the complaints about what goes on in your Lordships’ House are usually inclined to involve whoever is making that particular complaint. But it is not just getting in to speak that is a problem; part of the weakness in my view of self-regulation in this House is what is actually said. I have lost count of the number of Second Reading speeches I have heard about amendments to particular Bills in the 13 years that I have been here. There is no way of correcting or intervening on noble Lords who behave in a particular way, but many of us do—I have probably been guilty of it. The temptation is there. The fact that there is no presiding officer to intervene makes it even easier.

My noble friend mentioned in particular Question Time on the 14th of this month. A Question was asked by the noble Baroness, Lady Randerson, about Great Western electrification. Without boring your Lordships about the ins and outs of the mistakes that have been made here and the hundreds of billions of pounds of public money that have been wasted on that project, I was rather anxious to hold the Minister to account. I did not manage to intervene on that Question, but no fewer than three noble Lords intervened, from both sides, asking questions which bore no relation to Great Western electrification. The word “railway” triggered off something in their minds, and off they went, one about the east coast, one about railways in Wales, and so on. Again, this is the sort of thing that happens with great regularity. I do not think that the House was particularly deprived by my non-participation on this occasion—

Lord Grocott: Oh, I don’t know.

Lord Snape: I am prepared to concede that that might be the case if my noble friend says so. However, it illustrates one of the weaknesses of self-regulation in this place.

While I am on my feet and complaining, another matter which having a Lord Speaker with real power would help to combat is the reading of speeches. I have with me a copy of the Companion—noble Lords on both sides will be relieved to know that I do not propose to read very much of it in the five minutes available to me. In paragraph 4, on conduct in the House, the Companion specifically says:

“...the House has resolved that the reading of speeches is ‘alien to the custom of this House, and injurious to the traditional conduct of its debates’”.

Again, all too often speeches are read into the record. I understand that in the House of Representatives in the United States, it is possible to have a speech...
written out, send it to the Congressional Record—their version of Hansard—and it appears the following day. Perhaps we should adopt that system rather than having to sit through noble Lords on both sides—we all do it—reading speeches, some of which give the impression that the noble Lords have never seen them before and that they are written by somebody else anyway. Again, if we had a presiding officer, not necessarily intervening on each and every occasion the rules of conduct are breached, it would help to bring about a more sensible way of conducting our affairs.

Having said that, I hope that the Leader of the House will listen to the debate, act on the genuine concerns that have been expressed during the course of it, and we should and I hope we will—thanks to her—look again at our proceedings.

5.17 pm

Lord Newby (LD): My Lords, I find myself in the somewhat disconcerting position of broadly agreeing with the noble Lord, Lord Grocott. This has never happened to me before on a constitutional issue, and I would not necessarily want your Lordships to feel that my remarks today could in any sense constitute a precedent.

The starting point should be one that a number of noble Lords have made: why are we the only deliberative assembly in the world that does things in this particular way? It therefore seems that, looking at this afresh, we should ask why we, uniquely, should behave in this way when the rest of the world has decided to do things somewhat differently.

Obviously, your Lordships’ House has considered this; it considered it at great length in 2011 and decided that it did not want to make any change. But, as the noble Lord, Lord Grocott, said, the size of the House has increased, and there are more people wanting to come in, and it is undoubtedly the case that more people watch proceedings in your Lordships’ House than ever before. The perception that they gain, as a number of noble Lords said, is that Question Time is unduly shambolic. I do not think that having a Lord Speaker exercising a role would stop it being contentious—but the perception would be significantly improved.

I have to accept that the noble Lord, Lord Taylor, the Government Chief Whip, is an extremely benevolent, subtle dictator at Question Time. He does the job extremely well and extremely fairly, as does the noble Baroness the Leader. No Lord Speaker would do the job more fairly; I have no worries about that. But, having been a Whip on the Government Benches, I think that the role the Government Whips play is pretty difficult in practice.

This is not strictly related to today, but my role very often was a try to impose time limits on speeches. I felt that I was often seeking to reduce the time of Opposition Members. They felt that this was partisan and I felt very uncomfortable doing it. My free tip to the Whips is that the best way of getting people to realise that they have gone over time is not excessive gesticulation but just tapping one’s wristwatch with a pen. It is very effective non-verbal communication—but it is not a very impressive way of doing things.

I have great sympathy with this proposal. However, I have to accept that it is not the universal view of the House or indeed my own group—I slightly feel the breath of my noble friend Lord Beth down my neck as I speak. The qualms expressed today are largely born out of experience of the House of Commons that they do not want replicated here. In particular, the point was made by the noble Lord, Lord Cormack, that if the Lord Speaker has the power to call individual Members, they might over time moderate their behaviour. I am not sure that it would quite work in that way in your Lordships’ House.

The proposal put to the House in 2011 was not for greater powers to go to the Speaker than currently obtain in the Government Front Bench but simply to transfer the existing powers. I would have thought that that was a pretty good way of avoiding the slippery slope. It is a very easy argument—and not always wrong—to say that if you make any change it is the start of a slippery slope. However, given that we are a self-regulating House and it is virtually impossible ever to change anything here, the idea that making one modest change is going to lead to an avalanche of changes for the Lord Speaker seems implausible. So I recommend that this narrow proposal should go back to the Procedure Committee, whence it came originally, for another look. I would not recommend the kind of review that the noble Lord, Lord Cormack, suggested, because if we went for that we would probably never get anywhere—the only change we will ever make is incremental.

5.23 pm

Baroness Smith of Basildon (Lab): My Lords, this has certainly been a very interesting debate. I also hope it will be a useful one for your Lordships’ House. We should be grateful to my noble friend Lord Grocott for giving us the opportunity to debate it today. However, this debate should not exist in a vacuum of what the Lord Speaker does. It seems from noble Lords’ comments that we are looking to ensure we have orderly, efficient management of that business needs to enable us to conduct our business as well as possible.

We need to be very clear about what has been suggested and what has not. No noble Lord—not even my noble friend Lord Foulkes—has suggested today that they do not want replicated here. In particular, the point was made by the noble Lord, Lord Cormack, that if the Lord Speaker has the power to call individual Members, they might over time moderate their behaviour. I am not sure that it would quite work in that way in your Lordships’ House.

The three Lord Speakers who have been elected have all willingly taken up the position, yet anyone who has witnessed the drama of the election of the House of Commons Speaker will have seen them being dragged to the Speaker’s Chair—a point alluded to by the noble Lord, Lord Cormack, although uncharacteristically inaccurately. In the past, Commons Speakers who have been seen as too partisan for the
Government or the monarch have been beheaded, but it was not two who were beheaded; in fact, seven suffered that fate at the hands of the axe, and we would not want that to befall any Lord Speaker, or indeed any Commons Speaker, in the future.

I do not know why this week in particular things have felt so bad—I do not know whether other noble Lords have felt this too; perhaps it has been because we have known that this debate was coming up—but this week your Lordships’ House has at times felt extremely undignified, and I have some examples. We are supposed to be a self-regulating House but I do not know how often the noble Baroness has had to rise to her feet to intervene at Question Time. The fact is that that does not happen very often and it is normally because the House has been very bad tempered and ill behaved, and somebody has had to try to bring some order to the proceedings.

However, it seems to me that more often than not some of the self-regulation is rather bad tempered and sometimes quite rude. This week a noble Baroness on the Liberal Democrat Benches—I accept that her question was far too long, however important the issue—was told to shut up and sit down. I thought it was extremely offensive for any Member of your Lordships’ House to speak to another noble Lord in that way. When somebody speaks for too long or moves away from the Question and asks about another matter—to the disappointment of the noble Lords who wish to get in on that issue—it is rather undignified to have other noble Lords making a comment. A noble Lord who often sits where the noble Earl, Lord Attlee, is sitting now shouts out “Reading!” or “Too long!”. That is undignified and does nothing for the good standing of your Lordships’ House.

On the subject of noble Lords who speak for too long, the noble Baroness, Lady Evans, earned her spurs and the great appreciation of this House when she was a Government Whip. She smiles because she recalls the occasion. A noble Lord on the Liberal Democrat Benches, who should perhaps remain nameless, tested the patience of the House by speaking for far too long. The noble Baroness, as a relatively new Whip, jumped up and told him that he had spoken for too long and that it was time to sit down. He replied, “I’ll just finish”, to which she responded, “No, you won’t. Sit down”—in a very polite way, I should add. That earned the appreciation of noble Lords because somebody took charge when the House itself did not want to intervene.

The point is that it is not just those with the loudest voices who manage to be heard first but those with the deepest voices. My noble friend Lord Snape referred to the fact that a lot of our female colleagues find it harder to intervene than our male colleagues. Often, just the tone of the voice can make things more difficult. Unless you are under a microphone—I have one in front of me here—it can be more difficult to get in at Questions. Also, if you are on the Front Bench, you cannot see who is behind you and you just carry on regardless. You can ignore the people behind you and pretend that you cannot hear them. Therefore, there is certainly room for change.

Another point is that the Lord Speaker can see who turns up late. Sometimes a Minister who is reading or repeating a Statement does not know who is in the House at the beginning of the Statement, and someone who has not heard most of it can get in with a question, thereby disadvantaging those who have sat through the whole Statement. The House as a whole may notice but the Lord Speaker is more likely to notice that than every Member who wishes to contribute to the debate. A favourite of mine, although it is probably inappropriate today, is those who make Second Reading speeches in Committee. Many of us who take part in deliberations on a Bill will have heard many Second Reading speeches by the time we get to Committee.

We need to look at the sensible, wise, incremental proposals put forward by my noble friend Lord Grocott. It is a question not of change for change’s sake but change for the good working and good reputation of your Lordships’ House. If the noble Baroness is minded to discuss this further, I would welcome the opportunity to do so, because I am sure we can come up with proposals to satisfy those who seek change as well as those who are concerned that any change might go too far or lead to even greater change. There are sensible, incremental changes that could be made to enhance the workings and reputation of this House.

5.29 pm

The Lord Privy Seal (Baroness Evans of Bowes Park) (Con): My Lords, I am grateful to answer this Question for Short Debate and to the noble Lord, Lord Grocott, for initiating it, and to all those who have contributed. I assure him that I do not take this as a personal insult. In fact, I am delighted several noble Lords have said some nice things about me today, so I thank him for that. I am also very pleased to see the noble Lord, Lord Fowler, in his place on the Woolsack.

As the role of Lord Speaker was established 11 years ago, I entirely understand the desire of the noble Lord, Lord Grocott, to have a debate on it and, as we have seen today, there are a range of views across the House. While I will reflect on the comments made and discuss them with the Lord Speaker, I am very happy to have discussions with the leaders of the other parties. I do not consider a formal review of the role to be a priority. For my part, I believe that our system of self-regulation continues to work well and sets us apart from the other place, as the noble Lord, Lord Newby, and my noble friend Lord Cormack highlighted. As is clear from the Companion to the Standing Orders, all sides of this House have a role to play in maintaining order.

The preservation of self-regulation was a key part of the House’s decision to establish the office of Lord Speaker in 2006. Successive Lord Speakers have played an important role in allowing self-regulation to continue to flourish, evolving with the needs of the House while maintaining throughout its distinctive character.

Nevertheless, the possibility of transferring the role played by the Leader during Question Time to the Lord Speaker, to which most noble Lords alluded and to which I will return shortly, has been discussed on several occasions since the role of the Lord Speaker...
Baroness Evans of Bowes Park was first established. A little over five years ago, in response to a proposal from the Leader’s Group on working practices, chaired by my noble friend Lord Goodlad, the House voted decisively against such a change when the question was put to it on 8 November 2011.

Notwithstanding today’s debate, since becoming Leader I have to say that this is not a subject that has been raised with me as a significant issue for the House—unlike, for instance, concerns around our size, which is a matter now being explored by the Lord Speaker’s committee.

I hope it goes without saying that I entirely agree with the noble Baroness, Lady Smith, that the Lord Speaker and his hard-working team of deputies have an essential role to play in the Chamber. Their mastery of procedure, particularly when we consider legislation, is essential to the Chamber’s effective functioning. Beyond the House’s vital role in making and shaping laws, noble Lords across the House play an active role in holding the Government to account, particularly through debates and Questions.

I am sure I speak for the whole House when I say that Question Time is one of the most valued—and valuable—parts of our day. It exemplifies our spirit of self-regulation, where we have to work together across the House to make the occasion effective. I assure noble Lords that the Front Bench takes its responsibilities in advising and guiding the will of the House on matters of order very seriously. I do not do it alone; I work very closely with the Chief Whip, the leaders and Chief Whips across all Benches to try and ensure that we manage things. In practice, guidance from the Front Bench is rarely required. In response to the question from my noble friend Lord Attlee, I have checked: as Leader I have been required to make only around a dozen such interventions since the beginning of this year.

During Question Time, the Front Bench also does its utmost to ensure that the distribution of Questions between all sides of the House is handled fairly, and I am grateful to the noble Lord, Lord Newby, for his comments in recognising this. For example, so far this year, 82% of Questions have been asked by noble Lords other than from the Conservative Party, which is only right because, after all, it is the House’s role to scrutinise the Government. I hope that the House recognises when I am acting in a political capacity and when I am trying to represent the interests of the whole House, which is what I try to do at Question Time.

Lord Snape: I will not detain the noble Baroness for longer than 10 seconds. We accept that impartiality plays a big part in her role. Will she accept that there is nothing she can do when two noble Lords from the same party wish to speak at the same time, and that only a Lord Speaker can resolve that dilemma?

Baroness Evans of Bowes Park: As I am coming on to, that is a role for party leaderships as well, but I will come back to that in a second.

I entirely agree that Questions is an occasion that could and should be enhanced by hearing from a broader range of voices across the House. One of our great strengths is the breadth of knowledge and expertise on our Benches, and Questions presents an excellent opportunity both to highlight that and—although difficult for those of us answering them—to hold the Government of the day to account. In order to achieve this, we rely on noble Lords to exercise restraint and self-discipline. We waste valuable time for Questions when noble Lords refuse to give way, but I also think we should expect noble Lords across the House to recognise this and take responsibility for it.

The noble Lords, Lord Grocott, Lord Rooker, Lord Low, Lord Foulkes, Lord Horam and Lord Snape, and the noble Baroness, Lady Smith, all referred to the atmosphere and behaviour we sometimes see at Question Time. Words such as “intimidating”, “fractious”, “undignified” and “unfair” were all used during various contributions. I gently suggest that it is for us as individuals to consider how we behave and to become more considerate of colleagues. If this is how we view Question Time, it is surely within our gift to help to change that. I am afraid I am not totally convinced that just having the Lord Speaker preside over this is the magic bullet. We are all beholden to look at our behaviour, but I also think there is a role for the party leaders—I include myself in this—to reflect on how we might try to encourage more Peers to take part and how we can more effectively look to encourage a wider range of voices to be heard.

Baroness Smith of Basildon: Will the noble Baroness accept that she is perhaps speaking to the converted? It may be that those who are not here act in the slightly grumpier and less courteous manner than noble Lords who are here today and are concerned about the issue.

Baroness Evans of Bowes Park: I understand that but, as I said, we as Leaders have a role to think about how we might help to do this. As I have said, I am not completely convinced that just this move would change that, but I am very happy to have conversations about ways we can try to improve Question Time. I agree that it is an extremely important and valuable part of the work of the House.

As noble Lords will be aware, apart from overseeing proceedings in the Chamber, the Lord Speaker plays a key role in the Lords administration as the chairman of the House of Lords Commission. In this regard, we have seen recent reform with new governance arrangements agreed only last year on the back of the recommendations of a Leader’s Group established by my noble friend Lady Stowell of Beeston. That group’s recommendations were accepted by the House last May and have led to a refreshed and streamlined domestic committee structure and the new role of Senior Deputy Speaker, ably filled by the noble Lord, Lord McFall. The Lord Speaker is at the apex of this new structure and his partnerships with the party leaders, the Convenor of the Cross Benches and the Clerk of the Parliaments are at the heart of the decisions that direct the way the House is run.

The Lord Speaker is also ultimately responsible for security on the Lords part of the Parliamentary Estate—a responsibility that will assume only greater importance following the tragic events of last week. In this respect, he has a heavy burden to bear on our behalf and he
does so with admirable grace and common sense. As my noble friend Lord Cormack and the noble Lord, Lord Haskel, recognised, he also has a very significant role representing the House on ceremonial occasions and as an ambassador at home and abroad. I entirely agree with the noble Lord, Lord Haskel, about the important role that the Lord Speaker has in our outreach work, including the excellent Peers in Schools initiative. The Lord Speaker also takes extremely seriously the reputation of this House. I entirely endorse the comments that we are very grateful to him for the way he has been leading us in this regard. I hope we will all continue to support him to do so, because this is an extremely important role and we are very lucky to have him as an advocate for us.

I thank everybody who has contributed to this important debate. As I indicated at the beginning of my remarks, I do not intend to initiate an official review of the role of the Lord Speaker. As I am sure noble Lords will understand, there are other priorities on which I believe we should be focused—to name just a few, the increased legislation this House will be scrutinising as a result of Brexit; plans for the restoration and renewal of the Palace; and, of course, the security reviews that are now under way as a result of last week’s terrible events.

Ultimately, of course, this is a matter for the House to decide, with the option to bring forward proposals to the Procedure Committee being available to each noble Lord. As I hope I have indicated, I will keep an open mind about the working practices and procedures of the House more generally, and I of course appreciate that there is always room for improvement, so I am grateful for the opportunity to hear the views of noble Lords. I look forward to further conversations on this.

Motion to Adjourn

Moved by The Earl of Courtown

That the House do now adjourn.

The Earl of Courtown (Con): My Lords, I beg to move that the House do now adjourn.

The Lord Speaker (Lord Fowler): My Lords, I think I do have a role here: that the House do now adjourn.

Motion agreed.

Pension Schemes Bill [HL]

Returned from the Commons

The Bill was returned from the Commons with amendments.

House adjourned at 5.39 pm.
Grand Committee

Thursday 30 March 2017

Local Arts and Cultural Services

Question for Short Debate

As asked by The Earl of Clancarty

To ask Her Majesty’s Government what steps they intend to take to protect and improve local arts and cultural services, including museums, libraries and archaeological services.

The Earl of Clancarty (CB): My Lords, we have a rich and diverse local arts and cultural life within the UK. I refer to the museums, libraries and archaeological services in the title of the debate because when I first tabled it in May last year, none of these areas had been discussed in this House for some time and they form something of an intimate group. But we could also talk about visual arts, film, theatre, music, dance, digital arts and many other areas that also make up the arts aspect of the debate. This cultural life is hugely important to us as individuals, for the good of society, the development of the arts and the protection of our heritage. It is essential that this broad range of work is protected and developed, but it cannot be overemphasised that since 2010, with the onset of austerity provision for local arts and culture has been steadily and in some cases drastically eroded, mainly through cuts to local authority arts and cultural funding.

This year, councils will spend £10 billion less than they did in 2010-11. According to the Local Government Association, councils will face a gap of £5.8 billion just to fund statutory services, including social care. Local authority investment in arts and culture has declined by £236 million—overall, 17%—since 2010, and in the period 2010-15, Arts Council funding fell by 36%. The Museums Association reports that between 2010-11 and 2015-16, local authority spending on museums and galleries declined by 31% in real terms and that at least 64 museums have closed since 2010—the majority due to local authority cuts—including many much-loved museums such as the Lancashire textiles museums. The Chartered Institute of Library and Information Professionals records that in 2014-15, more than 100 libraries closed in the UK, while in the same year 11% of the libraries in Wales were closed. These are fairly shocking figures.

Many authorities are now faced with impossible decisions. I am grateful to the Minister for his concern over the future of the internationally important New Art Gallery in Walsall and I am glad that it has been saved. But the same round of cuts in Walsall has led to the decision to close nine of Walsall’s 16 libraries—a library service which this year happens to have been nominated for Library of the Year at the British Book Awards. It is not just a question of outright closures, but of the quality of provision. The Museums Association stated that in 2015, one in five regional museums was at least part closed. There are reduced opening hours for museums and libraries and significant reductions in staff, and the number of qualified librarians employed in libraries has fallen by 25% since 2010. Reductions in outreach programmes are reported by theatres, art galleries, museums and archaeology. There are concerns about the risk of inappropriate deaccessioning, and in 2014 two Northampton museums lost their accreditation status over the sale of the Sekhemka statue. There are increasing difficulties with improving collections, not just because of funding but because often, there is not the expertise to oversee it. Now, we even see the introduction of charges at our once entirely public museums—for instance, the York Art Gallery and Brighton Museum and Art Gallery.

The latest authorities to announce huge cuts include Bath and North-East Somerset Council, Bristol and Birmingham, where the Birmingham Museum and Art Gallery is now quite extraordinarily under threat. The community organisation Theatre Bath states that cuts will be, “killing off any hope of a supportive arts infrastructure for emerging or small-scale artists”.

Theatres such as the Playhouse in Liverpool and Newcastle Theatre Royal have become host venues for touring productions rather than producing their own work. We are in danger of destroying the innovative grass roots, including those which supply the West End.

Local authority involvement in archaeology is clearly necessary, not least because 90% of known archaeological sites are undesignated and rely on local planning. It seems clear to me—I am sure that the noble Lords, Lord Renfrew and Lord Redesdale, will clarify this further—that local archaeology cannot be divorced from the work of local authorities, yet as a result of the cuts, since 2006 there has been a 33% decline in crucially important local authority archaeology staff. Unless local authorities can identify concerns, the protection of our archaeology will be neglected.

All who work in the arts and cultural sector are resourceful people; it is part of their nature. I read this week of two artists who have received planning permission to open a skip as a gallery in Hoxton Square in Shoreditch. On the wider scale, resourcefulness will only go so far. If it went further, museums, libraries and arts organisations would not be closing or going to the wall. It is telling that the Library of Birmingham Development Trust, established to attract philanthropic donations, has now been wound up. Philanthropy will most often not work in the places where funding is most needed.

For local arts and culture, local authority involvement in funding is crucial. At its best, it works because local people are the experts on their own region. It works because it is effective and efficient. It is important because it provides geographically comprehensive coverage, yet, in the face of cuts, Sharon Heal, director of the Museums Association, has said that, “there is a danger that whole communities will be left without museums and the rich and diverse stories that they can tell”.

Every locality and every person, irrespective of where they live or who they are, deserves arts and cultural access. This is not in the first place a business, as the Government are trying to turn many of our services into; it is a right and it is a necessity. There should be
statutory provision for local arts and culture. This is not
about competition between services. Central government
should ensure that every local authority has enough
funding to do its job properly in every service they
cover. It is failing in that duty.

I hope that the Minister will not refer to specific
projects as though they are the main narrative—welcome
as such initiatives may be individually, they should not
be treated as such. The Arts Council continues to
make it clear that they are not a substitute for local
funding. I say this because of the understandably
angry reception given this week by writers to the
new £4 million Libraries Opportunities for Everyone
Innovation Fund, calling it,

“a smokescreen to hide the cuts”.

The fund is of course a drop in the ocean compared
with £180 million loss to libraries since 2010. Francesca Simon has said with perfect simplicity:

“Libraries first and foremost need to be open, with professional librarians and well-stocked shelves”.

Funding is not now the only problem. The growth
of what might be termed a “developer and investor-led
culture” and the selling-off of public spaces and
buildings—trends rooted in central government policy—
mean fewer opportunities for local arts to gain a
purchase. A new report, Creative Tensions, by the
London Assembly Regeneration Committee, finds that
a third of artists in London are expected to lose
studios by 2019. There needs to be protection of the
arts and cultural sector against soaring rents. It should
not be said that, in London, individuals and smaller
arts organisations are not suffering a tough time as
well. I ask the Minister, too—this is a question about
the private sector—whether he will look into the
potentially disastrous effect of the new business rates
on our high street bookshops, which are important
alongside libraries in the fight against illiteracy.

