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PARLIAMENTARY DEBATES
(HANSARD)

HOUSE OF LORDS
OFFICIAL REPORT

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

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

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House of Lords

Tuesday 27 June 2017

2.30 pm

Prayers—read by the Lord Bishop of Peterborough.

Oaths and Affirmations

2.35 pm

Several noble Lords took the oath or made the solemn affirmation, and signed an undertaking to abide by the Code of Conduct.

Civil Society and the Democratic Process Question

2.40 pm

Asked by Lord Rooker

To ask Her Majesty's Government whether they intend to bring forward amendments to legislation to ensure that civil society plays a meaningful role in the democratic process.

Lord Young of Cookham (Con): My Lords, the rules for third-party campaigning are set out in the Political Parties, Elections and Referendums Act 2000. The law was changed in 2014 to ensure that third-party campaigning was more transparent and accountable through the Transparency of Lobbying, Non-Party Campaigning and Trade Union Administration Act 2014. The Government are keen to ensure that civil society plays a meaningful role in the democratic process, and believe that current legislation facilitates this.

Lord Rooker (Lab): Is it not the case that the present position harms our democracy and keeps important voices out of public debate? In fact, civil society was effectively snuffed out at the general election. Does the Minister agree that organisations involved in incomes for pensioners, the care of the elderly, the care and education of children, social housing and public safety should be allowed to express their views freely at the next general election?

Lord Young of Cookham: I am grateful to the noble Lord. I know he has taken a particular interest in this and served on the Select Committee that produced the report *Stronger Charities for a Stronger Society*. One of its conclusions was that although charities are quite properly regulated in their campaigning activities, particularly at election times, any new regulation or guidance should clearly recognise that advocacy is an important and legitimate part of their role, to be set out in clear and unambiguous language. We need to strike a balance between, on the one hand, the rights of civil society to campaign in the way the noble Lord

has just mentioned, and on the other, maintaining the integrity of the electoral process by having transparency on expenditure.

Lord Lansley (Con): My Lords, does my noble friend agree that there is no legal bar to an organisation campaigning at a general or other election as long as, if it is a charity, it is consistent with its charitable objectives? However, it is right that it should be transparent about that by registering to do so with the Electoral Commission.

Lord Young of Cookham: I am grateful to my noble friend, who piloted the relevant legislation through the other place. During those debates he made the point that the boundary between what you could and could not do has not changed. What we did was insist on transparency and accountability. Therefore, if charities or civil society organisations want to engage in certain activities during a campaign, they have to register and declare their expenditure.

Baroness Hayter of Kentish Town (Lab): I am glad that the noble Lord has raised the question of transparency. During the referendum, the DUP spent £250,000 on the leave side, but because of the rules in Northern Ireland it does not have to declare the source of that income. We do not know who funded that. On behalf of my noble friend Lord Kennedy and I, I asked for a meeting with the chief executive of the Electoral Commission about this serious matter, but she has declined to meet us. Can the Minister tell us what plans the Government have—which I am sure will not be affected by the deal with the DUP—to re-examine this issue?

Lord Young of Cookham: I agree with the noble Baroness that we need to have another look at the exemptions that Northern Ireland has from certain parts of electoral law, in particular on declaring sources of expenditure. We have a new First Secretary of State, and I am sure he will be interested in taking this matter forward in discussions through the usual channels.

Lord Wallace of Saltaire (LD): My Lords, does the Minister agree that the time may now have come to make sure that transparency of income for campaigning charities is extended? It is striking that there are a number of charities, some Muslim, that the Charity Commission has been concerned about, but right-wing bodies such as the Taxpayers' Alliance and the Global Warming Policy Foundation do not declare their large donors. It would be useful, appropriate and an extension of democratic transparency if those rules were changed to ensure that donations were necessarily declared in their annual reports.

Lord Young of Cookham: I am grateful to the noble Lord, who piloted the relevant legislation through this House in 2014. I mentioned a moment ago the House of Lords Select Committee on Charities report, *Stronger Charities for a Stronger Society*. Chapter 3 is on improving governance and accountability. The Government will look at the recommendations in that chapter, to which

[LORD YOUNG OF COOKHAM]

the noble Lord referred. In due course, we will respond to the Select Committee report. There has been a slight discontinuity because of the general election.

Lord Davies of Stamford (Lab): Is it not the case that the whole democratic process in this country has reached a new nadir, with public expenditure no longer being distributed on a needs basis or according to some consistent programme or policy, but with taxpayers' money being appropriated by the Government of the day to buy votes from other parties to keep them in power? Is that not a thoroughly squalid and corrupt bargain?

Lord Young of Cookham: I am not quite sure how that derives from the Question on the Order Paper. I refer the noble Lord to the exchanges in the other place yesterday when the First Secretary of State put the arrangement that he just described in a slightly different context.

Lord Lawson of Blaby (Con): I would like to respond to the noble Lord, Lord Wallace, who referred to the Global Warming Policy Foundation, of which I am chairman. I am very happy to disclose the identities of all our donors, who are thoroughly respectable people. It is right, however, that if donors do not wish to declare themselves they should not be forced to do so, particularly since they will be vilified by those, like the noble Lord, who disagree with what we stand for.

Lord Young of Cookham: The stakes are rising by the minute in this exchange about electoral expenditure. As I said a few moments ago, if transparency of income is one of the recommendations, it will be addressed by the Government. The whole House will have noted the challenge laid down by my noble friend Lord Lawson.

Baroness Mallalieu (Lab): My Lords, the report by the noble Lord, Lord Hodgson, on the flaws in this piece of legislation was published some considerable time ago. In view of the clear evidence of chilling on the part of the charities who felt unable to conduct their proper campaigning during the last election and the one before, will the Minister tell us when those recommendations will be implemented?

Lord Young of Cookham: I am grateful to the noble Baroness. It is indeed the case that the Hodgson review was published in March last year. Since then, we have had the report by the Select Committee and one of its recommendations was that the Hodgson report should be implemented in full. In due course, we will respond to the report and, by implication, to the Hodgson review, but at the same time there are other pressures on the Government in this field. We have had Eric Pickles's report on electoral fraud and the Law Commission report on electoral law. We have also just had a general election and it might be useful to look at the experience of civil society during the recent election before we come to a final decision on whether legislation needs to be reviewed.

Fire Safety: Lakanal House Fire Question

2.48 pm

Asked by Baroness Jones of Moulsecoomb

To ask Her Majesty's Government whether they will publish all the correspondence, internal briefings, and policy advice relating to the 2009 Lakanal House fire and subsequent inquest; and whether they will implement the Coroner's recommendations relating to building regulations and processes.

The Parliamentary Under-Secretary of State, Department for Communities and Local Government and Northern Ireland Office (Lord Bourne of Aberystwyth) (Con): I expect all correspondence and relevant files to be released to the public inquiry. Work on simplifying the guidance that supports part B of the building regulations on fire safety was under way, but we need to look again at that in the light of the Grenfell Tower fire. The Secretary of State has announced the establishment of an independent expert advisory panel to advise the Government on any immediate steps that may need to be taken on fire safety.

Baroness Jones of Moulsecoomb (GP): I thank the noble Lord for his Answer. I asked this Question because I was a Member of the London Assembly and chair of the Housing Committee and we produced a report on the Lakanal fire. When the Grenfell Tower fire happened, there were striking similarities. Now we have another 95 high-rise buildings with the same cladding. Is it the building industry that is failing or this Government failing to do their job properly and update building regulations and guidance in proper time?

Lord Bourne of Aberystwyth: My Lords, first, I pay tribute to the work which the noble Baroness has done. Indeed, her expertise, I am sure, will be most welcome when the inquiry is under way. It is the case that we will have to update these building regulations. As I say, work was under way when this dreadful fire happened, but obviously it is right that we should look at updating the regulations in the light of that event, because the previous advice was to simplify them. That might not now be the appropriate way forward.

Lord Naseby (Con): My Lords, is my noble friend aware that the issue goes wider than what has been covered so far? Is not the evidence now from Camden in particular that there are no fire doors in some of these tower blocks and there are gas leaks? Do those failures not rest with inspection by local authorities of their housing to ensure that the facilities and safety precautions that are already in place are properly doing the work that they should be doing?

Lord Bourne of Aberystwyth: I am grateful to my noble friend. This is not simply about the issues that have arisen from the Grenfell Tower fire, although obviously they are the focus of the public inquiry. I think Camden has identified that in five blocks, four

of which have subsequently been evacuated, some 1,000 fire doors were missing. That must also give rise to concern.

Lord Kennedy of Southwark (Lab): My Lords, I refer the House to my interests in the register. In the Lakanal House fire in 2009, there were compartmentation breaches that allowed the fire and smoke to spread through the building, in conflict with the evacuation procedure. Failures like this have come to light often only as the result of a fire or when the advice of the fire brigade has been sought after construction, although the power to take enforcement action expires one year after construction and the power to prosecute expires after two years. Does the noble Lord agree that this is far too small a window for action to be taken, and will he act on the London Fire Brigade's call to extend these deadlines to a more appropriate period to be determined by consultation with key stakeholders?

Lord Bourne of Aberystwyth: My Lords, I thank the noble Lord for his suggestion. It is right that these issues should be looked at by the independent advisory committee that is being set up by the Secretary of State. It will come up with urgent actions that need to be taken and will decide which first actions are appropriate. I will take away the noble Lord's suggestion; it is something that no doubt the committee will wish to ponder on. However, this episode has thrown up a whole range of actions to be taken not only in relation to the cladding but much more widely, as we have seen in evidence from around the country.

Lord Watts (Lab): My Lords, does this not demonstrate that we should not allow the industry to set safety standards, which is what has happened in this case? Do we not need to have a stronger public sector that can actually set these standards on our behalf?

Lord Bourne of Aberystwyth: My Lords, it is not true to say that safety standards are set by the industry. They are set by the Government in consultation with the industry and the public sector. We take advice from many sources and we will do so again through the public inquiry that is now being set up. It is important that we do not prejudge this and that the public inquiry acts in a judicial way. It will be judge-led and will look at all the evidence before we come up with conclusions. That is the purpose of the inquiry.

Baroness Brinton (LD): My Lords, the coroner in the Lakanal House case actually cited some of the wider issues with the maintenance and refurbishment of buildings as well as their outer envelopes. I am slightly bemused that the Minister has said both today and yesterday that work has not yet started on the revision of part B regulations, because on 3 March 2015 the then Minister for Housing, Stephen Williams, announced that not only would the review start but that it would report back to Parliament in 2016-17 with a revised document. Can the Minister explain why this was stopped after the 2015 election and what interim steps will be taken before the result of the inquiry to make sure that we do not have to wait a long time before urgent changes can be made to these regulations?

Lord Bourne of Aberystwyth: My Lords, I thank the noble Baroness. I did say that work is actually under way on the review, not that the work had not started. Work is being undertaken on the review that was recommended by the Lakanal coroner, but in the light of recent events we have halted the work so that we can take evidence on what has happened in relation to the Grenfell Tower fire, because it is important that we should do so. I will say two important things. One is to restate the point that we have an advisory committee that will look at the issues and come up with urgent recommendations, and of course the public inquiry will want to consider the possibility of an interim report that could look at taking urgent action as well.

The Countess of Mar (CB): My Lords, I understand that as late as in May this year the red tape task force published a recommendation that the EU directive that covers precisely this point was extraneous and should be withdrawn. Do the Government agree with that?

Lord Bourne of Aberystwyth: My Lords, I thank the noble Countess. As I say, I do not want to prejudge what will be decided partly by the advisory committee, which will make recommendations to the Secretary of State, and partly by the public inquiry. It is the case that regulation is necessary and we are revisiting that. The Lakanal inquiry and recommendations focused on simplifying fire regulation. We are revisiting that because it might not now be the appropriate response, but we do not want to prejudge that; it is something that the inquiry will want to look at.

Lord Campbell-Savours (Lab): My Lords, in his response yesterday on the Statement, the Minister said:

"we have been in contact with all the private sector landlords and are recommending that they test the cladding. It is not compulsory". —[*Official Report*, 26/6/17; col. 201.]

Why is it not compulsory? What is the difference between a socially-owned block of flats and a privately-owned block of flats?

Lord Bourne of Aberystwyth: My Lords, I did, indeed, say that. That is the case. There are far more blocks in the social housing sector that are of the relevant height, above 18 metres, that are being contacted. We have contacted all private sector landlords and we will follow up on that, but the noble Lord is absolutely right: it is not compulsory for them to do so, because that is what we have decided.

Brexit: Nursing Staff Question

2.55 pm

Asked by **Lord Hunt of Kings Heath**

To ask Her Majesty's Government what assessment they have made of the impact on the NHS of figures released by the Nursing and Midwifery Council showing a 96 per cent reduction in the number of

[LORD HUNT OF KINGS HEATH]

nurses registering to work in the United Kingdom in the year since the referendum on leaving the European Union.

The Parliamentary Under-Secretary of State, Department of Health (Lord O'Shaughnessy) (Con): My Lords, the Government are aware of a reduction in the number of European Economic Area trained nurses applying to register with the Nursing and Midwifery Council. The department's assessment suggests that this is largely a consequence of the NMC introducing language testing, rather than the vote to leave the European Union. The number of European nurses working in the NHS increased by more than 400 between June 2016 and March 2017.

Lord Hunt of Kings Heath (Lab): My Lords, what the Minister did not say is that there has been a 96% fall in the number of nurses coming from EEA countries in the space of nine months. This comes on top of a shortage of thousands of nurses in the NHS. The RCN has today issued a statement which absolutely disproves the Minister's argument that it is to do with English language testing. It is quite clear that it is to do with the Government's obsession with migration control at the expense of our public services and the imposition of a pay cap on nurses and other NHS staff. He and his fellow Ministers have found £1 billion to bung the DUP; when are they going to find the money that is needed to get rid of the cap on nurses' pay and pay them what they deserve?

Lord O'Shaughnessy: I am afraid the noble Lord is mistaking cause for correlation in this instance, and let me explain why we think that is the case. The General Pharmaceutical Council introduced language testing in November 2016; it had experienced no significant drop-off in applications from EEA member countries after Brexit but before that point and a big downturn in applications after that point. So it is language testing; it also happened with the GMC as well when it introduced language testing. I know this is something that the noble Lord supports—he said as much in a debate on this very issue in 2015—because it is an issue of safety. That is why language testing has been introduced. I would like to say, however, that of course we value the work of EU staff who come here, and, indeed, all nursing staff. As the Prime Minister set out yesterday, we want them to stay and have offered a generous package to allow them to do so, and there are more EU nurses here than there ever have been.

Baroness Walmsley (LD): My Lords, the Department of Health's own modelling predicts that there will be a shortage of 40,000 nurses by 2026. My own local hospital has 60 nurse vacancies, and I am sure other noble Lords have similar examples. What do the Government propose to do to avoid the NHS becoming unsafe because of these nursing shortages, given that some nurses are already being asked to stay on at the end of 12-hour shifts in order to fill gaps in the roster?

Lord O'Shaughnessy: I thank the noble Baroness for giving us the opportunity to talk about the fact that we have increased the number of nurses and

health visitors by nearly 5,000 since 2010. She is quite right to say that we need more of them; we have a growing and ageing population and higher expectations of what the NHS should be delivering. It is for that reason that we have a number of things in action: we have 52,000 nurses in training; we have a return to practice programme, which has already prepared 2,000 nurses to come back into the profession; and we are introducing nursing apprenticeships and nursing associates. We are not complacent about this issue—we know it is important—but there are a number of programmes in train to fill the gap that she has identified.

Baroness Watkins of Tavistock: My Lords, perhaps the Minister could consider that one of the reasons that people are not coming from the European Union is that they feel unwelcome; housing is almost impossible to get, particularly in some of the metropolitan areas; the reduction in the value of the pound against European currencies means that salaries have stagnated even more for some of these people; and, actually, morale is so poor in parts of the health service and social services that people would rather remain and work in their own countries.

Lord O'Shaughnessy: I reiterate the point that the Prime Minister made yesterday about the welcome, and indeed the offer of settled status, not just to nurses but to any other EU citizens and workers in the country. It is absolutely not the case that they are unwelcome—quite the opposite. They are as valued as much as any other person working in the health service. The noble Baroness mentioned housing, and she is right, of course, that housing is a huge issue for everybody. Indeed, one thing that I want to look at in the next few years is how we can take surplus land that sits within the NHS and make sure that some of it is used to provide the kind of key-worker housing that nurses, doctors and, indeed, other members of the public sector can use, so that they are able to come into the service and support our hospitals.

Lord Clark of Windermere (Lab): My Lords—

Baroness Manzoor (Con): My Lords—

The Lord Privy Seal (Baroness Evans of Bowes Park) (Con): My Lords, it is the turn of the Conservative Benches.

Baroness Manzoor: My Lords, it is a fallacy to continue repeatedly to suggest that EU nurses and doctors are not welcome in this country. Quite frankly, I am fed up with it. I worked in the NHS for over 25 years, and this is damaging staff morale because people are almost being targeted to feel that way. EU nurses and doctors do tremendous good work, and they are respected, welcomed and valued, as are other nurses and doctors from across the world. We have a great opportunity to celebrate this. Does the Minister agree?

Lord O'Shaughnessy: I completely agree with my noble friend, who speaks from experience. It is important not to peddle a myth of unwelcomeness, when it is

clearly the case that nobody has said that they are unwelcome. No one in government has said that they are unwelcome; nor has the BMA, the RCN, or anyone else for that matter. They are valued as highly as any other member of the medical profession.

Lord Clark of Windermere: My Lords, does the Minister accept that any fall-off in the number of nurses and doctors from the EC poses a real risk to the health service? Does he accept that, while the number of nurses in training may be increasing now, the Government were wrong in the coalition period after 2010 to cut the number of nurses in training in the UK?

Lord O'Shaughnessy: The critical point is to have enough nurses and, indeed, enough medical staff. Of course, where they come from is going to be dictated by various circumstances. As I have discussed already, language controls have been introduced in order to focus on patient safety. We do need to increase the number of nurses in the health sector. That has happened since 2010. There has been an increase. There are more in training. But clearly there need to be more as we have a growing and ageing population.

Baroness Masham of Ilton (CB): My Lords, does the Minister know how many unfilled vacancies there are at this time for nurses?

Lord O'Shaughnessy: I do not have that information at my fingertips. Of course, at any time there will be unfilled vacancies as nurses move around. As I said, we know that recruiting more nurses into the health service is an important priority for the years ahead, which is why we are undertaking the programmes that I mentioned.

Southern Rail: Gibb Report *Question*

3.03 pm

Asked by Baroness Randerson

To ask Her Majesty's Government, in the light of the publication on 22 June of the Gibb report on Southern Rail, what steps they are taking to deliver improvements for passengers.

The Parliamentary Under-Secretary of State, Department for Transport (Lord Callanan) (Con): My Lords, Chris Gibb's independent report into Southern Rail makes a number of recommendations for the network that we have already been working with industry to deliver. In early January we committed an extra £300 million to improve infrastructure resilience, and we have established a new board to tackle issues ahead of the huge upgrades Thameslink will bring in 2018. However, Chris Gibb found that the main cause of widespread disruption for passengers was trade union action and unusually high levels of sick leave.

Baroness Randerson (LD): My Lords, as the Minister says, the report is now six months old. That is six months of misery for Southern's passengers. Can the Minister tell us why the Government did not publish this report before the election? He is right to say that there were criticisms of the trade unions. There was also criticism of the Government for accepting a bid with the fewest drivers and a driver shortage from the start. Is the Minister able to assure us that in future there will be sufficient numbers of staff and there will be no further attempts to run this on the cheap?

Lord Callanan: There have certainly been no attempts to run the service on the cheap and I do not agree with the noble Baroness that performance over the past six months has been poor. In fact, since strike action has been reduced, Southern Rail's performance has significantly improved in the past six months. Its public performance measure, which measures performance across train operators, is up by 23 percentage points—from 62% in early December to 85% now. We want and expect that figure to improve further but, as Chris Gibb's report makes clear, that can happen only if industrial action by the trade unions stops.

Lord Rosser (Lab): In his report, Mr Gibb recommended that the Government should "urgently consider" transferring the East Croydon to Milton Keynes and Great Northern metro services from the problem-ridden GTR franchise to Transport for London in 2018. Mr Gibb also indicated that similar consideration might be given to transferring the inner-London Southern metro services in time for franchise renewal in 2021. The current Secretary of State for Transport previously made it clear that he would not transfer any further rail services to TfL, as that would mean giving control over more routes to a Labour mayor. The Government have now had six months to consider Mr Gibb's recommendations on transferring more routes to TfL. What is the Government's response to those recommendations—particularly those relating to 2018—and what are the reasons for the conclusions that the Government have reached on transferring more rail routes to TfL in the light of Mr Gibb's recommendations?