I make no apology for having painted a bleak
outlook for the day-to-day running of the arts and
cultural services. Unless the Government change their
strategy, it will become bleaker. Where this trend has
been bucked to an extent, it has been for particular
reasons, not least the substantial help that the EU has
given over the years, including, for instance, to the
Sage Gateshead and the Liverpool Everyman. Indeed,
Liverpool has benefited hugely from being European
Capital of Culture in 2008, as is Hull now as UK City
of Culture. I ask the Minister whether there will be an
attempt to maintain these EU funding connections,
which are intrinsically bound up with all-important
cultural co-operation. A significant purpose of arts
and culture at the local level, both for individuals and
local areas, is as a vehicle for connection to the wider
world, both nationally and beyond. If we leave the
single market, it will be disastrous for artists and all
those working in the cultural sector, for whom free
movement within Europe is essential.

It can rightly be argued that, to encourage access to
art and culture for young people, education is crucial.
I welcome Nicholas Serota’s announcement on Tuesday
of the Durham commission, which I hope will look to
a time beyond the EBacc when children in all schools
will have a properly rounded education.

Baroness Bakewell (Lab): My Lords, in his first
speech as the new chairman of the Arts Council,
Sir Nicholas Serota made clear his priorities:

“I need to voice long-term concerns around public investment,
and especially the loss of local authority funding—which is now
the most pressing issue, day to day, for many cultural organisations
across the country”.

Spending by councils on arts, culture, museums,
galleries and libraries declined from £1.42 billion to
£1.2 billion between 2010 and 2015, a 16% reduction,
because of the squeeze put on local authorities by
central government. But local authorities are making
an enormous effort to cherish their arts and community
policies; they know how valuable they are in economic
terms—the creative industries are now worth £84 billion
a year to the economy—as well as in human terms.

I shall cite two examples. In 2016, Manchester’s six
largest cultural organisations contributed £135.9 million
to the local economy. Over the past 20 years, its
strategic investment has transformed the cultural
reputation of the city—solving its social problems,
too, such as loneliness—and its community spirit and
well-being, nursed through the emotional and spiritual
value of music, theatre, dance and literature. In 2016,
Lonely Planet rated Manchester eighth out of the
10 best cities to visit, calling it a cultural dynamo of
British culture. Culture has been one of the sectors
enjoying double-digit employment growth in Greater
Manchester. How much more could have been achieved
in wealth and social cohesion without the shackles of
ongoing government cuts?

Take another local council with enlightened view of
cultural value—my own borough of Camden, which
prioritises culture, primarily by keeping a community
festival funding stream that promotes community cohesion
through local cultural celebration. I see for myself
how this brings neighbours together and promotes
literacy, opportunity and well-being. Camden is developing
ways of working and seeking new partnerships at all
times.

Both Manchester and Camden are vigorous,
enlightened Labour councils, fighting in the teeth of
government cuts to keep and extend their cultural
reach. For whatever reasons—entrepreneurial, social
or inspirational—the Government must recommend
the Manchester and Camden models and recognise
and value the range of inspiration nestling within
those rural and urban communities.

Lord Redesdale (LD): My Lords, in three minutes
you can hardly say anything, but I thank the noble
Earl, Lord Clancarty, for including archaeology in the
debate. I shall deal with a couple of points raised in
the excellent briefings from the Council for British
Archaeology and the Society for Museum Archaeology.

Some 90% of archaeological sites at present are
protected only by the planning system, which is a
problem given that one-third of those employed by
local authority planning services in archaeology have
lost their jobs since 2006. That is an ongoing problem
for archaeology because, like every other arts area, it is
within the discretionary spend of local authorities and
I want in my last minute to comment on the crazy imbalance in arts funding between London and the rest of the UK. I know that Arts Council England is uplifting 4% more funding in 2018-22 to the regions, but at present the imbalance is shameful. It is often the provinces that produce artistic capital. It is a great shame that we do not have agreement on how to tackle the shift. We need to agree on a mechanism to get more money into the regions.

1.18 pm

The Lord Bishop of Derby: My Lords, I invite us to think about this issue from the point of view of the local and that of the consumer. As a poorly-paid clergyman, I have been a consumer of libraries all my life to get books. We are in an age that is moving from discrete organisations such as museums and libraries to what are called cultural hubs, and moving from the static to the dynamic and participative. We have to think about the people who we want to engage with culture and the arts. We are also in a moment where municipal life is dissolving before our eyes. That is partly because of lack of interest in public space and responsibility, so we have to be careful about looking simply to local authorities to bail us out.

Churches have, as your Lordships know, long been cultural hubs with all kinds of activities such as music, worship and learning, and building values between people. Let me give a very quick picture. A phenomenon in the Church of England is called “messy church”. People of all generations come together there for worship, craft making, consuming food and having fun. It is a cultural-bonding, value-creating moment with which people join in. That is where culture is going and where we have to make our pitch to keep the arts and culture alive. In the city of Derby, where I work, we have secular equivalents of our messy church. The museums have come together to form an independent trust, QUAD is an independent trust and charity, which has a cinema with other activities. They are messy cultural and artistic spaces which invite people to join, learn and be developed. They are the models that we have got to go with.

I have four questions for the Minister about the practicalities of how we are going to develop a culture of cultural development. First, VAT relief is available on theatre tickets and production costs but what is the equivalent for non-profit cinemas, for instance? Secondly, business rates have been mentioned but what is the guidance for business rates on emerging cultural hubs? Thirdly, there is a lot of pressure on local government and the national Government are blamed for withdrawing grants. What is the potential for local taxation to invite local people to participate properly? Fourthly, how are our churches, 15,000 of them across the country, going to be able to contribute to culture and art as a local phenomenon that people participate in?

If we are going to be worried about education, health and priorities, only a healthy cultural connectivity in our society will enable people to have the will and the wherewithal to support important things such as health and education.
1.21 pm

Lord Renfrew of Kainsthorn (Con): My Lords, we are indebted to the noble Earl, Lord Clancarty, for this timely question on local arts and cultural services. As my time is so short I will, like the noble Lord, Lord Redesdale, restrict my contribution mainly to archaeological problems. I should declare an interest as chair of the Treasure Valuation Committee. The workings of the Treasure Act, like those of the local planning authorities, owe much to the archaeological expertise on the ground: to the finds liaison officers and archaeological officers working in county planning departments. In general the system works well, or at any rate has worked well until now, with the help of finds liaison officers. The relevant planning authorities generally seek the advice of archaeological officers.

As the noble Lord, Lord Redesdale, has already emphasised, however, the 33% decline in local authority archaeology staff since 2006 is a matter of great concern. The number working has declined from 400 to 271 staff. They advise on planning consents, conditions and circumstances where rescue excavation is appropriate and, where necessary, they maintain the historic environment record. It is a matter of concern that this attention has left a number of local authorities without professional archaeological advice. Middlesbrough is one case which is a matter of concern.

Museums are responsible for maintaining archaeological archives, and the archives, which are the result of rescue excavation and other studies, are essential for supporting the historic environment record, which is the basis for granting planning permission or for withholding it where there are archaeological objections. This is a general problem. I am not certain that it is fair to lay the problem at the door of the present Government, nor have members on the other side of the Committee—who are very numerous—done so in particular. But it is a matter for all local authorities to give sufficient priority to the archaeological and cultural resources which we are discussing. Archaeological resources in England are at risk through attrition. We must all do our best to maintain funding on all sides in this area.

1.25 pm

Lord Cashman (Lab): My Lords, I refer your Lordships to my registered interests. We are discussing extremely important issues that go to the heart of our communities. I sincerely thank the noble Earl, Lord Clancarty, for not only securing this debate but also his brilliant opening submission. I reiterate that we are discussing the steps that the Government intend to take or are taking to protect and improve local arts and cultural services, including museums, libraries and archaeological services. As we have heard, such services are always under threat, especially when local authorities are faced with diminishing budgets, not least from central government and as already outlined by the noble Earl.

Local authorities face very real and difficult choices, for instance when funding the increasing demands for social care services, but I would argue that it must not be one or the other; it should be both. What is the quality of life if it is devoid and deprived of culture, arts, libraries, museums and archaeology—the very things that open our minds and give us reasons to learn and live? Yet this is exactly what some local authorities and funders are having to face: difficult choices, creating a concept of basic services that will be supported and others which will not. I do not accept that concept. Indeed, my own life and life chances were enhanced in my very poor, impoverished community in the East End of London in the late 1950s and 1960s precisely because schools and local authorities believed that lives would be improved by exposure to and familiarity with the arts. I want these chances and experiences to reach beyond my generation and to be accessed by all.

I wish to refer to evidence given by the actors’ union Equity and to concerns expressed among visitor organisations. Equity expressed concern to your Lordships’ Select Committee about cuts in public funding of the arts through Arts Council England and local authorities, as this impacts on theatres that no longer produce their own productions, with a subsequent loss to the local economy and talent pools. It called on the Secretary of State to provide leadership on this and give local authorities direction on how to tackle these difficult funding issues.

Smaller, local authority museums and civic collections are deeply concerned that they are at the mercy of local authority cuts. They say that the decisions by some local authorities to place their collections into independent trusts may work in some circumstances but not all, and that it requires ongoing investment. Finally, a case in point is Birmingham City Council, which placed the stunning Birmingham Museums and its galleries into a trust but will not commit to providing core funding beyond this year. There is a very good argument to make that such collections, along with others, should be re-designated as national collections—like Liverpool’s—and therefore that the DCMS and Arts Council England should become responsible for them. Will the Government adopt such a model nationally?

1.28 pm

Lord Freyberg (CB): My Lords, in the brief time allowed I will concentrate my remarks on the future sustainability of local and regional museums. The rapid reduction in local authority budgets has put huge pressure on museums and will inevitably weaken the sector further if we do not think more strategically about how we wish to support them.

I therefore welcome the various public consultations that the Government have initiated, in particular the DCMS’s museums review and the review of Arts Council England and its work. These take place against a backdrop of ever-expanding costs of statutory services, most notably in adult social care. Unsurprisingly, museums in less well-off areas suffer most. I wholeheartedly agree with the remarks of the noble Baroness, Lady Murphy. We must do more to address these regional funding differences while expanding imaginative income-generating schemes—although these are rarely enough to cover lost funding. The oft-suggested introduction of entrance fees is not necessarily a solution either. Brighton & Hove Council and York Museums Trust both introduced charges in 2015; both have since...
experienced drops in visitor numbers of more than 50%. The looming question of leadership and “What next?” has never been more important. We need to strengthen management capabilities so that directors and curators can meet the challenges of today’s curatorial reality, where expectations have risen but funds have diminished.

My question to the Minister is: why do the Government in effect stand by when we can all see what is happening in the sector? The remarkable success and potential of non-national museums, as well as the public impact of partnerships with national museums, are now at risk due to the significant and swift decline in investment from local authorities. In the wider context of local and central government spending, the amount allocated to these museums is very small. Cutting it will have only a minimal impact of reducing spending, yet the value of what is lost will be considerably greater.

In the winter edition of the Art Fund’s Art Quarterly magazine, its chairman, the noble Lord, Lord Smith of Finsbury, stated that he hoped that public consultations would articulate the word “essential” when it comes to museums and galleries. He believes:

“We need to continue to assert the value and importance of museums to us and our communities”.

Yesterday’s formal exit from the EU has made the case only more relevant as we strive to make sense of that tension between nation and internationalism. So while there is inevitably a focus on funding at the moment, it is also vital to recognise how museums continue to play an important part in our public realm, be it in education, engaging in communities or attracting people to live in, work in and visit a place.

1.31 pm

Lord Faulkner of Worcester (Lab): My Lords, I join others in thanking the noble Earl, Lord Clancarty, for securing this debate. I declare an unpaid interest as chair of a charity called Worcester Live, which is the main provider of the arts in the city. It runs the only theatre; the only concert hall; one of the largest festivals in the county; an outdoor Shakespeare in partnership with the city council; an indoor Shakespeare in partnership with Worcester Cathedral—last year we commemorated the 800th anniversary of the death of King John by staging Shakespeare’s play around his tomb in front of the altar; a ghost walk, which is a tourist attraction; a one-year part-time foundation course for young people wanting to get to theatre school; a number of youth theatres; and much more.

Worcester Live exists for three reasons. First, it receives generous core funding support from Worcester City Council, which, per head of population, probably contributes more to the arts than any other district council. Secondly, it has a small number of wonderful individual benefactors, trusts and patrons. Thirdly, its productions and events are well-supported by local residents.

However, Worcester Live gets not a penny from the Arts Council, and that means that its finances are constantly on a knife edge. In my view, a disproportionate amount of arts money goes to London, and a huge percentage of it goes to classical music in one form or another—orchestras, opera and ballet—and to flagship venues, a point made earlier by the noble Baroness, Lady Murphy. I am far from convinced that the balance is entirely right, and I would like the Arts Council to recognise the value to local communities outside the south-east of popular non-elite organisations such as the one that I am involved with.

I also want to mention another reason why local arts can be vibrant: the role of volunteers. There is in Worcester a splendid historical museum called Tudor House in the medieval heart of the city. It is because of the 60 or so volunteers that Tudor House is able to maintain free admission. At any one time there are about 30 of them working regularly as room stewards or in the coffee shop. Another group supports the education days, another group works as an operations committee and so on. Without volunteers, Tudor House and countless other local history museums would not exist, and they deserve better recognition from all of us. I hope the Minister will agree with me when he replies.

1.34 pm

Lord Berkeley of Knighton (CB): My Lords, how timely that the noble Earl, Lord Clancarty, should air this important subject just as we start the process of leaving the EU. When I, a born optimist, asked at Oral Questions on 7 March this year if the Government were concerned by the threat of closure facing many libraries and leisure centres, I was told that I was being pessimistic. Pessimistic? The Government were reminded by several noble Lords on 13 October 2016—and the Minister in today’s debate, I believe, answered—that several hundred libraries have closed since 2010.

While it is true that we all have to cut our cloth according to our means and that the internet has brought access to books and music much closer, nothing can replace the actual live experience: the object, a book, the sound of a bow hitting a string and the social cohesion factor of meeting and listening together or discussing literature in groups. I am sure the Minister will acknowledge that the publishing industry and the creative industries in general are part of the great economic success story of this country. But they need nourishing and investing in for our future prosperity and cultural excellence.

Many music clubs, festivals and orchestras up and down the country depend on visiting artists and chamber ensembles to enrich their programmes. How will Brexit affect them? Will British players be excluded from European orchestras, particularly European youth orchestras, where it will not be a matter of work permits but of actual acceptance into the group? Even for well-known soloists like the cellist Steven Isserlis, who has written to me on this subject and who gives many concerts in the EU, there is the worry of constant visa applications, which could be turned down if Brexit turns sour.

What about the colleges for whom the lost income from losing students, who might no longer be supported by the EU to come here, might well be a disaster? We have already heard of two orchestras that are decamping to warmer artistic climes. We need to act now to make sure this does not become an exodus and that we are not starved of cultural intercourse with our neighbours.
[Lord Berkeley of Knighton]

As I pointed out on 7 March, it is often rural, isolated communities who face bleak opportunities for education and entertainment, and I am sure the Minister would agree that the natural law of economics means that it is precisely those communities who are most likely to be hit hardest in times of economic drought.

1.36 pm

Baroness Warwick of Undercliffe (Lab): My Lords, I thank the noble Earl, Lord Clancarty, for securing this timely debate. I intend to focus my brief remarks on local museums, and I declare an interest as chair of the advisory board for the Modern Record Centre at the University of Warwick, a wonderful archive of trade union and industry history. I am also a supporter of the People’s History Museum in Manchester.

It is clear that times are bleak for a whole range of arts and cultural services, but in the current climate, it is local museums, those directly managed and funded by local authorities, that are the most vulnerable. Others have charted the recent decline in local authority investment in museums. Arts Council England acknowledges that councils understand that investment in cultural services shapes local identity, promotes tourism, stimulates creative industries, and creates happier and healthier communities. Age UK showed that creative activities such as visiting museums improve well-being in later life.

It is sadly inevitable that, given their shrinking budgets, local authorities see their non-statutory funding of museums as a low priority. The museums review announced in last year’s culture White Paper is due to be published this summer. I hope that its state of the nation report will enable us to understand how museums might need to keep changing to survive and thrive. But museums facing the sudden withdrawal of local authority support are sometimes forced to close before any alternatives are considered. In light of this, can the Minister assure us that the review will contain realistic recommendations to prevent closures and sell-offs? Will the review outline steps better to identify early warning signs, which would allow enough time to develop proposals to transfer museums into trusts or community management schemes, for example?

I read that museums are not meant to become monuments to themselves—they can and should relocate collections or develop new partnerships or new directions if that will attract new or more visitors. In my home town of Bradford, a new £1.8 million gallery opened last week in the newly renamed National Science and Media Museum. Tim Peake’s spacecraft will be on display there. New exhibits—and the new name—reflect the museum’s changing focus on the science behind the magic of photography, film and television. It aims to combat a recent history of falling visitor numbers and to keep the museum fresh and relevant in our fast-changing, high-speed world. This is wonderful stuff, not least for the people of Bradford, who are fortunate that the museum is part of the London-based Science Museum group, which receives about £40 million a year from DCMS.

This brings me to one final point: those of us who look beyond these to our wonderfully varied and quirky local museums, there is much to discover: other speakers have indicated their favourites. They all help to preserve, protect and promote our nation’s history. We use them or we lose them.

1.40 pm

Lord Shipley (LD): I, too, thank the noble Earl, Lord Clancarty, for initiating this debate and I concur with the points made by him and other speakers. I should remind the Committee of my vice-presidency of the Local Government Association. I want to address two issues: first, regional cultural resources that have national and international importance; and secondly, the role of the private sector in supporting culture outside London.

We have heard a little bit about Manchester. I was there recently, visiting Mrs Gaskell’s house and the home of the Pankhursts. Both are wonderful to visit, but both have limited public opening times—three days a week and one-and-a-half days a week respectively. There might be perfectly good reasons for this that I am unaware of, and I pay a huge tribute to those running them for their achievement. It might simply be a lack of finance, but whatever the reason, will the Minister look at this issue to see if everything is being done that can be done to support longer public opening hours for such important international visitor destinations?

Right across the country, similar buildings that are major international resources can be underused and under-visited. In Newcastle, where I live, we have the Mining Institute, where the electric light was first demonstrated and which could become a major public destination in its own right. Does DCMS have a register of such key buildings across England that could be invested in? If there is not one, might one be created?

The Arts Council has a good record in starting to address the regional imbalance that we have heard about, but it needs to keep going. I noted in the recent culture White Paper that while total DCMS grant in aid from 2009 to 2015 has declined in cash terms, non-public investment has doubled in that period. That is very good to see, but I suspect that corporate giving mostly benefits London, where so many company headquarters lie; yet corporate responsibility should be to invest in culture across the United Kingdom because profits might well derive from outside the immediate area of a company HQ. Will the Minister tell us what data the Government have on the extent of non-public investment for each part of England? Would it be possible to publish those data if they have them, or to secure them if they do not?

1.43 pm

Lord Stevenson of Balmacara (Lab): My Lords, this has been a fantastic debate. I thank, as have others, the noble Earl, Lord Clancarty, for his tireless efforts in the arts and cultural world, for his support of it and for his really excellent speech which I could not match—certainly not in three minutes. I am sure that the Minister will want to respond in detail to that, so I will not cover that ground. Instead, I want to use my short time to make two main points.
When the industrial strategy Green Paper was introduced, Greg Clark, the Secretary of State for BEIS, spoke of the importance of recognising the country’s strengths, “from science to the creative industries”.

The Prime Minister is also on record as saying that special emphasis in the industrial strategy would be placed on helping sectors of the economy such as the creative industries. However, the specific challenges mentioned in the industrial strategy are energy, robotics, satellites and space, leading-edge healthcare, manufacturing and materials, biotechnology and quantum, and transformative digital technologies. It might be possible that the last one includes creative industries, but they are not mentioned. It is an awful gap, so can the Minister confirm that the interests of the DCMS will be represented in the final version of the industrial strategy? It is very important that we see it there and that it is part of the discussions.

Secondly, the Government need to think carefully about research in the creative industries if they are going to see a vibrant sector arrangement. As part of the Autumn Statement, a £4.7 billion announcement was made about an industrial strategy challenge fund. This will be cross-disciplinary and cover a broad range of technologies to be decided by an evidence-based process. As part of that process, a number of consultative workshops have happened and it is evident from those that there is a high level of interest from the cultural and creative industries in bidding for and obtaining money from the fund. We do not know, however, whether that will be possible.

An interesting aspect of our creative industries sector, which is enormous and does a fantastic job for our economy, is that it is largely made up of very small companies—micro-companies and very small SMEs—that rarely have the scale to engage in research. There is a research council—the Arts and Humanities Research Council—and it has a plan to create eight regional hubs, anchored in higher education institutions, that reach out to SMEs in the creative sector. This is a very good idea and I would be grateful if the Minister confirmed that the creative industries will get a fair share of this vital research funding.

1.45 pm

The Parliamentary Under-Secretary of State, Department for Culture, Media and Sport (Lord Ashton of Hyde) (Con): My Lords, I am grateful to all noble Lords, and especially to the noble Earl, Lord Clancarty, for securing this incredibly wide-ranging debate. My reply will probably only scratch the surface but I will try to answer as many points as I can. It is clear that this is a subject that noble Lords are very interested in and in which they have their individual specialities. It is a very daunting prospect to face this array of specialised interests—with, admittedly, some help. I will do my best.

The Committee has shown the breadth and depth of its interest in arts and culture. The presence or absence of beautiful buildings, galleries, museums, libraries and treasured archaeological sites has a huge impact on whether somewhere thrives and is a good place to live. These institutions help bind communities together and link current generations to those that came before; they console and inspire individuals. They are remarkably popular: 76% of adults in England engaged in the arts in 2015-16, and in the same period—surprisingly to me—53% of adults visited a museum or gallery.

The whole Government recognise that, and it is why there have been excellent recent funding settlements for DCMS sectors, even at times of economic difficulty. Central government’s main financial support for the arts, culture and museums is delivered via Arts Council England; it plans to invest £1.1 billion of public money in the period 2015-18. These sectors also benefit from public funding through the National Lottery. The Arts Council alone is to spend an estimated £700 million over the same period. Furthermore, the Heritage Lottery Fund spent £434 million in 2016-17; it supports museums and heritage projects, including public libraries. Archaeological-sector projects are supported by Historic England, and museums receive £400 million a year from the DCMS in grant aid. Let us not forget, also, that to assist the sector we have extended the museums and galleries tax relief to permanent exhibitions.

The Government are also investing in flagship projects such as Hull UK City of Culture 2017, which thereby raised over £1 billion of additional investment, and the Great Exhibition of the North in Newcastle and Gateshead in 2018. Arts Council England, the Heritage Lottery Fund and Historic England have come together to create the Great Place scheme, which will spend £20 million on embedding arts, culture and heritage in local plans and decision-making.

However, the nature of the political system is that much responsibility for locally delivered services is devolved to local authorities. This principle has had the backing of all political parties. I recognise that local authorities have had challenging financial settlements over the past few years as we tackled a very large national deficit. That had to be done for the sake of our children and grandchildren. Nevertheless, many local authorities have acknowledged that not supporting arts and culture is both a serious failing and a false economy, and continue to invest in all those sectors.

One of the most effective ways for local authorities to develop and sustain arts and culture is through collaboration with other organisations. For example, Dig Greater Manchester, supported by the University of Salford and the Association of Greater Manchester Authorities, is giving thousands of Manchester residents the opportunity to take part in real excavations. Nearer to here, the Museum of London is receiving £180 million from the City of London Corporation and City Hall for its new premises, which will showcase the best of London’s history and archaeology, including brand new finds from Crossrail and other projects.

The merits of collaboration were recognised in the Government’s Culture White Paper, published last year. It announced a review of culture and digital technology, which is bringing together organisations such as Arts Council England, universities, the BBC, Culture24, and Connecting Cambridgeshire. The Government are therefore offering strategic support in a variety of ways. Together with the Local Government Association, we set up the Leadership for Libraries Taskforce. It published Libraries Deliver, an ambitious strategy
warning signs. The review is looking specifically at whether the museums review will help to show museums engagement.

productions and focuses heavily on areas of low fund of another £35 million funds touring of arts London. That is £35 million. The strategic touring Excellence scheme to support talent is spent outside the past three years and 80% to 90% of the Ambition for funding outside London increased to 75% over the portfolio funding, but furthermore, the 70% of lottery Museum received £5 million. As the noble Baroness, £78 million in a new theatre and arts venue called The Government have invested heavily in Manchester: Lord, Lord Shipley, talked about Manchester. The 2015 and 2018 and another 4% between 2018 and 2022. 2018 portfolio. It will have increased by 4% between 2015 and 2018 and another 4% between 2018 and 2022. The noble Baroness, Lady Bakewell, and the noble Lord, Lord Shipley, talked about Manchester. The Government have invested heavily in Manchester: £78 million in a new theatre and arts venue called The Factory. The South Asia gallery of the Manchester Museum received £5 million. As the noble Baroness, Lady Murphy, said, there is a 4% uplift in national portfolio funding, but furthermore, the 70% of lottery funding outside London increased to 75% over the past three years and 80% to 90% of the Ambition for Excellence scheme to support talent is spent outside London. That is £35 million. The strategic touring fund of another £35 million funds touring of arts productions and focuses heavily on areas of low engagement.

The noble Baroness, Lady Warwick, specifically asked whether the museums review will help to show museums how to avoid closures and sell-offs and identify early warning signs. The review is looking specifically at the sustainability of local museums as a key line of inquiry and will make recommendations this summer. The noble Baroness also mentioned the reopening of the National Science and Media Museum, a national museum. That is another trend—that national museums are having more and more venues outside London.

The noble Lord, Lord Stevenson, asked about culture and whether that is included in the industrial strategy. First, of course, the Secretary of State was a member of the committee that put that together. I can say to him that the cultural sector is included in the definition of “creative industries” that is mentioned in the Green Paper in an early sector review, the Bazalgette review. We are certainly looking forward to working with him and all interested colleagues in the coming weeks and months. The review is focused particularly on prosperity across all the creative industries, and we recognise that the cultural sector as part of those is contributing to UK prosperity through its many national and international commercial successes.

I must really speed up now. The noble Earl, Lord Clancarty, and others made a very valid point about EU funding. Of course it is too early to say where we will do that, but I can say that we are extremely well aware of it. It is not only about the money; it is the partnership and the links with EU organisations that are important here. Of course we will have extra money when we are not a net contributor, but this is all part of the negotiation and we are very well aware of it, as we are cultural people in terms of free movement, which will be part of it. One of our jobs, and one that we are taking very seriously, is ensuring that the Department for Exiting the EU is aware of the concerns of the cultural sector. That is definitely a job that the DCMS has.

The noble Lord, Lord Redesdale, mentioned the fact that half of museums do not have collection specialists and that many are no longer accepting archaeological archives from developers. The museums review is specifically looking at the issue of archaeological archives and storage, and will report in the summer.

The right reverend Prelate the Bishop of Derby asked four questions, one of which I am going to answer; I am afraid the others on tax are pretty well outside my remit. The Government are keen for churches to contribute and play a full part in community life. In December 2016 we announced the English churches and cathedrals sustainability review. That is now in progress and exploring these issues. I might mention that on broadband, for example, the WiSpire initiative is one very good way in which they might contribute.

There were other questions but I apologise that I do not have time to answer them. If I may, I will write. I will conclude by saying that arts and culture are a huge part of what makes the villages, towns, cities and nations that comprise our United Kingdom so special. We want them to be available to everyone, to be cherished and protected and to have the strategic and financial support that they need. This is the central mission of the DCMS, and it is heartening to be reminded that this House shares our determination.

1.58 pm

Sitting suspended.
Educational Attainment: Boys
Question for Short Debate

2 pm

Asked by Lord Lingfield

To ask Her Majesty’s Government what plans they have to improve the educational attainment of boys of all ages at state schools.

Lord Lingfield (Con): My Lords, I remind noble Lords of my education interests in the register, and thank them for taking part in this debate this afternoon.

A retired general known to me was inspecting a school cadet corps, and as he went round, he noticed that, whereas the girls had large numbers of badges on their arms for military pursuits such as shooting, first aid and field-craft, the boys had virtually none. When he addressed the parade he said, “Boys, you must really pull your socks up. You’ve got hardly any badges on your arms”. While he was speaking, a lad in the front row kept putting up his hand, military discipline vying with indignation, and said, “Sir! We’ve got just as many badges as the girls, but the girls won’t sew them on for us!”.

That is a somewhat frivolous introduction to what is actually a very serious subject: boys in our state schools are doing badly compared with girls. I want to pay tribute to the excellent debate on this issue in Westminster Hall last September, secured by my honourable friend Karl McCartney, MP for Lincoln. Many excellent points were made by members across the political spectrum and I shall refer to them from time to time.

There are enough statistics to last the whole afternoon, but here are just a few of them. Last year’s figures show that in state schools girls are 30% more likely to enter university than boys. In Scotland, the figure is 43%. Indeed, the head of UCAS has recently predicted that, if current trends continue, girls born today will be 75% more likely to enter higher education. At the behest of the educational attainment of boys of all ages at state schools.

When we move to public examinations, last year girls opened up their biggest gap over boys in A to C grades for 14 years—71.3% of female entries were awarded at least a C grade compared with just 62.4% of their male counterparts. Especially in arts subjects, a quarter of girls earn As or A*, but under 17% of boys do. It is only in mathematics that boys squeak ahead. At university, women are more likely to graduate the required standards in literacy and numeracy; only 49% of boys do.

When we move to public examinations, last year girls opened up their biggest gap over boys in A to C grades for 14 years—71.3% of female entries were awarded at least a C grade compared with just 62.4% of their male counterparts. Especially in arts subjects, a quarter of girls earn As or A*, but under 17% of boys do. It is only in mathematics that boys squeak ahead. At university, women are more likely to graduate the required standards in literacy and numeracy; only 49% of boys do.

Whichever way the data are read, they show that girls outperform boys at all educational stages in most areas of the curriculum. So boys are doing badly compared with girls, with all that that means for society, when surely their attainment ought to be closer to equal. Why is this? No one knows the answer as too little research has been carried out into this important question. Many theories abound and I shall consider some of them.

First, about 15% of teachers in English primary schools are full-time male teachers, and the figure for secondary schools is only 38%. Overall, therefore, three-quarters of all state school teachers are female. This means that the majority of boys, many of whom have no man in the house, never encounter a male role model at home or at school. Please do not get me wrong: I am not knocking our many wonderful women teachers—we obviously could not do without them—but common sense suggests that schools need nearer a 50:50 split, which, by the way, independent schools come closer to.

Does this worrying situation make a difference to boys’ performance? There have been a few studies, based on small samples, which suggest that boys’ attainment is not necessary better when they are taught by male teachers, but in reality no one knows. The decline of boys’ performance has, however, coincided with the drop in the number of male teachers since the 1980s. Could it be that many schools are now not focused enough on supporting boys, understanding what makes them tick and providing a clear disciplinary framework and an environment that does not fail to encourage masculinity? Boys develop more slowly in their teenage years, and many observably have less positive attitudes to schooling. It is very possible that male role models are vital in instilling in them the importance of education.

Whatever the answer, the Government need to address the imbalance of male teachers to female teachers in our schools. Why are men not joining the teaching profession as they used to? Again, there is only anecdotal evidence. Not long ago I talked to a number of newly graduated men at one of our universities. Would they think of teaching as a career? All were emphatic that they would not. Was it the salary? No, they thought that it was fine for someone in their 20s. They unanimously suggested that they could not put up with the disciplinary problems and the chance that there might be unwarranted accusations against them. When I questioned this, they told me that they had been at school only three years before and knew exactly what they were talking about.

It is also perceived wisdom that methods of teaching and examinations have been feminised in the past decades, particularly with the replacement of written examinations with continuous assessment and coursework in many subjects. This is thought to favour girls, who are better capable of the steady, organised work required, whereas boys, it is suggested, do better at putting a towel around their head and revising for all-or-nothing written papers. There has been a trend of late for schools and examining bodies to rely less on coursework and more on end-of-course examinations, but it is too soon to see if this will narrow the gap in performance again, as is suggested.

There is no doubt that the difference in attainment between boys and girls is a complex subject. It is visible across all ethnic groups. The Government have in the past rightly pointed out that most other OECD
countries have similar gaps. One would have thought, therefore, that there would be plenty of research in other countries to address this problem, but there is very little of real relevance. Girls are often said to do even better at single-sex schools than at co-educational schools. Do boys do better at boys’ schools than at mixed schools? There seems to be no research available to enable us to take a view. There are some 150 grammar schools in this country, some single sex, some co-educational. Do boys do better in selective education? We cannot tell as there are no useful immediate statistics to help us.

I do not ask the Minister to come up with any answers today to these complicated and vexing questions, but I am sure that we need to hear that the Government will consider a wide-ranging review of the issue. We badly need some high-quality investigative work, and I know that Members on all sides of the House will agree that that research should be free of political correctness and ideology. We need to find out what is putting men off seeking teaching careers so that we can encourage more of them into the profession. We need to know whether the teaching of boys by men really does make a difference to the performance gap. We need to know whether single-sex education is helpful to boys’ attainment or whether there is little difference. We need to know whether boys in selective schools do as well as girls similarly selected. We need to look at comparative studies from other countries—some work has been done in Sweden, the USA and Australia—to see whether there is anything we can learn. Above all, we need to know what can be done for boys without affecting the performance of girls.

Too many boys at present are discouraged by their results and tend to leave education unskilled and poorly qualified for future vocational courses. More young men than young women are not in proper employment or training. Their next steps are too often to be benefits claimants and then, too regularly, they encounter the youth justice system. We need to address these issues, and to do so we badly need far more objective research into them; otherwise, we shall let down further generations of boys with the most serious consequences for our society.

2.10 pm

Baroness Morris of Yardley (Lab): My Lords, I am most grateful to the noble Lord, Lord Lingfield, for raising this question. It is a perennial problem facing our education system. Across all parties and groups there is a wish to solve it but so far there is not a lot of evidence that any of us have succeeded. The more we can focus on it, the better. I am grateful for the opportunity today to contribute.

I used to be an optimist about this. The noble Lord mentioned that boys’ attainment fell away in the 1980s. I remember that period well: it was when I was a secondary school teacher. I think what happened is that girls’ attainment improved while boys’ attainment stood still and that is when the gap started. In a strange way, I have always taken comfort from that fact. When I was Education Minister, we saw the performance of children from ethnic groups improve so that it overtook white children, who got left behind. I had seen that as optimistic, thinking that if we could do it for girls and ethnic groups we could do it for those boys, too. Until fairly recently, I thought that was probably the approach we ought to adopt, with focused targets on boys to try and replicate what happened in raising the attainment of other underachieving groups.

I have begun to change my mind on that, partly because we have a much stronger schools system than we had. We have better school leaders and better-quality teachers, yet we have not made that difference. It has not worked. Sitting around just saying, “Focus on boys and have another load of initiatives”, with £1 million spent here and there will not work. I am much more persuaded now—it is a more complex argument and a greater challenge to achieve—that the whole of the gender difference is wound up in the income difference.

I take the phrase from the Social Mobility Commission, which says:

“The income gap is larger than either the ethnicity gap or the gender gap”.

I thought we could overcome that by focusing on boys but do not believe so any longer. The way we must go now to close the gap between girls and boys is to take on that big issue of the income gap. If we do that, we will raise standards everywhere and boys will rise with that.

I do not say that there is no issue with boys. This debate is about underachievement of boys in the state system but there is also underachievement of boys in the independent sector—I am not sure why they have been squeezed out of this debate—and from wealthy backgrounds. However, when you look at the nub of the problem, the hard edge is among poor boys. Whatever we do for poor boys would help other underachieving boys as well.

We could get drowned in statistics—I entirely agree with that—but I offer this set of statistics because they support my argument. Girls who do not get free school meals, so more affluent girls above the measure of poverty, are 107% more likely to gain five good GCSEs than free-school-meal girls. Boys who do not get free school meals are 135% more likely to gain five good GCSEs. So there is an issue about boys and girls. If you look at the difference between free-school-meal boys and girls, it is only 33%. If you get even for poverty, the gender gap is 33%. If you plonk poverty back into the measure through free school meals, the gap is 107% for girls and 135% for boys. There must be a message in there that the gender gap is real but it is accentuated and made worse because, at its core, this is about poverty.

We must address the wider educational and inequality arguments and issues that face us. The most interesting set of statistics I found in the Library briefing on this—I could have sat for a week looking at all the statistics; they are fascinating and contradictory, which is one of the problems—is where gender gap by local area was looked at. We know that the largest gender gap is in St Helens, South Tyneside and Darlington. The lowest gender gaps are in Richmond upon Thames, Calderdale and North Somerset. I say no more. It is bound in with poverty. On the next page, one sees...
something interesting. The most deprived local authority in the country is Tower Hamlets, whose gender gap is 15%. That is too large, but it is only a percentage point away from the second-least deprived local authority in England, which is Rutland. My analysis of that is that Tower Hamlets has overall good standards. There has been good, solid school improvement. It is a high-achieving borough, even though it is an area of high deprivation.

Somewhere in that lies the answer. If you get school improvement right—we now know a lot about this, which we did not know years ago—you close those gaps. You close the poverty gap and you close the gender gap. My marker in trying to address this is that first we have to address poverty. That is not beyond the Minister’s brief, because it is not beyond anybody’s brief. If you address poverty, that will solve the gender gap. Secondly—and this is where I share my conclusion briefly. If you address poverty, that will solve the gender gap. Secondly—and this is where I share my conclusion with the noble Lord, Lord Lingfield—we need to look at the barriers that are caused by being poor. This is about high expectations, social capital and, predominantly, early years education and language development. It is about having a space to study and role models. This is a big issue and I am grateful for the opportunity to discuss it. We do not have a good track record in tackling it, but I think that we now know enough about school improvement to take us further forward.

Lord Farmer (Con): My Lords, I too thank my noble friend Lord Lingfield for raising this important issue. As he and the noble Baroness, Lady Morris, said, it is a complex subject, to which it is hard to do justice in one hour, so I will focus on the lack of male role models, which is a significant factor in boys’ underachievement. To set this in a broader context, UK studies show that only one-fifth of the variability in pupils’ achievement can be attributed to school quality; the remaining four-fifths is attributable to pupil-level factors. The influence of family background accounts for half of that four-fifths. To put it plainly, 40% of variability in pupils’ achievement has absolutely nothing to do with the school or the neighbourhood.

Here I disagree with the noble Baroness, Lady Morris. Poverty is an inadequate explanation. Attainment among pupils on free school meals from Bangladeshi, black African and Chinese backgrounds has improved by more than 20% over the last 10 years, while poor white pupils do worst in their GCSEs, compared with just under a third of girls.

The right honourable Member for Birkenhead, Frank Field, said:

“Raising the aspirations and results of white working-class boys would do more than anything to cut the supply route to Britain’s burgeoning underclass”.

Joseph Rowntree Foundation research shows that raising aspirations requires working with parents, yet a 2011 Ofsted survey of 37 secondary schools found that none of the schools was focusing specifically on drawing in the families of white British students. One high-attaining inner-city secondary school was working effectively with groups such as black Caribbean boys and Somali girls but had not attempted similar work with its lowest-attaining group: white British students eligible for free school meals. It is a fairly small survey, which highlighted only one otherwise successful school, but it is telling none the less.

Over 3 three million children are growing up in lone-parent households, about a million of whom have no meaningful contact with their fathers. Rates of lone parenthood are far higher among poor white and black groups than among Chinese, Indian and Bangladeshi populations. Research clearly shows that family breakdown is a risk factor for educational underachievement. Can the Minister explain how we are supporting families to prevent family breakdown? I draw the attention of noble Lords to my entry in the register of interests in quoting from the Centre for Social Justice’s 2013 report, Requires Improvement. In it, Sir Robin Bosher, director of primary education at the Harris Federation of academies, emphasises that 25 years as a head teacher has taught him that, “society must not underestimate the impact of family breakdown and the colossal effect a parent leaving home has on children”.

John d’Abbro OBE, who heads the outstanding-rated New Rush Hall School, argues that underlying almost all the exclusions that he sees is the issue of family breakdown. Boys are three times more likely to be excluded than girls, and many of the boys whom d’Abbro sees excluded grew up without fathers. A lack of discipline at home means that boys will test boundaries to the limit and beyond at school. US and UK research shows that, even if he is not spending a lot of time doing things with his son, a father’s presence is still a protective factor. We should not underestimate how hard it is for even the most dedicated single mothers to compensate for the psychological impact of a boy’s father not being there to encourage him, pull him up when necessary and show him love and care. The father gives a boy more reason to try harder, push himself and overcome: all vital for doing well at school, as is a father’s modelling of being able to provide for one’s family by linking effort and reward.

There are micro-communities in our country where three-quarters of households with children have no father living in the house. Male teachers are, therefore, even more vital in these local schools, as was highlighted by the noble Lord, Lord Lingfield. In 2012, however, one in four English primary schools had no full-time qualified male teacher and 80% of state-educated boys were in primary schools with three or fewer full-time qualified male teachers. In one low-income area—Lewisham, in London, which has well over twice the national average of lone-parent families—one-third of primary schools had no qualified full-time male teachers. Can the Minister update us on the number of male teachers today and tell us what is being done to increase their prevalence, especially where lone-parenthood rates are high?

Keeping fathers involved, even if they are separate from mothers, is vital. We have to start early: the last Labour Government passed legislation to ensure that all fathers’ names are on birth certificates in all but the most exceptional circumstances. This part of the Welfare Reform Act 2009 should be brought into force. Will the Minister inform us what is currently being done to improve the rates of active fatherhood?
Lord Addington (LD): My Lords, I thank the noble Lord, Lord Lingfield, who—as we established in a debate here a couple of years ago—is a very distant kinsman of mine. I congratulate him on bringing this debate forward and on the way he did it. It is quite clear that this is a complicated problem and that a cocktail mix has led to this result: there is not just one answer. The more we look at it in that way, the closer we will get to finding some form of solution or a series of solutions to apply to this situation.

I am dyslexic. I am president of the British Dyslexic Association and I have other educational interests. I was first dragged towards this by something that I was told as a youth, which was that dyslexia is four times more common among males than among females. That would fit quite nicely into this debate, apart from the fact that all the work now says that it is not true. Most of the work that has been done states that it is as common. A study by Olson and DeFries at the University of Colorado looked at 400 pairs of twins and discovered that there was absolutely no variation.

A myth has been put to one side, so why do we start to have this change? It is quite clear from all the statistics that boys are being outperformed by girls. It is quite clear that there are variations through the social structure and income levels, so what is happening here? It is clearly some mix between the two. It was put to me that boys tend to have—whenever you make a statement here, there is always a general twist—better spatial awareness and spatial memory. The female of the species tends to be better at naming and locating types of memory. Different types of memory will work differently at acquiring reading.

My background in dyslexia tells me that when you have problems acquiring reading you have problems with the way we work within our school system. When we talk about reading and attainment in the school system, we are talking not about intelligence but about how we apply it. How do we get through that and make it work?

It is also clear that if you come from a background where you are expected to read, you will do it. The average male may not do it quite as naturally as the average female, but he will do it. A cocktail of events has clearly led to where we are now.

Some say that the problem comes from not having a father figure. I come from a broken home and I got to university, as did my brother. Indeed, the late Earl Russell, of great memory, used to point out that he came from a broken home. The fact that his father was Bertrand Russell may have altered the effect on him. There is not one single bullet here, there is not something that excludes you. However, it is clear that when schools have worked on bringing fathers into the system and said, “You will get involved, it is part of your role”, that helps.

Having more male teachers helps a little, but if the male teacher is not a figure who inspires you but is one who you try to avoid because he tries to give you work and makes your life difficult, that may make the situation slightly worse. We do not know how this works. That is the important thing, but we have to start addressing this, because the world of work, and access to it, is becoming increasingly tied into the idea of acquiring the ability to read to get through the education system.

Furthermore, and in contradiction to the way this debate was introduced, will the Minister say what, if any, work has been done on improving the identification of special educational needs within the classroom? Another problem is probably masked in these figures: the underdiagnosis of females with special educational needs. This underdiagnosis is very high, because males in the classroom tend to be more extrovert, thus their problems are seen and they are more trouble, while the female hides in the middle of the classroom. Those are both normal classroom survival techniques for those having problems. We are missing many of them: can we look at that? The problem may actually be bigger than these facts suggest if we take that into account. What are we doing to find the true facts, so that we can start to look at solutions?

The noble Lord, Lord Lingfield, has started—or rather, given impetus to—an important discussion here. It is incredibly important to identify what is going on: if we do not, we will underutilise our population and make the lives of the group that misses out slightly worse. Surely we should spend a little more time and energy on identifying the problem.

Lord Suri (Con): My Lords, this is an important debate, especially now that we have entered into the last few years of our membership of the EU. Creating an excellent education for all—academic or technical—is key to keeping Britain competitive in days to come. Our human capital is one of the greatest assets that commerce can nurture and safeguard, and the current situation for boys is simply not good enough. I am glad of the widespread realisation that the demise of technical education was an error. My tireless noble friend Lord Baker and his university technical colleges have gone some way towards stemming that decline, on which I congratulate him.

I pay tribute to the noble Lord, Lord Lingfield, for his work in ensuring that many more schools can have greater autonomy. I have always advocated the devolution of spending when it is reasonable to think that funds can be spent more effectively. On average, poor boys start school with a basic literacy level 15 points behind their female counterparts. The gap narrows to 10 points for wealthier households. This figure represents a significant and unnecessary loss of talent. This deficit can dog young men for the rest of their educational careers and have obvious negative impacts on their real careers and prospects.

The solution is not targeted support for boys but a better scheme to bring good educational reforms to parts of the country that have been left behind. Teach First has been an excellent initiative, and bringing more young and highly motivated people into the workforce to become positive role models and great teachers is an excellent idea.

The real change will come from a fairer school funding formula. It is time for funding to shift away from schools with high results and falling percentages...
of pupils on free school meals. It should move to schools in serious decline and need. London has been a real success story, and higher funding has undoubtedly helped, but London’s schools are now on the whole some of the best performing in the country, while free school meals have dropped by some 10 points. Support has worked, but some schools must be gradually moved off higher funding when there are others that are plainly more deserving. This will be politically painful, as redistribution always is, but it is absolutely necessary to our future.

Real attention must also be shown to former industrial towns, such as Rotherham and Wigan. The former Member for Stoke-on-Trent Central referred to his constituency as a place, “without a culture of formal education”.

That kind of attitude could be allowed to slide in a town where jobs for life could be found in a local factory, but the decline in manufacturing has been disproportionately hard on young men. There still exists a skills gap, especially in engineering and other technical subjects. The answer is to make technical education an attractive prospect and to remove the stigma attached to it. Primarily, this can come through greater investment in such subjects, across all schools, and not just restricted to specialist schools.

2.33 pm

Baroness Bloomfield of Hinton Waldrist (Con): I, too, am grateful to my noble friend Lord Lingfield for introducing this important debate and to all noble Lords for allowing me to speak briefly in this gap.

My knowledge of this area comes from five years’ teaching boys and young men basic literacy skills in a young offender institution as part of a voluntary one-to-one teaching scheme. Not many children who leave education without educational attainment, let alone qualifications, will pursue a life leading to a leave education without educational attainment, let alone qualifications, will pursue a life leading to a leave education without educational attainment, let alone qualifications, will pursue a life leading to a leave education without educational attainment, let alone qualifications, will pursue a life leading to a leave education without educational attainment, let alone qualifications, will pursue a life. Not many children who teaching boys and young men basic literacy skills in a introducing this important debate and to all noble

Over five years, I taught a number of boys individually, which is, perhaps, the only way of making real progress in the prison environment. Of course, from my point of view, teaching was made immeasurably easier once issues of crowd control were removed. It was voluntary on both sides. Many had been labelled dyslexic, although I rarely saw any evidence of this and, using synthetic phonics and various online programmes, most made rapid progress. Almost without exception, they wanted to learn—but privately, away from mocking eyes of some of their peers, as though learning were something shameful. Almost universally, their lack of attainment in mainstream school could be attributed to truancy from an early age together with a lack of discipline at home. It is true that many admitted—almost all, in my experience—to having no resident father, and the person to whom the boys afforded the most respect was their nan or grandmother.