Lord Callanan: Chris Gibb's report sets out several reasons why Southern Rail faced problems last year, including disruption from infrastructure works, the process of introducing new trains and insufficient numbers of drivers at the start of the franchise. The Secretary of State has now ordered the operator to reduce reliance on overtime, which means that it has started to increase the number of drivers, although that has an 18-month lead time. We decided to proceed with 34 of Chris Gibb's 38 recommendations, but the transfer of additional lines to TfL was not one that we proceeded with.

Lord Tebbit (Con): My Lords, will my noble friend refrain from giving TfL any more responsibilities until it has cleared up the mess of the roadworks around the Palace of Westminster, which are being conducted in an inconceivably incompetent manner? Will he also

[LORD TEBBIT]

consider whether it is really sensible to have the ownership and management of the track and of the trains in separate hands? It did not work in that way in the great days of the LNER, the GWR and the Southern Railway before the Second World War. It would be better to put those aspects back together again; then, we might have sensible management.

Lord Callanan: I agree with the first part of my noble friend's remarks but disagree with the second part.

Lord Dholakia (LD): My Lords, is the Minister aware that London Councils has been negotiating on behalf of the London boroughs to address the impact of the Southern Rail disputes and their implications for the Freedom Pass, which the boroughs contribute to? No information is available about how London councils are to be reimbursed and when the decision will be made. What action is the state taking to ensure that ratepayers are not short-changed? I declare an interest as a Freedom Pass holder.

Lord Callanan: I am afraid that I have no information on the subject; I will write to the noble Lord about it.

Lord Cormack (Con): Does my noble friend think that these miserable—I use the word in a complimentary sense—passengers will be consoled by his eloquent advocacy of space travel in his speech yesterday?

Lord Callanan: No—I suspect that they will not be.

Lord Reid of Cardowan (Lab): To help the House, will the Minister remind us when and by whom the decision was taken to separate control of the track from control of the trains and to privatise them separately?

Lord Callanan: It was taken, as my noble friend reminds me, by the John Major Government. But I see no evidence that the Labour Party policy of renationalising the railways and handing even more power to their friends in ASLEF and the RMT will bring any improvement for passengers whatever. It will enable them to hold the whole country to ransom, rather than just the poor miserable passengers on Southern rail.

Viscount Goschen (Con): My Lords, how optimistic is my noble friend the Minister that passengers on the Southern Rail franchise, even miserable ones such as myself, can expect a decent service over the summer months when, as I understand it, industrial action is planned for later this week and for 10 July by both the RMT and ASLEF?

Lord Callanan: I am afraid that the noble Viscount is correct. The unions have announced further industrial action starting from Thursday, so I can give him no consolation. We can spend as much as we like on upgrading infrastructure, providing new trains and

taking action over management failings—but if the drivers and conductors fail to turn up for work, there is very little we can do about it.

If I give the House a little information on what offers have been made to ASLEF, perhaps your Lordships might have a little more sympathy. The operator has held 32 days of meetings with ASLEF to try to resolve the dispute since it began in March last year. Three formal offers were made; two deals have been accepted by the ASLEF executive, only to be voted down by the membership. ASLEF has turned down a 23.8% pay rise offer over four years that would have increased a Southern train driver's basic salary by £12,000 to £60,000 for a four-day, 35-hour week. This would rise to £70,000 with overtime on a fifth day. That is an extremely generous offer. They are being well paid to provide a service to the public; I wish they would get on and deliver that service.

Space Industry Bill [HL]

First Reading

3.11 pm

A Bill to make provision about space activities and suborbital activities, and for connected purposes.

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

Unpaid Work Experience (Prohibition) Bill [HL]

First Reading

3.12 pm

A Bill to make provision for the prohibition of unpaid work experience exceeding four weeks, and for connected matters.

The Bill was introduced by Lord Holmes of Richmond, read a first time and ordered to be printed.

Equality Act 2010 (Amendment) (Disabled Access) Bill [HL]

First Reading

3.12 pm

A Bill to amend the Equality Act 2010 to improve access to public buildings by introducing six-inch and 12-inch rules for step-free access.

The Bill was introduced by Baroness Thomas of Winchester (on behalf of Lord Blencathra), read a first time and ordered to be printed.

Democratic Political Activity (Funding and Expenditure) Bill [HL]

First Reading

3.13 pm

A Bill to make provision for the regulation of funding and expenditure of political parties; to make provision for the phased introduction of a cap on donations to political parties; to make provision for affiliation fees from trades unions and membership organisations to political parties to be counted as individual donations in prescribed circumstances; to make provision for the public funding of political parties; to make provision for the modification of rights of candidates and parties to election addresses; to make provision for limits on political parties' expenditure between regulated periods; to confer powers on the Electoral Commission, and for connected purposes.

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

Home Education (Duty of Local Authorities) Bill [HL]

First Reading

3.13 pm

A Bill to make provision for local authorities to monitor the educational, physical and emotional development of children receiving elective home education, and for connected purposes.

The Bill was introduced by Baroness Morris of Yardley (on behalf of Lord Soley), read a first time and ordered to be printed.

Refugees (Family Reunion) Bill [HL]

First Reading

3.14 pm

A Bill to make provision for leave to enter or remain in the United Kingdom to be granted to the family members of refugees and to refugees who are family members of British citizens and settled persons, to provide for legal aid to be made available for refugee family reunion cases, and for connected purposes.

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

Deputy Chairmen of Committees

House of Lords Commission

Communications

Constitution

Delegated Powers and Regulatory Reform

Economic Affairs

European Union

Finance

Hybrid Instruments

International Relations

Liaison

Parliamentary Office of Science and Technology (POST)

Privileges and Conduct

Procedure

Science and Technology

Secondary Legislation Scrutiny

Services

Standing Orders (Private Bills)

Membership Motions

3.15 pm

Moved by The Senior Deputy Speaker

Deputy Chairmen of Committees

That, as proposed by the Committee of Selection, the following members be appointed as the panel of members to act as Deputy Chairmen of Committees for this session:

Andrews, B, Boswell of Aynho, L, Brougham and Vaux, L, Dear, L, Faulkner of Worcester, L, Fookes, B, Garden of Frognal, B, Harris of Richmond, B, Haskel, L, Henig, B, Hooper, B, Mar, C, McIntosh of Hudnall, B, Morris of Bolton, B, Pitkeathley, B, Simon, V, Stedman-Scott, B, Ullswater, V.

House of Lords Commission

That a Select Committee be appointed to provide high-level strategic and political direction for the House of Lords Administration on behalf of the House and that, as proposed by the Committee of Selection, the following members be appointed to the Committee:

Doocey, B, Evans of Bowes Park, B, Fowler, L (Chairman), Hope of Craighead, L, Laming, L, McFall of Alcluith, L, McIntosh of Hudnall, B, Newby, L, Smith of Basildon, B, Wakeham, L;

That Liz Hewitt and Mathew Duncan be appointed as external members of the Committee;

[LORD MCFALL OF ALCLUITH]

That the Committee have power to send for persons, papers and records;

That the Committee have leave to report from time to time;

That the reports of the Committee be printed, regardless of any adjournment of the House.

Communications

That a Select Committee be appointed to consider the media and the creative industries and that, as proposed by the Committee of Selection, the following members be appointed to the Committee:

Allen of Kensington, L, Benjamin, B, Bertin, B, Bonham-Carter of Yarnbury, B, Chelmsford, Bp, Colville of Culross, V, Finkelstein, L, Gilbert of Panteg, L, Hart of Chilton, L, Henley, L (Chairman), Kidron, B, McIntosh of Hudnall, B, Quin, B;

That the Committee have power to send for persons, papers and records;

That the Committee have power to appoint specialist advisers;

That the Committee have power to adjourn from place to place;

That the Committee have leave to report from time to time;

That the reports of the Committee be printed, regardless of any adjournment of the House;

That the evidence taken by the Committee in the last session of Parliament be referred to the Committee;

That the evidence taken by the Committee be published, if the Committee so wishes.

Constitution

That a Select Committee be appointed to examine the constitutional implications of all public bills coming before the House; and to keep under review the operation of the constitution;

That, as proposed by the Committee of Selection, the following members be appointed to the Committee:

Beith, L, Corston, B, Drake, B, Dunlop, L, Hunt of Wirral, L, Judge, L, MacGregor of Pulham Market, L, MacLennan of Rogart, L, Morgan, L, Norton of Louth, L, Pannick, L, Taylor of Bolton, B (Chairman);

That the Committee have power to send for persons, papers and records;

That the Committee have power to appoint specialist advisers;

That the Committee have power to adjourn from place to place;

That the Committee have leave to report from time to time;

That the reports of the Committee be printed, regardless of any adjournment of the House;

That the evidence taken by the Committee in the last session of Parliament be referred to the Committee;

That the evidence taken by the Committee be published, if the Committee so wishes.

Delegated Powers and Regulatory Reform

That a Select Committee be appointed:

(i) To report whether the provisions of any bill inappropriately delegate legislative power, or whether they subject the exercise of legislative power to an inappropriate degree of parliamentary scrutiny;

(ii) To report on documents and draft orders laid before Parliament under or by virtue of:

(a) sections 14 and 18 of the Legislative and Regulatory Reform Act 2006,

(b) section 7(2) or section 19 of the Localism Act 2011, or

(c) section 5E(2) of the Fire and Rescue Services Act 2004;

and to perform, in respect of such draft orders, and in respect of subordinate provisions orders made or proposed to be made under the Regulatory Reform Act 2001, the functions performed in respect of other instruments and draft instruments by the Joint Committee on Statutory Instruments; and

(iii) To report on documents and draft orders laid before Parliament under or by virtue of:

(a) section 85 of the Northern Ireland Act 1998,

(b) section 17 of the Local Government Act 1999,

(c) section 9 of the Local Government Act 2000,

(d) section 98 of the Local Government Act 2003, or

(e) section 102 of the Local Transport Act 2008.

That, as proposed by the Committee of Selection, the following members be appointed to the Committee:

Dean of Thornton-le-Fylde, B, Flight, L, Fookes, B (Chairman), Jones, L, Lisvane, L, Moynihan, L, Rowlands, L, Thomas of Gresford, L, Thurlow, L, Tyler, L;

That the Committee have power to send for persons, papers and records;

That the Committee have power to appoint specialist advisers;

That the Committee have leave to report from time to time;

That the reports of the Committee be printed, regardless of any adjournment of the House;

That the evidence taken by the Committee in the last session of Parliament be referred to the Committee;

That the evidence taken by the Committee be published, if the Committee so wishes.

Economic Affairs

That a Select Committee be appointed to consider economic affairs and that, as proposed by the Committee of Selection, the following members be appointed to the Committee:

Bowles of Berkhamsted, B, Burns, L, Darling of Roulash, L, Forsyth of Drumlean, L (Chairman), Harding of Winscombe, B, Kerr of Kinlochard, L,

Kingsmill, B, Lamont of Lerwick, L, Layard, L, Livermore, L, Sharkey, L, Tugendhat, L, Turnbull, L;

That the Committee have power to appoint a sub-committee and to refer to it any of the matters within the Committee's terms of reference; that the Committee have power to appoint the Chairman of the sub-committee;

That the Committee have power to co-opt any member to serve on the sub-committee;

That the Committee and its sub-committee have power to send for persons, papers and records;

That the Committee and its sub-committee have power to appoint specialist advisers;

That the Committee and its sub-committee have power to adjourn from place to place;

That the Committee have leave to report from time to time;

That the reports of the Committee be printed, regardless of any adjournment of the House;

That the evidence taken by the Committee in the last session of Parliament be referred to the Committee;

That the evidence taken by the Committee or its sub-committee be published, if the Committee so wishes.

European Union

That a Select Committee be appointed:

(1) To consider European Union documents deposited in the House by a Minister, and other matters relating to the European Union;

The expression "European Union document" includes in particular:

(a) a document submitted by an institution of the European Union to another institution and put by either into the public domain;

(b) a draft legislative act or a proposal for amendment of such an act; and

(c) a draft decision relating to the Common Foreign and Security Policy of the European Union under Title V of the Treaty on European Union;

The Committee may waive the requirement to deposit a document, or class of documents, by agreement with the European Scrutiny Committee of the House of Commons;

(2) To assist the House in relation to the procedure for the submission of Reasoned Opinions under Article 5 of the Treaty on European Union and the Protocol on the application of the principles of subsidiarity and proportionality;

(3) To represent the House as appropriate in inter-parliamentary cooperation within the European Union;

That, as proposed by the Committee of Selection, the following members be appointed to the Committee:

Armstrong of Hill Top, B, Boswell of Aynho, L (Chairman), Brown of Cambridge, B, Browning, B, Crisp, L, Cromwell, L, Falkner of Margravine, B, Jay of Ewelme, L, Kennedy of The Shaws, B, Kinnoull, E, Liddle, L, Neville-Rolfe, B, Selkirk of Douglas, L, Suttie, B, Teverson, L, Verma, B, Whitty, L, Wilcox, B, Woolmer of Leeds, L;

That the Committee have power to appoint sub-committees and to refer to them any matters within its terms of reference; that the Committee have power to appoint the Chairmen of sub-committees, but that the sub-committees have power to appoint their own Chairmen for the purpose of particular inquiries; that the quorum of each sub-committee be two;

That the Committee have power to co-opt any member to serve on a sub-committee;

That the Committee and its sub-committees have power to send for persons, papers and records;

That the Committee have power to appoint specialist advisers;

That the Committee and its sub-committees have power to adjourn from place to place;

That the Committee have leave to report from time to time;

That the reports of the Committee be printed, regardless of any adjournment of the House;

That the evidence taken by the Committee or its sub-committees in the last session of Parliament be referred to the Committee or its sub-committees;

That the evidence taken by the Committee or its sub-committees be published, if the Committee so wishes.

Finance

That a Select Committee be appointed to support the House of Lords Commission by:

(1) Considering expenditure on services provided from the Estimate for the House of Lords,

(2) With the assistance of the Management Board, preparing the forecast outturn, Estimate and financial plan for submission to the Commission,

(3) Monitoring the financial performance of the House Administration, and

(4) Reporting to the Commission on the financial implications of significant proposals;

That, as proposed by the Committee of Selection, the following members be appointed to the Committee:

Collins of Highbury, L, Cope of Berkeley, L, Courtown, E, Cromwell, L, Cunningham of Felling, L, Doocey, B (Chairman), Goudie, B, Kerslake, L, Leigh of Hurley, L, Stoneham of Droxford, L;

That the Committee have power to send for persons, papers and records;

That the Committee have leave to report from time to time;

That the reports of the Committee be printed, regardless of any adjournment of the House.

Hybrid Instruments

That a Select Committee be appointed to consider hybrid instruments and that, as proposed by the Committee of Selection, the following members together with the Senior Deputy Speaker be appointed to the Committee:

Addington, L, Crickhowell, L, Dykes, L, Grantchester, L, Harrison, L, Swinfen, L;

[LORD McFALL OF ALCLUITH]

That the Committee have power to send for persons, papers and records;

That the reports of the Committee be printed, regardless of any adjournment of the House; and

That the evidence taken by the Committee be published, if the Committee so wishes.

International Relations

That a Select Committee be appointed to consider the United Kingdom's international relations and that, as proposed by the Committee of Selection, the following members be appointed to the Committee:

Balfe, L, Coussins, B, Grocott, L, Hannay of Chiswick, L, Helic, B, Hilton of Eggardon, B, Howell of Guildford, L (Chairman), Jopling, L, Purvis of Tweed, L, Reid of Cardowan, L, Smith of Newnham, B, Wood of Anfield, L;

That the Committee have power to send for persons, papers and records;

That the Committee have power to appoint specialist advisers;

That the Committee have power to adjourn from place to place;

That the Committee have leave to report from time to time;

That the reports of the Committee be printed, regardless of any adjournment of the House;

That the evidence taken by the Committee in the last session of Parliament be referred to the Committee;

That the evidence taken by the Committee be published, if the Committee so wishes.

Liaison

That a Select Committee be appointed to advise the House on the resources required for select committee work and to allocate resources between select committees; to review the select committee work of the House; to consider requests for ad hoc committees and report to the House with recommendations; to ensure effective co-ordination between the two Houses; and to consider the availability of members to serve on committees;

That, as proposed by the Committee of Selection, the following members together with the Senior Deputy Speaker be appointed to the Committee:

Evans of Bowes Park, B, Foulkes of Cumnock, L, Garden of Frogna, B, Hope of Craighead, L, Hunt of Kings Heath, L, Lang of Monkton, L, Low of Dalston, L, Newby, L, Smith of Hindhead, L, Williams of Elvel, L;

That the Committee have power to send for persons, papers and records;

That the Committee have power to appoint specialist advisers;

That the Committee have leave to report from time to time.

Parliamentary Office of Science and Technology (POST)

That, as proposed by the Committee of Selection, the following Lords be appointed to the Board of the Parliamentary Office of Science and Technology (POST):

Haskel, L, Oxburgh, L, Selborne, E, Winston, L.

Privileges and Conduct

That a Committee for Privileges and Conduct be appointed and that, as proposed by the Committee of Selection, the following members together with the Senior Deputy Speaker be appointed to the Committee:

Bassam of Brighton, L, Brown of Eaton-under-Heywood, L, Cathcart, E, Dear, L, Eames, L, Evans of Bowes Park, B, Hope of Craighead, L, Irvine of Lairg, L, Jay of Paddington, B, Mackay of Clashfern, L, Newby, L, Smith of Basildon, B, Stoneham of Droxford, L, Taylor of Holbeach, L, Ullswater, V;

That the Committee have power to appoint sub-committees and that the Committee have power to appoint the Chairmen of sub-committees;

That the Committee have power to co-opt any member to serve on a sub-committee;

That the Committee have power to send for persons, papers and records;

That in any claim of peerage, the Committee shall sit with three holders of high judicial office, who shall have the same speaking and voting rights as members of the Committee;

That the Committee have leave to report from time to time;

That the reports of the Committee be printed, regardless of any adjournment of the House;

That the evidence taken by the Committee or its sub-committees in the last session of Parliament be referred to the Committee or its sub-committees; and

That the evidence taken by the Committee or its sub-committees be published, if the Committee so wishes.

Procedure

That a Select Committee on Procedure of the House be appointed and that, as proposed by the Committee of Selection, the following members together with the Senior Deputy Speaker be appointed to the Committee:

Bassam of Brighton, L, Brabazon of Tara, L, Evans of Bowes Park, B, Farrington of Ribblesdale, B, Fowler, L, Geddes, L, Hope of Craighead, L, Humphreys, B, Morris of Aberavon, L, Newby, L, Powell of Bayswater, L, Rowe-Beddoe, L, Smith of Basildon, B, Stoneham of Droxford, L, Taylor of Holbeach, L, Thomas of Winchester, B, True, L, Warwick of Undercliffe, B;

and that the following members be appointed as alternate members:

Brown of Eaton-under-Heywood, L, Browning, B, Foulkes of Cumnock, L, Meacher, B, Scriven, L;

That the Committee have power to appoint sub-committees and that the Committee have power to appoint the Chairmen of sub-committees;

That the Committee have power to send for persons, papers and records;

That the Committee have leave to report from time to time;

That the reports of the Committee be printed, regardless of any adjournment of the House,

Science and Technology

That a Select Committee be appointed to consider science and technology and that, as proposed by the Committee of Selection, the following members be appointed to the Committee:

Borwick, L, Fox, L, Hunt of Chesterton, L, Kakkar, L, Mair, L, Maxton, L, Morgan of Huyton, B, Neville-Jones, B, Oxburgh, L, Patel, L (Chairman), Renfrew of Kaimsthorpe, L, Vallance of Tummel, L, Young of Old Scone, B;

That the Committee have power to appoint sub-committees and that the Committee have power to appoint the Chairmen of sub-committees;

That the Committee have power to co-opt any member to serve on the Committee or a sub-committee;

That the Committee and its sub-committees have power to send for persons, papers and records;

That the Committee and its sub-committees have power to appoint specialist advisers;

That the Committee and its sub-committees have power to adjourn from place to place;

That the Committee have leave to report from time to time;

That the reports of the Committee be printed, regardless of any adjournment of the House;

That the evidence taken by the Committee or its sub-committees in the last session of Parliament be referred to the Committee or its sub-committees;

That the evidence taken by the Committee or its sub-committees be published, if the Committee so wishes.

Secondary Legislation Scrutiny

That a Select Committee be appointed to scrutinise secondary legislation.

(1) The Committee shall, with the exception of those instruments in paragraphs (3) and (4), scrutinise—

(a) every instrument (whether or not a statutory instrument), or draft of an instrument, which is laid before each House of Parliament and upon which proceedings may be, or might have been, taken in either House of Parliament under an Act of Parliament;

(b) every proposal which is in the form of a draft of such an instrument and is laid before each House of Parliament under an Act of Parliament,

with a view to determining whether or not the special attention of the House should be drawn to it on any of the grounds specified in paragraph (2).

(2) The grounds on which an instrument, draft or proposal may be drawn to the special attention of the House are—

(a) that it is politically or legally important or gives rise to issues of public policy likely to be of interest to the House;

(b) that it may be inappropriate in view of changed circumstances since the enactment of the parent Act;

(c) that it may inappropriately implement European Union legislation;

(d) that it may imperfectly achieve its policy objectives;

(e) that the explanatory material laid in support provides insufficient information to gain a clear understanding about the instrument's policy objective and intended implementation;

(f) that there appear to be inadequacies in the consultation process which relates to the instrument.

(3) The exceptions are—

(a) remedial orders, and draft remedial orders, under section 10 of the Human Rights Act 1998;

(b) draft orders under sections 14 and 18 of the Legislative and Regulatory Reform Act 2006, and subordinate provisions orders made or proposed to be made under the Regulatory Reform Act 2001;

(c) Measures under the Church of England Assembly (Powers) Act 1919 and instruments made, and drafts of instruments to be made, under them.

(4) The Committee shall report on draft orders and documents laid before Parliament under section 11(1) of the Public Bodies Act 2011 in accordance with the procedures set out in sections 11(5) and (6). The Committee may also consider and report on any material changes in a draft order laid under section 11(8) of the Act.

(5) The Committee shall also consider such other general matters relating to the effective scrutiny of secondary legislation and arising from the performance of its functions under paragraphs (1) to (4) as the Committee considers appropriate, except matters within the orders of reference of the Joint Committee on Statutory Instruments.

That, as proposed by the Committee of Selection, the following members be appointed to the Committee:

Faulkner of Worcester, L, Goddard of Stockport, L, Gould of Potternewton, B, Haskell, L, Hodgson of Astley Abbots, L, Janvrin, L, Kirkwood of Kirkhope, L, O'Loan, B, Sherbourne of Didsbury, L, Trefgarne, L (Chairman), Watkins of Tavistock, B;

That the Committee have power to send for persons, papers and records;

That the Committee have power to appoint specialist advisers;

That the Committee have leave to report from time to time;

[LORD McFALL OF ALCLUTH]

That the reports of the Committee be printed, regardless of any adjournment of the House;

That the evidence taken by the Committee in the last session of Parliament be referred to the Committee;

That the evidence taken by the Committee be published, if the Committee so wishes.

Services

That a Select Committee be appointed to support the House of Lords Commission by:

(1) Agreeing day-to-day policy on member-facing services,

(2) Providing advice on strategic policy decisions when sought by the Commission, and

(3) Overseeing the delivery and implementation of both;

That, as proposed by the Committee of Selection, the following members be appointed to the Committee:

Bassam of Brighton, L, Campbell-Savours, L, Hollis of Heigham, B, Hope of Craighead, L, Humphreys, B, Kirkwood of Kirkhope, L, Laming, L (Chairman), Shrewsbury, E, Taylor of Holbeach, L;

That the Committee have power to send for persons, papers and records;

That the Committee have leave to report from time to time;

That the reports of the Committee be printed, regardless of any adjournment of the House.

Standing Orders (Private Bills)

That a Select Committee on the Standing Orders relating to private bills be appointed and that, as proposed by the Committee of Selection, the following members together with the Senior Deputy Speaker be appointed to the Committee:

Fellowes, L, Geddes, L, Goodlad, L, Gould of Potternewton, B, Naseby, L, Rodgers of Quarry Bank, L, Simon, V;

That the Committee have power to send for persons, papers and records;

That the reports of the Committee be printed, regardless of any adjournment of the House;

That the evidence taken by the Committee be published, if the Committee so wishes.

Motions agreed.

Artificial Intelligence

Citizenship and Civic Engagement

Natural Environment and Rural Communities Act 2006

Political Polling and Digital Media

Motions to Approve

3.15 pm

Moved by Baroness Evans of Bowes Park

Artificial Intelligence

That it is desirable that a Select Committee be appointed to consider the economic, ethical and social implications of advances in artificial intelligence, and to make recommendations, and that the Committee do report by 31 March 2018.

Citizenship and Civic Engagement

That it is desirable that a Select Committee be appointed to consider citizenship and civic engagement, and to make recommendations, and that the Committee do report by 31 March 2018.

Natural Environment and Rural Communities Act 2006

That it is desirable that a Select Committee be appointed to consider and report on the Natural Environment and Rural Communities Act 2006, and that the Committee do report by 31 March 2018.

Political Polling and Digital Media

That it is desirable that a Select Committee be appointed to consider the effects of political polling and digital media on politics, and to make recommendations, and that the Committee do report by 31 March 2018.

Motions agreed.

Arrangement of Business

Announcement of Recess Dates

3.16 pm

Lord Taylor of Holbeach (Con): My Lords, I have nothing to move en bloc, but what I have to say may lead to some block bookings.

Noble Lords: Oh!

Lord Taylor of Holbeach: I do not know who writes this stuff.

It may be for the convenience of the House if I take this opportunity to confirm the dates of the Conference Recess. We will rise at the conclusion of business on Thursday 14 September and return on Monday 9 October. These dates will be included in tomorrow's edition of the forthcoming business, together with the already advertised dates for the summer adjournment, which are unchanged from those I advertised in March. All these dates remain, of course, subject to the progress of business.

NHS: Shared Business Services

Statement

3.16 pm

The Parliamentary Under-Secretary of State, Department of Health (Lord O'Shaughnessy) (Con): My Lords, with your permission, I shall now repeat the Answer to an Urgent Question given in another place by my right honourable friend the Secretary of State for Health on NHS Shared Business Services. The Answer is as follows:

“As the House knows, on 24 March 2016 I was informed of a serious incident involving a large backlog of unprocessed NHS patient correspondence by the company contracted to deliver it to GP surgeries, NHS Shared Business Services, or SBS. The backlog arose from the primary care services GP mail redirection service that SBS was contracted to run. None of the documents was lost and all were kept in secure storage, but my immediate concern was that patient safety had been compromised by the delay in forwarding correspondence, so a rapid process was started to identify whether anyone was or had been put at risk. The Department of Health and NHS England immediately established an incident team.

All the documentation has now been sent on to the relevant GP surgery, where it is possible to do so, following an initial clinical assessment of where any patient risk might lie. Some 200,000 pieces were temporary residence forms and a further 535,000 pieces were assessed as low risk. A first triage identified 2,508 items with a higher potential risk of harm, of which the vast majority have now been assessed by a GP. Of those, 84% were confirmed as no harm to patients and 9% as needing a further clinical review. To date, no harm has been confirmed to any patients as a result of this incident.

Today’s National Audit Office report confirms that patient safety was the department’s and NHS England’s primary concern. But, as well as patient safety, transparency both with the public and this House has been my priority. I was advised by my officials not to make the issue public last March until an assessment of the risks to patient safety had been completed and all relevant GP surgeries informed. I accepted that advice for the simple reason that publicising the issue could have meant GP surgeries being inundated with inquiries from worried patients which would have prevented them from doing the most important work: namely, investigating the named patients who were potentially at risk.

A proactive statement about what had happened was again not recommended by my department in July for the same reasons, and because the process was not complete. However, as I explained to the House in February, on balance I decided that it was important for the House to know what had happened before we broke for recess, so I overruled that advice and placed a Written Statement on 21 July.

Since then, the Public Accounts Committee has been kept regularly informed, most recently being updated by my Permanent Secretary in February. The Information Commissioner was updated in August. I committed in July 2016 to keeping the House updated once the investigations were complete and more was known, and will continue to do so”.

3.19 pm

Lord Hunt of Kings Heath (Lab): My Lords, I am grateful to the Minister for repeating that. Clearly, this is a serious matter. More than 700,000 letters with patient information were waylaid, with more than 1,700 cases of potential harm to patients. The correspondence lost included blood test results, cancer screening appointments, medication changes and child protection notes. I will put just three quick points to the Minister.

I noticed that the Secretary of State, in this Statement, referred a lot to advice that he received from civil servants. I find it rather odd that a Secretary of State should announce to Parliament the advice given by civil servants, which usually is not disclosed. Why can he not stand on his own two feet in relation to the decision made to delay an announcement to Parliament by four months? Secondly, I am still not clear from the Statement why such a perfunctory Written Statement was made the day before Summer Recess last year. Why was a full Statement not made?

Thirdly, I understand that Shared Business Services makes £80 million a year from this NHS contract, and that so far the exercise of trying to discover where the letters have gone and to put this right has cost £6 million. Can the Minister confirm that the entire cost will be paid by Shared Business Services? Can he also say what other penalties the company will pay? Finally, the NAO points out that the Secretary of State has a conflict of interest, as he is a major shareholder in this outsourced company. Is this why he was so reluctant to come to Parliament to give information?

Lord O’Shaughnessy: I will answer the noble Lord’s four questions. The first was on taking advice from officials. I think the noble Lord would probably be alarmed if the Secretary of State was not taking advice from officials. That should be welcomed. It is clearly the case that he was thinking on his own, because he took the decision to follow that advice in the first instance in March, but was of the view by July that enough was known and that it was important to update Parliament before recess.

The second question was about the timing of the Statement. The noble Lord will remember that summer 2016 was a reasonably busy period after the EU referendum. The main point here is that the Statement was made before recess and was not held back until the autumn. As regards NHS Shared Business Services and the consequences for it, those consequences have been severe: it no longer has this contract and will, as my right honourable friend confirmed in another place just now, pay its share of the costs.

Finally, as my right honourable friend said, it could appear that there was a potential for conflict of interest, but in his view there was not one, because at all times—as confirmed in the NAO report—patient safety was the driving force behind the actions of the department and NHS England. It will always be the case, whatever arrangements the department has with an ALB—whether a standard agency, a joint company or whatever it is—that patient safety must come first. That was confirmed in the NAO report today.

Baroness Walmsley (LD): My Lords, as I understand it, that Statement on the last day of term before the Summer Recess last year was one of 30—which implies to me that the Government consider the last day of term to be a very good day to hide bad news.

The Minister suggests that the company, or its shareholders, will have to pay its share of the costs of investigating this scandal. Can he assure us that the NHS will not be out of pocket, particularly in the light of the fact that the loss is not just financial? A lot of doctors and various officials, in both the department

[BARONESS WALMSLEY]

and trusts, have had to spend a great deal of their time looking into this—and, of course, time is money. Will this scandal actually cause the Government to be a little more cautious in future when they claim that putting health services out to private companies always gives better value to the taxpayer and the NHS?

Lord O'Shaughnessy: The noble Baroness will know that I was not in post at the end of last summer, so I cannot explain why there were the number of Statements that there were. I know that Governments of perhaps different hues have also tended to put out Written Statements, so I do not think any political party is entirely innocent in this regard. The point is that the information was made available to Parliament.

On the point about cost settlement, there are interested parties here and the costs need to be settled once we have got to the bottom of exactly what has happened and once those inquiries and indeed the investigations into the potential for patient harm have been settled. I underline that as yet no instances of patient harm have been discovered.

Finally, the point about privatisation is quite an important one. The noble Baroness will know that the private sector is involved in the delivery of all parts of the NHS. Breach of contract, which is what this is, and the covering up of mistakes happen in all parts of the health service—public, private, shared and all the rest of it. It is not a case of “private sector bad, public sector good”: we know that from instances like Mid Staffs and so on. The core point is that we need very strong data security standards, and that is why the Government will be responding in due course to the Caldicott review and the review of these issues by the CQC.

Lord Reid of Cardowan (Lab): On one of the points the Minister responded to, perhaps I may politely offer him a piece of advice. Everyone here knows that officials advise and Ministers decide—but it is not convention, protocol or indeed courtesy to announce in Parliament that advice has been given by Ministers' officials and he has decided to overrule it. That is not just a matter of useless etiquette; it is a fundamental aspect of maintaining the trust between Parliament and the Minister and between the Minister and his officials, which will serve him well in future.

Lord O'Shaughnessy: I take the noble Lord's advice very seriously. Indeed, I note that he, as a former Secretary of State for Health, understands what is going on and the dynamics within the department. I would say only that the NAO report has described a set of actions that have taken place and why they have taken place. It has described the decision-making process, which is why the Statement responds to the content of the NAO report as it was set out today.

Lord Tugendhat (Con): Could I press the Minister further on shared costs? Why is the company paying only some of the costs? Is the NHS paying the rest of the costs or is there some other body, public or private, that is going to put up some of the money? It is difficult to understand why the company is not paying the whole of the costs.

Lord O'Shaughnessy: To date, the cost of dealing with this problem is around £6 million. Clearly there is a contractual relationship between NHS SBS and various bits of the NHS. It needs to be established clearly, independently and objectively where the culpability lies for any incurrence of costs, both with the problem in the first instance and in dealing with it. Once that has been established, costs will be fairly and correctly apportioned to whoever caused the problem in the first place.

Lord Clark of Windermere (Lab): Has the Minister seen the reports that managers moved many of the documents out of sight and actually destroyed many of them? If that is the case, it is very serious. If it were a wholly private company, its directors would be suspended pending investigation. If it is the case that documents were deliberately destroyed, will the most serious action be taken against the directors of that company?

Lord O'Shaughnessy: Clearly, if there were such an incidence, the noble Lord is quite right that it would be dealt with very strongly—but it is important to point out that there has not been evidence that that has happened. Documents were destroyed that sat within SBS, but they were not part of the backlog and they conformed, as we understand it, to the protocols around destroying old papers when they have gone past a certain time limit. So there is no evidence that what the noble Lord described has happened in this instance—but, as he points out, if it had happened it would be of the utmost seriousness.

Lord Patel (CB): My Lords, what is the governance mechanism of this joint private venture? Considering that one of the key tasks is to deliver letters and patient reports in a timely manner to GPs' surgeries, what risk assessment was made during the process of the work?

Lord O'Shaughnessy: Yes, this specific case was a joint venture between a private company and the Department of Health, which has a share and director places on the board. The department had a director on the board of this joint venture throughout. Part of the problem was that the issue of this unacceptable practice was not brought to the attention of the board until far too late in the process. That is obvious from the timeline that has been set out. The particular issue about redirection is no longer the case. Mail is now returned to sender if it is not delivered, rather than creating opportunities for the things going wrong that happened through this redirection service.

Queen's Speech Debate (4th Day)

3.30 pm

Moved on Wednesday 21 June by **Lord Forsyth of Drumlean**

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

“Most Gracious Sovereign—We, Your Majesty's most dutiful and loyal subjects, the Lords Spiritual and Temporal in Parliament assembled, beg leave

to thank Your Majesty for the most gracious Speech which Your Majesty has addressed to both Houses of Parliament”.

The Minister of State, Home Office (Baroness Williams of Trafford): My Lords, I am grateful for this opportunity to open this third day of debate on the gracious Speech. The focus of today's debate is home affairs, justice, constitutional affairs, devolved affairs, communities and local government. The debate will enable us to explore some of the key themes of the gracious Speech, including seizing the opportunity to reshape our immigration system as we leave the European Union, tackling injustice, protecting our communities and strengthening the union between England, Scotland, Wales and Northern Ireland.

I and my noble friend Lord Bourne look forward to hearing the many contributions from noble Lords who have put their names down to speak. Given the wealth of experience represented on all sides of the House, I am sure that we will have the benefit of many thought-provoking insights into the challenges and opportunities facing our nation at the start of this new Parliament.

I want to begin by addressing the tragic Grenfell Tower fire. I know that the whole House shares my heartfelt sympathy for those who have lost loved ones and those who have had their lives devastated. We owe it to all those who have suffered to establish exactly what happened and to learn the lessons of this appalling tragedy. To that end, we will establish a full public inquiry. As the Prime Minister said in her Statement in the House of Commons last week, it will be chaired by a judge to get to the truth about what happened and who was responsible, and to provide justice for the victims and their families, who suffered so terribly. The families of victims will be consulted on the terms of reference under which the inquiry proceeds. The Prime Minister has also set out her expectation that the inquiry will produce an interim report as quickly as possible.

We are committed to providing funding for residents and victims' families so that they can be legally represented at the inquiry. We must ensure that victims' voices are properly heard. That is why there will also now be an independent public advocate to help bereaved families after major disasters.

The Grenfell Tower fire is not the only tragedy that we have faced in recent months which has affected the whole nation. Communities in Manchester and London have had to endure unimaginable horrors. What ought to be everyday activities—be it visiting tourist attractions, attending a concert, enjoying a night out, or simply chatting with friends at the end of prayers at the local mosque—have been perverted by both Islamist and far-right extremists alike. In the face of such horrors, time and again we have seen our communities come together, demonstrating unwavering acts of kindness and generosity in support of their neighbours. We will not let such provocations change the true character of Britain as a wonderfully diverse, open and inclusive country.

The Government have long had a role in protecting the public from terrorism. In the previous Parliament, we announced a 30% increase over five years in cross-government spending on counterterrorism and enacted

new legislation to ensure that the police and intelligence agencies have the powers that they need to keep the public safe. But we cannot stop there. As the terrorist threat evolves, we must continue to learn lessons and further improve our response. The gracious Speech therefore included a commitment to review our counterterrorism strategy. The review will not only look at the existing legislative framework, including the sentencing powers of the courts, but seek to apply the lessons we have learnt from our response to the events leading up to, during, and in the aftermath of the recent attacks. This review will inform a strengthened approach to counterterrorism. Should the review find that further legislation is necessary, your Lordships' House can be assured that we will put this before Parliament.

We also have a responsibility to protect the public from the harms which extremists pose to our society. This is why the Government are establishing a powerful new Commission for Countering Extremism. The commission will play a key role in supporting communities and the public sector to identify and confront extremism. It will promote our fundamental values and support integration, and it will advise the Government on the policies needed to tackle the evolving threat from extremism.

Challenging extremism is not a new government objective. The new commission will build on the comprehensive programme of work set out in the counter-extremism strategy. This strategy is all about working with communities, standing up for our fundamental values, supporting integration and striving to defeat extremism. However, there is more that we can and must do. The Commission for Countering Extremism will play a crucial part in supporting future efforts to stamp out extremism in this country. This Government will stand with our communities. Together, we will defeat terrorism and extremism, and ensure that our pluralistic British values are given the opportunity to flourish.

The gracious Speech also set out our plans to bring forward a landmark Bill to tackle domestic abuse. This Government are determined to build a society that does not tolerate domestic abuse, in which victims and their families feel safe and supported in seeking help, and where perpetrators are dealt with effectively. However, legislation can only ever be one part of the solution so the provisions in the Bill will be accompanied by a full programme of non-legislative measures backed by the £20 million of funding announced in the last Budget. Fundamental to the Bill will be the introduction of a statutory definition of domestic abuse. We want to dispel the myth that domestic abuse is solely about violence and to provide absolute clarity and certainty to both the public and professionals that at the root of much domestic abuse is a pattern of control which can take many forms, including financial control, verbal abuse and emotional harm. Without domestic abuse being properly understood and recognised, we will not be able to provide victims with the support that they are entitled to receive.

The Bill will also create a bespoke new domestic abuse prevention and protection order regime. The current protective orders landscape can be confusing. It is not always clear to victims and professionals how

[BARONESS WILLIAMS OF TRAFFORD]

orders can best be used to protect victims of domestic abuse. A new order specific to domestic abuse will provide a single, clear pathway for all concerned, offer better and earlier protection for victims and do more to tackle the root causes of offending behaviour. The Bill also responds to the devastating and lifelong impact that domestic abuse has on children, who can carry the traumatic events into adulthood. We want to make sure that the criminal law and sentencing frameworks clearly and explicitly recognise the harm to children who are exposed to domestic abuse, and that sentences adequately reflect the seriousness of this offending. The Bill will also establish a domestic violence and abuse commissioner, to stand up for victims and survivors, raise public awareness, monitor the response of statutory agencies and local authorities and hold the justice system to account in tackling domestic abuse. We are committed to having a robust and thorough consultation on both the legislative proposals and the non-legislative programme. I am sure that noble Lords—I can see some of them before me—will want to engage with this process.