Not only should we ponder why boys underperform girls, but how to encourage boys at the earliest stage in their education that learning is useful, fun and will afford skills that will enable them to lead more fulfilling lives than they would do otherwise. Surely, the most significant factor in that would be the quality of teaching staff and the teaching staff’s training. I know that noble Lords will agree that the quality of teachers and their training has been improved through initiatives such as Teach First.

Even more can be achieved for boys in other ways, perhaps through engagement with sport and the valuable lesson that it gives beyond the skills of the game. I am also aware of various mentoring schemes in London boroughs for boys who lack encouragement at home. Some of these younger mentors have provided valuable role models. One of the most humbling lessons that I learnt in my time behind their bars was how much these supposedly tough young men valued someone—anyone—taking time with them individually, teaching them a skill that they were ashamed not to have mastered already and then showing a real, personal and non-judgmental interest in their progress.

2.36 pm

Lord Storey (LD): My Lords, I, too, am grateful to the noble Lord, Lord Lingfield, for initiating this debate and I particularly thank the House of Lords Library, the Sutton Trust and Teach First for sending briefings.

It is clear from all the research carried out that there is a real and continuing problem with the educational attainment of boys at state schools, particularly boys from disadvantaged backgrounds. My noble friend Lord Addington rightly said that there is no one silver bullet that will deal with the problem, but consideration of and action on a series of interventions, policies and practices may help.

Sometimes, we learn from our own experiences. I was head teacher of two primary schools, both in deprived communities. My last school was in Halewood, which was a white working-class community. It was a large primary school of 600 pupils. In a sense, we threw everything at those pupils to get them up to a good level of literacy and numeracy. Thanks to our success, our results in literacy and numeracy were above the national average, and we celebrated that fact, as did the five Ofsted inspections we had while I was there. But it used to always concern me that when my pupils left to go to a whole plethora of secondary schools, their results declined dramatically, and I never understood why.

I was interested in researching for this debate to come across Sutton Trust information which said among the various facts and figures that every year, there are high-achieving boys at primary school—pupils scoring in the top 10% nationally in their key stage 2 tests—who five years later receive a set of GCSE results that place them outside the top 25% of pupils. How is that, with all the work carried out at primary level?

I can also tell noble Lords that a third of my staff were male teachers, and two were from ethnic backgrounds.

All that work is carried out at primary school. Two weeks ago I visited a primary school near Preston—I will not name the school—which is in a very deprived community. It is an oasis. It has a children’s centre
[Lord Storey]
linked to it and early years provision, all through a school purposely built by the local authority; I was really impressed. Ofsted rated it outstanding. It is an outstanding school in a desperately deprived community. I said to the head, “What happens to the pupils?”, and he reiterated what I just said: “Actually, sadly, they do not do as well in secondary education”.

So what is going on? I do not know the answer. I hear the noble Baroness, Lady Morris, talk about poverty; I hear people talk about the importance of the home—of course, the home and poverty are important; of course, having role models is important. But we cannot sit around and wait for those things to happen; we have to do something now. There is no time to wait around for role models to become available if families are to get immediately out of the poverty trap. We need a plan of action to make sure that we succeed.

Early years provision is of course vital. It should not be about a national childminding service; there needs to be trained staff who create stimulating, challenging learning environments and know the importance of learning through play. It is important that we develop those policies and strategies. Here is my starter for 10—I am suddenly conscious that I was rambling at the beginning and lost time. We need to use high-quality information about pupils’ current capabilities to select the best steps for their education and teaching. We need to use high-quality structured interventions to help pupils who are struggling with literacy. We need more highly qualified teachers—I do not think this has been mentioned—to teach in deprived schools. I am again indebted to the Sutton Trust research, which has shown that teachers in advantaged schools are more experienced than those in deprived schools. We should perhaps have our most experienced teachers in deprived schools. The research found that financial incentives and more time for lesson preparation would attract those experienced teachers to teach in deprived schools.

Let us implement targeted attainment improvement programmes. Let us continue to look at using the pupil premium. We must make better use of teaching assistants, who are a valuable resource to primary and secondary schools, and adopt evidence-based interventions to support teaching assistants in their small-group and one-to-one sessions. We need peer tutoring, one-to-one tuition, collaborative learning and effective setting of homework. I am sure that if we have a plan of action, we can turn things round.

2.42 pm

Lord Watson of Invergowrie (Lab): My Lords, the noble Lord, Lord Lingfield, has done us all a favour in opening up this important matter for debate. I listened to him with interest. His concluding remark that we need more objective research on this matter is true. There is a plethora of research and all noble Lords have been given a considerable amount of backing from groups of researchers into this subject. Despite a dramatic improvement in overall results over a period of more than 10 years, the gender gap has hardly changed for five year-olds. Research by Save the Children, which noble Lords will have seen, shows that while there has been a 20% improvement in overall attainment in state schools and an 8% reduction in the poverty gap since 2006, there has been a reduction of just 1% in the gender gap in educational attainment. As recently as 2015, boys accounted for 51% of children who started primary school in the state sector, but for 66% of those who were behind in their early language and communication. The pattern is the same across all ethnic groupings.

I am not sure whether the announcement earlier today that the Government are about to end SATs tests for seven year-olds has relevance to this debate, but at key stage 2—that is, 11 year-olds—girls who are eligible for free school meals outperform boys eligible for free school meals by a greater margin than those not eligible for free school meals. I agree with the point made by my noble friend Lady Morris about poverty being a determinate factor—that is undoubtedly the case—and it was interesting that noble Lords each identified a different subject. The noble Lord, Lord Farmer, talked of the lack of role models.

One-third of the total gender gap in reading at key stage 2 can be attributed to the fact that boys in England are nearly twice as likely as girls to fail behind in early language and communication. Despite a dramatic improvement in overall results over a period of more than 10 years, the gender gap has hardly changed for five year-olds. Research by Save the Children, which noble Lords will have seen, shows that while there has been a 20% improvement in overall attainment in state schools and an 8% reduction in the poverty gap since 2006, there has been a reduction of just 1% in the gender gap in educational attainment. As recently as 2015, boys accounted for 51% of children who started primary school in the state sector, but for 66% of those who were behind in their early language and communication. The pattern is the same across all ethnic groupings.

The noble Lord, Lord Addington, said there is no one answer, and of course that is right. A number of aspects contribute to this. There is no obvious reason for the general disparity between boys and girls, but a recent study by the University of Bristol showed how big an impact the gender gap in the early years foundation stage has on boys’ primary school attainment. That is not a silver bullet, but it is the area I want to concentrate on. Two-thirds of the total gender gap in reading at key stage 2 can be attributed to the fact that boys begin school with poorer language and attention skills than girls.

That is just one piece of research, but the evidence from a wide range of studies over recent years clearly points to high-quality early childhood education and care provision being the most powerful protection against the risk of falling behind, especially for boys. This is, of course, the case in respect of all children, but especially so with children from disadvantaged backgrounds. The Government say they want to improve social mobility. I do not doubt their good intentions, particularly as regards apprenticeships, but I have regularly criticised their recently discovered priority of grammar expansion, for which they have managed to find pots of money at a time when comprehensive schools are in a real funding crisis. There is no evidence to show that grammar schools have a positive impact on social mobility. If social mobility is to become a reality, the resources made available to it must be targeted first, second and third at early years provision because that is where it really can have a meaningful and lasting effect.

Yet since 2010 more than 400 of the Sure Start centres championed by the Labour Government have closed. In July 2015, the then Childcare Minister
announced that the Government would be launching an open consultation on children's centres that autumn. It never happened. Does the Department for Education still intend to proceed with that consultation? It is not only overdue, it is very necessary.

The Government really need to grasp the fact that they must invest in the best education and childcare provision, particularly in the most deprived areas, led by skilled staff at all levels. That would be showing a commitment to children who are falling behind by providing them with the chance they deserve of a fulfilling—one definition of that word—early years experience, one that supports their development and increases their chances of a full and successful adult life.

A well-qualified early years workforce is vital if young children are to have the support they need to thrive and enjoy success in school and then in later life. The entire workforce is important. Better qualified early years practitioners deliver higher quality care, which means better outcomes for children. The Government need to recognise the importance of continual investment in improved professional development for those working in early years, in their status and in the progression routes for staff at all levels. There is also a need to take steps to increase the number of 0-5 early years teachers and those with equivalent graduate qualifications in the workforce. Evidence shows they deliver significant improvements across all aspects of provision and are linked to better Ofsted ratings and higher quality early years teaching. Studies show that the difference in the quality of provision between nurseries in the most and least deprived areas is almost completely wiped out if a graduate is present, yet the 2015 early years census found that less than half of private, voluntary and independent early years providers that offered free childcare had staff with EYT status working with three and four year-olds. That is not a loophole. It is a gaping hole, and one that urgent action must be taken to begin to fill.

I shall finish with a quote from the Save the Children report that I mentioned earlier,

"we cannot wait for disadvantaged children and boys to get to school before they receive the support they need, by which time they may already have fallen behind",

with negative consequences for their childhoods, school attainment and life chances. We must invest in the best early years provision, led by early years teachers and supported by skilled staff at all levels, particularly in the most deprived areas. Minister, please take note.

2.48 pm

Viscount Younger of Leckie (Con): My Lords, this has been a short but fascinating debate, and I thank my noble friend Lord Lingfield for raising this important and complex issue. I shall start by setting out what we know about the issues affecting boys’ performance at school and describing the measures that we are putting in place to address many of the problems.

We have known for decades that boys develop at a different rate from girls and that there are certain areas of the curriculum, such as English, in which girls tend to outperform boys, but it is only in recent years that a pervasive gender attainment gap has begun to open up in state schools in England, with girls now outperforming boys at all educational stages and in most curriculum subjects. The gap opens early and persists—indeed widens—through school. Let me give some statistics. Last year, 75.4% of five year-old girls achieved the expected levels for all the early learning goals, compared with 59.7% of boys. As my noble friend Lord Lingfield said, at the end of primary school, 50% of boys—I think that he said 49%—and 57% of girls achieved the expected standard in reading, writing and maths. By the end of secondary school, girls outperformed boys across all the GCSE headline measures. I could give more statistics that confirm this pattern.

As a result, it is not surprising that boys are less likely to go on to further study at 16 or to apply to university, but let us look at the reasons why. What is clear is that the early years are critical. The noble Lord, Lord Watson, raised the issue of research, which highlights stark differences in early cognitive and social development. Girls start school with more advanced social and behavioural skills and, for example, more well-developed language and attention skills, which have been shown to account for two-thirds of the gender gap in reading observed at age 11. While girls outperform boys across all major ethnic groups, there is considerable variation. Boys from particular ethnic backgrounds, including Chinese and Indian, do much better than others, notably white British and black Caribbean boys.

As the noble Lord, Lord Addington, said, boys are much more likely than girls to be identified as having special educational needs, although he also said that the underdiagnosis of SEN among girls may also be an issue. There is a much higher incidence among boys of social, emotional and mental health needs, speech, language and communications needs and autistic spectrum disorder. Boys are much more likely than girls to be temporarily or permanently excluded from school, yet it is not clear from research evidence whether negative behaviour in school is a cause of poorer academic attainment or one of its consequences. Similarly, there is a lack of good research into how educational outcomes are affected by family structures and, in particular, the absence of a male role model. One recent study found that families with single mothers are associated with greater gender gaps in children's non-cognitive skills, but it did not look at academic attainment.

My noble friend Lord Farmer asked what was being done to improve the rates of active fatherhood and how we are supporting families to prevent family breakdown. There can be no doubt that parental conflict causes heartache and damages children's upbringing, potentially harming their opportunities well into the future. We now understand more about the mechanism through which children's outcomes are affected by parental conflict and that it impacts directly on children's well-being, as well as getting in the way of good parenting. We must make reducing conflict between parents our priority, regardless of whether they are together or separated. That means making support to reduce parental conflict a part of local provision. To achieve that, we will continue to work with local authorities to help them to embed this work into local services.
We understand the importance of both mothers and fathers to children’s future outcomes, regardless of whether couples are together or separated, but we often hear that services are less likely to identify men as parents and to consider them as having responsibilities to their children. We are ensuring that both mothers and fathers are supported through our parental conflict work and will look at whether more can be done to ensure that services recognise fathers and help them to play a full and active role in their children’s lives.

International studies suggest that boys and girls differ in their behaviour and attitudes towards school and academic study. Girls are more likely to use self-regulation strategies, to do their homework and to respond to school work more positively. Noble Lords may agree that this is a rather obvious conclusion. However, the impact of school factors on the gender attainment gap is not obvious. There is some research that shows no conclusive link between the size of the gap and overall school performance. However, we know that schools with little or no gap have a positive emphasis on coursework at GCSE, which has been thought to be a factor favouring girls, has adversely affected boys. Similarly, some people have suggested that boys are held back by a lack of male teachers, particularly in primary schools, but there is no conclusive evidence to back this up.

Some common assumptions about boys’ underperformance in school are not supported by evidence. For example, there is no evidence that the emphasis on coursework at GCSE, which has been thought to be a factor favouring girls, has adversely affected boys. Similarly, some people have suggested that boys are held back by a lack of male teachers, particularly in primary schools, but there is no conclusive evidence to back this up.

My noble friend Lord Farmer asked what was being done to increase the number of male teachers, especially in certain hot spots where there might be more of a plethora of lone parents. Current data show that in 2015 there were more than 119,000 male teachers, full-time equivalent, compared to 115,000 in 2011. Men comprise 26% of teachers in state-funded schools in England, a proportion that has remained broadly stable over time. We are aware of concerns around the number of male teachers in our classrooms and we want all schools to be able to recruit high-quality teachers, regardless of their gender, since evidence shows that quality of teaching is the single most important factor in determining how well pupils achieve.

Research has not found that the gender of teachers has a differential effect on boys and girls, but we will continue to monitor the composition of the teaching workforce by gender and will consider what if any steps would be appropriate to increase the number of men entering the profession.

Having set out the scale and nature of ‘boys’ underperformance and briefly described its causes, I now turn to how the Government are tackling this issue. We are committed to tackling educational underachievement wherever it exists, not by targeting specific pupil groups but by setting high expectations for all pupils and building a self-improving school system offering world-class education to every pupil. I begin with the early years—which are so important, as the noble Lord, Lord Watson, said. Every three-year-old and four-year-old is entitled to 15 hours per week of free early education. Numbers of qualified staff and graduates in the early years workforce are rising, and we have introduced early years teachers, who must meet the same entry qualification requirements as teachers of older children. At primary school, we have introduced a stretching national curriculum with higher standards in English and maths so that all pupils secure the basics in literacy and numeracy by age 11.

At secondary school, through the English baccalaureate, we have set a strong expectation that all pupils will receive a rigorous academic education that prepares them for further study and employment.

Beyond the core curriculum, we want to ensure that all pupils can develop essential life skills—qualities such as resilience, perseverance and self-control. We actively encourage schools to develop these qualities in their pupils through activities such as team sports, volunteering, arts, drama and cadet training. I am minded of the anecdote that my noble friend Lord Lingfield mentioned at the beginning of his speech.

Our vision for a self-improving schools system is fast becoming a reality. The growing network of teaching schools and multi-academy trusts ensures that schools can collaborate and be supported to raise standards. We are working hard to create a sustainable pipeline of high-quality head teachers and school leaders, and have put in place reforms to improve teaching quality at all levels. My noble friend Lady Bloomfield highlighted the importance of good teachers and Teach First. I also acknowledge the point made by the noble Lord, Lord Storey, about the need for more experienced teachers in deprived schools. He is, of course, quite right.

However, while there are now nearly 1.8 million more pupils in good or outstanding schools than in 2010, there are still a million pupils in schools which are inadequate or requiring improvement. A good school place remains out of reach for too many, particularly those from less well-off families. The ban on grammar schools, which we are aware of and need and seek to address, makes it harder to create good school places and limits access to the most stretching academic education to those who can afford to move near to existing grammar schools or pay for independent schooling. That is why we propose to scrap the ban on new grammar schools and allow them to open where parents want them, with strict conditions to make sure they improve standards in local schools and beyond. However, recognising that highly academic routes are not for everyone, we also reformed technical education, offering training for highly skilled occupational areas such as engineering and manufacturing, health, science, construction and digital. We continue to develop the increasingly popular apprenticeships route, with which noble Lords will be familiar, through a strong partnership between government and industry, equipping young people with the skills that employers need to grow.

I am fast running out of time. A very important point was raised by the noble Baroness, Lady Morris, on the link with poverty. If I had more time, I wanted to speak about that. I shall write to her and copy in all noble Lords who took part in the debate, because there is a link and some very important messages there which we are aware of and need and seek to address.
To conclude, as my noble friend Lord Lingfield said so eloquently, this is a complex topic. I think that all noble Lords recognised that there are no quick fixes, yet the far-reaching reforms of education set in train by this Government, covering the early years right through to higher education, are equipping schools with the tools to tackle these entrenched issues. I passionately believe in the transformative power of high-quality education, that that is a right for all children—both boys and girls—and that strong leaders in good schools are in a unique position to make it happen. Above all, and as noble Lords said, there is undoubtedly more work to be done to tackle these issues. The focus of the Secretary of State for Education must be and is on the 1 million boys and girls stuck in underperforming schools and how to ensure that each one is able to reach their potential. Only then can her and the Prime Minister’s unerring focus on improved social mobility truly become a reality.

Organisation for Security and Co-operation in Europe

Question for Short Debate

3.01 pm

Asked by Lord Bowness

To ask Her Majesty’s Government what assessment they have made of the future role of the Organisation for Security and Co-operation in Europe, in the light of the continued conflict in the east of Ukraine and the annexation of Crimea by the Russian Federation.

Lord Bowness (Con): My Lords, I declare at the outset that I have the privilege of leading the UK delegation to the OSCE Parliamentary Assembly and am a vice-president of that Assembly. The noble Lord, Lord Dubs, the noble Baroness, Lady Hilton of Eggardon, and 10 other colleagues from the other place are members of the delegation.

In 2012, in Questions for Short Debate about Her Majesty’s Government’s view of the role of the OSCE and, in November 2013, about their hopes and priorities for the Helsinki +40 process, I raised the whole question of the OSCE, I ask this further question as circumstances have changed and because there is, even in Parliament, a lack of awareness of the OSCE, what it does and the complex and varied issues with which it is concerned in some of the most troubled parts of its region.

It is difficult to get attention. I failed abysmally with even our own The House magazine, and in two long debates in your Lordships’ House on the UK’s international relations post-Brexit and our future engagement with the UN and US, I could not find a single reference to the OSCE. I know that the Minister, the noble Lord, Lord Collins of Highbury, and the noble Lord, Lord Wallace, who as a Minister had the misfortune to reply to my two previous Questions, are well aware of the activities of the OSCE. For the record, though, I would like to state that the OSCE region comprises 57 states stretching from the United States and Canada in the west to Mongolia in the East. The chairmanship rotates among the participating states, currently Austria, and the meetings are chaired by that country’s Foreign Minister. There are also relationships with other Asian and Mediterranean partners not within the organisation itself.

The Permanent Council, comprising the ambassadors of the participating states, meets weekly in Vienna, as does the Forum for Security Co-operation. There are three major institutions: the Office for Democratic Institutions and Human Rights, the High Commissioner on National Minorities, and the Representative on Freedom of the Media. The annual report of 2015—the 2016 report is not yet available—listed 17 field missions or operations including four in the western Balkans, one in Ukraine with a special monitoring mission alongside the observer mission at Russian checkpoints, and another seven in the Caucasus and Eurasia. All these missions or project offices deal with a wide variety of issues: antiterrorism, anti-trafficking of people measures, building democratic institutions, training police and judiciary, human rights and much more. Within the secretariat, the conflict prevention centre is the link with the field missions charged with early warning of potential conflicts in any participating state.

At the Dublin ministerial in December 2012, there was much optimism. The then chairman-in-office from Ireland spoke of setting out a clear path from then until 2015 for work that would significantly strengthen the organisation. That enthusiasm was shared by the then UK Foreign Secretary, now the noble Lord, Lord Hague of Richmond, when he said that a key outcome of the 2012 Ministerial Council was an, “agreement on a new initiative designed to inject a fresh dynamic into the OSCE as we approach the 40th anniversary”.

In 2015 the OSCE did indeed mark 40 years of the Helsinki accord, which was drawn up to establish a new security order for the region and agreed standards governing not only relations between states but the treatment of states by their own people. Sadly, by then those agreed standards, which had already been weakened by events in Georgia, were shattered by the Russian annexation of Crimea and support for separatist movements in east Ukraine. Moreover, there is no sign that the Russian Federation is going to change its approach to Ukraine despite the sanctions, and the situation is in danger of joining the other frozen conflicts in Georgia, Nagorno-Karabakh, Moldova and Transnistria. In all these cases the Russian Federation is an essential part of any solution.

The need for consensus in OSCE severely restricts the organisation’s ability to act. In the very short term it could find four major posts falling vacant. The Secretary-General is retiring, as is the director of the Office for Democratic Institutions and Human Rights. There is no High Commissioner for National Minorities, in that there has been no agreement on either appointment or replacement. The mandate for the Representative on the Freedom of the Media expires this month. There are problems with extending the mandate for the mission in Armenia, and the mandate for the mission in Tajikistan expires in June. Further, there is no budget for 2017. In the light of President Trump’s remarks about “America first” and the funding of the UN, does the Foreign and Commonwealth Office have
[Lord Bowness] confirmation that the United States, which is the largest contributor followed by the United Kingdom, is going to continue its support for the organisation? In our new global future outside the European Union, are we prepared to make sure that the OSCE has the resources to operate?

The organisation experiences practical difficulties due to its lack of legal personality. How do Her Majesty’s Government see these issues developing in the situation in Ukraine? Are the steps that we as the United Kingdom could take, especially given the importance of the City to the Russian Federation? Questions remain unanswered about the extension of the special monitoring mission in Ukraine and the possibility of a much-discussed police mission. Do we acknowledge that our zero-increase policy towards the budget may have to be revised? While we all favour money being spent on the ground and not on administration, the missions in Ukraine alone have created additional needs.

In replying to the debate in 2012, the then Minister, the noble Lord, Lord Wallace of Saltaire, referred to our funding of 48 national secondees and contracted staff. Can the Minister tell us what our present contribution to the organisation is in that area? The western Balkans, a region that the UK has historically backed for a future within the European Union, gives cause for concern. The alleged coup in Montenegro, political instability in other states, and the somewhat ambiguous position taken by Serbia towards Kosovo and its links with Russia are all matters of concern. Our decision to leave the European Union has been a disappointment not only to many of us but to those countries, and while the Prime Minister has assured us that we will continue with our involvement, important and specific work is being done by the OSCE, so an assurance of backing for this work, if necessary with resources, would be welcome.

Lastly, perhaps I may say a word about the Parliamentary Assembly. In January 2012, the noble Lord, Lord Wallace of Saltaire, said:

“We regret that there is on occasion a degree of rivalry between the Parliamentary Assembly and the OSCE’s secretariat as such and we would very much like to see the Parliamentary Assembly and the OSCE secretariat working more closely together”.—[Official Report, 16/1/12; col. 422.]

Since January 2016, when Mr Roberto Montella assumed the office of Secretary-General, there has been a democratic and welcome change, not only in the relations between the Parliamentary Assembly and the secretariat but between the Assembly and the institutions of OSCE, particularly the Office for Democratic Institutions and Human Rights. Members from different delegations pay tribute to Mr Montella in helping to bring about this change.