We need to ensure that the criminal justice system works for all victims of crime—a sentiment which I am sure my noble friend Lady Newlove would endorse. That is why the gracious Speech also included a commitment to introduce legislation to modernise the courts and tribunals system. We want a world-class courts system that provides straightforward and efficient access to justice, including through the better use of technology, and provides targeted support and care for those who need it.

As we leave the European Union, we will need to establish a new framework for regulating immigration of European Union nationals and their family members. By enabling us to set our own domestic rules, we can better balance the requirements of the UK economy with the need to reduce net migration to sustainable levels. We have made some progress in this direction, with the most recent figures showing a 25% fall in net migration in the year to December 2016 compared with the previous year, but we need to do more.

To help us deliver on this objective, the immigration Bill will enable us to end the European Union rules on free movement for EU nationals, ensuring that we have the flexibility to create a fair and controlled immigration system. As has been the case under successive Governments, the details of the new arrangements will be set out in Immigration Rules which will be subject to scrutiny by Parliament. Although I cannot pre-empt EU negotiations, I can assure noble Lords that we will maintain the common travel area, thereby safeguarding the ease of movement across the Irish land border.

In developing our future immigration system, we are clear that we need to meet the needs of businesses and communities, and we will ensure that both have an opportunity to contribute their views. Our objective is to put in place an immigration system which is right for the UK economy and for the country as a whole.

This leads me to the subject of devolved affairs. The gracious Speech was very clear in stressing the importance that the Government place on working constructively with the devolved Administrations. This will be especially

vital in relation to work on our exit from the European Union. We have been clear from the start, and throughout the discussions, that the UK Government will negotiate as one United Kingdom, working closely with the devolved Administrations, to deliver an EU exit that works for the whole of the country. There is considerable common ground between the UK Government and the devolved Administrations on what we want to get out of this process.

With regards to legislation, a number of Bills in this session will require close engagement across the Administrations of the UK. The Government will engage constructively and will seek legislative consent motions where appropriate. The overriding priority for the UK Government in Northern Ireland remains the restoration of a devolved power-sharing Government in Scotland—excuse me, in Stormont.

Noble Lords: Oh!

Baroness Williams of Trafford: Just checking—you know what I mean. The UK Government are working with the main Northern Ireland parties and the Irish Government to restore a fully functioning and inclusive Executive and Assembly.

Finally, the gracious Speech included a commitment to promote fairness and transparency in the housing market. Housing is increasingly unaffordable and it is therefore not surprising that home ownership among younger people has declined in recent years and the number of young people in the private rented sector is on the increase. We have made some good progress, with nearly 190,000 new homes delivered last year, but we need to sustain that momentum to meet the affordability challenge. All credible sources agree that we need between 225,000 and 275,000 new homes per annum to tackle this problem. In order to make all types of housing more affordable, the Government will implement proposals in the housing White Paper to help to ensure that more homes are built.

As well as taking action to make buying a home more affordable, the Government will also take forward measures to help people who are renting. We will bring forward a draft Bill to stop tenants being charged letting fees. This will mean that tenants can see, at a glance, exactly what a given property will cost them, ensuring they are not hit by surprise fees which they may struggle to afford.

The Government are committed to building a safer, fairer and more prosperous society. The measures set out in the gracious Speech will help us deliver just that. Over the two years of this first Session of the new Parliament, I look forward to debating with your Lordships' House the many Home Office measures which I have outlined.

3.44 pm

Lord Kennedy of Southwark (Lab): My Lords, first, I draw the attention of the House to my registered interests: specifically, that I am a councillor in the London Borough of Lewisham and a vice-president of the Local Government Association.

As we debate the Motion on Her Majesty's gracious Speech, our thoughts are with the victims and their families of the terrorist attacks—in Manchester, at

London Bridge and Borough Market and at Finsbury Park mosque—and of the tragedy at Grenfell Tower. Our thoughts are also with the heroes of the emergency services, the security services and the NHS, who have all worked to protect and save lives, as well as on the many selfless acts of courage and kindness from members of the public, faith communities, charities and businesses. They have shown our country at its best, in the most difficult and tragic circumstances.

As the Official Opposition in your Lordships' House, we will work with the Government in a constructive manner at all times and will robustly challenge where we think the Government do not have it right. Our aim is always to make sure that we pass laws that are fit for purpose. We respect conventions, including that the elected House has the authority that we do not.

The first job of government is to protect our citizens from threats that endanger our lives, liberty and well-being. Terrorism, and the fight against it, is never far from our minds, and combating it must be the number one priority for the Government. I support the review to be initiated to ensure that the Government's counter-terrorism strategy provides the police and security services with the powers they need and that punishments and lengths of custodial sentences are correct.

There are, though, two other points to be made here. First, the Independent Reviewer of Terrorism Legislation has an important role to play here, and the recommendations he or she makes must be listened to carefully by the Government. There is no point, and it will serve no purpose, if the Government take further powers for the police and security services to keep us safe but do not resource them properly. Any review undertaken by the Government has to look at the question of resources and the lack of them and whether the powers presently at the disposal of the police and security services are adequately resourced. Providing new powers and new laws but no new money to back them is the worst thing that can be done, as it provides little or no protection and delivers a false sense of security.

Further, if new powers are sought, we as an Opposition will seek to ensure that there is proper parliamentary scrutiny and oversight. This is not the time for Henry VIII powers or regulations to be enacted without at least the affirmative procedures in place and, if necessary, we will propose amendments in your Lordships' House to ensure that is the case.

The proposed new commission for countering extremism will have an important role to play, and it will be vital that communities are involved and are seen as part of the solution. It will not have gone unnoticed that, in the recent atrocities in Manchester and at London Bridge and Borough Market, the security services had been alerted by the Muslim communities to concerns about individuals who were later involved in these terrorist attacks.

Internet providers and companies that operate online must play their part in ensuring that extremist ideology in all its forms has no safe place to corrupt people online. I call on all companies that operate in this area to work closely with the Government to ensure this happens quickly and that they play their role in keeping us safe. There can be no excuse for not co-operating fully with the authorities.

I fully support the proposals from the Government to tackle the evil of domestic abuse. That must be stamped out. I fully support the noble Baroness in the work she does in that regard. We will support the Bill fully when it comes to this House.

I welcome in principle the proposals to introduce an independent public advocate to act for and support bereaved families after a public disaster and at public inquests. The intention here, though, must be to give families the best possible support and ensure that no stone is left unturned and no family is left out, marginalised or prevented from having their voice heard due to issues of costs and available resources. Families who have lost loved ones in previous disasters have proven, time and time again, that the truth will come out, no matter what is said at the time or how powerful the opponents are. The Hillsborough families proved that; the sense of injustice and the lies told, heaped on the tragedy of losing loved ones, drove them to do right by their loved ones. But it should not be like that. Victims and their families should have proper representation, funded by the state, right from the start.

The return of the devolved Administration in Northern Ireland is supported by everyone, on all sides of the House. It is vital that an Executive is formed and that normal working relationships are restored. The progress made in Northern Ireland over the last 25 years has been the result of a willingness on all sides to seek agreement, to co-operate, to build a better future for families and to live in peace, and that prize is too precious to lose. My parents came from the Republic of Ireland to make a life for themselves in London in the 1950s, and they retired there many years ago. I have numerous friends in the Republic and in Northern Ireland. I was in County Mayo the weekend before last and in Belfast a few months ago at a conference. The city is welcoming and friendly, and no one wants to return to the past. There should be no return to the hard border—it is in no one's interest, north or south. The Government must redouble their efforts to get the Executive back on their feet, and we will support them in achieving that. Nothing in the arrangements for propping up the Government can be allowed to get in the way—these matters are far too important.

It is my sincerest hope that, moving forward from the tragic fire at Grenfell Tower, we will never again hear the nonsense that we have heard about red tape and health and safety laws and regulations. The rule that there should be two—or is it three?—regulations out before a new one is agreed should be confined to the dustbin, where it belongs. What we saw in Grenfell Tower was a catastrophic failure of regulation or of its proper application. It was an unimaginable tragedy in one of the richest countries in the world, in the richest borough in the United Kingdom and probably the whole world. The updates from the Government have been welcome. They have highlighted the complete failure of Kensington and Chelsea Council, in contrast to the wonderful help and support from businesses, charities, faith communities and the local public, along with support from the Red Cross and the various government agencies on site and other local authorities. All of them deserve our thanks and praise.

I still find it shocking that the leader of Kensington and Chelsea Council has not resigned. You would

[LORD KENNEDY OF SOUTHWARK]

have thought that, out of a sense of honour and accepting responsibility for the complete failure of the administration to deliver on its responsibilities, he would have resigned immediately, but he is still hanging on to office. Councillor Nicholas Paget-Brown, it really is time to go.

I pay tribute to the emergency services, which came to the aid of their fellow citizens at the time of unimaginable horror: the police, the ambulance service, the doctors and nurses, other NHS staff and the fire service. The firefighters, brave men and women, who were unable to seek the advice of a structural engineer from Kensington and Chelsea Council to confirm whether it was safe to enter the building, took the decision to enter the burning building anyway and save people's lives. They are true heroes, each and every one. They rightly deserve our thanks for the work they have done, for their bravery and their courage. We can never repay the debt we owe them.

When we look back before this tragedy, though, there is one group of heroes that not all of us praise. With one group of firefighters, the previous Mayor of London, Boris Johnson, who is now Foreign Secretary, had such a bad working relationship that he spoke about them in such an unfair manner and would never listen to them. They have had their pensions cut and their terms and conditions changed. They do a unique and very special job. They are the same people—the same heroes we praise today—and they deserve to be treated better. I hope that the Foreign Secretary reflects on some of his previous, ill-judged remarks and how unwise they were then, and that we will have no more of it from him. If we can do nothing else, they deserve to be listened to and treated with respect, as they have been in the past.

Housing is one area where we have to do better. The Prime Minister told us that,

"we simply have not given enough attention to social housing".—
[*Official Report*, Commons, 22/6/17; col. 169.]

I would qualify that statement by saying that the Government have given plenty of the wrong attention to social housing, and that is part of the problem. We should build more council housing, at proper social rents that people can afford. The affordable rent model supported by the Government in most parts of London and some other parts of the country is unaffordable. People in many parts of the country are trapped in a perfect storm. They are unable to raise the deposit to buy a home, there is no social housing at genuinely affordable rents and people are forced into renting in the private sector at a cost that makes it impossible for them to save for a deposit to buy their own home. That is why home ownership is on the decline.

A number of proposals from the Housing and Planning Act have been dumped, and I hope that many more will go in the next few weeks and months. We need a proper plan to improve the type, quality and number of houses built. However, to achieve that, the Government have to give way and let the public sector build at a level probably not seen for 40 years. The banning of unfair tenants' fees is a measure that we will support, as we will other measures that improve housing and seek to meet the demand for quality homes fit for people to live in and thrive.

I grew up in council accommodation that was warm, safe and dry. It was provided at a rent that my parents could afford to pay while bringing up their family. As a child, I did not realise how lucky we were as a family. My three siblings and I are now all home owners, and we are better off than our parents were at this stage in their lives. That is what most people aspire to for themselves and for their children. This Government have completely forgotten about that, and they need to get back to it in addressing the housing crisis.

In conclusion, I look forward to all the contributions today from noble Lords. In this two-year Session of Parliament, we as an Opposition will make our points robustly but fairly. When we think the Government have got it wrong, we will say so, and when we think they have got it right, we will say so, too.

3.56 pm

Lord Paddick (LD): My Lords, my noble friends will speak in detail on all the matters raised in the gracious Speech but I hope to touch briefly on a range of issues, concentrating mainly on home affairs and associated matters. However, first, I associate myself with the remarks of the Minister and the noble Lord, Lord Kennedy of Southwark, expressing concern for those affected by the Grenfell Tower fire and the terrorist outrages in London and Manchester, and thank the emergency services, whose members risk their lives to protect us.

This gracious Speech was as much about what was left out as what was included. A prisons and courts Bill having previously been proposed, prison reform appears to have been dropped. Counterextremism legislation having been proposed in the previous two Queen's Speeches, it is now replaced with a commission. A British Bill of Rights having previously been proposed to replace the Human Rights Act, there is now silence. Even where non-Brexit legislation is proposed, the legislative programme begs more questions than it answers, an example being the domestic violence and abuse Bill. Of course everything must be done to protect victims of domestic violence, domestic abuse and coercive control but, as with the proposed review of counterterrorism, the Government appear to be going for the low-cost or no-cost option by introducing legislation rather than addressing the real need—for more resources.

Central government funding for local authorities has been drastically reduced and, with it, local authorities' ability to provide the local services that are increasingly needed. So it is with domestic violence, with refuges desperately needed by those affected being outsourced to private contractors in order to save money. Privatisation of these services and poorly drafted contracts inevitably result in the minimum level of service being provided, with little or no provision for the emotional, legal and childcare needs of survivors.

That appears to be a recurring theme in the Queen's Speech. Of course, in the light of the recent spate of terrorist attacks, a review of the Government's counterterrorism strategy is necessary. But seemingly before the ink is dry on whatever the Queen's Speech was written, the current Independent Reviewer of Terrorism Legislation, Max Hill QC, appears on the BBC's "Today" programme to say that existing counterterrorism legislation is sufficient—something that the

Home Secretary appears to accept. Again, it is not legislation that is required but resources. If the Home Secretary will not listen to the Commissioner of Police for the Metropolis, who says that her force is struggling for lack of resources, who will she listen to? Perhaps it will be the Chief Inspector of Constabulary, who says that community policing is in danger of disappearing—an essential source of community intelligence that thwarted a recent attempted attack in Westminster, where the alleged perpetrator was apparently caught on his way to commit a terrorist attack.

It is not the police and the security services alone who will defeat terrorism, but communities working with them. The nature of the recent attack shows that it is those closest to the perpetrators—friends, families and neighbours—who are most likely to prevent such attacks by noticing changes in behaviour. But communities will not pass on their suspicions unless they trust the police and the security services through restoring community policing, and by an independent, evidence-based review of the Prevent programme. There is a great deal of suspicion in some communities of Prevent, justified or not, yet the Government will not even publish their own internal, Home Office review of Prevent. The former Independent Reviewer of Terrorism Legislation, David Anderson QC, before he recently stepped down called for such an independent review. Those determined to undermine Prevent are being given all the encouragement they need by not carrying out such a review.

The other aspect of the Government's review is to look at the severity of prison sentences for those convicted of terrorism offences. For the most determined terrorists—the suicide attackers we saw in Westminster, Manchester and London Bridge—no prison sentence will act as a deterrent. Yet again, legislation is being substituted for resources. There is a crisis in our Prison Service, with a Victorian estate, overcrowding and increasing levels of violence and suicide. The Government do not appear to know the difference between tactics—dealing with what is currently the public focus—and strategy: having a long-term plan to deal with underlying issues. One of those issues is the current crisis in the Prison Service. Brexit is the dominant issue, and unless the Government rethink their approach, as the Chancellor of the Exchequer has alluded to, we will be both poorer and less safe as a result.

The Government appear to have abandoned plans to scrap the Human Rights Act, and will accept the jurisdiction of the court which adjudicates it—the European Court of Human Rights. They have also signalled their intention to adopt the EU general data protection regulations, incorporating them into UK law. That is essential if the flow of data between the UK and the EU is to be maintained for security, law enforcement, medical research and commercial purposes. However, they should also accept that the UK needs to remain within the jurisdiction of the European Court of Justice, which adjudicates on these common standards. A free trade deal, a European arrest warrant and a host of other issues essential to our prosperity and security depend on the ECJ.

Yesterday's announcement about the status of EU nationals resident in the UK did little to quell their anxiety. They are being offered second-class UK

settled status rather than permanent leave to remain, and all that subject to a deal with the other 27 member states. In the past, having the stated aim of making the UK a "hostile environment" for illegal immigrants, the Government succeeded in making the UK a hostile environment for all immigrants, including foreign students and overseas workers in the National Health Service and social care, who no longer feel welcome. I dread to think what the proposed new immigration policy will contain.

Finally, we have the commission for countering extremism. One of the first things that the commission should do is to distinguish between a religion such as Islam and Islamism, which is a political ideology that believes in the violent overthrow of democracy and liberal values, replacing them with a totalitarian state. As the press spokesman for the Metropolitan Police Service following the 7 July bombings in 2005, I said in answer to a question from a journalist that as far as I was concerned the terms "Islamic" and "terrorism" were a contradiction in terms. I said it then and I repeat it now.

In its 2015 counterextremism strategy, the Government described extremism as,

"the vocal or active opposition to our fundamental values", including "our belief in equality", which,

"followed a history in which we have seen injustice, misery and damage caused by discrimination on the basis of religion, race, gender, disability or sexual orientation".

Do the Government stand by that definition of extremism as including those who vocally and actively oppose equality for LGBT people? I am asking for a friend—of Dorothy.

4.05 pm

Lord Hope of Craighead (CB): My Lords, I address my own remarks to two points in the gracious Speech that fall within the scope of today's debate. First, like so many others, I welcome the Government's undertaking to initiate a full public inquiry into the horrifying fire at Grenfell Tower to ascertain the causes and ensure that the appropriate lessons are learned. I also welcome the fact that this is to be a judge-led inquiry. Indeed, no one should be under any illusions about the problems that whoever leads this inquiry will face. Urgency suggests that it may have to begin its task before any criminal prosecutions take place. If so, great care will need to be taken to ensure that the inquiry does not adversely affect the criminal process by prejudicing the right to a fair trial. In some cases, such as that of the Victoria Climbié inquiry, which was chaired with such distinction by the noble Lord, Lord Laming, the criminal proceedings were concluded before the inquiry. Whether that will be so in this case is perhaps yet to be decided, but I suspect that the decision will be that the inquiry should go ahead without delay.

The noble Lord, Lord Hayward, drew attention to one of the problems to which this gives rise last Thursday in the question that he put to the Lord Privy Seal when she repeated the Prime Minister's Statement on Grenfell Tower. He asked:

"Can we please ensure that when people give evidence, they do so in full and do not hide behind the fact that, if they answer certain questions, they might incriminate themselves?"—[*Official Report*, 22/6/17; col. 83.]

[LORD HOPE OF CRAIGHEAD]

The noble Baroness's answer was that it was to be a judge-led inquiry, as the Minister said yesterday in answer to a similar question. It would be for the person appointed to determine how it works.

The Lord Privy Seal was absolutely right about that. I can go further, however. There is no doubt that the judge will ensure that the inquiry was conducted according to the well-established rules of our common law, which protect a suspect's right to silence. Everyone is entitled to that protection. There are no exceptions, even in situations such as this, which have provoked so much public anger. How much of an impediment to the inquiry there will be if it is held before any criminal proceedings are concluded we have yet to see. I suspect not very much if the inquiry indeed concentrates on the causes and lessons to be learned, as the gracious Speech put it, which are so important. The terms of reference will need to be very carefully drafted in close consultation with the judge to ensure that the focus of the inquiry is neither too narrow nor too wide. It is of course reassuring to those with my background that the Government are putting their trust in the judiciary to achieve the clarity and certainty that is needed in a highly charged situation such as this.

Secondly, I welcome the Government's undertaking to make further progress on tackling discrimination, but one particular aspect deserves attention. I suggest that legislation to address the hardship and injustice to cohabiting couples caused by a gap in the present law in England and Wales is long overdue. I refer to the problems that arise if there is a dispute about property division when their cohabitation ceases. Legislation to address these problems was passed by the Scottish Parliament in 2006. It was the subject of an appeal to the United Kingdom Supreme Court in *Gow v Grant* in 2012. The noble and learned Baroness, Lady Hale, drew attention in her judgment to the Scottish position in that case and to the need for similar legislation in England and Wales. She pointed out that the Law Commission published a report with recommendations on this as long ago as 2007, but despite the hardship and injustice caused by the lack of legislation and the prevalence of cohabitation, to which the Law Commission again drew attention in 2011, still nothing has been done; the gap remains. I hope that the Minister and his officials will feel able to look at that judgment and find a place for this legislation, which is badly needed, as early as possible in the life of this Parliament.