I thank the UK permanent representative, Sian MacLeod, who is also playing an important part not only as the chair of the Human Dimension Committee this year but in bringing members of the Permanent Council and the Parliamentary Assembly together. The Parliamentary Assembly is considering ways in which it can support—not, I emphasise, control—and remained informed about the work of the institutions and field missions, and build a long-term relationship with them, to the advantage of both. Members of the Assembly are committed to playing a role in trying to encourage dialogue and increase understanding. Immediately after the attempted coup, as a gesture of support current President Miettinen took a small group to Turkey’s elected Government to stress the need to maintain all the democratic norms and rule of law in the face of such provocation.

Members from different delegations have had discussions with representatives of Uzbekistan to encourage them to renew participation in the Assembly and OSCE, which appears to have been successful, at least in regard to the Assembly. The Assembly is meeting in Belarus, which, despite some current problems, will present a further opportunity for contact and dialogue. I hope the Minister will feel able to give encouragement to this parliamentary diplomacy, which many in the Assembly believe is an important part of our role in addition to, not instead of, the important election-monitoring activity. In connection with that, I must pay tribute to the noble Baroness, Lady Hilton of Eggardon, although she is not here this afternoon, for her record in undertaking so many of these monitoring missions over so many years.

I look forward to the contributions from other noble Lords and the Minister’s response.

3.11 pm

Lord Giddens (Lab): My Lords, I congratulate the noble Lord on securing this debate and introducing it so ably. It is pity that there seem to be as many chiefs as Indians speaking in it; I seem to be the only speaker who has no direct connection to the organisation. I speak mainly as someone who has worked a lot on Russia and its relationship with Ukraine.

The relationship between Russia and Ukraine is tangled and fraught wherever one looks. Even the Eurovision Song Contest has become embroiled. This year it is to be held in Ukraine. The Russian contestant, Yuliya Samoylova, has been banned from the country because she performed at a concert in Crimea in 2015. Each side is blaming the other and, so far, there is no resolution in sight. Samoylova sings from a wheelchair. One Ukrainian observer declared:

“They”— the Russians—

“are using this girl as a live bomb in the propagandistic hybrid war against Ukraine”.

The Russian view, of course, is diametrically opposed, as is their attitude towards Jamala, the Ukrainian singer who won the contest last year, with a song about the deportation of the Tartars from Crimea by the Soviet Government in 1944. Like the OSCE, the song contest, which involves 43 participating states, is based on inclusiveness and consensus.

The OSCE was created during the Cold War but got what seemed like a whole new life with the collapse of the Soviet Union. The Paris charter of November 1990 spoke of the coming of, “a new era of democracy, peace and unity”, which the OSCE would play a fundamental role in preserving. The ideological backdrop to this was captured by the then-celebrated work of the American political
scientist, Francis Fukuyama, with his announcement of “the end of history”. History very soon reasserted itself in the failure of West and East to agree a new security architecture for the European continent.

I consider this to be the structural backdrop to the stresses and strains that we see at the moment. A market economy failed to materialise in Russia while democratic reform remains stunted. The OSCE was marginalised while the western states remain locked into NATO, from which Russia was excluded. The common security space that the Russians have advocated never saw the light of day. Its last gasp was the blunt rejection of the Medvedev plan, originally put forward in 2008. I remember asking a Starred Question about it, and the Minister at the time gave a really dismissive reply.

The OSCE became increasingly seen by the Russians as driven by the aim to create regime change, while its civil rights missions were interpreted as attempts to infringe on Russian sovereignty. The Russian leadership also felt betrayed by NATO’s role in Libya, as it went well beyond the stated aims of the UN resolution that Russia had reluctantly, under pressure, endorsed.

The OSCE looked to be going nowhere, but it has been propelled back to the forefront precisely by the Ukraine crisis. The current chair, Austria, has inevitably made defusing that crisis one of its main priorities. Its capabilities to do so are self-evidently limited because of the need for consensus and the lack of legal personality, thus the Minsk 2 agreement—or a version of it—was implemented by members of the Normandy format, the Government in Kiev and representatives of separatist groups plus the Trilateral Contact Group on Ukraine. The OSCE is part of that latter group and was important in its overall monitoring role. Nevertheless, it is a collaborative organisation in a world seemingly once again becoming disturbingly geopolitical.

There are new challenges for President Putin inside Russia with the recent surge of street demonstrations. The response so far from the authorities has been straightforward repression and the arrest of its most prominent figure, Alexei Navalny. As the noble Lord said, President Trump’s likely policies with regard to NATO are, to put it mildly, still unclear, as is the real meaning of the friendly overtures that he made towards Russia in his campaign. He has virtually no experience of international politics. Russian hackers almost certainly intervened in the American election, and Russia is both cultivating populist leaders in Europe and being cultivated by them. The stand-off between Russia and Ukraine is a frozen conflict that could become very dangerous. This is a period of world history that could become deeply unstable.

In the past, the OSCE has been variously described as a toothless tiger, a sleeping beauty or a wining and dining club for diplomats. However, its role in the current conflict has been crucial, so I have two questions for the Minister. Does she agree that lessons learned from the experience of the special monitoring mission to Ukraine could potentially open up a new role for OSCE in other conflicts? Does she also agree that this is a time when, as a country, we must actively seek to defend and sustain multilateralism? This is, after all, by far the most interdependent world ever.

3.18 pm

The Earl of Sandwich (CB): My Lords, I am grateful to the noble Lord, Lord Bowness, who has long experience of the OSCE. I accompanied him during a 2011 IPU visit to Kosovo, where the OSCE still has a major presence. I returned to Kosovo with the IPU a month ago to find that most of the current Balkan gloom is not about Russia, but about Brexit.

We think again of the troubles of Ukraine and Crimea, but the wider context is the humiliation felt by most Russians since the collapse of the Soviet Union. President Putin has been able to conjure up old Russia with all its conservatism and Orthodox Christianity, and we have to remember that both medieval Rus and the industrial heartland of the Donbas were and are firmly set in Ukraine. None of that can excuse the illegal annexations or the outright aggression and dirty tricks performed by Putin’s agents and the military in recent years, but it helps to explain why many Russians feel a little more national pride today, while still putting up with corruption and appalling human rights violations, as Russians always have. It explains why we have to work harder towards dialogue through organisations such as the OSCE.

The OSCE is a superb example of soft power. It is an obscure organisation, but that may not matter unless we have high political ambitions for it, which I think would be a mistake. I know that some used to see it as a might-have-been alternative to NATO. The European Leadership Network advocates better use of its conflict prevention centre, and there have been many attempts at reform, not least those described in the short debate led by the noble Lord, Lord Bowness, which was fascinating for facts such as that the noble Lord, Lord Wallace, trained Kazakh officials preparing for the OSCE presidency, which I did not know.

In February 2015, 11 months after Crimea was annexed, our EU External Affairs Sub-Committee, of which I was a member, published its report The EU and Russia: Before and Beyond the Crisis in Ukraine. One finding of the report was that neither the EU nor its members had adequate understanding of Russia or the necessary analytical skills to interpret what was happening there. Georgia’s then ambassador, Dr Gachechiladze, said that there was, “not a good understanding of Russia in the West”, and our then Europe Minister, David Lidington, said that by 2014, “there were very few officials in any government department”, with expertise from the old Soviet era. Other witnesses confirmed that relations between Russia and the EU had suffered from political neglect.

Yet Russia and Europe, historically and economically, have always had to come to terms. We have only to look at the map of natural gas entering Europe from Russia to realise that there is already a degree of interdependence with several EU states. Meanwhile, the war around Donetsk and Luhansk rages on, almost unreported in this country. Detailed bulletins from the OSCE’s special monitoring mission provide evidence of fighting and breaches of ceasefire on a daily basis.

Could it be that we here are out of touch with the conflict in Ukraine? Despite its historic connections with Poland and Russia, Ukraine remains a vast blank
in the minds even of those who know about Eastern Europe. While the loss of Crimea hit most of us, I am not sure how much the daily fighting in Ukraine really matters to British people. I was surprised that last week’s defence debate, which dealt considerably with our Armed Forces’ capability, barely touched on security in Europe or the situation in the Balkans or Ukraine.

Our sub-committee took evidence on the OSCE, especially from Dr Tom Casier of Kent University, who felt that it lacked legitimacy and had been ineffective as a security mechanism. Both he and Vladimir Chizhov, the Russian ambassador to the EU, said that there should be a new security architecture which included Russia and NATO and OSCE members. We recommended, “a serious dialogue on issues of shared interest”, building on a range of agreements, cultural exchanges and common spaces between the EU and Russia. The OSCE conference in Rome in March last year called for a much stronger, more strategic EU-OSCE partnership.

In the sub-committee, we recognised that Russian perceptions of NATO as a security threat had to be acknowledged, while also challenged. We have to try harder to understand Russian fears of EU and NATO expansion. EU enlargement may be on hold, post-Trump and post-Brexit, with Brussels talking more of multitrack solution, as already applied to Romania and Bulgaria, but hearts and minds are still being won, and western influence in Ukraine presents a problem for President Putin. NATO ensures that Russian military expansion has been contained although, unsurprisingly, OSCE members have been unable to implement the Minsk 2 agreement, and dirty tricks continue.

In Crimea, all opposition to Russia by Tatar leaders and Ukrainian activists has been cruelly put down. Direct political interference continues all over the Balkans. Serbia’s continuing claim to northern Kosovo is undoubtedly backed by Russia. I could see examples of this on the bridge at Mitrovica and the other business with the train plastered with slogans saying, “Kosovo is Serbian”. How can Serbia be allowed to continue on a path to EU membership if it behaves like this?

My forebear, Samuel Morton Peto, built the first-ever railway in battle from Sebastopol to the front line. Of course, as a European, I do not feel that I am on any front line or have any claims on Crimea, except to wish that its people will gain more freedom from the Russian torments that they have suffered over many years. I hope that, in future, we can hold a much fuller debate on relations with Russia, because discussion of the OSCE undoubtedly raises much wider questions, including our own future post-Brexit foreign policy in the region.

3.25 pm

Lord Dubs (Lab): My Lords, I congratulate the noble Lord, Lord Bowness, on having secured this debate, and perhaps even more importantly, on the very positive role that he has taken as leader of the British delegation to the OSCE Parliamentary Assembly. He and I have discussed on numerous occasions the work of the assembly and the OSCE in the wider sense. There are, of course, a number of issues on which reform is desirable, and I know that the noble Lord is battling hard to achieve those reforms, so I am delighted to be part of his delegation and I salute him on the work that he has been doing.

I have been a member of the parliamentary assembly for several years. Last year, we saw Roberto Montella become the new Secretary-General, which was desirable. We also have a brilliant British ambassador to the OSCE in Vienna, Ambassador Sian MacLeod. We had dinner with her in a restaurant in Vienna and an excellent briefing from her and her staff, and that was very positive and helpful.

One of the most useful things that the parliamentary assembly does is election monitoring. That is not because we uncover all sorts of scandals; it is because the countries that are having elections and know that we are coming take care not to do anything that we might pick up as being a breach of proper electoral behaviour. Of course, one occasionally sees administrative inefficiencies—I saw some myself—but we keep the system clean. People ask why the OSCE monitors British and American elections. The answer is that if we monitor elections in Russia and in some other countries that have more dubious democratic credentials, they will say that we cannot monitor just them; we have to monitor here as well. There have been monitoring missions to our elections—of course, we cannot take part in monitoring in our own country; but it is a positive part of the work.

I noticed that some countries attach great importance to the work of the parliamentary assembly. I cannot speak so much for the OSCE, but it is interesting that there was a resolution criticising one of the Stans—I cannot remember which one—and we immediately had the ambassador on our doorstep demanding to see us and demanding that we vote against the resolution. I pointed out to him that the only time we ever saw people from his country was when there was a resolution down for an OSCE plenary. Why did he not show more interest in us at other times? That fell on somewhat deaf ears; I had better not mention him.

It is, however, clear that some countries attach more importance to their delegations to the assembly than perhaps we do, as evidenced by the fact that too many representatives at the parliamentary assembly seem to confine their speeches to government handouts. Perhaps our Government would like that; no, I am sure that they would not. We, in fact, are pretty free-thinking, and although we get briefings from Ministers here before we set out, and the Foreign Office gives us written briefing, we do our own thing as seems right. It is somewhat depressing that some countries feel that their only job there is to make political speeches on behalf of their Government. On one occasion, I said something that was slightly critical of the British Government—I am sure that Ministers would accept that—and somebody came up to me and asked for my speech. I said, “I haven’t got a speech; I have five words on a bit of paper, because that tends to be the way we do things, as opposed to these handouts”.

Having taken the tragic step of leaving the EU, we will need more international links in the future. Whatever criticisms we might therefore make of the OSCE, subject to the reforms which I hope the noble Lord, Lord Bowness, will achieve in the near future, it is still
clear that we will need those international links. Whatever the weaknesses of the OSCE and the debates there, at the very least it gives us international context, the chance to have debates and, on the fringes of the conference, to have chats with politicians from other countries. That is pretty positive.

A lot of time in the parliamentary assembly has been taken by specific discussions about Ukraine and the Crimea, and Russian action there. The parliamentary assembly has given us some chance to contrast the way in which the Russians went into the Crimea and had a quick referendum, as they called it, without any of the objective context which we, for example, had in Scotland for its referendum or indeed in Northern Ireland. I say to those people: just have a look at Scotland. We had several years of debate and there was an even-handed approach. There had to be even access to the media on both sides. There was no army there telling the people how to vote. At the end of that time, the people of Scotland decided they did not wish to leave the United Kingdom. Contrast that with what happened in the Crimea.

In the excellent Library briefing pack, I see that there is a letter dated 15 March and headed “Statement by the Delegation of the Russian Federation”. It says:

“The multi-ethnic population of Crimea took the corresponding decisions”

—to join Russia—
“by a huge majority in a free and fair expression of its will. The status of the Republic of Crimea and the city of Sevastopol as constituent entities of the Russian Federation is not open to reconsideration or discussion. Crimea is and will remain Russian. This is a fact that our partners will have to come to terms with. This position is based on and fully complies with international law”.

Well, we know what we think about that stuff. It seems to be wrong in every respect. I say to the Russians: have a look at the way we decide things in the United Kingdom—for example in Scotland, where an important decision was done fairly and democratically.

Briefly, I am a member of the migration committee of the OSCE, which does some quite useful work in looking at refugees and other issues. I am also a member of the Moldova committee, which is more difficult these days.

There is a disconnect between the OSCE and the parliamentary assembly. I would like that assembly—I know that the noble Lord, Lord Bowness, would like this, too—to get closer to the day-to-day work of the OSCE. When visiting a country, I sometimes suddenly realise that there is an effective OSCE mission there. But the parliamentary assembly is not able, so far, to engage with that as fully as we would like. I know that changes are on the way. A final thought: as far as I know, no country of the 57 in the OSCE still has the death penalty, with two exceptions: the United States and Belarus. Our next plenary will be in Minsk in July and we will have to tell them a thing or two about the death penalty.

3.33 pm

Lord Wallace of Saltaire (LD): My Lords, it was very kind of the noble Lord, Lord Bowness, to remind me of past speeches. I should declare a couple of interests: I am a member of the European Leadership Network and I am very sorry that the note from Ms Shetty came round so late today. Nevertheless, I hope your Lordships find it useful. I was also the British secretary of the British-Soviet Round Table from 1979 to 1989. When it was launched, it was a very difficult process. When I was there from Chatham House to provide the secretariat, we found ourselves talking to hard-nosed Russians who had a different view of what reality was, let alone truth. We were roumdly attacked by the Sunday Times and others for being soft on communism but we persevered and found it useful to maintain a dialogue, even under difficult circumstances. It got easier over the years.

The CSCE, as it was then, was also set up to build a dialogue between the Soviet Union and the West, with the great advantage that the younger generation of reformers in the Soviet Union wanted to be recognised and accepted as part of a wider Europe. They were therefore willing to make concessions on things such as human rights in order to be accepted. After the Cold War, the West took its eye off the ball and we found that Russia was not evolving in quite the way that we had recommended. The aggressive enlargement of NATO, first in the late 1990s and then most disastrously with the insistence of the George W Bush Administration that we should offer membership to Georgia and Ukraine in Bucharest in 2008, made matters worse. However, one always has to remember that those countries wanted to join NATO. They applied pressure, because they wanted to get out from under Russian control.

The Russian system of government, meanwhile, has gone backwards towards crony capitalism, a corrupt elite and now the closing down of civil society. We face a Russian regime that has been there for some time and is becoming increasingly hostile to the West, including the European Union. We have the old frozen conflicts: Georgia is the one that I know best, and it has been deeply frustrating over the years. There have been attempts to interfere in the Baltic states, even though they are members of NATO and the EU. There is subversion—as already mentioned—in various states across south-eastern Europe. Russia Today is trying to produce its own versions of reality in our own national debates. We have Russian support—possibly including financial support—for hard-right parties across Europe, and perhaps even interference in American elections.

We have, therefore, a very difficult Russian regime to deal with. There is systemic corruption, continuing killings of journalists and prominent critics of the regime and an underlying weak economy—I learnt this morning that the oil price is expected to go down to $40 or even $30 in the next year or two, which will make the Russian situation even more difficult. In addition, we see cybercrime mixed with cyber interference, military adventurism and defence spending as a distraction from its domestic difficulties—including in the Middle East—and this extraordinary identification of the legitimacy of the Putin regime with tsarism, traditional Russia and orthodoxy, so that in remembering World War I they want to commemorate not the Russian revolution but the sacrifice of the honest Russian peasants and the role of the tsar in looking after them. Above all, Russia claims the status of a great power, alongside the USA and superior to the rest of Europe.
3.40 pm

Lord Wallace of Saltaire: The OSCE is the only body we currently have for multilateral dialogue; it is ineffective but necessary. It is hard work—I am sure that the noble Lord, Lord Bowness, feels that it is in many ways deeply unrewarding—but we do need to keep talking and have conversations around the table. The younger generation that you occasionally meet are people through whom one can at least begin to convey messages and do business with for the future.

I hope, therefore, that the noble Baroness, Lady Goldie, will say that the British Government will maintain their strongest support for the OSCE and nominate strong candidates for the posts where those in office are stepping down. I stress that we need to know more about the British approach to this. I have read most of our new Foreign Secretary’s speeches. In his November speech at Chatham House, he said that it was the first of a series of strategic speeches on British foreign policy. I have not yet found anything strategic in what he has said on British foreign policy or about Russia, although I recognise that he was due to be in Russia this week and has been unable, for various reasons, to go.

FCO expertise on Russia was run down in the 1990s. Is it being rebuilt, given that we now realise that we again have a very difficult Russian regime with a very uncertain future? There is money laundering by Russians in London; there is a substantial population of Russian oligarchs in London. What response are we making to the extent to which influential Russians close to Putin use London as one of their vacation spots in the West? Lastly, how do the British Government close to Putin use London as one of their vacation destinations? How do we ensure that we manage to avoid incidents that could escalate? Clearly, there is a role for the OSCE in this regard, particularly in terms of an investigative function. That is not only to examine the details of specific incidents but, most importantly—and taken account of that and what steps are we taking within the OSCE to ensure that those responsible are held to account?

In the brief time that we have, I conclude by saying a little about what the noble Earl, Lord Sandwich, and the noble Lord, Lord Wallace, said. With those two competing world views, how do we use multilateral organisations—I am not necessarily saying that the OSCE is enough—to take the temperature down? How do we ensure that we manage to avoid incidents that could escalate? Clearly, there is a role for the OSCE in this regard, particularly in terms of an investigative function. That is not only to examine the details of specific incidents but, most importantly—and again the noble Lord introducing this debate referred to this—to enable a learning process whereby incidents can be avoided. We learn from them so that we can

Lord Collins of Highbury (Lab): My Lords, I too thank the noble Lord, Lord Bowness, for initiating this important debate. I also congratulate him on his role in the OSCE. The Minister and I have come straight from a debate on the European Organization for Astronomical Research in the Southern Hemisphere (Immunities and Privileges) (Amendment) Order 2017, so this makes a refreshing change. I have to make sure that I do not confuse all my notes. There were not too many volunteers for that debate. However, I am glad that we have an opportunity to hold a relatively short debate on this issue. It is important because we do not devote sufficient parliamentary time to this aspect of international relationships.

Other noble Lords, including my noble friend Lord Dubs, have said that the key role of diplomacy and multilateral dialogue is something that we need to focus on increasingly in the very fragile world that we are living in. A lot has happened since Helsinki, and of course our world view from here is clearly different from the world view in Russia. I thank the noble Lord,
The OSCE has been active throughout Ukraine since the crisis began in 2014. It provides crucial information to the international community and is a platform for dialogue aimed at bringing about a de-escalation of the crisis.

The United Kingdom has strongly supported the special monitoring mission in Ukraine since its establishment in 2014. We are one of the largest contributors to the mission’s budget. We have provided specialist training and support, and we have one of the largest contingents in the mission, second only to the United States. In the face of escalating violence, this civilian mission is bravely monitoring the line of contact. We must pay tribute to that courage and determination as it is not a safe or easy job. The monitors are providing balanced, factual reporting, which is a vital component of what is happening in Ukraine. We are deeply concerned by the continuing violence against monitors, including recent incidents where Russian-backed separatists have aggressively denied them access to certain areas of the country. Quite simply, this violence must end. The mission must have unrestricted access to all parts of Ukraine, including Crimea, as mandated by all 57 participating states.

It is three years since Russia illegally annexed Crimea. The United Kingdom does not recognise this illegal annexation. Russia’s disregard for Ukrainian sovereignty and territorial integrity and its continued support for separatist forces in eastern Ukraine are at the root of this crisis. Continued Russian denials of responsibility distort the facts. The United Kingdom believes that to achieve a lasting resolution to the crisis, Russia must end its destabilising activities in the region, comply with its commitments under the Minsk agreements and return Crimea to its rightful place under Ukrainian Government control.

A number of very interesting points were raised, and I will try to address them as best I can. My noble friend Lord Bowness raised the consensus principle. The consensus rule can be a hindrance to progress and delay effective, meaningful decisions, including on areas of work which are a priority for the UK, such as on human rights and fundamental freedoms. However, there is another side to it. The consensus nature is a fundamental characteristic and is key to ensuring the continuing participation of those states with which we have fundamental differences of opinion. Ongoing dialogue is preferable to alienating them by challenging the way business is done in the OSCE.

My noble friend Lord Bowness also raised the position of the United States of America. Our understanding is that the United States continues to be active in the OSCE and we see no evidence of a lessening of interest by the United States. He also asked about UK secondees to the OSCE. That is an interesting question of whether this exercise by the OSCE and the SMM in Ukraine demonstrates a role


[Baroness Goldie]

that perhaps could be used elsewhere. That is a good question to ask. Given the unusual and, indeed, unique work of the OSCE, it is a point worth reflecting on. The noble Lord also raised the issue of multilateralism, suggesting that we should be both pursuing and defending multilateralism in these difficult times. Let me be clear that I think that this is a desirable objective. I have not ever been and will never be a unilateralist supporter, but I think that multilateralism is an important objective.

The noble Earl, Lord Sandwich, rightly identified the complex and difficult history of the Balkans, and raised the question of engagement with Russia, which was echoed by the noble Lord, Lord Collins. Managing tensions with Russia will be a long-term challenge for the UK and our allies. There will be no return to business as usual while the situation in Ukraine remains unresolved. We will not ignore the fact that Russia-backed and directed separatists have effectively tried to redraw the boundaries of Europe. At the same time, it is important that we continue to engage with Russia; to avoid misunderstandings, we should push for change when we disagree and we should co-operate when it is in the UK’s national interests to do so.

The noble Earl also raised the question of Russia’s illegal annexation of Crimea, to which I referred briefly. I reiterate that we do not and will not recognise the illegal annexation of Crimea by Russia, whose intervention in eastern Ukraine and illegal annexation of Crimea is a flagrant violation of a number of its international commitments, including under the United Nations charter, the OSCE Helsinki final act and the 1997 Russia-Ukraine treaty of friendship, co-operation and partnership.