4.10 pm

The Lord Bishop of Southwark: My Lords, I too wish to contribute to your Lordships' debate on the humble Address. Last Thursday, the most reverend Primate the Archbishop of Canterbury observed in this House that the gracious Speech spoke of taking British values around the world, but for that to happen we need to know what we mean by British values. That applies equally to the measures under discussion today. Traditionally, these values have expressed themselves in a respect for the rule of law, local and national institutions, our liberties and freedoms, and parliamentary democracy. They were born of a society in which people participate, not a consumer society. From them

spring mutual obligations, not merely contractual ones. Mutuality issues from civic virtue of the sort we have seen on our streets in response to calamity and terror in recent months in London and Manchester.

PC Keith Palmer faced lethal force in defence of this place and gave his life for others. I had the privilege of taking part in his funeral at Southwark Cathedral and the streets of south London were lined with serving police officers and members of the public.

Kirsty Boden, a nurse who also moved into danger on the terrible night of 3 June to help those who were injured, in consequence suffered with her life, dying by the doors of our cathedral offices. Police were on the scene, the very first of them unarmed, their instinctive response to tackle the threat regardless of the possibility of lethal harm to themselves. The whole operation was completed in eight minutes.

The firefighters at Grenfell Tower on 14 June went beyond the call of duty to tackle a blaze in which many people perished and which consumed the whole building, together with the homes and possessions of nearly everyone living there. They, too, displayed virtue of an extraordinary kind. So did the people of the parish church of St Clement and St James Notting Dale, who opened up their church and their hearts to care for those made homeless by the conflagration, as did other local churches, with the local community bringing emergency provisions in abundance.

At the Finsbury Park mosque, imam Mohammed Mahmoud led others to intervene to prevent harm to a man subsequently charged with grievous offences in the wake of the attack near the Muslim Welfare House on Seven Sisters Road in the early hours of 19 June.

The question has been raised of whether all our political structures are as capable and resilient as these first responders, members of the public and faith communities in meeting the needs of people in extreme distress. In Kensington and Chelsea, any deficit appears to lie in the values held through to the resources deployed to fulfil them.

"For where your treasure is, there will your heart be also", as we are reminded in St Matthew's Gospel.

The initiative of Her Majesty's Government, as confirmed by the Minister, to create a commission for countering extremism is welcome and the Church of England is willing to be involved in its work. I note in the briefing that accompanies the gracious Speech that it will,

"support the public sector and civil society in promoting and defending pluralistic values across all our communities".

One needs to be clearer in defining "pluralistic values". If we mean a framework that encourages those with differing beliefs and views to live in harmony and mutual respect, that is something bishops will support. If it means that everything is relative and there are no core common values, or that absolute values are discouraged, then I think we have gone too far.

I understand the desire for a review of counterterrorism in the light of recent attacks, but the emphasis may be in the wrong place. The Home Secretary has already acknowledged that we have some of the toughest counterterrorism legislation in the world. That outrages have occurred is not principally a sign that such powers

are inadequate, but that very ruthless people wish us harm. The answer to this is diligence, the resources to deliver such vigilance and a society resilient enough to face down the threat of hatred that manifests itself in such appalling violence. It needs to be said that hatred leading to violence is a wicked distortion of the image of God, in which every human being is made. Indeed, it is a wicked distortion of any and all religious identity and belief. Contrast that with the many acts of kindness, loving care to neighbour and friendship in past weeks in each local context. A number of churches in my diocese have been invited to the breaking of the fast during Ramadan. Southwark Cathedral hosted one such event following the London Bridge attack.

In conclusion, those services that responded so magnificently to the outrages and calamities of recent weeks need the resources to meet future crises of the moment and the capacity to meet other ongoing demands. Compared to 2010, there have been significant reductions in the funding of fire and emergency planning services. The number of police officers has fallen by more than 20,000 in England and Wales. The Prison Service is now aiming to recruit an additional 2,500 prison officers, but this has to be seen in the context of a previous reduction of more than 6,000 key and experienced staff, which in my diocese, in our five large prisons, has adversely impacted on morale and prison regimes. These services, upon which our well-being and our very lives depend, often operate to the limits of their capacity. We must take responsibility to ensure that they are not pushed beyond the limits of capacity.

Baroness Vere of Norbiton (Con): My Lords, I take this opportunity to remind noble Lords that the advisory Back-Bench speaking time is five minutes today, so when the clock reaches four, noble Lords should think about winding up.

4.18 pm

Lord Faulks (Con): My Lords, one of the topics for today's debate on the humble Address is constitutional affairs. This is, indeed, a testing time for our constitution. Most of the next two years seem likely to be occupied with Brexit-related legislation. It will be heavily and appropriately scrutinised by Parliament, particularly by your Lordships' House. It seems distinctly likely that various issues arising out of our departure from the European Union will find themselves once more before the courts. When and if they do, I hope that we will never see a repetition of the outrageous press response to the decision of the Divisional Court in the Gina Miller case, nor of the failure by the Government explicitly and immediately to condemn such an attack.

The independence of the judiciary is a critical feature of the rule of law. That does not mean that any Government have to agree with the decisions that judges reach—judges are not infallible; there is an appeal system—and the reasoning behind judgments can be criticised with perfect legitimacy. It is even permissible on occasions to question whether judges have entered political areas which they should not enter. What is not acceptable, however, is a failure to defend the independent judiciary on the grounds that this might be tantamount to an attack on the freedom of the press.

The new Lord Chancellor has made a confident start. He has a considerable task to restore the relationship between the Government and the judiciary. If he reads the Lord Chief Justice's evidence to the Constitution Committee of your Lordships' House, he will realise just how much work needs to be done. We should ensure that our judges, highly regarded around the world, are properly respected, paid and supported. I welcome the review of their pay and conditions recently announced. The crisis in judicial morale described by the Lord Chief Justice is extremely worrying. There is, I know, a real issue with recruitment. We certainly want a diverse judiciary, but we want one where there is no dilution in merit.

The civil liability Bill is, as I understand it, designed to reform the law in relation to whiplash claims. Although claimants' lawyers are always sceptical about the figures, I have seen no serious challenge to the fact that the volume of road traffic-related personal injury claims has remained static over the past three years and is more than 50% higher than 10 years ago, despite the fact that there has been a decrease in the number of road traffic accidents from around 190,000 in 2006 to around 142,000 in 2015. I welcome all steps to clamp down on what has undoubtedly been a racket in whiplash claims, but of course we should be careful to ensure that genuine claims result in compensation. There should be a reduction in insurance premiums as a result. Insurance companies should be kept to their promise in this regard.

However, any reductions in premiums that whiplash reforms bring about will be substantially eroded by the increase in the size of premiums necessary because of the alteration of the discount rate announced by the then Lord Chancellor earlier this year. This alteration is, to put it kindly, surprising. Not only will this change affect insurance premiums but it will cause an enormous increase in the size of claims of medical negligence against the NHS and others. I declare an interest as a barrister practising not exclusively but certainly in this area. I am familiar with the astonishing rise in the size of these claims. One has to question whether the changes are desirable. I hope the Government will consider bringing forward changes so that if, as a claimant, you seek a lump sum rather than periodical payments, the choice you make should indicate that while you are not necessarily an adventurous investor, you can be treated as a middle-of-the-road investor for the purpose of the discount rate.

Access to justice is vital. I am sorry that the prisons section of the courts Bill is to go. I hope that much of what the Government want to achieve can be done with non-legislative measures. The courts Bill, as I understand it, will make the courts cheaper and more accessible. The online court is an exciting development. If it increases access to justice while not disadvantaging the digitally challenged, that is to be welcome. I understand why some are sceptical about it; justice must be not only done but seen to be done.

The Government are committed to reviewing the LASPO Act. Part 1 of that will certainly benefit from such a review. I hope they take into account any recommendations made by the noble Lord, Lord Bach, in his review of similar matters. Access to justice must be maintained.

[LORD FAULKES]

Finally, I return to the rule of law. It is said that the future of this Government is uncertain. The party opposite has said that it will bring the Government down. Some of the comments attributed to its leaders about the use of extra-parliamentary means to do so, if they are true, show very little regard for the rule of law. I note in particular the allegation of murder made by the Shadow Chancellor about Grenfell Tower. Let us wait until the public inquiry has reported. The next two years are likely to provide stress tests on our constitution. I hope that in your Lordships' House that constitution will maintain its vigour.

4.24 pm

Lord Reid of Cardowan (Lab): My Lords, we live in strange times. When the Scottish Parliament is told that now is not the time for another referendum on separation not by the British Prime Minister but by the Scottish First Minister, as happened today; when Mr Gerry Adams takes to quoting Edward Carson, that stalwart of unionism, to bolster his case, as happened this morning; and when the strong and stable Government announce that their strength and stability depend on what is just about the smallest party in Parliament, we know that times are strange. In that context, we must be doubly circumspect, especially on the subject that I will speak about, which is one of the greatest political achievements of the past century—the Northern Ireland peace process.

I will say something about what is called the deal. First, I have no objection in principle to the distribution of extra funds to Northern Ireland. I have always believed that that is justified. The Province is a unique case—it still carries the economic legacy of decades of violent turmoil; it still depends hugely on public expenditure for its economy and employment; and it is the only part of the United Kingdom that has a land border with part of Europe, in southern Ireland. Just south of that border is a highly competitive taxation regime and currency. That makes Northern Ireland unique, and I am afraid that I have no sympathy with other Administrations who complain and say, “Me, too—anything they get, we should get”, because those areas did not have 30 years of war, turmoil, death and desolation, as Northern Ireland had.

I have always believed that Northern Ireland is a unique case, but other aspects of the deal might have worried me and could have carried the greatest dangers. If, for instance, the DUP had insisted on imposing its particular moral values on social policy on the mainland, or if it had succumbed to the temptation of pressuring the United Kingdom Parliament to intervene injudiciously in the events in Northern Ireland, I would have been worried. Thankfully, both those things have been avoided—at least for the moment, and let us hope that that continues.

A wider issue touches on the role of the UK Government in the peace process as a joint and even-handed guarantor. I do not wholly share the pessimism of former Prime Minister Major about the inevitability of the situation leading to a crisis. After almost 20 years of peace, the benefits for the whole population in Northern Ireland are obvious to them above all, so I do not go the way that John Major does. However, the

Government would be extremely unwise and utterly complacent to ignore the consequences of the recent accommodation of the DUP, particularly for perception. The perception of conflict of interest for the Government, with their role as joint guarantor of the Belfast agreement while they are at the same time in an accommodation with one of the parties to that agreement and one of the contestants in the negotiations, will be particularly difficult, especially given the number of extremely contentious issues that remain to be dealt with.

As the House will know, the power-sharing talks enter a crucial stage in Belfast today. I hope that they will come to a speedy conclusion, but my experience in Northern Ireland tells me that that is not entirely inevitable and that, even if they do, there will be forthcoming talks. If I were asked to offer advice to the Secretary of State for Northern Ireland, which I confess that I have not been, I would tell him to look at the history of recognising the real perception of conflict of interest, such as now arises, and to consider using neutral chairmen for any forthcoming negotiations in the Province. I say that not to question the integrity of the Ministers or the Government; there is a legitimate precedent for this. Your Lordships may remember that US Senator George Mitchell chaired the peace talks; Chris Patten, now the noble Lord, Lord Patten of Barnes, chaired the RUC reform process; I appointed Richard Haass, the American diplomat; and the Canadian General John de Chastelain oversaw decommissioning, ably assisted by the Finnish statesman Martti Ahtisaari.

All those outsiders and many more like them assisted hugely in progressing the peace process, and I believe that similar figures could and should be asked to do so now. I propose that not because I question the Government's integrity but because, in this House, we know that what matters is not the substance but the perception of a conflict of interest, which must be countered. It would be a tragedy if an arrangement that was meant to bring stability to the UK brought instead only instability to Northern Ireland and to one of our finest achievements in many years.

Finally, I have one quick word about Scotland. I have been a lifelong supporter of and advocate for devolution, but I say to the Government, in the knowledge that the Prime Minister has finally discovered this, that devolution was never meant to be, nor is it now, the gateway to separation. It was the opposite of complete separation and complete centralism. That is what the people of Scotland have supported over the years and their discontent is now becoming obvious at those who try to use devolution as a Trojan horse with continual, incremental and consistent application of constitutional change to drag it away from what it was meant to be—devolution—and towards separation. I hope the Government will recognise that and support the people of Scotland in what they really need, which is better services in health, education and the economy. The people of Scotland will be grateful.

4.30 pm

Baroness Pinnock (LD): My Lords, I draw attention to my local government interests, as recorded in the register. Public services provided through local government are the bedrock on which people build their daily lives. Where a council such as Kensington and Chelsea has

fallen far short in providing critical services, as demonstrated in recent events, then the elected leader of that council should be accountable and, as I said in this House a week ago, that leader should resign.

Public services provided locally such as schools, decent affordable homes, safe roads, a clean environment, places to exercise, public health and care for the most vulnerable in our communities, old and young, are the vital services that local government provides. These same services have endured the largest cuts of all, and the impact is serious. One million vulnerable older people are not getting the care they need. Children in need are not getting the support they deserve. There are more roads with potholes. Community places for leisure, such as libraries, parks and play areas, are being closed; the list goes on.

A recently appointed government spokesman has already commented that the days of austerity must end. He said that the voters have spoken, and I agree. However, it seems that austerity is set to continue, unless the Government need to buy your support. So the lucky people of Northern Ireland, who already have the most invested in their public services, will have even better services. Meanwhile, residents in all other parts of the UK will continue to feel the impact of more cuts to the services provided through local government for at least the next three years. For many, the worst is yet to come.

The gracious Speech had just two lines to address these huge challenges:

“My Ministers will work to improve social care and will bring forward proposals for consultation”.

This is despite the fact that the Government already agreed, in the last Parliament, with the independent Dilnot proposals for funding social care—and despite the fact that social care funding is already in crisis, as expressed by care providers, the commissioners of care and carers. Local authorities are not able to ensure that all vulnerable adults will get the support that they need now; a further long delay in improving the funding can only make matters worse. All estimates of the funding gap, be it from the Local Government Association or the Institute of Fiscal Studies, calculate that unless there is dramatic change, the gap will be £2.6 billion in two years' time. How local government could do with accessing the same DUP money tree.

On all other local public services, the gracious Speech is silent. Children's social services will continue to be cut. One local authority I know well has had to cut these services by 25% over the next three years simply to make the books balance. Services for the most vulnerable children in our communities will get worse.

The Conservative Party manifesto referred to the need to improve residential roads and fill potholes. That cannot be done with continued cuts to funding. In that same manifesto, there is talk of strong support for access to the arts and culture outside London, yet local facilities such as libraries—400 of which have been already been closed—local museums—two of the four in my area are closing now—and funding for music have been absolutely slashed.

Schools funding is being unfairly cut, jeopardising children's futures. All this amounts to a complete failure by the Government to take proper regard for

the provision of these essential local services. We need more money. Alternatively, we could all move to Northern Ireland.

4.35 pm

Baroness Howe of Idlicote (CB): My Lords, in my contribution to the debate on the gracious Speech I want to address two pressing online safety concerns which I very much hope the Government will address during this Parliament: adult content filters and the need to bring online enforcement standards into line with offline enforcement standards.

The Government's current approach to adult content filters, which cover a broad range of adult-only content including pornography, violence and gambling, is addressed through the voluntary filtering agreement of the big four ISPs which was negotiated in 2013. However, as I have said on a number of occasions, I do not believe that this voluntary agreement goes far enough. It does not apply to all ISPs, and there is no transparency about filtering standards, with different companies embracing different regimes. According to the latest figures from Ofcom, 99% of households with children have access to the internet, but the number of parents using filters is pretty small, about one-third, and lack of knowledge of filters remains high—42% of parents of five to 15 year-olds and 35% of parents of three to four years.

One way of dealing with this variable take-up would be to require all ISPs to provide default-on internet services to all households. In this scenario, internet service providers would automatically place family-friendly filters and controls on their services unless an internet user over the age of 18 chooses to opt in to receiving internet services with adult content. Sky has already taken the initiative to adopt the default-on approach to its services and has seen a significant increase in the number of households using its filtering options to 62% of existing customers. This is significantly more than any of the other big four. Evidence of the effectiveness of default-on was presented to the House of Lords Communications Committee in the previous Parliament. Ofcom said:

“ISPs that have had the most success with take up—if success is measured by take up—are those that have adopted a default-on process ... Default-on does drive take up. It is as simple as that”.

The committee's report, *Growing up with the Internet*, recommended,

“all ISPs and mobile network operators should be required not only to offer child-friendly content control filters, but also for those filters to be ‘on’ by default for all customers. Adult customers should be able to switch off such filters”.

Confronted by this evidence, the committee made the right recommendation:

In this context, we cannot pretend that we are seriously committed to child safety online yet turn a blind eye to those ISPs which continue to present the filter options in a format that we know will result in significantly fewer children being protected than would be the case if they embraced default on. The committee's recommendation embraces three key elements. First, it addresses all ISPs, not just the big four that subscribe to the voluntary agreement. Secondly, it says that all ISPs should be required to offer family-friendly filters. At present, no ISPs are required to do so: it is entirely

[BARONESS HOWE OF IDLICOTE]

voluntary. Thirdly, it says that all ISPs should be required to provide adult content filters, in the default-on format—something that only Sky does.

I look forward to the Government's response to the committee's report and sincerely hope that these measures will be incorporated in the Green Paper on internet safety and future legislation. This will be particularly important given the Government's aspiration for the digital charter—that the UK should become, "the safest place in the world to be online".

My second concern is the outstanding issue of the definition of "extreme pornography", versus the original definition of "prohibited material" used in Part 3 of the Digital Economy Act 2017. Your Lordships' House debated these definitions on Report on 20 March, and I do not intend to rehearse those arguments again today. At Third Reading, I expressed my sadness at how the Bill had left this House, especially that we had removed the power from the regulator to take enforcement action against, among other content, animated child sex abuse images that fall under the Coroners and Justice Act 2009—images that were reported to be present on Facebook just days after Third Reading.

The Minister, the noble Lord, Lord Ashton, said in response to my concerns about the definitions that, "there is still work to do".—[*Official Report*, 5/4/17; col. 1094.]

The Minister in the other place subsequently said, in respect of the definitions,

"we regard that as unfinished business".—[*Official Report*, Commons, 26/4/17; col. 1146.]

Mrs Claire Perry, the honourable Member for Devizes, said that the Minister,

"has assured us from the Dispatch Box and in meetings of his firm commitment to making sure that these definitional questions are resolved in such a way as to enable all parties to support them".—[*Official Report*, Commons, 26/4/17; col. 1146.]

I am very keen to hear from the Minister how the Government intend to quickly resolve this unfinished business in such a way as to enable all parties to support the definitions before Part 3 comes into effect.

Section 29 of the Digital Economy Act requires a review of the definitions in Part 3, including "extreme pornography", between 12 and 18 months after Part 3 comes into effect. If there is cross-party recognition that the definitions need more work—and indeed, the noble Baroness, Lady Jones, said on Report that the definition of extreme pornography "is not ideal"—we should be doing our utmost to resolve the unfinished business to ensure that Part 3 comes into effect with, as the noble Baroness, Lady Jones said, definitions,

"based on something deliverable online and offline with equal strength".—[*Official Report*, 20/3/17; col. 37.]

I shall be introducing a Bill to the House highlighting this challenge on 10 July.

4.43 pm

Lord Empey (UUP): My Lords, noble Lords will not be unaware of the ongoing criticism in the press and media of the existence and the conduct of your Lordships' House. We find ourselves in the position of being continuously subject to ridicule and indeed contempt in cases. It is interesting that two of the first four Private Members' Bills before us this Session deal with

matters pertaining to this House. The noble Lord, Lord Grocott, is no doubt about to launch himself into another series of activities, and there is another Bill further down the list. I believe this proves the need for further action. With the noble Lord, Lord Burns, reporting this summer on ways to reduce numbers, the time has come for the Prime Minister to appoint a Minister for Lords reform and settle things for the foreseeable future. We need out of this ongoing limbo. I believe consensus is within our grasp as we struggle to deal with the size and imbalance of the House—which, I remind noble Lords, was created not by this House but by successive occupants of No. 10 Downing Street. Perhaps the Minister will respond to this in his wind-up.