The noble Lord, Lord Dubs, in a characteristically colourful, entertaining—if that is the correct adjective—and certainly well-informed contribution made an important point, praising the precautionary effect of the electoral monitoring. I was very struck by that; there is no doubt about it that if people know that others are coming to look at their activities, they will possibly try to put their house in order before that point arrives. The noble Lord also raised the issue of the Parliamentary Assembly relying on government press hand-outs, to which I have written down in response, “Old habits die hard”. If I may say so, the noble Lord is testament to original speech and original thought. The noble Lord also made an interesting point in relation to the Scottish independence referendum—and I think that this is important. That was a fine example of a free election process; it was a good process and, in my opinion, it was a good result. If I have any regret, it is that certain parties are paying no attention to the result, but that is another aspect of the debate.

The noble Lord, Lord Collins, raised a number of points which I have tried to cover in my responses to other noble Lords. If I have managed to overlook anything, I shall check Hansard and undertake to write to him. I think that we are both slightly fatigued by our engagement with the southern hemisphere.

It is clear that there will continue to be an important role for the OSCE into the future. We welcome the decision reached at the OSCE ministerial council last December to begin a structured dialogue on the current and future challenges and risks to security in the OSCE area. That could be a useful forum to help to reduce risk and build confidence, trust and security among the participating states. The OSCE’s vision of common security and close co-operation is one that we wholeheartedly support. The crisis in Ukraine not only highlights the continuing threats faced by countries in the OSCE area and the rules-based system, it highlights once again how relevant the OSCE is and reinforces the need for international co-operation more broadly. We must continue to strengthen the OSCE and the international rules-based system. I assure noble Lords that the UK will continue to play a leading role in this vital work.

Local Post Offices

Question for Short Debate

4 pm

 Asked by Lord Hain

To ask Her Majesty’s Government what plans they have to guarantee the future of local post offices.

Lord Hain (Lab): My Lords, I refer to my entry in the register of interests.

The Post Office is under serious threat, with the Crown office network being decimated and sub-post offices closed. Yet, frustratingly, there could be a positive future if only the Government would support the establishment of a post bank.

In the last Parliament, the Tory-Lib Dem Government split the Post Office from the profitable Royal Mail letters business, which today is paying out more £200 million a year in dividends. The split was unprecedented. No other Government have separated the retail arm from the rest of the mail operation. This was done despite the fact that the Post Office was, and always has been, heavily reliant on the Royal Mail letters business for its income; and despite the fact that the Post Office was also dependent on public funding to support the network and would be left exposed to government austerity cuts, as indeed it has been.

At the time of the separation in 2012, concerns were raised both here and in the other place about how the Post Office could survive. The Government’s answer was to transform the Post Office into a, “genuine front office for government”, covering everything from benefits and public services to passports and driving licences, and to oversee a significant expansion of its income from financial services. Five years later, neither of these pledges has come even close to being delivered. Indeed, Post Office revenues from government services have fallen by some 40% in six years. The promised expansion of financial services has never materialised. Post Office’s revenues have grown by a paltry 2% in six years, not even keeping up with inflation. Alongside that performance, we have seen a huge reduction in annual government funding. In 2012, the Post Office received a subsidy payment of £210 million to keep open its network of local branches. Next year, this will stand at just a third of that, at £70 million.
The consequence of these three things—the separation of the Post Office from Royal Mail, the failure to grow new revenues and the fall in government subsidy—has all too predictably been a programme of cost-cutting from the board of the Post Office that bears all the hallmarks of a service in a state of managed decline. In the past year alone, the Post Office’s cash handling business, Supply Chain, has ceased all its non-post office work at a loss of 600 jobs. The long-standing defined benefit pension scheme, with 3,000 active members, is due to be closed this very Saturday, 1 April. One hundred-and-thirty customer-facing financial specialist roles, in what was meant to be a growth area, have been made redundant. The Post Office card account is being phased out.

These things are just the tip of the iceberg. The Post Office appears determined to cast off the Crown office network, the largest flagship branches in high street locations. In 2012, there were 373 Crown branches; today, there are around 285 following two closure and franchise programmes in 2014 and 2016. A further 70 are currently earmarked for closure and franchising. But why is this happening? The Crown office network as a whole is in profit; its offices are in prime locations throughout the country—they are the largest branches with the greatest potential to bring in new work, yet they are being closed. The Post Office has only one justification for this: cutting costs. Yet the closure and franchise of Crown offices leave customers worse off on a range of measures including queue times, customer service and disabled access. They mean the loss of good jobs, which are replaced by part-time, minimum wage roles, with a consequent loss of quality. It moves the Post Office from being prominent on the high street into the back of a WHSmith. Is this the stewardship we expect of a valued public service? Is this the sort of business model that the Government are really proud of?

The sub-post office network is also under relentless assault. Postmasters are being pushed on to new lower cost contracts and they face the threat of losing their post office altogether unless they sign up. For too many of them, the sums no longer add up. More than 700 post offices are currently up for sale and more than 700 branches are under what the Post Office terms “temporary closure”, which in many cases is a euphemism for saying that it cannot find anyone to take on a branch, so it has closed. What are the Government doing about the serious concerns being raised by postmasters about the viability of the new business model? Again, when it comes to these new lower cost models, it is post office customers who lose out. As the Federation of Small Businesses has said, the range of services available is more limited in franchised outlets than in traditional branches. In 2015, Citizens Advice called on the Post Office to implement what it called a, “rigorous and wide-ranging improvement programme”, to address major failings in the model. Can the Government tell us whether the Post Office has implemented such a programme or that it will now commit to doing so?

All of this points to a service in trouble. In January, a group litigation order hearing in the High Court gave the green light to a group claim against the Post Office for postmasters claiming losses arising from the Horizon computer system. This could see the Post Office facing compensation claims worth tens of millions of pounds, and in court the Post Office conceded something that it has long denied—namely, that the records on the Horizon computer system could be changed by a third party. Given that the Criminal Cases Review Commission is reviewing some 20 convictions that have relied solely on Horizon records under prosecutions brought by the Post Office, that is deeply concerning. Will the Government now finally recognise the need for a full, independent inquiry into this issue? Do the Government stand by the way the Post Office Board has handled these cases?

If the Post Office is to survive and remain relevant to people today, it must surely innovate and deliver new services. Cost-cutting can take it only so far. It is neither new nor novel, yet the obvious answer is the establishment of a post bank. In 2006, the French Government set up La Banque Postale through its post office network, which in 2015 made a profit of €1 billion. Italy and New Zealand provide further examples of countries establishing post banks in recent years, which have quickly become the linchpin of their postal operators. There is no reason why the UK should not do this rather than set out to make our Post Office a world leader in decline. Part of the key to La Banque Postale’s success seems to be the size of its network, with almost 12,000 outlets. That gives it a presence in communities across the country. Moreover, there is a level of trust in a bank based in the post office, which customers already have a relationship with, along with its reputation for socially beneficial activities, such as tackling financial exclusion, providing microcredit loans and lending to social housing projects. With its own 11,000 outlets, this is exactly the sort of model that a post bank in the United Kingdom should adopt.

Villages have long lost their banks along with their pubs, their shops and now their post offices. Local council front offices have closed under the pressure of government cuts. Public service access directly with the public is disappearing. Thousands of bank branches in towns throughout the United Kingdom are being remorselessly closed. Glastonbury in Somerset, with its population of 9,000 and many more in nearby villages, now has no high street banks at all. The worst hit are elderly customers who do not drive or go online. The massive decline in high street banks surely is an opportunity for the Post Office to step in and provide a local banking presence in communities throughout the United Kingdom, if only the Government would back the proposal. The Post Office’s current offering in this area is frankly abysmal. The partnership with the Bank of Ireland is not driving the revenue growth we were promised. It does not even provide core products like a business bank account or a children’s account. Some four and a half years into a pilot scheme, it still has no nationally available current account. These are surely core products that any serious challenger bank should be offering as a minimum.

Last year, the Government launched a public consultation on the future of the Post Office; it received tens of thousands of postcards collected by the Communication Workers Union calling for it to set up a post bank through its network. If France can do that
[Lord Hain] successfully, why not Britain? Despite huge technology and lifestyle changes in our society, the need for a high street outlet remains, and only the Post Office can still fill that need for both local residents and small businesses. Local post offices could be the new-age front offices for a whole range of national and local government services and financial services across the country. Why are the Government not supporting this exciting new vision, instead of putting the very survival of the Post Office at risk?

4.10 pm

Lord Lisvane (CB): My Lords, I hope not to take up all of the luxurious 10 minutes which we have been allotted. I thank the noble Lord, Lord Hain—in view of our happy working relationship in a former life, I hope that I may call him my noble friend—for providing this opportunity. I shall not follow his comprehensive, powerful and compelling speech, with most of which I thoroughly agree, because I want to concentrate on those parts of the country which are most marginal in terms of not only post office provision but other services.

I take as my example the County of Herefordshire, where I live. I should declare that I am a deputy-lieutenant of the county and Chief Steward of the City of Hereford—although I am glad to say that in modern times that post is almost entirely ceremonial—and that my wife is about to become high sheriff of the county. Herefordshire is one of the lowest population densities in England. Two-thirds of the county are among the 25% most deprived areas in England, measured by geographical barriers to services. Average income is below both regional and national averages. In addition, Herefordshire’s population is older than the national profile, with one in five people aged 65 or above, as opposed to one in six nationally.

The criteria set out in the Post Office’s consultation, which closed at the end of last year, were that 99% of the population should live within three miles of a post office and 90% should live within one mile. The village in which I live is small—the entire parish has a population of 70—but it is five miles from the nearest permanent post office, and one would have to travel five miles further away again before getting to an alternative permanent post office. I must acknowledge that there is a mobile post office in the pub in the next village, but it is open for only two hours on only two days a week.

It is welcome that the Post Office and the Government have affirmed that the post office network will not fall below 11,500 offices, but of course, this is against the background of the savage reductions of 2008, in which some 1,500 post offices were lost, and the overall loss over the decade 2000-10 of about 4,500 post offices—reductions which bore disproportionately on the most rural areas. It used to be said—the noble Lord, Lord Hain, touched on this in his speech—that you could tell a viable village community by the eight Ps test: parish church, pub, policeman, provisions—that is, a village shop—primary school, petrol, phone and post office. In the age of mobiles, the phone is probably no longer relevant, but it is depressing to see how many village communities no longer meet many of those criteria. In our case, we used to meet all of them, apart from having a policeman five miles away, but we now meet only one: we still have a parish church. One of those we lost was a post office.

Post offices cannot be seen in isolation. They are—especially, perhaps when operated from a village shop—crucial to community and communication. Without such community hubs, the life will go out of a village. The elderly and the less mobile—perhaps people who cannot afford a car—will move away, as will others. Economic activity will reduce and the village will become yet another statistic in the spiral of deprivation which constantly threatens rural communities.

If the Government’s thinking is to be truly joined up, as I am sure the Minister will acknowledge, they need to recognise that relatively small expenditure of public money in sustaining rural communities and stabilising their populations can save many millions in social care and housing which result from moves towards urban centres, to say nothing of savings in the environmental costs of transport. So, for example, the suggestion by the Association of Convenience Stores of improving remuneration for those taking on a post office business should receive serious consideration, as should increased investment in mobile post offices, which act as a sort of force multiplier.

I end with one particular form of development that may address two problems. Here I should make a second declaration: my wife is a Church of England priest and chairman of our diocesan board of finance, and I am a churchwarden. My distinguished friend and neighbour in Herefordshire, Sir Roy Strong, has a great love for and understanding of parish churches. At the same time, he has also been an extremely effective and imaginative advocate for increasing their use for secular purposes while safeguarding their use for worship. I will give your Lordships one outstanding example that could serve as a model for many others.

Yarpole, just on the Herefordshire side of the border with Shropshire, lost its village shop 10 years ago. The parish church now houses in its nave the community shop and, crucially, the post office, with a cafe in the gallery above. The footfall is constant and significant, and, in any event, their focus is not on the most rural areas or small populations, which is just where the need is greatest.

I would be very grateful if Ministers could focus their minds on how such enterprises might be encouraged and how villages and parochial church councils who want to move in this direction might access the relatively modest sums needed to make a church suitable for this sort of additional use. The conventional sources such as lottery funds have too many other calls upon them and, in any event, their focus is not on the most rural areas or small populations, which is just where the need is greatest.

I would entirely understand it if the Minister were not able to respond in detail today but I would appreciate the opportunity of meeting with her at a later stage. I suggest that the prize of sustaining marginal rural communities and their post offices, and at the same time breathing new life into our great heritage of parish churches, is a win-win, and one that I heartily commend.
4.17 pm

Lord Young of Norwood Green (Lab): My Lords, I, too, thank my noble friend for raising this vital issue. It is clearly quality not quantity participating in the debate this afternoon. I declare an interest as a former joint general-secretary of the Communication Workers Union.

I hope that whatever views the Government express this afternoon, they share the one that the post office is a vital part of all our communities. Despite all the activity online with email, e-banking and internet shopping, the local post office still has a role to play in rural and urban communities—as the noble Lord, Lord Lisvane, exemplified to us. I had not heard of the eight Ps formula before but will endeavour to remember it. The point he made about post offices being community hubs is absolutely true. It occurred to me as he and my noble friend spoke to ask whether there has been an impact from the increase in business rates—I do not expect that the Minister has the facts before her now. I hear the good news that she has that information; I do not know if the information itself is good news, but I hope so.

I will touch on some of the points made by my noble friend Lord Hain, both because they are worthy of repetition and because I may come at some from a slightly different angle. Even the House of Lords Financial Exclusion Committee pointed out the importance of the local post office, and it is absolutely right. We still have a situation where 95% of the population say that they use the post office within the year. Every week, 17 million visits to a post office take place. So the post office is still thriving but is under a great deal of pressure.

Some 97% of post offices are run by small retail businesses on an agency basis, typically alongside convenience retail. I share my noble friend’s concern about ensuring that the quality of the service they offer is what they are contractually obliged to do. I think it is in many cases but not in every case, and I would welcome a response from the Government about how they are going to ensure that the quality of service is being contractually honoured.

The point that my noble friend raised about a post office bank is important. We have heard that there was an agreement recently about banking services—I have forgotten the precise name of it—being available in local post offices so that in theory they are offering a range of banking services. Although there is already access to day-to-day banking for the majority of customers of UK banks, that is what they are going to provide access to under a new industry-wide agreement; 99% of UK personal bank customers and 75% of business customers should be able to carry out day-to-day banking at any post office branch. However, the public awareness of the service is not great, so again I would welcome a response from the Minister about what the Government are doing to ensure that the public are aware of the service.

That in no way gainsays the point that my noble friend made about a post office bank. There is a certain irony in the fact that the Government are encouraging competition in banking, yet here is something that we know has the necessary reach. Although there is more competition in banking, it tends to be cherry-picked into the main urban centres. If we are serious about it, here is a great opportunity for the Government to support the Post Office in this manner. Again, I look forward to the Minister’s response.

As my noble friend has said, huge changes are taking place because of the number of branches that have disappeared, a point made by the noble Lord, Lord Lisvane. It is vital that we ensure that we retain those branches that currently exist, and we know that some of them are in difficulty. The subsidy has been reduced significantly, as my noble friend illustrated; there might be a slight difference on the figure but we are agreed that it has come down from £210 million in 2012—to this is the figure I have—£80 million in 2016-17, a very significant reduction, yet the process of modernising branches continues. Do the Government see a continuing role for a subsidy to assist in that modernisation programme? If we do not get that right, we are going to see more closures and the loss of more of the community hubs described by the noble Lord, Lord Lisvane.

I hope that the Government are seized of the importance of the issue. Post Office staff are naturally concerned about their future. I stress that this is from their perspective but they see it as a business in decline. Surely we should be aiming for a business that responds to the needs of local communities, not just rural but urban communities. There are 3,000 branches that are literally the last shop in their village. There is an investment fund to support those branches, but will it continue? That is another question on which I would welcome a response from the Government.

If we look at the social value of post offices, independent research shows that the Post Office Ltd continues to deliver more than £4 billion in social value each year to people and businesses throughout the UK. We know its vital role as a part of local communities, as the noble Lord, Lord Lisvane, said.

I also want to raise the future of the Post Office card account. I am told that there are currently 3 million users of the card account. They are people who cannot get a bank account or who are not used to dealing with a formal bank account and so value the services of a Post Office card account. I will be disappointed if the Government cannot say that they are not going to phase out the Post Office card account. With 3 million users, it is obvious that there is a requirement for it, and it will continue. A significant number of people still see it as a key way to manage their finances.

At this stage in the afternoon, I do not want to repeat all the arguments that were put so well by my noble friend, who dealt with them more than adequately. I look forward to a response to the questions I have raised.

4.26 pm

Baroness Buscombe (Con): My Lords, I am very grateful to the noble Lord, Lord Hain, for bringing this debate to the Committee today. Time is on our side, so I shall be able to reply as fully as possible to all three noble Lords who have spoken today. I hope they will forgive me if I am repetitive, but I think I have the luxury of time and I want to be able to reassure noble
[BARONESS BUSCOMBE]
Lords as much as possible. The speech I have before me is in stark contrast to that of the noble Lord, Lord Hain. I believe that we have a really good story to tell. The story I have in my head relates very much to the village where I live—Goring-on-Thames. It has an incredibly vibrant post office. It has most of the Ps to which the noble Lord, Lord Lisvane, referred. I think it is only missing the phone and the petrol. The reality is that the post office is still a critical part of the community and the infrastructure. I think of it as the bush telegraph, alongside the local grocery store.

I shall begin by setting out the Government’s story on this and will then respond, in a perhaps slightly repetitive fashion. The Government recognise the important role that post offices play in communities across the country. We have said so time and again, and we mean it. Local post offices are an important option for customers, particularly more vulnerable and remote customers, and small businesses to access a range of mails, financial and government services. That is why the Government committed to securing the future of 3,000 rural post offices in our manifesto, typically those branches that are the last shop in a community.

Between 2010 and 2018, the Government will have provided nearly £2 billion to maintain, modernise and protect a network of at least 11,500 branches across the country. The Government set the strategic direction for Post Office Limited, which means that we ask it to maintain a national network of post offices that is accessible to all and to do so more sustainably with less need for taxpayer subsidy. Post Office Limited delivers this strategy as an independent business. The Government do not interfere in its day-to-day operations, such as the provision and location of branches.

Today, there are more than 11,600 post office branches in the UK, and the network across the UK is at its most stable for decades. This is because Post Office Limited is transforming and modernising its network, thanks to the investment that the Government have made. Government support has enabled more than 7,000 branches to be modernised, more than 4,200 branches to be open on Sundays—I wish we could say that of banks—more than 200,000 weekly opening hours to be added to the network, losses to be reduced from more than £120 million to £24 million—in financial terms, that is real progress—and subsidy to be reduced by more than 60% from its peak in 2012-13. We have the most stable network in more than a generation and customer satisfaction has rightly remained high, at more than 95%, to which the noble Lord, Lord Young of Norwood Green, referred.

The best future for the post office network is a sustainable future, and that is what the Government are making possible through significant investment and reducing the network’s reliance on taxpayer support. We want to create certainty for all who work in the Post Office and for customers. In short, the business is offering more for customers, doing so more efficiently for the taxpayer and ensuring that post office services remain on our high streets throughout the country.

There has been a lot of assertion and suggestion that the Post Office is in crisis. Indeed, those were the opening words used by the noble Lord, Lord Hain. Far from being in crisis, however, the Post Office is following a successful course to commercial sustainability under the leadership of its management team. The Government disagree with the unions’ view that the Post Office is failing, as it is reducing its losses, reducing its need for subsidy and continuing to offer a high-quality service to customers with longer and more convenient opening hours. This is not the sign of a Post Office lacking a strategy, but a clear signal that the Post Office management has a goal of a secure network and increased financial sustainability. The Post Office is working hard to achieve this. The business already engages with its stakeholders, such as the National Federation of SubPostmasters and its unions, and I encourage them to continue their dialogue with the Post Office. While significant challenges remain to completing the goal of securing its future, the Government believe that the business is on the right path.

On the question of creating a post bank, as was suggested by the noble Lord, Lord Hain, this was considered in 2010, but it was decided that the government investment then available would be better used to modernise the network. The success of this approach has seen more than 7,000 modernised branches, opening hours extended during the week and at the weekend, and a network at its most stable for decades. While the Post Office did not create its own bank, it has built a successful financial services business, offering loans, mortgages, savings and foreign currency. These are delivered through its partnership with the Bank of Ireland and offer all the key benefits of a post bank. The Post Office has also developed its insurance offer by building its in-house capability. These services are available across the Post Office’s nationwide network and online, offering reach that no other bank in the UK can match.

Moreover, the Post Office has been working with the banks and the British Banking Association to create a standardised framework for access to third-party banking services. The framework was launched in January and offers simplified access to those holding accounts with other banks across the UK. This means that more than 99% of personal account holders and more than 75% of small business can access basic banking services early in the morning, late at night and throughout the weekend; and, as I said earlier, in terms of timing and access, the banks simply cannot begin to compete.

This is surely both a fantastic opportunity for the business and for the communities it serves, many of which have been badly affected, as the noble Lord, Lord Hain, said, by bank closures. Indeed, that has happened in my village: we are about to lose our last bank. The post office network, therefore, not only already provides a breadth of financial services that rivals the high street banks: with the newly launched banking framework it can also offer customers of other banks access to important basic banking services. It is therefore hard to see what a post bank offers to customers which is not already offered.

On the changes to the Crown network, the Post Office’s proposals for franchising and hosting some of its Crown branches are part of its plans to ensure that the network is sustainable and profitable in the long
term. Again, that is all about offering certainty and assurance, particularly to those who work in the Post Office for the long term. This is not about closing branches, it is about moving a branch to a lower-cost model and a better location for customers, securing and improving delivery of post office services in a given area. I have a classic example; admittedly, it is not in a rural area but in Islington. There was a merger of an old branch, unsuitable for disabled access or conversion, and a “temporary” branch had been in place for more than 10 years. The new single branch, which has replaced the two, is bright, welcoming, better located at the centre of the high street and has disabled access. The same goes for Beckenham. Its post office was relocated from an awkward end of the high street, which was difficult to access due to traffic and roads, and is now right in the middle of the high street in WH Smith. So we are thinking not only about access but about convenience for the customer. That is critical, because post offices have to remain competitive, attractive and accessible.

These ongoing plans have to date meant that Post Office Crown branches have moved from a £46 million annual loss in 2012 to breaking even today. The change from a Crown to a franchise or host branch has been undertaken previously in many locations across the UK and is a successful way of sustaining post office services, as a post office can share staff and property costs with a successful retailer. However, as always, more work needs to be done. There continue to be Crown branches which are loss-making, which is why these changes are important. By making all branches more sustainable, including the Crowns, we will help to keep post office services on our high streets throughout the country while reducing the funding burden on the taxpayer. It is worth remembering that 97% of the Post Office’s branch network is already franchised, being run by independent sub-postmasters.

The current funding agreement for Post Office expires in March 2018. The Government have said publicly that they consider that Post Office is likely to continue to require some funding to sustain the nationwide network and to meet our manifesto commitment to secure 3,000 rural branches. Funding discussions with the Post Office have opened and continue.

The Government conducted a consultation exercise on the post office network before the end of last year. The aim of the consultation was to help us to understand what the public and businesses expect from the Post Office and to make sure that where the Government are required to comply with any obligations, such as to the European Union, they are able to do so. I stress that this consultation did not propose any changes to the network but sought views on how to make it stronger, sustainable and better for its customers. The Government expect the Post Office to require funding over the coming years. The feedback we received will help test how that funding may best support the network. The Government will publish their response to the consultation in due course.

The Post Office is the largest provider of counter-based government services in the UK—this was another concern raised by the noble Lord, Lord Hain—and has key contracts with the DVLA and the Passport Office for a number of transactions. Its extensive geographic reach and key role in the heart of communities mean that it is well placed to bid for and win important contracts. The Post Office continues to work with both local and national government to look at opportunities for delivering more government services through the network, but it is important to remember that the Government cannot simply award contracts to the Post Office. It is right that services must be procured competitively to ensure value for taxpayers’ money. Furthermore, government has an important role to play in ensuring that people can access government services in ways that best suit their needs. I have to admit that I am using online more and more to access such services.