I have often mentioned my unhappiness with the current policy with regard to the devolved Administrations. I call it a policy of "devolve and forget". The wretched Sewel convention is at its heart. I note that the Constitution Committee of this House has also expressed some concerns. I am all for devolution, but there still needs to be parliamentary oversight. The lack of such oversight is why Northern Ireland got into trouble in the 1960s and 1970s. We have not learned from that, and we are repeating the same mistake today by ignoring what is happening in the regions. Growth in the devolution of powers to cities and regions in England cannot be left without some form of oversight; otherwise, we go back to the time of the city state. It has to be said that changes to our constitution in recent years, especially following the Scottish referendum in 2014 and the introduction of English votes for English laws in the other place, have left us with many pieces of unfinished constitutional business. I have to say that the handling of those issues was perhaps not the coalition's finest hour.

With regard to the announcement today in the Scottish Parliament, I had the pleasure of watching the First Minister of Scotland deliver her Statement, and I was very glad to hear it. I hope it is the first positive sign of some realism because, as the noble Lord, Lord Reid of Cardowan, said, the Parliament was being used as a battering ram not to strengthen the union but to bring it to a conclusion. I think he was quite right on that, and the announcement from Scotland today is very welcome.

With regard to Northern Ireland and the deal that was struck yesterday, it would be impossible not to have concerns. In recent years, purely from a delivery point of view, the Stormont Executive have been a flop, with scandal after scandal and inefficiency, while the RHI controversy, if it is as reported, is downright incompetence. Judge Coghlin's inquiry into the botched scheme has not yet held its first hearing, but he has already amassed the equivalent of 1,000 lever-arch files full of documents. His report's first public hearings will be in October. I do not know how long it will take, but you can count.

While no devolved Administration will look a gift horse in the mouth, one cannot be other than concerned at the reaction in the press and from some other nations at the news of extra money for Stormont. I could make a case all day for extra resources, but the fact that it is linked to votes in the other place makes it look bad. I can well understand that the people in Scotland, Wales and the regions of England are unhappy.

The Barnett formula is a delicate flower and has been good for Northern Ireland. If that formula is unravelled, it could cost us dear in the long run.

What concerns me most, however, is that unionism in Northern Ireland has been linked to cash. Look at the cartoons in the papers today. I have never been a believer in begging-bowl unionism, yet some in the media have spun it this way. The cut and thrust of politics reveals it as a numbers game, and people are inevitably going to exploit an advantage if it arises. That applies to all parties, and do not let any of them deny it. However, unionists must never create the impression that their unionism is cash based. That is not what being part of the union should be about. Unionists must also be aware of the needs of others in the UK and that their ongoing support is the only way in which the nation can stay together in these troubling days as we approach Brexit. The sad reality is that, if the numbers surrounding the losses expected to flow from the RHI scheme are to be believed, nearly half of yesterday's cash will be swallowed up in making good those losses. What an irony it would be if those figures are correct.

Given the mess that Stormont got into last December, which in my view could easily have been avoided by a little grace and leadership, Sinn Féin now has to make up its mind whether to stick with the institutions or play the Dublin card. Mr Adams should never have been given this opportunity in the first place, but I hope good sense will prevail and the parties will agree to re-establish the institutions. If not, I hope the Government will be prepared to keep an open mind on ways in which devolution can be preserved, as a little thinking outside the box is preferable to collapse and direct rule. Remember, in the advancing pace of the Brexit negotiations, Northern Ireland's voice is not being heard. This state of affairs cannot continue.

4.49 pm

Viscount Goschen (Con): My Lords, while the gracious Speech addresses the great issues which face our country today, such as departure from the European Union, it also includes important justice legislation. I certainly welcome the inclusion of the draft domestic violence and abuse Bill, which provides a stronger and better-defined framework to protect victims and, in particular, children. I observe only that it is very welcome that this issue, which for so long was swept under the carpet, is now given a high political profile and parliamentary time. I pay tribute to those inside and outside this House and another place who have campaigned tirelessly on this issue over the years.

I will also refer to a different issue, which relates to provisions in the civil liability Bill, which my noble friend Lord Faulks mentioned. I welcome the fact that the gracious Speech refers to the introduction of legislation which will help to reduce motor insurance premiums. The enhanced oversight of claims management companies is a very welcome development. The growth of the sector has brought a wholly predictable and detrimental culture of the encouragement of specious claims. Motor insurance fraud and the facilitation thereof has reached epidemic proportions and, in some circumstances, the creation of a whole new sector of crime. The continual push by claims management companies to encourage

the public to make claims—for example, through television advertising and direct, unsolicited approaches by phone, text and email—is so very clearly wrong. I trust that the move to transfer oversight of claims management companies to the Financial Conduct Authority and the provisions of the civil liability Bill to tackle fraudulent whiplash claims will have considerable effect in strengthening the regulation of those companies, and will ensure that senior executives will be held personally liable for the actions of their businesses—something which has not occurred in the past.

I would like to raise another related but specific issue of crime, and that is the other major driver of very high motor insurance premiums, which is vehicle theft. We are facing an extraordinary rise in vehicle theft concerning motorcycles. We are advised by the Metropolitan Police that some 50,000 crimes a year in London relate to this issue. Indeed, there have been 13,000 thefts in the past 12 months, which is a rise of 40% over the previous period. It is worth bearing that statistic in mind: a 40% rise in a very specific area of crime. It seems that gangs are behind this. In London, there are thought to be 500 criminals, or thereabouts, who are pursuing this extraordinary level of crime. The results are raised insurance premiums, but there have also been many attacks on motorcyclists. I travel occasionally on two wheels and am fortunate not to have been a victim. There has been an extraordinary set of circumstances whereby gangs are, in broad daylight, stealing motorcycles which are then used to pursue other crimes—bag snatching and, in particular, the snatching of mobile telephones—in London.

At the centre of this appears to be a feeling of immunity by these criminals: that they cannot be pursued actively at pace by the police. The police have of course to think of the safety of other road users and, it appears, the safety of those individuals themselves, but we must find a way in which the police, whose efforts in this regard are to be commended—in particular, on Operation Venice, which has been set up specifically to address these issues—can outwit these criminals before another murder takes place. We understand that there was a terrible tragedy when someone who was attempting to prevent the theft of their machine was knifed to death by a gang. This is a rapidly growing crime and we need to find a solution. I would welcome all efforts that the Government can make, in co-operation with police forces in the large cities around the country, to tackle this crime.

4.56 pm

Lord McConnell of Glenscorrodale (Lab): My Lords, there has been much discussion in your Lordships' House and elsewhere about the implications of Brexit for everything from aviation, to our universities, to employment rates, and a whole range of aspects of public policy and legislation, but there has been little discussion and little profile so far of the impacts of Brexit on children and children's rights. I want to address that issue this afternoon.

There are more than 500,000 children of EU nationals living in the United Kingdom and many more UK nationals' children who will have a parent or relative living elsewhere in the European Union either temporarily or permanently, and, of course, there are other children

[LORD MCCONNELL OF GLENSCORRODALE]

who are EU nationals living elsewhere in the EU who have some family connection to British citizens. All these children are currently protected by legislation and policies at the European Union level on everything from the safety of toys to internet safety, child trafficking, family reunification rights, and many other aspects of the law.

In all these areas there is a very real danger that if the great repeal Bill is not enacted properly, with due attention to the position of children, both UK and other EU nationals, the children who are most vulnerable will fall through the safety net. It is critical when looking at the great repeal Bill and other aspects of implementation of this Brexit process that the Government are very clear in a number of areas. First, they should enact at all times the principle of acting in the best interests of the child whenever any aspect of the law affecting children is being considered, whether that is to transfer an existing EU law into British law or whether to ensure that the appropriate procedures are in place to protect children when their family relationships, for example, cross what will now be a border between the United Kingdom and the rest of the European Union.

Secondly, it is critical that child safety is protected by having appropriate arrangements with Europol, Eurojust and the other European agencies to make sure that arrangements that are currently in place to protect children who are vulnerable across the European Union continue after Brexit. Thirdly, it is critical that we are aware of the impact on child poverty initiatives that might come from reductions in European funding in certain communities across the United Kingdom. Fourthly—I hope this suggestion might ring true with the Secretary of State for Education, who had a good record on engaging with young people when she was Secretary of State for International Development—it would be very good in all this process, particularly given the way in which young people appear at least to approach the issue of Brexit, to give them a say in this process and to have them involved in the implementation of any new arrangements.

It is also important that we involve properly in this process the devolved Governments in Scotland, Wales and, I hope soon again, Northern Ireland. Each of those Governments and the Parliaments that they work with have specific legislative responsibilities for children and children's rights within the framework of UK law and within the framework of UK government. In each of those Administrations there will be specific concerns about the great repeal Bill and the impact of Brexit on children and child protection. In this area, as I am sure is the case in many other areas, it will be vital to have open and transparent engagement with the devolved Governments to make sure that they can protect the children who come under their responsibility just as much as the UK Government can protect those children in England who come under their responsibility.

More generally, that has to ring true for the devolved Governments. I welcome the fact that the second independence referendum is off the agenda, at least for the foreseeable future. I also make a plea to the UK Government: while the stand-off between them and the Scottish Government may be relevant in a pre-election

period and in the context of a debate about a second independence referendum, it should be set aside for the conduct of negotiations over Brexit and for the proper arrangements be put in place to engage with the devolved Governments. It is their responsibility, as well as the UK Government's, to step up to the plate here. Those arrangements should operate in the same transparent way as the negotiations clearly will at the European Union level. If that is the case, the whole history of claim and counterclaim about who said what to whom and who is trying to disadvantage whom, which has been the relationship between the Scottish and UK Governments over the last 10 years, could be set aside. We could then see what each is proposing, the hard work that is going on, the conclusions that are reached and who is actually acting in the interests of the people of Scotland and of the rest of the United Kingdom.

In relation to children's rights, to powers and to funding, an open, transparent engagement with the devolved Governments and Parliaments would benefit us all.

5 pm

Lord Dholakia (LD): My Lords, the Government have certainly sacrificed some key reforming measures that should have been included in the gracious Speech. One such issue, referred to by my noble friend Lord Paddick, is the problems in our prison system. The need for greater efforts to promote prisoners' rehabilitation is clear from even the most cursory look at reoffending rates. Some 44% of adult prisoners, 59% of short-term prisoners and 69% of juvenile prisoners are reconvicted within a year of their release—an unending cycle that continues to repeat itself on a regular basis.

All too often the problems and pressures that lead offenders into crime are still there when they leave prison. That is why we should ask a fundamental question: do prisons really rehabilitate inmates? All too often their pro-criminal attitudes are unchanged. Imprisonment causes many prisoners to lose their accommodation, their jobs and, sometimes, their families. On release they are, therefore, more likely to be jobless, homeless and without family support, all of which increase the risk of reoffending. Research and experience tell us a great deal about successful approaches that can reduce these dismal reconviction rates.

For example, we know that focused offending behaviour programmes can reduce reoffending. These programmes can change attitudes to reoffending and improve empathy with victims. They can help offenders to restrain impulsive and aggressive behaviour, to resist peer pressure and to recognise and manage the trigger situations that lead them to offend. Practical resettlement support for prisoners also reduces reconviction rates. Which other factors help support a reduction in offending? Getting released prisoners into jobs cuts reoffending; providing educational opportunities reduces reoffending; providing stable accommodation on release cuts reoffending; maintaining family ties cuts reoffending; and effective drug rehabilitation dramatically cuts reoffending.

All too often, prisoners receive little in the way of purposeful activity or rehabilitation, and the position has deteriorated in the past five years. Will the Minister look at the Ofsted inspection of prison education

provision and *Unlocking Potential*, the report produced by Dame Sally Coates? However, we need to go much further than that and ensure that every prisoner who needs a programme to tackle his offending behaviour or an intensive drug or alcohol treatment programme can get on to one.

The Minister was right to draw attention to domestic violence, but at present the waiting lists are often far too long. For example, it can take two years for a prisoner assessed as needing a programme to tackle domestic violence to get on to one. That cannot be good enough if the strategy is to stop that sort of reoffending on release.

So many prisoners reach the end of their sentence without work being done that could reduce their risk, and victims of crime suffer as a result. Underlying all this is the fact that we use prison too much and too often. We now have 148 prisoners in England and Wales for every 100,000 people in our general population, compared with 101 in France and 76 in Germany. We are not twice as criminal as Germany, so why do we need to use prison twice as often? As a result of our high use of imprisonment, much of the prison system is overcrowded, overstretched and cannot provide effective rehabilitation for all its prisoners.

The report of the Chief Inspector of Prisons into Brixton prison published this month illustrates these problems graphically. At the time of the inspection in January, two-thirds of prisoners said that they had felt unsafe in the prison. Levels of violence had increased and self-harm incidents had quadrupled since the last inspection of that prison. Prison should be removed as an option for many lower-level offences and sentencing guidelines should scale down the length of sentences except for the most serious offences and the most dangerous offenders.

I urge the Government to think again about their regrettable decision to drop the prison-related elements of their previous Prisons and Courts Bill from the programme for this Session. Those provisions amounted to just 22 clauses. If they were reintroduced in a short prisons Bill, I believe there would be strong all-party backing to ensure its safe passage through this Parliament, and the prospects for reducing the high number of crimes committed by released prisoners would be much better.

In conclusion, £1 billion can buy 10 votes for the length of this Parliament. The same amount could improve our prison system and make it fit for generations to come for a very long time.

5.06 pm

Lord Ramsbotham (CB): My Lords, like Peter Clarke, the Chief Inspector of Prisons, I was extremely disturbed to note that, despite all the evidence that the long-term and unresolved crisis in our prisons was deepening, there was no mention of any attempt to resolve it in the gracious Speech, as many noble Lords have already pointed out. The need to update the Prison Act 1952 was one reason David Cameron made the Prisons and Courts Bill, which had not completed its passage through the other place at Dissolution and from which prisons now appear to have been dropped, a major part of his 2015 manifesto.

The best evidence that our prisons are in crisis is that two-thirds of them are officially overcrowded, the accuracy of the previous chief inspector's description of them as places of "violence, idleness and squalor" being acknowledged by Michael Gove when Secretary of State for Justice. Such a deep crisis can be resolved only by carefully thought-through, long-term plans, backed up by consistently sufficient resources. The last Secretary of State, Liz Truss, claimed that her White Paper *Prison Safety and Reform*, published last November, was a "blueprint" for a once-in-a-generation reform of our prisons, a claim I wish she had not made because it does not stand up to scrutiny.

The last major crisis in our prisons in 1990, the year of the riots in Strangeways and 23 others, was followed, in 1991, by the only previous White Paper on prisons, *Custody, Care and Justice*, whose centrepiece was 12 priorities which the then Home Secretary, now the noble Lord, Lord Baker of Dorking, described as the way ahead for the Prison Service. Unlike *Prison Safety and Reform*, which appears to have been written in a hurry by one person, its predecessor was painstakingly drawn up under the old Whitehall presumption that White Papers were statements of government policy which had to be implemented. Inexplicably, not one of the 10 following Secretaries of State responsible for prisons—two twice as Home and Justice Secretaries—has implemented it. Judging by his open letter published on 21 June, their number seems likely to be joined by David Lidington, who claimed:

"We know where the problems lie in our prisons, and we know what is needed to fix them".

If that is so, why on earth have they not been fixed before now?

If only Liz Truss had ignored all the unco-ordinated initiatives of her predecessors and gone back to and updated the 1991 priorities, which were: to improve necessary security measures; to improve co-operation with other services and institutions, by working closely with the probation service and by membership of a national forum and area committees; to increase delegation of responsibility and accountability at all levels, with clear leadership and a published annual statement of objectives; to improve the quality of jobs for staff; to recognise the status and particular requirements of unconvicted prisoners; to provide active and relevant programmes for all prisoners, including unconvicted prisoners; to provide a code of standards for conditions and activities in prisons, which will be used to set improvement targets in the annual contracts made between prison governors and their area managers; to improve relationships with prisoners, including a statement of facilities for each prisoner, sentence plans, consultations, reasons for decisions, and access to an individual appeal body for grievances and disciplinary decisions; to provide access to sanitation at all times for all prisoners; to end overcrowding; to divide the larger wings in prisons into smaller, more manageable units wherever possible; and to develop community prisons, which will involve the gradual realignment of the prison estate into geographically coherent groups, serving most prisoners within that area.

Had these been implemented, we would not be facing today's crisis. What is so worrying for the future is that, since 1991, there cannot be a single aspect of

[LORD RAMSBOTHAM]

imprisonment that has not been studied, many times over, by experts, resulting in thousands of recommendations in hundreds of carefully researched reports, the only thing that all have in common being that they have been studiously ignored by the Prison Service and the Ministry of Justice. Having seen the fate of the 1991 *The Way Ahead* priorities and countless other sensible recommendations, I am sceptical about whether any of those currently in authority, who have resisted outside advice and orchestrated failure for so long, are the right people to implement reform.

If I have one cause for optimism that improvement is possible, it is the quality of so many of the people who work in our prisons. But their continued commitment cannot be taken for granted, and, if there is one thing that the lost years since 1991 have proved, it is that the prison system needs consistent direction and leadership. The stakes are too high for this crisis to remain unresolved any longer, and I beg the Prime Minister to think again.

5.12 pm

Lord Browne of Belmont (DUP): My Lords, I very much welcome the Government's commitments to work with all the parties in Northern Ireland to support the return of devolved government and to strengthen the bonds between England, Northern Ireland, Scotland and Wales, which are clearly set out in Her Majesty's gracious Speech.

Since the former Deputy First Minister of Northern Ireland resigned from the power-sharing Executive on 10 January 2017, Northern Ireland has been without a functioning Government. This has caused considerable disruption to the day-to-day functioning of the local administration and has placed some additional burden on the legislative process in this House. Noble Lords may remember the fast-tracked legislation that was required to enable the setting and collection of regional rates in Northern Ireland. Clearly, this administrative and legislative vacuum cannot be permitted to continue much longer.

The Democratic Unionist Party has consistently played a positive role in the ongoing negotiations to achieve an agreement on the restoration of devolved government. We wish to work together with all elected Assembly Members to arrive at a consensus solution—and, unlike other parties, we have set no preconditions. I am convinced that the main concerns of the Northern Ireland electorate are very similar to those of the people of England, Scotland and Wales: namely, the delivery of high-quality health, education and other public services. Petty sectarian wrangling during the current negotiations must not be allowed to frustrate the achievement of these objectives, which requires the re-establishment of stable government in Northern Ireland.

I believe that the Government's commitment to strengthening the bonds between the constituent nations of the United Kingdom is at least as important as their promise to support the return of devolved government. The decision to leave the European Union has led some to question the present constitutional relationships within the United Kingdom, and in particular it has been suggested that Northern Ireland

should be granted "special status" within the EU. Clearly, it is essential that any agreement on resolving the problems surrounding the Irish border, which may form part of the first stage of the Brexit negotiations, is fully discussed with all the relevant parties. In particular, the elected representatives of the people of Northern Ireland must be consulted during this process. In my view, any solution that requires the erection of tariff barriers between Northern Ireland and the rest of the United Kingdom would be unacceptable. The economic and cultural unity of the United Kingdom must be preserved.

Both the negotiations among the Northern Ireland parties on devolution and the first stage of the European Union talks involve issues of vital importance for the people of Northern Ireland. We must hope that all the parties involved adopt a constructive approach that will result in an agreement beneficial to all concerned.

In conclusion, I welcome the agreement reached yesterday between the Government and the Democratic Unionist Party to provide additional funding for infrastructure and public services in Northern Ireland. I hope that this agreement will provide an additional incentive for the participants to work towards a speedy and successful conclusion to the devolved negotiations currently taking place. Indeed, I feel fairly optimistic that this will happen. I know that the Democratic Unionist Party looks forward to working with the Government to benefit all in the United Kingdom—and I omitted to declare my interest as a fully paid-up member of the Democratic Unionist Party.

5.17 pm

The Lord Bishop of Bristol: My Lords, I welcome the opportunity to contribute to this important debate on the gracious Speech. I thank the noble Lords who have spoken thus far in what has been an interesting debate today.

I would like to draw attention to two or three things. The first is the fairly well hidden-away commitment in the gracious Speech to reform mental health legislation in order that mental health services might be prioritised in the NHS. Like much in the speech, the detail is particularly lacking at this point but I hope that noble Lords will join me in saying that that is an important and welcome development.

I think we all realise that mental health has been the Cinderella of the National Health Service, and this has been brought into sharp focus by the terrible statistics that we are learning about on young people's mental health and, in particular, how mental health services applied to young people are peculiarly stretched at this time. Obviously I am speaking from memory but I seem to recall that my teenage years were the best of my life and were not dogged by depression, anxiety and many of the things that trouble our young people today. I want to hear more from the Government about this and I hope that the Minister will comment on that aspect of the gracious Speech.

Secondly, I want to mention the domestic abuse Bill. I hardly need remind your Lordships' House of the shocking statistics that accompany this phenomenon in our culture: two women per week are killed by a former or existing partner, and over 2 million cases of domestic abuse are reported every year, most involving

men attacking women but not exclusively so. Then there is the very shocking news that 750,000 of our children live in households where they have to witness this kind of abuse. I am told that of those children on the at-risk register, 75% come from homes where domestic abuse exists.

We should be encouraging of these developments in the gracious Speech, not least the direction of the Bill that may come before us. First, it will seek to establish a domestic violence and abuse commissioner. That can be only a good thing, but we will wait and see quite what power and authority such a person will have. Secondly, there is an attempt to do something that has not been done before: to define domestic abuse in the law. While there are some risks with that, it might create cohesion, which will help in drafting a whole raft of aspects of the Bill. It might also help some victims who are not sure whether the behaviour aimed at them is unlawful.

There is a need across the country to create more consistency in the way that police services deal with aspects of domestic abuse. Consolidating domestic abuse offences into one Act may be helpful in that.

It has been mentioned, and I will do so again, that sentencing policy needs to further reflect the damage done to children who live in homes where domestic abuse exists. I look forward to seeing the detail of the Bill.

Finally, the noble Lords, Lord Paddick and Lord Dholakia, noted that the dropping of the prisons aspect of what was the prisons and courts Bill was a rather worrying development in the gracious Speech. Are we to assume, just for starters, that there will be carryover from the former Bill to the projected courts Bill? In particular on domestic violence, I hope the provision to protect victims of domestic abuse from cross-examination by their ex-partner might be retained. It is a sad thing that the prison and courts Bill has been dropped.

I am not quite as negative as the noble Lord, Lord Ramsbotham, was about the open letter written by the new Justice Secretary because I felt it nailed some important things. The big question is—I think this is what the noble Lord was chasing after—whether an open letter will make any difference. It is a good thing that his predecessor secured £100 million of funding to secure more prison officers, but then there is the problem of the profile and experience among prison officers, given that a lot of experienced officers have moved on. Just to replace them with newly trained people seems to leave something of a deficit. We want to see a crackdown on drugs, drones sorted out and mobile phones curtailed.

I close by reminding noble Lords what the Justice Secretary said in his letter—that,

“prisons don’t work in isolation. They work within their local communities and with other services—with Probation, Jobcentres, housing, health and drug services, local businesses and charities to provide innovative schemes and initiatives to prepare prisoners for a life after release ... Only by building on this work to reform offenders and support ex-offenders will we stop the vicious and costly cycle of reoffending”.

He says that, “This is my priority”. I hope that it is. I hope, no doubt with noble Lords, that what is expressed

in his letter may at some point come before us in the form of a Bill that we can get behind to sort out the disgraceful situation in many of our prisons.

These are difficult times. As the noble Lord, Lord Kennedy, reminded us at the beginning of the debate, Her Majesty’s Opposition and all of us want to apply careful scrutiny to what comes before us and, where we can, work together to eradicate the anxiety in our culture, the inequality that dogs our inner culture, and so forth. These are huge challenges and we can only face them together.

5.25 pm

Lord Trimble (Con): My Lords, the Prime Minister has been very generous to the Democratic Unionist Party to the point where she is open to criticism. I suggest that the DUP shows its appreciation and reduces the Prime Minister’s exposure by doing everything it possibly can to restore the Assembly. It should sort out all the issues that Adams is using as an excuse. If he still prevaricates, which I suspect he will, we should get behind plan B, which is a corporate assembly, which could be up and running quite soon and avoid direct rule.

As a result of the success of the pro-union parties in Scotland, a second independence referendum is off the table for now, so we can reflect on the experience, which was messy in the absence of a legislative framework. The solution would be to extend the provisions of the 1998 Belfast agreement, which regulate the holding of a border poll to Scotland. Schedule 1 to the 1998 Act has two important provisions. The first provides that the Secretary of State shall hold a poll,

“if it appears likely to him that a majority of those voting would express a wish that Northern Ireland should cease to be part of the United Kingdom”.

The key words are “Secretary of State”, “likely” and “majority”. The power to hold a referendum rests with the Secretary of State, who can act only if an independence majority is likely. You cannot have a poll just because you want one, because you hope it might produce a change or that it possibly might produce a change. There has to be something more concrete. Obtaining a majority in an election could not trigger a poll because votes in an election rest on a variety of matters and words in a manifesto do not bind the voter. We should remember that part of the reason for having referenda was to take constitutional issues out of day-to-day bread-and-butter politics.

The second point of interest in the 1998 Act is that there cannot be a poll earlier than seven years after a previous poll, which ensures that there will be at least three elections between one referendum and another, which is a reasonable safeguard. That brings us back to Northern Ireland, where the electorate are regularly told that if a certain unionist party does not have more votes than a certain nationalist party the constitution is in peril. That is rubbish. Only a border poll can produce constitutional change. A general election or an Assembly election are irrelevant on that point. In two of our recent elections Sinn Féin have made significant gains. I came across a comment by a nationalist blogger who was anxious to show that these gains had had an effect on the likelihood of a border poll. He said that in a recent Northern Ireland life and times

[LORD TRIMBLE]

survey there was an indication of increased support for a united Ireland. In looking more closely, he cited an increase only from 31% to 34% and that was the percentage of Catholics supporting a united Ireland, which left out a lot of others. That shows the scare-mongering was far from the truth.

Finally, there is the point also mentioned by my noble friend Lord Empey—the issue of devolve and forget. The three regional Secretaries of State are really now redundant. Their job was to represent their region to the centre. That is now done by the Assemblies and their Ministers. We need a higher profile, centrally based Secretary of State for constitutional issues and the regions. His function should be to be the guardian of the national interest and to promote co-operation among the devolved bodies and between them and the centre. There will then be no forgetting and there will be an avenue for matters to be considered by this Parliament through having that Secretary of State accountable to it.

5.30 pm

Lord Dubs (Lab): My Lords, it is always a pleasure to follow the noble Lord, Lord Trimble, but I hope that on this occasion he and the House will forgive me if I do not rise to the bait and talk about the issues he has just covered. I want to talk about child refugees, who have not yet been mentioned in our discussions today.

I recall that just before we went away for the election we spent some time discussing child refugees, and I hope that the House will forgive me if I refer to some of those issues. We have two schemes: Section 67 of the Immigration Act and what are called the Dublin III regulations. Under Section 67 for unaccompanied child refugees with no family here, I understand that so far we have taken 200. The Government made a commitment to take another 150 and then, just before the election, said that there had been an error and that there were places for a further 130, making 480 in total. I have tabled a Question on Thursday to confirm the figures—so if the Minister is looking a little askance, she has a chance today or on Thursday to get them right.

Dublin III gives child refugees the right to join their family. I understand that we have taken some 800, almost all from France—although there are other children who qualify and who are in Greece, Italy and elsewhere. In addition, we have the voluntary vulnerable persons refugee scheme from the region, and so far we have taken more than 5,700 to be resettled in this country—just a handful of whom have been children at risk.

I will raise one specific point. As regards the vulnerable persons scheme, I understand that we do not take children who are mentally ill—or at least that UNHCR finds vulnerable children in the camps and has tended not to identify mentally ill children as appropriate for coming to the UK, which has caused some concern. This may not be true and I am not even sure whether UNHCR is the body that is making these decisions; I am simply repeating what I have been told. Nor am I aware of whether this country has any direct input into the criteria applied by UNHCR. So I will move on.

When the Government accepted Section 67 of the Immigration Act, I was assured that they would accept the letter and the spirit of the amendment. They then brought the scheme to a halt, principally on the grounds that there were not enough local authority foster places available. I am afraid that putting that proposition to the test indicated that quite a lot of local authorities were willing to find more foster places for children. Indeed, the Scottish Government also said that they had more places—so I do not think that the Government's reasoning was other than flawed.

I understand that very few unaccompanied child refugees have gone to Northern Ireland. Given that Northern Ireland now has a financial bonus from the Government—I have tried to use a more tactful word—it seems to me that this is exactly the time when Northern Ireland can do what the rest of the United Kingdom has done and take some child refugees, because it now has the money to do it. I know that there is a willingness on the part of the people of Northern Ireland to do it, so they should get on with it.

A judicial review is taking place in the High Court and I have spent a couple of days listening to it. A decision will be made before too long to test the proposition as to whether local authorities have been properly consulted and whether they are willing to put forward foster places.

All the people involved, including faith groups, community groups and so on, are very keen on this issue and have urged me and others to keep up the pressure on the Government. The situation has been exacerbated by the fact that, since the closure of the Jungle in Calais and the dispersal of children across France, some of them have made their way back to the Channel coast and are living in pretty awful conditions, as are children in Greece and Italy. An agreed approach by the French and British authorities as regards the children in northern France would be helpful. I am not sure that all the children know what their rights are, so, together with the French authorities, we should make clear those rights and explain how they can stay in France or come to this country.

I turn now to difficulties in the Balkans, because quite a few children have fled there from Greece, where they are now trapped. We should look at the possibility that at least some unaccompanied child refugees in the Balkans could find their way to this country. I will refer briefly to family reunion claims. The success rate is low, partly because, say, a Syrian boy in Greece may not be able to identify properly the name and address of an uncle living in Birmingham. That needs to be sorted out.

Briefly, the Government should reopen Section 67 and reconsult local authorities. We should look at children in the Balkans. We should consider scrapping the 20 March cut-off date for eligible children because there are some very vulnerable ones who have been caught by it. We should be more proactive in investigating claims to family reunion. We should support more fully the embassies in France, Greece and Italy, and now in the Balkans, with staff to do this, and we should expand the scheme from the region.

Above all, we should share the responsibility for refugees with other countries. We are doing more than

some but less than others, as I am sure the Minister will say when he comes to wind up the debate. We can do better than we are doing.

5.35 pm

Lord Steel of Aikwood (LD): My Lords, I am sure that I speak for everybody when I thank the noble Lord, Lord Dubs, for his sheer persistence on the issue of child refugees, which we all admire—but I am afraid that I, too, will move on to another topic.

As many of your Lordships will recall, I am probably the only person living who has arranged a confidence and supply arrangement in the House of Commons—which is why I look on the present one with considerable misgiving. In 1977 I led just 14 MPs; the DUP has 10. The first thing that we should note is that such an arrangement is far from being a coalition: the tail should not expect to wag the dog.

We have a Prime Minister who is, to coin a phrase, “just about managing”—but at a huge price. I am not referring just to the pork barrel aspect of the deal with the DUP. The photographs in front of No. 10 are more reminiscent of the rose garden coalition of 2010. You will not find a single photograph of the then Prime Minister with the leader of the Liberal Party in 1977—except at the Cenotaph when we had Margaret Thatcher safely separating us.

A confidence and supply agreement is just that. The DUP said immediately after the election that it would support the Government in the national interest. That should have been the end of the story, and the Conservative journalist Simon Heffer has written that Mrs May's colleagues are,

“alarmed by the meal she has made of doing what was supposed to be a straightforward deal with the DUP”.

In 1977 I talked with the Prime Minister on a Monday evening and the Lib-Lab pact, as it became known, was agreed by the Cabinet on the Wednesday morning. Today, as then, we were faced with the stark choice of inflicting on the country a third general election in three years or supporting the Government in the national interest in the midst of what was then a financial crisis and now is a Brexit crisis. It worked: the pound immediately rose substantially and over the next 16 months we greatly reduced the destructive rate of inflation. Sadly, James Callaghan decided not to go to the country in the autumn of 1978 after the end of our agreement and soldiered on into the “winter of discontent”.

Today's long drawn-out and unnecessary negotiations are what the former Conservative Party chairman, the noble Lord, Lord Patten of Barnes, has rightly called “toxic”. That is not just because of the extra money which Scotland and Wales will regard with justified anger, remembering that per head of population Northern Ireland already receives 21% more public expenditure than the rest of the UK—rightly so—and not even because of the DUP's prehistoric views on gay rights, abortion and climate change. However, in common with the noble Lords, Lord Kennedy and Lord Reid, I am concerned about the peace process in Northern Ireland, which is so precious to all of us in the UK. Sir John Major has warned of the dangers to it. I have great respect for the Northern Ireland Secretary,

James Brokenshire, but he has been put in an impossible position as a supposedly honest broker. If the restoration of devolved government to the Province mentioned by the Minister in her opening speech is not achieved by the deadline this week, he may have to step aside to allow perhaps yet another Senator Mitchell to act as an impartial referee instead. Furthermore, the Government of the Irish Republic must now be wondering what the chances are of maintaining a barrier-free border post Brexit.

The present cobbled-together, extorted and extortionate arrangement reflects badly on the Prime Minister. She will get her programme through the Commons in the short run, but at a terribly damaging price. Strong and stable it is not.

5.40 pm

Lord Dunlop (Con): My Lords, the gracious Speech recognises the importance of strengthening the bonds of our union of four nations. Whatever message the recent elections delivered nationally, the message from Scotland could not have been clearer: overwhelmingly, Scots want the threat of a second independence referendum removed. In the general election, 62% in Scotland voted for parties that support the union, and in a recent poll after the election, 60% of people in Scotland want a second independence referendum taken off the table. Nicola Sturgeon promised to listen and reflect—a novel experience, no doubt—and she needs to. School attainment levels in Scotland are falling, NHS targets are routinely missed, the reorganisation of Police Scotland is a mess and, for a second year running, Scottish farmers are not receiving their payments on time. It begs the question posed recently by the Scottish Government's former chief economic adviser: are Scots getting value for the extra £1,400 per head of public spending Scotland gets compared to the UK average?

The reality is that today the biggest and most urgent issue facing Scotland is not constitutional but the current fragility of its economy. In the final quarter of last year, economic output in Scotland fell and the performance of the Scottish economy is diverging worryingly from that of the UK as a whole. Throughout 2016 the Scottish economy flatlined when the UK economy as whole grew by nearly 2%. This matters hugely. Fiscal devolution delivered by the Scotland Act 2016 means that public services in Scotland depend on the Scottish economy's performance as never before, with 50% of its budget funded by revenues raised in Scotland by the end of the decade. If the SNP election slogan, “Stronger for Scotland”, means anything at all, Nicola Sturgeon should have made clear this week that she is removing completely the threat of another independence referendum. Because the very threat itself is adding uncertainty and blighting investment and job creation in Scotland. That is the almost universal view of Scotland's business community, so despite what has been said this afternoon, I find it regrettable that the First Minister's statement in the Scottish Parliament this afternoon merely fudges the timetable and does not remove completely the threat of another independence referendum in this Scottish parliamentary term. Removing this threat would create better conditions to reset relations between the UK and Scottish

[LORD DUNLOP]

Governments at this critical time. It is right that intergovernmental relations should be conducted with respect, but respect is a two-way street.

My experience as a Minister was that Scottish Government Ministers sometimes approached bilateral and multilateral meetings as if they were show trials with UK Ministers in the dock. I hope that, going forward, there will be a fresh, more constructive approach, with less grandstanding by the Scottish Government, because there is important work that the two Governments need to do together to secure Scotland's interests, as the gracious Speech makes clear: to get the best deal as we exit the EU; but also ensuring that Scottish legislation is fully operable on departure day as we import EU law into our own domestic law, and that the powers repatriated from Europe are devolved effectively and in a way which strengthens our UK home market. I hope, therefore, that despite some current sabre rattling, the Scottish Government will, in time, be supportive of the great repeal Bill. A second independence referendum seems more remote today than it did a few weeks ago. We would, however, be wise to remember that the separatist risk has not gone away. We need to work tirelessly to remove the threat completely by continuing to build trust and confidence in Britain and in British institutions within Scotland, so that in 2021 we can reclaim the Scottish Parliament as the unionist institution it was always intended to be.

In conclusion, I should like to say a very short word about Northern Ireland. It was my great privilege to serve for two years in the Northern Ireland Office. I had the pleasure to see what a wonderful place Northern Ireland is and the great progress it has made in the last decade. People in Northern Ireland want and deserve the re-establishment of fully functioning devolved institutions, ensuring that Northern Ireland's voice is heard loud and clear as the EU negotiations proceed. Like the noble Lord, Lord Reid, and others, I hope that the current talks bear fruit before Thursday's deadline and that we see a continuation of the longest unbroken period of devolved government for 45 years.

5.45 pm

Baroness Warwick of Undercliffe (Lab): My Lords, I want to speak today about housing and support for the most vulnerable in our society. I declare an interest as chair of the National Housing Federation, the trade body which represents England's housing associations. We were all deeply moved by the tragic news from Grenfell Tower. The level of devastation affecting this community is unimaginable. In the midst of this tragedy, the light in the darkness has been the overwhelming response of the local community and emergency services. The people of Kensington and beyond worked tirelessly to support those affected, offering shelter, supplies and kindness. Our incredible emergency services bravely walked into a scene of incomprehensible horror and danger to save the people of Grenfell Tower. It is truly humbling to see the response to this tragedy and how this community has come together.

The first priority of housing associations is the safety and security of their residents. Since the fire, associations across the country have been completing safety checks, have kept residents up to date on whether

their home will need to undergo further testing and have made sure they are aware of all fire safety procedures. Indeed, in the days immediately after the fire, social housing providers offered more than 100 properties from a number of London boroughs to help house those who have been displaced. The National Housing Federation is working alongside the Local Government Association and other sector bodies to deliver the Government's audit of high-rise blocks. Housing associations are treating this with the utmost urgency, sending samples of cladding to be tested as quickly as possible to ensure that any risks to tenants' safety are identified and acted on immediately. Housing associations will continue to treat the Government's audit with the highest priority to ensure that their tenants are safe and that such a tragedy can never happen again.

Turning to the gracious Speech, I welcome the Government's reiterated commitment to build more homes to address the housing crisis. A report by the charity Shelter, released on Monday, predicted that more than a million households living in private rented accommodation are at risk of becoming homeless by 2020 as a result of rising rents, benefit freezes and lack of social housing. This must not happen: action is needed now. Housing associations will play a critical role in delivering this. In England alone, they provide 2.5 million homes for more than 5 million people. They build a third of all new homes every year and aim to increase this to 127,000 homes annually by 2033. The Government say they want to create fairness and transparency in the housing market. With recent events on our minds and in our hearts, it is important that we build the future of the housing market with compassion and understanding. We must be firm in making sure that all are protected. A truly fair housing market needs to recognise and respect the diversity of the people it serves and protect the most vulnerable in our society.

That leads me to supported housing. Supported housing provides a secure, safe home for people with support needs, housing older people or those with long-term disabilities. The housing association sector is the largest provider of supported and sheltered housing in the country, helping more than 500,000 people across England to live independently and with dignity. England already has a shortfall of nearly 17,000 supported housing places for working-age people. On current trends, this will rise to more than 35,000 places by 2021; the resulting pressure on other services will cost the taxpayer £668 million.

Developing new schemes needs long-term funding. Making a decision that puts the funding of supported housing on a stable footing for the long term cannot wait any longer. Two cross-party committees of MPs, as well as the federation, have supported a proposal for a different level of allowance for supported housing which reflects the actual costs and which should be paid through the benefits system. It is wrong and inappropriate to base the funding of homes for vulnerable and older people on the lowest rent levels in the private rented sector, as the Government propose, albeit with a local top-up. Supply will simply dry up.

So I ask the Minister to urge his colleagues in government to reflect on the current funding model and amend it to reassure those who rely on this

housing for independent living and to give the sector the certainty needed to continue delivering and developing new homes. Will the Minister arrange a meeting between the Secretary of State and housing associations so that they can work together to get this system right? This partnership working is the only sustainable way we can tackle the problems affecting housing in this country and deliver safe, affordable and aspirational homes. As we learn from the tragedy at Grenfell Tower, I urge this House to make sure that the housing of our most vulnerable remains our key concern.

5.50 pm

Baroness Burt of Solihull (LD): My Lords, I will use the few minutes at my disposal to address the equalities aspects of the gracious Speech, which come against the background of what many of us consider a potentially disastrous arrangement with a party that denies the right of a woman to have autonomy over her own body and denies the rights of the LGBT community. I hope the Government are not prepared to consider giving anything else to the DUP that would threaten our hard-won freedoms on this side of the Irish Sea. Perhaps we can in a small way do something for the people of Ireland. In the Commons, there is an amendment asking the Health Secretary to exercise his right to grant Irish citizens the ability to be considered for free abortions on the NHS in England. I ask the Minister, if such an amendment is tabled in the Lords, to give it favourable consideration.