Increasingly, many of us prefer to access government services online, which can be more convenient—as I have just said. While this has an unfortunate impact on the Post Office, we cannot ignore people’s desire to transact with government digitally from the convenience of their own homes. It is for that reason that the Post Office continues to develop its online presence. For example, it is one of the largest providers of identity verification through the Government’s Verify service.

In terms of restructuring at its headquarters, as part of the Post Office’s ongoing transformation to make it more commercially sustainable, there will be a 20% reduction in the 1,100 people at its headquarters function. They are largely based at Finsbury Dials in central London. A more efficient and lean central support team will mean a greater scope to share benefits from contracts that the Post Office wins with the agents who run the branch network. This will make the 50,000 jobs in the agency network more secure. There will be no reduction in the service that the public will see.

As we know all too well, it is a difficult time for the high street. Some key presences such as BHS have gone and others are having to make tough decisions to survive. We recognise that the post office is a key presence on British high streets and a key part of local communities. That is why we have supported it in transforming to keep post offices at the heart of their communities, which has involved significant change.

Many stand-alone post offices have moved into other retailers where Post Office and the retailer can operate better together, sharing staff and property costs, as I have said, and where Post Office business is a big driver of increased footfall for the host retailer. I appreciate that changes such as these are not easy, especially where it involves staff leaving the business, but it is essential that the business gets a grip on its costs to ensure that it can meet the challenges it faces now, and those it will face as the way we shop and access services continues to change.

Before concluding, I want to reference some of the questions that were raised. I hope I will be forgiven if I find myself being repetitive. First, the noble Lord, Lord Hain, referred to the separation from Royal Mail. Of course the Post Office and Royal Mail are now very different companies and since separation in 2012 the Post Office, as a separate company with its own board, has had the commercial independence to focus on what is best for the business and to adapt and

[30 MARCH 2017]
[ Baroness Buscombe] change to best meet the challenges it faces. There is a long-term commercial agreement in place between the two parties and they have worked together successfully since separation. The Post Office has become increasingly sustainable since separation, with its transformation programme delivering more than 200,000 extra opening hours a week across the country. More than 4,200 branches are open on Sundays, directly benefiting customers.

The changes to the Post Office cash supply chain mean that the business can now deliver the same service to its branches for less overall cost. The Post Office cannot realistically compete for external business against competitors which have lower pay and more flexible working conditions. It is also difficult to make a case to invest in what is a declining market for cash, with the rise of electronic payments such as contactless. The Post Office believes it will be able to deliver the expected savings only by adopting a clear and consistent policy of completely exiting the external market and focusing on delivering cash to its own network.

Moving on, the noble Lord, Lord Hain, also referred to Horizon. I understand that civil proceedings have been issued against the Post Office on the matter of the Horizon IT system. This is of course a matter for the courts and I am unable to comment further. I understand that a number of individuals have raised cases with the Criminal Cases Review Commission—the CCRC. This process is independent of government, so unfortunately I cannot comment further. We do not feel the need for a full independent inquiry, as the noble Lord, Lord Hain, suggested, but feel that the court is the best place to deal with this difficult situation.

Regarding the post office network consultation, it was an important step in determining support for the network in the future, once the Government’s existing funding agreement with Post Office Ltd comes to an end in 2018. No changes to the network were proposed through this consultation; we were seeking to re-affirm views with stakeholders. The consultation ran for six weeks and we received more than 30,000 responses from members of the public, businesses and stakeholders. As I have already said, we will respond to that consultation in due course.

The noble Lord, Lord Lisvane, focused on rural areas and asked about accessing criteria. We have run in due course.

Outreaches are not post offices, and a few hours a week from the back of a van or in the village hall are no substitute for a bricks and mortar office—although that could be a church offering a full range of services. Outreaches are a way for the post office to maintain a service when a branch closes and a replacement postmaster cannot be found. Usually, this is because the branch was not commercially sustainable, and providing an outreach is part of POL’s social purpose, for which it is likely always to need a subsidy.

The noble Lord, Lord Young of Norwood Green, referenced a number of issues. I say straightaway that there are absolutely no plans to phase out the card used by 3 million people. On the question of business rates, the Government are committed to backing small and medium-sized enterprises, which include post office branches. The next business rates revaluation takes effect from 1 April and will update rateable values. This will ensure that business rate bills more closely reflect the property market. Nearly three-quarters of businesses will see no change or a fall in their bills from April thanks to the business rate revaluation, with 600,000 businesses set to pay no business rates at all. A £3.6 billion transitional relief scheme will provide support for the minority who face an increase.

The 2016 Budget announced the biggest ever cut in business rates, worth more than £6.7 billion across the next five years. Small businesses will benefit from the doubling of small business rate relief thresholds, and properties with a rateable value of £12,000 and below will receive 100% small business rate relief from April. The Government are also doubling rural rate relief to 100% from 1 April 2017, which will benefit many eligible post offices in designated rural areas.

Quality was an important point raised by the noble Lord, Lord Young. The Post Office is committed to ensuring that all branches across its network offer excellent customer service, and has a strong history of working with its many franchise partners and agents to achieve that. Independent research shows that customers are happy, with satisfaction levels consistently high, but it places a lot of emphasis on the need to retain quality.

I confirm that the Post Office is committed to ensuring that all its staff, including postmasters, receive the necessary training to successfully and effectively deliver all its products and services. Of course, the success of the business depends on that. However, any service that the Post Office offers must provide a realistic and viable commercial rate of return for the business.

I shall make a quick reference to awareness. Awareness of the services provided by the Post Office is very important. A House of Lords report published on 25 March, Tackling Financial Exclusion: A Country that Works for Everyone? references the importance of awareness. On the point about publicity, it says that the Post Office is in a difficult position because quite a number of the banks that it provides a service for do
not want the Post Office to proactively make customers aware of the services because that serves to pull footfall away from bank branches that are already struggling, thereby exacerbating the problem of bank branch closures. So there is a difficult balance to strike here.

Lord Young of Norwood Green: My Lords, that is a bit of a disappointing answer. In the situation of which we have given many examples, there are no banks around. If the Post Office is offering the services, it should not be a problem because the banks have withdrawn their services. I thought that was one of the primary reasons for the Post Office offering the basic standard services for other banks. What was the purpose of the standardised framework agreement if it was not for that? Surely it is more important, especially in rural environments where there are no banks available, that the public are aware of this service, otherwise it defeats the objective of the framework agreement.

Baroness Buscombe: I accept what the noble Lord is saying. In fact, I was going to go on to say that there may be a balance to strike between the banks and post offices, but our focus is on the strength of the post offices and on meeting customer requirements. The report makes a number of recommendations, including around whether the Post Office can better publicise what it offers. The Post Office, in response to this, will be working with its partners to explore what it can do to implement the recommendations. That is the point I was going to come on to; we are not just taking the report, sitting down and saying, “Well, that’s a problem. Leave them to work it out”. Awareness of what the Post Office can do and can deliver—and it is growing in that sense—is really important. I add that the Post Office card account contract has been extended to at least 2021.

In conclusion, a more efficient Post Office is better able—

Lord Hain: My Lords, before the Minister finishes, could the Government study La Banque Postale’s success in France, and would the Minister—or Margot James, the Minister primarily responsible—write to me explaining in what way the British situation could match that? Do the Government really think it is doing so with their current policy? I do not think it is.

Baroness Buscombe: I spend quite a lot of time in France and I have to say that my experience of post offices in France does not match those that I enjoy in my local village. However, I will of course talk to my colleague in the other place, Margot James, about this, and see if we have been looking at the French model as the noble Lord suggests.

Lord Hain: And will she write to me?

Baroness Buscombe: And then of course we will write to the noble Lord, Lord Hain, and copy all other noble Lords.

Lord Lisvane: I am so sorry to keep the Minister from her peroration for a moment or two longer, but I wonder if I might take her back to the question of tendering for partner organisations. As she will know, it is perfectly normal practice in any tender to weight the criteria. I think we would be grateful for an assurance that in the case she quoted, the synergies that can be made for the benefit of local communities are appropriately weighted in the tender process.

Baroness Buscombe: I absolutely understand where the noble Lord, Lord Lisvane, is coming from. Again, I will talk about that issue and that point with my colleague in another place, Margot James. Thank you for raising it.

The government investment—

Lord Young of Norwood Green: On a further point of clarification, I am grateful for what the Minister said about the Post Office card account being sustained until 2021, but what happens after that? What does the noble Baroness envisage—will there be a review and consultation process? If she does not have the answer perhaps she could write.

Baroness Buscombe: That would be up to the Department for Work and Pensions. We have to see how things are going. Hopefully the response will be positive, but we do not know—it is too far down the line for us to comment now. It will, however, be a matter for the Department for Work and Pensions.

In conclusion, since 2010 the Government’s investment has, along with the hard work of post office employees and postmasters, delivered real improvements. It has enabled the business to offer more to customers and to do so more efficiently, thereby ensuring that post office services remain on our high streets.

I encourage noble Lords to look objectively at the results achieved by the business in recent years: the most stable network for decades, £100 million reduction in annual losses, 7,000 branches modernised and transformed, more than 1 million additional opening hours per month and more than 4,000 branches open on Sunday. While significant challenges remain in completing the goal of securing the future of the Post Office, the Government believe that the business is on the right path: one that will protect local post offices for the long term.

4.56 pm

Sitting suspended.

Alcohol Abuse

Question for Short Debate

5 pm

Asked by Lord Brooke of Alverthorpe

To ask Her Majesty’s Government what is their most recent estimate of the cost of alcohol abuse to the National Health Service; and what steps they are taking to reduce those costs.

Lord Brooke of Alverthorpe (Lab): My Lords, I am grateful to the Chief Whip for finding a slot for this debate, even though it is the last business. I am grateful
Alcohol Abuse

[Lord Brooke of Alverthorpe]

that I have so many speakers—I am surprised—and equally surprised by the number of people who have written to me in advance of the debate, which seems to indicate that one should look for a longer debate at some later stage.

After welfare, the cost of health is the biggest charge the Chancellor of the Exchequer has to deal with, yet if one examines Budget speeches one sees that it rarely gets a mention. In fairness to Philip Hammond, it did this year, because of the crisis in care, which is of course directly linked to health. Health costs continue to grow at around 4%, but the economy is down around 2%. With an ageing population, the health service, as one ex-Health Minister in the Lords recently said to me, is a car crash waiting to happen. So every action must be taken or at least explored to avoid further injury to or collapse of the health service.

Like the Queen, the NHS is one of the few remaining pieces of glue that keeps us together as a United Kingdom. People everywhere are increasingly fearful of what the future holds but, happily for the UK, at least for the moment, people do not have the fear that illness bring to many people overseas—the fear of how to pay for their treatment. That burden is lifted by the NHS, and it helps faster recovery, but it is at even greater risk if politicians are reluctant or unprepared to engage in an open and honest debate about the problems we have funding the health service. That is at the heart of my debate today—seeking changes that will reduce the burgeoning public health costs but also changes that lead to healthier, happier and longer lives. As part of that, the Government must confront the stark challenge that alcohol abuse presents for the NHS in terms of the financial costs, resources and the impact on staff time and welfare.

Alcohol is estimated to cost the NHS around £3.5 billion per year, which amounts to £120 for every taxpayer. If I have got the figure wrong, I am sure that the Minister will correct me. Even though drinking has declined marginally in recent years, there is a growing burden of alcohol-related admission problems for the health service. As our NHS tries to deal with these difficulties, there is the difference between costs rising at 4% per annum and growth in the economy at only 2%. The consequences of harmful drinking are a factor that we must address—and that is not surprising, given that Public Health England has recently reported that alcohol is the leading cause of death among 15 to 49 year-olds. There are now more than 1 million alcohol-related hospital admissions a year. Alcohol has caused more years of life lost to the workforce than have the 10 most serious cancers, and in England more than 10 million people are drinking at levels that increase the risk of harming their health. There are 23,000 alcohol-related deaths in England each year, which means that alcohol accounts for 10% of the UK burden of diseases and death, and is one of the three biggest avoidable risk factors.

Evidence indicates that ease of access and persistently cheap alcohol perpetuate these problems with deprivation and health inequalities particularly prevalent among men from the lower socio-economic groups. Alcohol is 60% more affordable than it was in 1980, and affordability is one of the key drivers of consumption and harm. Cheaper alcohol invariably leads to high rates of death and disease. David Cameron and the coalition Government recognised this back in 2012 when they produced what I would describe as a progressive alcohol strategy. In its foreword, he talked about, “a real effort to get to grips with the root cause of the problem. And that means coming down hard on cheap alcohol”.

Regrettably, that just has not happened. Other aspects of the strategy have disappeared, too. There seems to be a vacuum with no discernible sense of direction. I hope that today’s debate might start to move us towards a more positive approach than we have had for the past two or three years.

I will not spend much time on minimum unit pricing. I am sure the Minister’s reply will be quite predictable: we are awaiting the outcome of the Supreme Court’s decision on the Scotch Whisky Association appeal. If we did have that, I am sure the Minister would argue that we need to see whether minimum unit pricing is working in Scotland before taking any decision to bring it south of the border. If I am wrong on that, I would be very grateful if he could correct me.

What I would like to hear is whether the Secretary of State is willing to initiate talks with the Chancellor about revamping VAT and excise duties on alcohol so that low-alcohol drinks would not contribute anything, or very little indeed, in the future but we would start to tax at a much higher rate the stronger alcohol, which is particularly damaging to people’s health and which at present does not attract particularly high taxes. I am looking to see whether the Government are prepared to investigate a more differential approach to taxing alcohol.

Wine consumption has increased, particularly in recent years, and, as many people know, wine has got stronger and stronger. At one time it was 11% or 11.5%. Now it is in the order of 13%, 14% or even 14.5%. This is especially true of the red wines from the New World.

Happily, one of the positive sides of Brexit—this freedom we have—is that it will provide greater freedom for adjusting taxation. Such a change could not only raise income for the Exchequer; higher taxes on stronger alcohol could be an inducement for people to drink lower-strength alcohol, which would be better for them.

Is the Minister aware that the Institute for Fiscal Studies has recently done some research on this? Indeed, in February it produced a report which indicates that moving towards the differential taxes I have been describing could meet half the cost of the welfare bill, which of course is a major account the Exchequer has to deal with annually. Whether or not that is a starter remains to be seen, but I would be grateful if the Minister had a look at that report and let the Committee know whether he thinks the idea is worth pursuing, as well as raising the issue with his Secretary of State.

This week I have been to two parliamentary health meetings, one on gout. “Gout is not a laughing matter” was the title of the gathering. It was interesting to learn that one in 40 people in the UK now has gout, and its prevalence is rising. It rocketed between 1997
and 2012 by an astonishing 64%. Again, much of this is linked to the increased consumption of stronger red wines, and to obesity.

Alcohol is a major contributor to obesity, although many people are not aware of this. The drinks industry has managed to evade the usual labelling requirements for calories and sugar content in products. The Government have failed to effect changes here because they have prayed in aid existing EU regulations on labelling, which they say have prevented them moving in this direction. Showing calories and sugar content in alcohol is not required in Europe. There was an attempt to introduce such a requirement in Europe but it was overturned, so we must stick by existing EU regulations. Again, Brexit means we will have a freedom here we did not have previously. I have been campaigning for a long time to have calories shown on alcohol labels. People should know what they are consuming, just as they do with most other products. Why is it not happening?

In fairness, some producers, such as Sainsbury’s, which has its own brands, have shown calories. Sainsbury’s did that because research indicated that drinkers wanted to know about what they were drinking. Why should it not apply elsewhere? I would like to know what the Government are doing on this, given that they now have a strategy on obesity.

Alcohol also contributes to type 2 diabetes, which is reaching epidemic proportions. There is a direct link there. About 10% of alcohol contributes to diabetes and we need to get some movement on that.

This week I also went to a meeting of the All-Party Group on Liver Health—I declare my interest as patron of the British Liver Trust. Liver disease is now costing £2.1 billion a year, up 400% since 1970, and the upward curve continues in the UK while in Europe the cost is declining. There must be a reason for this, and we should be looking at what it is. This is a great problem for A&E departments, as mentioned in previous exchanges with the Minister. Alcohol is a contributory factor in 70% of A&E cases at the weekends, and I would like to know what the Government intend to do about that.

We need to start examining a whole range of other options, particularly given that this week, the Government are taking steps to withdraw certain free prescriptions. We need to look at the 9 million people with hypertension who are getting NHS medication for it. We need to look at the millions of people—and the number is increasing—who are on tablets for depression. Will the Minister say whether people who are on medication for depression should not be drinking alcohol, and whether it is permissible? If in fact, as I know, many people are taking tablets but still drinking, is it not time to look at that in the context of developments this week? People should have a choice: either they take the tablets for depression and stop drinking; or, if they want to continue drinking, they should pay for their tablets over the counter.

I saw the figures in a recent Written Answer from the Minister on how much is being spent on medication—it has rocketed since 2010. We have to start looking for a different approach. We need the Government to accept responsibility for the policy areas they can control. We need the industry to accept greater responsibility—I will not go on about the industry in great detail today; I will leave that for a separate debate—and we need people to take more individual responsibility, given this new world in which the NHS is under great financial pressure. I hope I will get a positive response on many of these points from the Minister, and maybe we can look forward to a wider debate on drawing up a real strategy in the future.

5.12 pm

Baroness Chisholm of Owpen (Con): My Lords, this is an important debate, and I thank the noble Lord, Lord Brooke of Alverthorpe, for initiating it.

A recent study in the south-west showed that one in three adults exceeds the permitted government guidelines and that 83% of at-risk drinkers see themselves as moderate or light drinkers, whereas 69% are not concerned about how much they drink. There appears to be a common assumption that the benchmark for too much alcohol is when control is lost on the occasional bender, reliance on alcohol is required to get through the day or a bad hangover is experienced. Few understand the risk to their health, their family or the wider community.

High blood pressure, mental health, accidental injury, violence and liver disease are just a few health issues directly linked to alcohol. As the noble Lord, Lord Brooke, mentioned, liver disease is arguably one of the biggest health issues facing the NHS along with deep-seated serious health problems, and the harm is being done to a large extent in the privacy of people’s homes.

Alcohol admissions and related injuries put A&E departments under huge pressure. Estimates have suggested that three in every 10 patients attending A&E are there because of alcohol. People are calling ambulances like cabs to ferry them to hospital when they become incapacitated. Those who are not injured often just need to sleep it off in a place of safety, but they arrive in A&E by ambulance or cab or are taken there by friends. Those who have sustained injuries can be aggressive towards staff, leading to staff being vulnerable and of course adding to the difficulty of treating the injury.

Alcohol harm knows no boundaries. Its tentacles can affect anyone in a community—rich, poor, young, old, the well-educated and those who are not. What can be done? There is no easy solution. Perhaps the following could help towards people being more responsible about their drinking as well as cutting the cost to the NHS. A combination of price control and taxation would successfully target those who drink more of the cheapest and strongest alcohol products.

A comprehensive cultural change is required to educate young people towards activities that do not revolve around drinking. Is an advertising campaign the way forward to educate parents and families about the dangers? Parents play the biggest role in educating their children about the dangers of alcohol abuse. Parents should know who their children are hanging around with and make an effort to get to know the parents of their children’s friends. When parents are involved, they are more likely to be able to pick up the signs of any problems. Of course, that is the perfect
Since alcohol misuse affects patients’ general health, outcomes and how well their patients are looked after, the dental healthcare professionals on quality, treatment and educational facilities. It is clear, however, that effective and precisely how and when they should be deployed in primary dental care. It is estimated that heavy drinkers and smokers have 38 times the risk of developing oral cancer than those who abstain from both products.

This particularly debilitating disease, which kills thousands and leaves many of the survivors with disfigured faces and difficulty in eating and speaking, is, worryingly, one of the fastest-increasing types of cancer, with cases up by almost 40% in the past decade. It now kills more people in the UK than cervical and testicular cancer combined. Yet awareness of it and of the role that drinking and smoking play in causing it remains stubbornly low.

Dental professionals are on the front line in the fight against cancer. Dentists are uniquely placed to diagnose oral cancer very early on before the patient notices any symptoms and seeks help. This is crucial, as mouth cancer patients have a 90% chance of survival if the condition is detected early, but this plummetts to just 50% if the diagnosis is delayed. As dental teams are the only health professionals who see healthy patients on a regular basis, they are also in a unique position to provide brief advice and support to their patients who drink above the lower risk levels, warning them not just of the increased risk of oral cancer but also of the possible periodontal disease and tooth erosion that is associated with drinking some types of alcohol. Where appropriate, dental professionals can signpost higher-risk patients to their GP or local alcohol services, with such early intervention helping to save the NHS money further down the line.

Screening and primary dental care would involve similar strategies to those used by primary medical practitioners, using the same valid and reliable questionnaires and motivational interventions developed in psychology. These have been found to be effective and cost-beneficial in some dental settings. Although suitable screening tools and treatment interventions are available, it is unclear which of them are most effective and precisely how and when they should be deployed in primary dental care. It is clear, however, that the dental team can contribute and that this contribution fits well with its responsibilities and interests.

Alcohol and lifestyles closely associated with alcohol can have detrimental effects on the dentition—dental erosion, dental caries and periodontal disease being the most common. The new dental contract reflects the aims of the UK Government to focus the attention of dental healthcare professionals on quality, treatment outcomes and how well their patients are looked after. There is now more emphasis on health promotion. Since alcohol misuse affects patients’ general health, tackling that abuse is therefore important for primary care dental professionals from a purely dental perspective. Addressing this in primary care settings also enables dental professionals to meet wider health promotion responsibilities.

As we have already heard, alcohol causes at least seven different types of cancer, and oral cancers are among those most closely linked to drinking. The new dental contract reflects the aims of the UK Government to focus the attention of dental healthcare professionals on quality, treatment outcomes and how well their patients are looked after. There is now more emphasis on health promotion. Since alcohol misuse affects patients’ general health, tackling that abuse is therefore important for primary care dental professionals from a purely dental perspective. Addressing this in primary care settings also enables dental professionals to meet wider health promotion responsibilities.

As we have already heard, alcohol causes at least seven different types of cancer, and oral cancers are among those most closely linked to drinking. About 70% of people diagnosed with oral cancer are heavy drinkers. Therefore, it means that almost 5,000 heavy drinkers will be struck by mouth cancer every year. The risk is even greater for those who tend to drink and smoke at the same time. It is estimated that heavy drinkers and smokers have 38 times the risk of developing oral cancer than those who abstain from both products.

This particularly debilitating disease, which kills thousands and leaves many of the survivors with disfigured faces and difficulty in eating and speaking, is, worryingly, one of the fastest-increasing types of cancer, with cases up by almost 40% in the past decade. It now kills more people in the UK than cervical and testicular cancer combined. Yet awareness of it and of the role that drinking and smoking play in causing it remains stubbornly low.

Dental professionals are on the front line in the fight against cancer. Dentists are uniquely placed to diagnose oral cancer very early on before the patient notices any symptoms and seeks help. This is crucial, as mouth cancer patients have a 90% chance of survival if the condition is detected early, but this plummetts to just 50% if the diagnosis is delayed. As dental teams are the only health professionals who see healthy patients on a regular basis, they are also in a unique position to provide brief advice and support to their patients who drink above the lower risk levels, warning them not just of the increased risk of oral cancer but also of the possible periodontal disease and tooth erosion that is associated with drinking some types of alcohol. Where appropriate, dental professionals can signpost higher-risk patients to their GP or local alcohol services, with such early intervention helping to save the NHS money further down the line.

Screening and primary dental care would involve similar strategies to those used by primary medical practitioners, using the same valid and reliable questionnaires and motivational interventions developed in psychology. These have been found to be effective and cost-beneficial in some dental settings. Although suitable screening tools and treatment interventions are available, it is unclear which of them are most effective and precisely how and when they should be deployed in primary dental care. It is clear, however, that the dental team can contribute and that this contribution fits well with its responsibilities and interests.

Baroness Berridge (Con): My Lords, I thank the noble Lord, Lord Brooke, for his persistence in keeping the matter of alcohol abuse on the parliamentary and government agenda.

Evidence and reports abound on this matter. Public Health England did a thorough evidence review in 2016, the Government’s alcohol strategy was issued in...
2012 and there are numerous reports detailing the cost to the NHS, which has been outlined as £3.5 billion a year. Last year there was an excellent report by the APPG on Alcohol Harm called The Frontline Battle about the huge burden on the emergency services caused by alcohol misuse. However, there is precious little mention in these reports—or, therefore, praise or policy from Her Majesty’ s Government in this regard—of how alcohol and its use varies in religious and ethnic minority communities, the Joseph Rowntree Foundation report in July 2010, Ethnicity and Alcohol: A Review of the UK Literature, being a notable exception.

What is known is that in many ethnic minority communities the rates of abstinence are higher. According to the Public Health England evidence review that I have mentioned, 15% of white women, 38% of black women and 74% of British Asian women abstain completely. There are many reasons for this, including the physiological. According to the Berkeley university well-being project, it is very common in people from Chinese, Japanese and Korean backgrounds to have difficulty digesting alcohol because of a genetic variant that impairs the production of an enzyme that helps to metabolise alcohol in the liver. Within religious communities such as the Latter-day Saints, Muslims, the Salvation Army and Methodists, and for many within the black Pentecostal churches, refraining from alcohol is advocated, which may explain the lower levels of alcohol consumption in the British black and black Caribbean communities.

While the main government messaging needs to remain around drinking sensibly as this is the majority activity, the lack of commendation by the NHS and government Ministers of religious and ethnic minority communities, particularly Muslims, who refrain is remiss. Having taken part in the parliamentary police service scheme and been out on a Friday night on Shaftesbury Avenue, it is not people in obvious religious attire such as Muslim men or Salvation Army leaders that you see literally in the gutters and then appearing at A&E—a fact that is just not mentioned. These religious and ethnic minority communities are indeed ahead of the curve as they are in tune with the rising number of young adults, the millennials, who drink in moderation or do not drink at all.

Studies have shown that where there are young adults in a college setting with a significant number from a black or minority ethnic community, overall the young people in that group drink less. It has an effect of good peer pressure within the group. Yet the lack of evidence is serious as without it there are none of the bespoke policies needed to help those in these communities who drink. There is evidence that when such people drink they do so at higher levels, hidden away and facing barriers to accessing the help they need from the NHS. Also, if you drink without the enzyme to break down alcohol there are greater health risks and a higher incidence of hypertension. I have not seen any awareness of this within the NHS.

A national piece of work, looking at the evidence and policies in Yorkshire mill towns, city centres such as Birmingham, Chinatown and boroughs such as Lambeth is well overdue. It would show how much ethnic minorities save the National Health Service but also any deficiencies so that people could then access services they need. Perhaps religious leaders could also help bring down the barriers for communities when they need to access other professional services.

5.26 pm

Lord Smith of Hindhead (Con): My Lords, I am grateful to the noble Lord, Lord Brooke of Alverthorpe, for raising this Question for Short Debate today. I recently had the honour of serving with him on the Licensing Act Select Committee and am therefore aware of his concerns about the damaging effects of excessive alcohol consumption. I very much respect his long-term commitment to raising awareness of this matter. It is appropriate that I declare my interests as set out in the register, in particular my role as CEO of the Association of Conservative Clubs, a private members’ club group with some 850 members’ clubs located throughout the UK.

I believe that the vast majority of the population enjoys alcohol with no problems at all. In moderation, alcohol plays an important and beneficial role in the nation’s life. A society that socialises together is a stronger one. For many people, drinking provides and has always provided social cohesion. I made many points in my maiden speech about when, if used in moderation and linked with socialising, alcohol can play an important role in alleviating some life-limiting lifestyles. It is a recognised fact that people who enjoy an active social life avoid loneliness and the devastating effects that isolation can have on a person’s health. Pubs, clubs, restaurants and bars provide a significant part of most people’s social lives. Whether it is meeting family or friends, watching sport or celebrating a special occasion, the common denominator for many is having an alcoholic drink. By and large, this is enjoyed responsibly and without repercussions.

Of course, I recognise that for others alcohol can become a poison and a prison. It is undeniable that alcohol puts an enormous strain on front-line services, not least the NHS. Would my noble friend the Minister consider updating the direct cost to the NHS that was put at £3.9 billion back in 2014? Then we would have an up-to-date figure of exactly where we stand. We know that per capita alcohol consumption has fallen by more than 17% during the last 10 years. Alcohol-related crime is down and the number of young people consuming alcohol is down by 38% since 2004. Alcohol-related hospital admissions for those under 40 has declined by 11% since 2010 and alcohol-related deaths have fallen by 10% according to the Office for National Statistics. The UK today drinks less alcohol than 16 other European countries, according to the World Health Organization.

However, I would be the first to say that there is still much more to do to prevent people who are sensible consumers of alcohol becoming the irresponsible minority who deliberately drink to destruction, to deter existing nuisance drinkers who pre-load on cheap alcohol and cause trouble in our villages and towns, and to help those who are sadly addicted to alcohol, harm themselves and their families, and greatly risk promoting the cycle of self-abuse and alcoholism on to their children and the next generation. Does the Minister feel that enough
is being done to treat people who are addicted to alcohol in the UK? Does he feel that these treatments are proving effective?

There is an increasing trend of stay-at-home consumption, with large quantities of alcohol being purchased—often very cheaply—from supermarkets and off-licences. I have concerns that some of the deals on offer for beers and lager can cut down the cost to as little as 63 pence per pint. I am also concerned that recent statistics show that as much as 40% of all alcohol purchased in the UK is bought by only 10% of the adult population. Does the Minister think that more could be done to restrict offers and implement safety mechanisms within the off trade on a par with those that exist in the on trade?

Local alcohol partnerships are playing an important role in creating healthier, safer high streets. Organisations such as the Portman Group, Best Bar None, National Pubwatch and Purple Flag are working with the alcohol industry and local authorities to tackle crime, disorder and underage sales. Importantly, they are also working to improve responsible alcohol marketing and to provide education and information about the damaging effects of excessive consumption. I hope the Minister will agree with me that education on matters such as smoking has vastly improved, and the same could be achieved on excessive consumption of alcohol.

Finally, I offer a further point for consideration. Every time the police issue a fine for drunk or disorderly conduct, those funds could be shared with the ambulance service. The police do an excellent job, but so does the ambulance service, and it is rare that the two are not in partnership with each other on these regrettable occasions. We have a responsibility not to limit the freedoms and activities of people, while also providing safeguards and information for those who are vulnerable. I look forward to hearing the Minister’s response to the debate today.

5.31 pm

Baroness Walmsley (LD): I, too, congratulate the noble Lord, Lord Brooke of Alverthorp, on securing this important debate. Last January, I chaired a seminar run by the All-Party Parliamentary Health Group on developing a long-term strategy to reduce the harm from alcohol consumption. We heard from several eminent contributors whom I shall mention as I go along. We started with Professor Sir Ian Gilmore, chair of the Alcohol Health Alliance, who described the burden of alcohol harm. He told us that, statistically, alcohol is the number one risk factor for premature death in the UK today. The BMA tells us that 60 different medical conditions are caused by alcohol abuse, and are therefore preventable. Sir Ian Gilmore said that 70% of presentations at A&E on a Friday or Saturday night, and about 20% of all hospital admissions, are related to alcohol. Interestingly, mental and behavioural disorders due to alcohol use account for almost 20% of those admissions, so we know that we are talking about mental, as well as physical, diseases. We know what the diseases are; several noble Lords have referred to them today. In addition to those physiological diseases, of course, accidents are caused by alcohol use, and there are a lot of hospital admissions because of those, as well.

Sir Ian was followed by Dr Mirza, an emergency medicine consult from West Middlesex University Hospital. He began by shocking us all with four real-life but typical situations that had taken place in his department over the past month. They included drunken patients attacking staff or police officers, running rampant and breaking thousands of pounds’ worth of hospital equipment, requiring to be restrained and taking up hours of time of the staff, meaning that other sick patients were not treated for hours. The disruptive effect on the department was enormous, he said, and added additional strain to an already overstretched A&E department.

What does all this cost the nation? The Government themselves estimate that it costs £3.5 billion a year to the NHS, £11 billion a year on criminal justice and £7.3 billion in lost production, a total of £21 billion a year. What could the NHS and social care do with that money?

In addition to these costs and the burden of disease, there are costs for children and families. My daughter-in-law is currently writing a PhD thesis about the scale of domestic violence following excess alcohol consumption after major sporting events. Dr Mirza pointed out that there are many children living with one or more parents with an alcohol-related problem, resulting in mental and emotional strain and poor academic attainment for the child.

What are the options for reducing these harms? First of all, we have to ensure that young people are educated in their PSHE lessons about the harm that alcohol can do. We heard from Professor Yvonne Kelly, Professor of Lifecourse Epidemiology at University College London, that, of those adults who drink, 80% to 90% of them start in the second decade of life. Pleasingly, as someone has said, there has been a fall in the number of under-age drinkers in the past 25 years, and I put that down to education. However, she told us that the amount being drunk by each under-age drinker shows no sign of falling, so these are the people we need to target. A number of options were suggested to us, including those affecting price, labelling, marketing, advertising, availability, low-alcohol options, help with behaviours, et cetera. Many of these have excellent evidence of effectiveness, according to the academics.

I have a number of questions for the Minister. Has he done an impact assessment of the reduction in alcohol abuse services following the cuts to public health budgets? Is he aware that this money is well spent? For every £1 spent on alcohol treatment, £5 of public money can be saved. We know that a five-minute chat from a health professional can have a major effect on a person’s drinking habits, yet GPs do not have time to do this in a 10-minute appointment. Will the Minister publish imminently the Government’s new alcohol strategy, and will he consider including in it minimum unit pricing to tackle products such as white cider, which I was staggered to discover costs only 15p per unit of alcohol and is used mainly by very problematic drinkers? Will he ask the Chancellor to increase the general cost of alcoholic drinks? Given what the noble...
Lord, Lord Brooke, said, what can he do to reduce the comparative cost of low or zero-alcohol products? Will he issue guidance to local authorities which authorise licences to ensure that health is a factor in licensing decisions, so that they understand the effect of long opening hours and high density of premises selling alcohol? Alcohol action areas have already proved the effectiveness of reducing density and hours.

Will the Minister also look at what can be learned from the policies on tobacco? I agree with the noble Lord, Lord Brooke of Alverthorpe, about labelling. Labelling of tobacco products showing the health damage they can do could easily be replicated with alcohol. Alcoholic products should not only show the calories and units of alcohol they contain but also have a reminder of the Chief Medical Officer’s advice about maximum weekly consumption and alcohol free days. Perhaps we can do that after Brexit.

There is evidence that increased exposure to alcohol increases the chances of children drinking, so will the Minister also include in the policy a ban on advertising of alcoholic products before the watershed? Will he also consider banning alcohol sponsorship of sports events for the same reason? The health and economic benefits of all these actions would be immense.

5.38 pm

Lord Hunt of Kings Heath (Lab): My Lords, I welcome the debate. My noble friend made a very powerful statement about the major challenge that we face over alcohol abuse and the knock-on impact on the National Health Service. He opened by asking for an honest debate about funding. The report of the Select Committee of the noble Lord, Lord Patel, will be issued on Wednesday, and I hope that it will lead to an open debate. However, no one can be in any doubt about the seriousness of this situation for the NHS. This morning, the chief executive of the NHS Confederation said that there now has to be a trade-off between, for instance, fast, efficient emergency care and non-elective surgery. That shows the state that we have got to. Clearly, the impact of alcohol abuse on the NHS is significant.

My noble friend’s speech was particularly persuasive in relation to low prices. Public Health England produced a very good report on the public health burden of alcohol and the cost-effectiveness of alcohol control policies. That report had a lot of good things to say. The noble Baroness, Lady Walmsley, has already referred to the £20 billion a year cost to our society in relation to criminal justice, the economy and the health service. In addition, there is the fact that we now have over 1 million alcohol-related hospital admissions per year, and the kind of pressure it puts on the health service and the emergency services, as the noble Lord, Lord Smith, referred to. PHE points out that the average age at death of those who die from alcohol-specific causes is 54.3 years, compared to 77.6 years for death from all causes. The other very striking statistic is that more working years of life were lost in England as a result of alcohol-related deaths than from cancers of the lung, bronchus, trachea, colon, rectum, brain, pancreas, skin, ovary, kidney, stomach, bladder and prostate combined. Therefore, the scale of this disease, as we need to call it, is very striking indeed.

My noble friend obviously did not dwell much on taxation and price regulation, because he covered a much wider canvas. However, the analysis by Public Health England said:

“If implementing a minimum unit price is a highly targeted measure which ensures any resulting price increases are passed on to the consumer, improving the health of the heaviest drinkers”, is surely right. As PHE points out:

“The MUP measure has a negligible impact on moderate drinkers”—

who we do not want to undermine—

“and the on-trade”.

I hope that the Minister will be able to say something about where the Government are on the MUP.

I pick up the point raised by my noble friend and the noble Baroness, Lady Walmsley, on labelling. Post Brexit what the Government do about labelling will be entirely in their hands. As the Minister is responsible for the Department of Health’s response to Brexit, can he say what work is now being done by either his department or Public Health England to look at what the Government are going to do when they have control over labelling? Potentially, we could be much more effective than current EU regulations allow us to be.

Finally, I acknowledge a very good briefing that I had from the British Medical Association on this issue. It has set out a number of requests—principally, that the Government should:

“Publish a new updated alcohol strategy”. Will the Minister agree to do that? It mentions minimum unit pricing and reducing, “the affordability of alcohol through taxation measures”. It makes an important point about ensuring that health, “is a key factor in licensing decisions”. I know that we will receive a Select Committee report on the implications of the big change in licensing 10 or 12 years ago. However, this obviously needs to be considered very carefully. The BMA also goes on to ask for an implementation of, “evidence-based measures to reduce drink driving levels”, and, “a range of measures to reduce and better manage pregnancies affected by alcohol”, and makes a number of other requests. At heart, there is a request to the Government to take stock of the pressures that we face, update the current alcohol strategy and take some courage in their hands and be prepared to move on from the rather insipid voluntary approach that we have to a tougher approach, in which they must look at taxation and a minimum unit pricing policy.

5.43 pm

The Parliamentary Under-Secretary of State, Department of Health (Lord O’Shaughnessy) (Con): My Lords, I congratulate the noble Lord, Lord Brooke, on securing this important debate and on his obvious tenacity in pursuing this issue. I am sure that this will be the first of many occasions we will have to discuss this matter. I also thank all noble Lords for a wide-ranging, well-informed and informative debate.

I think all noble Lords accept that the vast majority of people who consume alcohol—whether in my noble friend Lord Smith’s clubs or elsewhere—do so as a
pleasurable and indeed even positive part of their social lives. However, we also know there are very serious harms and health costs associated with alcohol misuse, which is estimated, as the noble Lord, Lord Brooke, and other noble Lords have pointed out, to cost the NHS around £3.5 billion a year. The recent Public Health England evidence review tells us that alcohol is the leading risk factor for ill-health, early mortality and disability among 15 to 49 year-olds in England, causing 169,000 years of working life lost. That is more than the 10 most frequent cancer types combined—a truly alarming figure. As the noble Lord, Lord Colwyn, pointed out, that is having an effect in specific areas such as increases in oral cancers.

Alcohol misuse is also a significant contributor to some 60 health conditions, including circulatory and digestive diseases, liver disease, a number of cancers, as has been said, and depression. Alcohol-related deaths have increased in recent history, particularly deaths due to liver disease, which saw a 400% increase between 1970 and 2008. As several noble Lords have pointed out, that is in contrast to trends seen across much of western Europe and, as my noble friend Lady Walmsley pointed out, it is also in contrast to outcomes in many minorities in the UK. It is not so much a British problem as a problem of certain communities within Britain.

In the UK, there are currently more than 10 million people drinking at levels that increase risk to their health. Those health risks, as the noble Baroness, Lady Walmsley, pointed out, are both mental and physical. They lead to more than 1 million hospital admissions annually, half of which occur in the most deprived communities, so this is also an issue of social justice. My noble friend Lord Smith was right to point out the work that the police, the ambulance service and other public services do to deal with—mopping up, sometimes physically as well as figuratively—the results of alcohol misuse. I take this opportunity to pay tribute to their work; they often have to deal with both physical and verbal violence in doing so.

We also know the tragedies that can occur from mothers drinking alcohol during pregnancy, leading to problems after birth. This is not just a UK but a global issue. To address the challenges of the prevalence of fetal alcohol syndrome disorders, the WHO is starting a global prevalence study. We will consider lessons from this for further work in the UK.

It is also important to recognise the devastating impact that addiction has on individuals and their families. It is unacceptable that children have to bear the brunt of their parents’ conditions. I was shocked to learn that, according to Alcohol Concern, 93,500 babies under the age of one, which I make to be about a sixth or seventh of the cohort, live in a family where a parent is a problem drinker. As the noble Baroness, Lady Walmsley, pointed out, there is a link to domestic violence which affects not just children but also partners. My colleague, the Minister for Public Health and Innovation, recently met with members of the All-Party Parliamentary Group on Children of Alcoholics to set out our plans to work with MPs, health professionals and those affected to reduce the harms of addiction and support those who need it. I am sure that noble Lords will agree that that is an important mission.

However, I am glad to say that we can also observe some promising trends regarding alcohol. As my noble friend Lord Smith pointed out, the figures for alcohol crimes and deaths are down, although there are other problems which we have talked about. People aged under 18 are drinking less, which stands in stark contrast to the data for the over-65s who are drinking more—I am not looking at anyone here—and there has been a huge increase in the number of hospital admissions for the over 65s in recent years of more than 130%. Nevertheless, there has also been a steady reduction in alcohol-related road traffic accidents.

We also have social action campaigns, such as Alcohol Concern’s dry January, in which I have taken part over the past few years, as I am sure other noble Lords have too, which are starting to change attitudes. The point that my noble friend Lady Berridge made about minority and religious groups leading the way was incredibly important. I accept her point about the need for appropriate analysis of how to communicate with those communities. We were unable to get the information, admittedly at short order, that she wanted, but I shall certainly write to her and put a copy of the letter in the Library for noble Lords. She makes an important point and she may have highlighted a weakness in the current strategy.

We have also seen real progress through working in partnership with industry: 1.3 billion units of alcohol have been removed from the market by improving the choice of lower alcohol products; nearly 80% of bottles and cans now display unit content and pregnancy warnings on their labels; and we have published guidance on updating the health information contained on labels better to reflect the latest advice on alcohol published by the UK Chief Medical Officer.

Several noble Lords asked about calories and labelling. This is an area where the European Commission is looking at legislation. It is not always the fastest moving institution in the world, and we have of course just signalled our intention to leave the European Union, but we will certainly look at that legislation as it comes through. It is fair to say—that I am not in a position to make a commitment at this point—that the UK has been a leader in this kind of area, not just on drink but on smoking as well, and I hope that, looking ahead, we would continue that leadership position.

An essential part of our strategy to tackle alcohol harms is the provision of high-quality, evidence-based treatment services. Local government now has the responsibility to improve people’s health, in particular on the public health side. This includes tackling problem drinking and commissioning appropriate prevention and treatment services for the local population’s needs. Several noble Lords asked about addiction and spending on cessation services, which increased from 2014-15 to 2015-16, even within the context of challenging budgets for public health. I see this as a positive move, but it is something to be kept under review.

The NHS remains critical to preventing alcohol harms. There is a new scheme to incentivise investment in alcohol interventions. The national Commissioning for Quality and Innovation indicator has been developed, and in the way beloved of the NHS, it has been given
the acronym CQUIN. It links a proportion of service providers’ income to the achievement of national and local quality improvement goals. The practical effect of that is that every in-patient in community, mental health and from 2018-19 to acute hospitals, will be asked about their alcohol consumption and, where appropriate, will receive an evidence-based brief intervention or a referral to specialist services. The noble Baroness, Lady Walmsley, pointed out that the evidence shows that people who receive a brief intervention are twice as likely to have moderated their drinking six to 12 months after the intervention when compared to drinkers receiving no intervention, so it is obviously a low-cost but highly effective action.

In addition, as my noble friend Lady Chisholm mentioned, by 2018, around 60,000 doctors will have been trained to recognise, assess and understand the management of alcohol use and its associated problems. My noble friend Lord Colwyn pointed out that dentists have a vital role in prevention and spotting early problems. The new dental contract means that there has been an increasing number of patient episodes, and Public Health England has developed an alcohol training resource for dental teams. I would be interested, as a follow-up to find out if that has been successfully adopted within the profession that he represents.

Furthermore, the inclusion of alcohol assessment and advice in the NHS health check, which is offered to all adults in England aged 40 to 74, means that GPs and other healthcare professionals can offer advice to promote a healthier lifestyle. Since we mandated the alcohol assessment and advice component, nearly 5 million people have had a check. Referral to alcohol services following an NHS health check is around three times higher than among those receiving standard care, which is yet another example of how a small nudge in the right direction can make a great impact.

Several noble Lords talked about providing people with the right information so that they can make informed choices. Last year, Public Health England launched the One You campaign to help motivate people to improve their health through action on the main risk factors. This includes a drinks tracker app to help drinkers identify risky behaviour and lower their alcohol consumption and a new “days off” app to encourage people not to drink alcohol for a number of days a week, in line with the CMO’s recommendations.

My noble friend Lady Chisholm and the noble Baroness, Lady Walmsley, asked about education. PSHE is obviously a critical part of making sure that young people are informed about their choices. There has been a review of the PSHE curriculum—we have seen a strengthening of PSHE in recent announcements by the Secretary of State for Education. There must be, at least in part I think, some impact on the positive trends that we are seeing among young people in lower drinking, although it is of course hard to isolate what exactly causes that. We know, however, from the smoking environment that constant public health campaigns do have that impact, particularly for younger people. It is also notable that while the incidence of mental illness has unfortunately and sadly increased among young people, there has not been the same increase in drinking. That is an interesting inverse correlation that is worthy of further investigation.

Several noble Lords asked about the affordability of alcohol. In this context you think of Hogarth’s “Gin Lane” and “Beer Street”, and the important role that taxation has historically played in changing drinking habits. The UK currently has the fourth highest duty on spirits among EU member states, and higher-strength beer and cider are already taxed more than equivalent lower-strength products. In relation to a move in the direction that the noble Lord, Lord Brooke, pointed to, noble Lords may know that it was announced in the Budget that duty rates on beer, cider, wine and spirits will increase by RPI inflation. In addition, a consultation is currently seeking views on the introduction of a new band to target cheap, high-strength white ciders which are a particular problem among young people. It is also seeking views on the impact of a new lower-strength still wine band to encourage production and consumption of lower-strength wine—another point talked about by the noble Lord, Lord Brooke. It is worth touching briefly on minimum pricing. I am afraid that my answers are entirely predictable on this issue. We await the conclusion of the court case. I will, however, look at the IFS report that was mentioned and we will keep a close eye on that issue going forward.

The noble Baroness, Lady Walmsley, asked about advertising, as, I believe, did the noble Lord, Lord Hunt. The Advertising Standards Authority has a vigorous approach to preventing advertising to children and young people, but I am assured that it is kept under review to make sure that it is having an impact. Again, it is worth investigating whether that has had an impact on the lower instances of drinking among young people.

It would be wrong for Ministers to restrict the treatments offered to young people. That is a clinical decision, although I know that clinicians are increasingly trying to change the behaviours of smokers and drinkers before providing significant treatments. There is also a link between drinking and depression, as the noble Lord rightly pointed out.

I close by again congratulating the noble Lord, Lord Brooke, on securing this debate on such an important subject. Alcohol misuse has a significant impact on people’s health, the NHS, the wider care system and society in general. I also believe, however, that progress is being made. The Government remain deeply committed to ensuring that people are given the information and support—and if necessary the treatment—that they need to reduce harms from alcohol. I look forward to working with the noble Lord and all noble Lords to reduce alcohol misuse in the years ahead.

Committee adjourned at 5.58 pm.