So to the gracious Speech. First, I welcome what is not in the Speech. I am happy not to have to be considering ending the pensions triple lock, cutting winter fuel payments, the dementia tax, more grammar schools, restricting free school lunches, and of course the Trump state visit. Now to what is there. On what is termed enhancing,

“rights and protections in the modern workplace”,

we would welcome anything that helps individuals to achieve a better work/life balance and fulfil caring responsibilities. We would particularly welcome better protections for those in the workplace with mental health issues.

On the Armed Forces Bill, the proposals to make the Armed Forces a more attractive prospect for women, and the recognition that more flexibility in considering family circumstances will make for a more effective workforce, are welcome.

On the domestic violence and abuse Bill, we welcome any measures that can help eradicate domestic violence and abuse. Many of our laws are outdated and leave victims without the support and protections that they need. But legislation is only half the story. Those implementing that legislation need resources, and services that offer support to victims are being cut by local authorities because of a continually decreasing pot of money from the Government. So my question is: will legislation on domestic violence be matched with the resources to carry out the job?

Finally, my favourite sentence in the gracious Speech is:

“My government will make further progress to tackle the gender pay gap and discrimination against people on the basis of their race, faith, gender, disability or sexual orientation”.

The Liberal Democrats in government passed the equal marriage Act, and drove legislation on gender pay gap reporting. We will now push for further measures in both these areas. Will the Government please look at equal civil partnerships? It is nonsensical that same-sex partners can enjoy the legal and financial protections of a civil partnership while over 2 million mixed-sex couples and 3 million children are denied the same protections. Will the Government develop the good work already started on gender pay gap reporting and extend this requirement to include ethnicity and to companies with more than 250 employees, and extend the target for women on boards to 40%?

My last ask requires no legislation, just a bit of compassion. Will the Government please address the plight of schoolgirls whose “period poverty” prevents them attending school during their period for want of sanitary wear? This is easily fixable, cheap to implement and would enable all girls to attend school all month round. I am sure this measure would find favour in every part of the House.

5.55 pm

Lord Hay of Ballyore (DUP): My Lords, I start by welcoming the wise words of the noble Lord, Lord Reid. He was Secretary of State for Northern Ireland for a few years and was held in high regard. He came to know Northern Ireland and the people of Northern Ireland. I also see the noble Lord, Lord Murphy, in his place, and of course the noble Lord, Lord Dunlop. Those have been wise words. For far too long, sometimes in this Chamber and the other House, people have spoken about Northern Ireland who have never been to Northern Ireland. I say to the noble Lord, Lord Steel, that he should not get too upset about new money coming to Northern Ireland—to another part of this United Kingdom.

No one could have predicted the outcome of this general election, which of course has left the Democratic Unionist Party in a very influential position, working very much at the heart of government. It is a position of huge responsibility. It is a challenge to represent the interests of all the people of Northern Ireland in a positive and constructive manner. It is a tremendous opportunity, in working with the Government in the national interest, to strengthen the union and deliver the success and wealth that benefit all the nations of this United Kingdom.

I very much welcome what the gracious Speech says about implementing the Armed Forces covenant throughout the United Kingdom, particularly in Northern Ireland, where there have been problems implementing it. We owe a great debt of gratitude to our Armed Forces—our veterans and those serving today.

Brexit has dominated the Queen's Speech. The country as a whole has voted for Brexit and we must deliver on it. Any attempt to undermine that decision made in the referendum would be totally and absolutely wrong. Of course, Brexit throws up some major problems for Northern Ireland. Northern Ireland is the only part of the UK that has a land border with the Republic of Ireland. Her Majesty's Government, along with the Irish Government and all the political parties, want the Common Travel Area to remain between the Republic

[LORD HAY OF BALLYORE]

of Ireland and Northern Ireland. I know that is very much on the agenda of all the political parties in Northern Ireland and the two Governments. That is welcome. I know that it is also high on the agenda in Europe.

At a time of great change, it is important for Northern Ireland to have a working Assembly and for the Executive to address the needs of the people of Northern Ireland on health issues, education, the economy and the delivery of public services. Those are the people's priorities and they should be the politicians' priorities, too.

Like the noble Lord, Lord Browne of Belmont, I welcome the new money that is coming to Northern Ireland, which I make no apology for. If any other political party had been in the same position as we ended up in after the general election, it would have done exactly the same thing. We have seen that in the past, so we make no apology for the deal that we have struck with the Conservative Party, and it is important to continue to put that on the record. I welcome the new money, which is for the whole of Northern Ireland. The impression has been given that the money is for the Democratic Unionist Party, but it is for the whole of Northern Ireland and it will benefit every community there. There will be investment in schools, infrastructure, roads, housing and jobs. What other part of the United Kingdom would not welcome such investment?

The critical issue now—I agree with the noble Lord, Lord Trimble, who raised it—is getting the Assembly up and running so that it has a hand in spending the money. It would be a tragedy if direct rule Ministers had to spend the money that is coming to Northern Ireland. There is a huge challenge, and the agreement that the Conservative Party has reached will encourage the Executive and the Assembly to get up and running sooner rather than later. This is a good deal for Northern Ireland, for Government and for the people of Northern Ireland.

6.01 pm

Lord McNally (LD): My Lords, I think that all parts of the House wish Northern Ireland well. A number of speeches today have been made by politicians from Northern Ireland and those with experience of it.

The electorate's decision not to give the Prime Minister the parliamentary equivalent of a blank cheque means that the Government need to make a genuine attempt to make a success of cross-party co-operation across a range of the policies under discussion today. Leaving the EU will require not only the great reform Bill but an estimated 10 to 15 other Bills to create new policy frameworks in areas that are currently governed by EU law. That will not be achieved by the Government sanctimoniously invoking parliamentary conventions or trying to bully or intimidate this House.

My noble friend Lord Tyler will deal with these matters in more detail but, like him, I was a member of the Cunningham committee on conventions, which reported in 2006. For me, the committee's most important finding was that, in rare and exceptional circumstances, this House must retain the right to say no. Without that right, although it has been rarely used over the past 70 years, we become a debating society and the House

of Commons becomes what the late Lord Hailsham described as an elective dictatorship. I urge the Government really to address the problem and the need for co-operation between the parties to get this massive amount of legislation through properly. The Hansard Society says in a briefing note that it sent today that it is about to publish a range of proposals on how the matter may be dealt with properly and in an orderly fashion. I urge the Government to grab with both hands the initiative by that society and to involve all parties in taking it forward; otherwise, we will have a car crash.

Like others, I regret the omission of the prisons and courts Bill from the gracious Speech. I have great admiration for the new Justice Secretary, David Lidington. Like the right reverend Prelate the Bishop of Bristol, I think that the Justice Secretary's open letter on the matter, published on 21 June, was a welcome assurance that penal reform has not disappeared from his radar. I hope that he will note the great wave of positive good will that greeted Michael Gove when, as Secretary of State, he positioned himself as an out-and-out prison reformer. As the noble Lord, Lord Faulks, indicated, legislation is not always required to take forward penal reform.

Fortunately, Mr Lidington does not have to look far for good ideas. There is the Corston report on women in the criminal justice system; the Laming report on looked-after children; Dame Sally Coates's suggestions on education in adult prisons, which my friend Lord Dholakia mentioned; and the parallel report about education in the youth justice system by Charlie Taylor, my successor as chair of the Youth Justice Board for England and Wales. There is the report by the noble Baroness, Lady Young of Hornsey, on the experiences of young black and Muslim men in our criminal justice system, with a further report from David Lammy MP expected in the autumn. There is the report by the noble Lord, Lord Harris of Haringey, on deaths in custody and the report by the noble Lord, Lord Bradley, on mental health provision in prisons and the criminal justice system. All those excellent reports are brimming with good ideas, many of which do not require legislation. What is needed is a Secretary of State to give impetus, direction and leadership, and I hope that David Lidington will provide that.

There are also areas where the House can give that impetus and leadership. I am pleased that the noble and learned Lord, Lord Brown of Eaton-under-Heywood, has already tabled a Question on the backlog of IPP prisoners. I look forward to supporting my noble friend Lord Dholakia in the passage of his Bill to raise the age of criminal responsibility to 14.

I welcome the announcement in the gracious Speech that a commission for countering extremism and a counterterrorism strategy review will be established. I was pleased to see the news that the noble Baroness, Lady Warsi, had been involved in discussions on those matters. It is absolutely essential to hear the communities' voices in mapping the way forward in both areas and to avoid undermining the counterextremism work by creating counterterrorism powers that act as recruiting sergeants for extremism because things are being done to, and not with, the communities involved. My noble friend Lord Paddick gave that warning.

A hung Parliament is not a disaster; a disaster is when the election result produces a Government that, while claiming to be strong and stable, are simply arrogant and unwilling to listen. That is the bullet that we dodged on 8 June.

6.07 pm

Baroness Stern (CB): My Lords, I am very glad indeed to see the noble Baroness, Lady Williams of Trafford, in her place and with the same responsibilities. Working with her on what became the Criminal Finances Act 2017 was very rewarding. That Act received Royal Assent on 27 April—absolutely in the nick of time—and is now on the statute book, thanks almost entirely to her hard work and determination. It is the implications of that Act that I will address in my brief remarks.

The Act is about exposing money laundering, attacking corruption, trying to ensure that less of the world's wealth finds its way illegitimately into the offshore anonymous bank accounts of highly placed persons who have misappropriated it or evaded taxes on it and instead ensuring that more of the world's wealth goes to enabling millions of people to live healthy and fulfilling lives. The Act is a substantial step in that direction, but there is still much to do to ensure that the Act lives up to its promise and to take further the previous Government's excellent anti-corruption work. I fear that much of the impetus will be lost as Brexit swallows up many of our ambitions.

The Conservative manifesto promised that the Government would,

“strengthen Britain's response to white collar crime”,

which was a welcome statement. Less welcome was the manifesto promise to incorporate the Serious Fraud Office into the National Crime Agency. This is not mentioned in the gracious Speech; it is perhaps a good thing if it does not surface again. It was widely opposed and, just this week, the Serious Fraud Office has taken action against a major British bank for fraud and unlawful financial assistance. It has charged the bank itself, a former boss of Barclays Bank and three ex-directors. This is the first time that a UK bank has faced criminal charges directly related to the financial crisis of 2008. The Serious Fraud Office will, I hope, be left to carry on with its important work.

I turn to the Criminal Finances Act and its potential impact. Unexplained wealth orders brought in by the Act are a new mechanism for dealing with individuals who it is suspected have acquired their assets illicitly. Their introduction was warmly welcomed by all those concerned to see more powers to deal with the huge amount of illicit money finding its way to the UK. These orders now need to be well used. A draft code of practice in relation to them was produced at the very end of the previous Session. Can the Minister tell us when the public consultation on this code is likely to take place and when we can expect to see the first unexplained wealth order made?

Much useful discussion took place about the need for more transparency in the British Overseas Territories and Crown dependencies and about the companies that are registered there. So it is gratifying to see that, on 30 June, the Beneficial Ownership Secure Search System Act will come into force in the British Virgin

Islands. This will allow the sharing of information about the ownership of the 417,000 companies registered there. I hope that the Minister can give some assurances that this matter remains on the Government's agenda.

Finally, I come to the question of what the noble Baroness called the clear abuse of the London property market and high-value properties across the country. She said:

“We must not allow this city”—
that is, London—

“to be a haven for kleptocrats hiding their ill-gotten gains”.—[*Official Report*, 25/4/17; col. 1333.]

Many people would agree with her. In April, the Department for Business, Energy and Industrial Strategy published a call for evidence about a public register of beneficial ownership of foreign companies that own property in the UK. The House was told on 25 April that, subject to the outcome of the general election, it remained the Government's intention to introduce the legislation to create such a register. This was not, however, in the gracious Speech. Can the Minister tell us whether this remains the Government's intention and, if so, when there is likely to be progress in producing one?

6.13 pm

Lord McInnes of Kilwinning (Con): My Lords, I want to focus my remarks on the gracious Speech on the strengthening of our United Kingdom and its prioritisation in that speech, and to talk specifically about Scotland. When I signed up for the debate today, I did not realise how topical the situation of Scotland would be, thanks to the First Minister's statement of this afternoon. I would like to cover the context of the constitutional debate in Scotland, the general election result there and the response of the First Minister and, finally, how I think the union can be strengthened.

We must not forget that the context of the existential debate that has taken place in Scotland since 2012 as to whether it should remain part of the United Kingdom was based on a premise that, in 2012, 90% of Scots supported a referendum. Whether they intended to vote yes or no, 90% of Scots believed that the Edinburgh agreement signed by the then Prime Minister, David Cameron, and the then First Minister, Alex Salmond, was the correct way forward. There was public consent for a referendum in 2014. That is a very important premise for any future discussion of referenda.

In September 2014, as everyone knows, Scotland voted decisively to remain part of the UK. I should say that the issue of a potential Brexit had been fully campaigned upon by those supporting a yes vote at that referendum. It is incredible now to reflect on the assertion from the SNP and Nicola Sturgeon that when Scots voted in that 2014 referendum, they did not recognise that there was a potential risk of Brexit. At that time, it was also made clear by Mr Salmond and Ms Sturgeon that the result of the referendum would be respected and that it was a once-in-a-generation opportunity for Scots to make the decision on their constitutional future.

There is no doubt that, thereafter, the politics in Scotland were decisively reshaped around that constitutional issue. Suddenly, all politics—as well as cultural and social views—were shaped around whether

[LORD MCINNES OF KILWINNING]

individuals had supported a yes or no vote in that referendum. This split of the electorate, along with a honeymoon period for Nicola Sturgeon, resulted in the SNP's 2015 general election triumph. It took 50% of the popular vote and 56 out of 59 MPs. Then hubris set in. Suddenly, independence for nationalists became a matter of when, not if—one more heave and Scotland would be free, they cried. A heavy remain vote in Scotland in 2016 gave them, they thought, the excuse for another referendum on Scotland's place within our United Kingdom. However, Ms Sturgeon had reckoned without two things: first, that most Scots did not want another referendum and, secondly, that Her Majesty's Government were able to represent public opinion in Scotland better than she by saying that now was not the time for a second referendum. On Ms Sturgeon ploughed, avoiding for a year within the Scottish Parliament all legislation to deal with the significant domestic crisis that we have heard about today. She focused rather on a desire for an immediate referendum.

Earlier this month, we saw the result of that. The Scottish nationalists lost 21 of their Members of Parliament and 500,000 votes in a general election which, in Scotland, was widely framed around the issue of a second referendum. The people of Scotland do not want another referendum. I am very disappointed that today, as my noble friend Lord Dunlop said, the First Minister did not take the opportunity to take that off the agenda. The Prime Minister, supported by the leaders of the Labour Party and the Liberal Democrats, made the point forcefully that Scotland did not want a referendum now; the people responded to that, as your Lordships would expect them to.

As unionists, though, we cannot in any way be complacent about the future of our United Kingdom. We have seen the work it is necessary for the UK Government to do to represent Scottish public opinion, working with the devolved Administration to ensure the best possible deal for Scotland out of Brexit, along with the rest of the United Kingdom. The Secretary of State and my noble friend Lord Dunlop have spent hours, days and weeks working with Scottish stakeholders to ensure that Scots are fully engaged in that Brexit process. It is very important that Her Majesty's Government play their full and legitimate part in the governance of Scotland as we move forward.

6.18 pm

Lord Murphy of Torfaen (Lab): My Lords, I very much agree with the comments about Scotland that have just been made but I would like to turn the House's attention again to Northern Ireland, and to Wales.

I very much agree with my noble friend Lord Reid and the noble Lords, Lord Hay and Lord Browne, with regard to the money needed in Northern Ireland. I do not begrudge the people of Northern Ireland the money that has come their way through this deal. I spent five years of my life, either as Finance Minister for Northern Ireland or as Secretary of State, trying to persuade successive Treasury Ministers and Chancellors of the Exchequer of the importance of extra spending in Northern Ireland. After all, the Troubles visited decades of misery and destruction on Northern Ireland.

People lost their jobs, the economy was very slow, the infrastructure was destroyed in some parts and many people fled to come to work here in Great Britain, so the need for the money is unquestionable. Similarly, Brexit means that streams of funding for Northern Ireland, such as the peace money, are going to disappear completely, and if the border situation is not resolved, the economies of Northern Ireland and the Republic of Ireland could be adversely affected. Of that I have no doubt, so the money is needed, but there are implications. As my noble friend Lord Reid said, the implications for the negotiations that are going on across the Irish Sea for the next three days are hugely significant. We could be three days away from direct rule in Northern Ireland, and that would be calamitous.

The Government have to take into account the point my noble friend made about perception with regard to the chairmanship of the talks. There is no doubt that the British Government, like the Irish Government, are seen as co-guarantors of the Good Friday agreement and as impartial, neutral, honest brokers. If the very survival of the present Government in Westminster rests upon a deal with one of the parties in Northern Ireland then unquestionably there is a problem. That is exacerbated by the fact that there is no longer a single nationalist representative in either House of Parliament. All three SDLP Members lost their seats at the general election, tragically in my view, so only one point of view is heard here and in another place. I also agree that there is a case, if these talks are successful, and indeed if they are not, for an independent chair, like George Mitchell, coming to oversee any discussions in future.

The other implication is with regard to the funding arrangements for Scotland and Wales. They are based upon the Barnett formula. It is not an easy formula, and some people do not like it very much, but at least it is a formula that is used across all three countries and nations of the United Kingdom. Increasingly, Governments are now using other ways of giving money to those three countries, bypassing the Barnett system. That is not necessarily a good thing because it means that people can feel unfairly treated. There is now a case for the devolved Administrations and the Government to get together as soon as possible to try to ensure that the funding arrangements are regularised for the whole of the United Kingdom.

Of course, there is the issue of Wales. Had the same formula been used as in the deal with the DUP, Wales would have received something like £2 billion. It has not had it. Naturally it feels aggrieved. There is no question that so far as the people of Wales are concerned Brexit will be financially difficult, indeed disastrous. Seventy per cent of Welsh exports go to Europe, and there are streams of funding for agriculture, industry and economic development in Wales that will disappear overnight. Therefore Wales too needs money, and the sooner the Government get their act together on funding for the devolved Administrations, the better.

Finally, what of the Conservative Party's promises in its manifesto with regard to Wales? It promised a growth deal for north Wales, new rail infrastructure for south Wales, the abolition of the Severn Bridge tolls and other things too. What happens now? Is the money going to be available for those promises to be

made into reality or is the money gone because it has gone to Northern Ireland? Who knows? I look forward to the Minister replying later this evening.

6.23 pm

Lord Beith (LD): My Lords, we have a new Lord Chancellor. He is somebody I know and respect, but we should remind him of two challenges that he faces. The first is that he must uphold and promote the rule of law and the independence and quality of the judiciary. I believe that he intends to do this. However, as well as being ready publicly to defend the judiciary, he has got to be ready to address the problem of morale and recruitment which currently exists in the senior judiciary such that it is becoming difficult to fill some of the vacancies that arise while maintaining, as it is right to do and as we must do, the high-quality standard that we insist on for the judiciary. We may have to look at the retirement age again. It is becoming more illogical to enforce the retirement age of 70 if we are to deal with the situation in the short term—but, in the longer term, there are many more things to be done. When referring to the rule of law, he also has to recognise his responsibility to the integrity and quality of the law. When the Brexit process really gets under way, I hope that he will play a role in insisting that it is done properly and that Parliament scrutinises properly and adequately the vast corpus of law that will be transferred.

His second major challenge has been referred to by my noble friends Lord Dholakia and Lord McNally and by the noble Lord, Lord Ramsbotham, in powerful speeches. It is the situation in the prisons, where the level of violence, suicide and self-harm is appalling, where prison officers are being put at far too high a level of risk from violence and where reoffending levels are far too high—yet Ministers pretend that prison numbers are not an issue. The gracious Speech at one point hints at further intervention to lengthen sentences. Prison is a very expensive resource, and the more it is overused, the less effective it is, because conditions inside prisons are not then rehabilitative. The absence of the prisons element of the former Prisons and Courts Bill is an unfortunate signal to have given. There is a lot that can be done without legislation, but it would have been better to have had a positive signal that that Bill was still on the road.

I can create some space for the Lord Chancellor to do these things because there are a number of things that he does not need to do. He does not need to mess around with the civil rights of British citizens by making changes in our adherence to the European Convention on Human Rights. He is going to have to lock Mr Dominic Raab in a room somewhere in the Ministry of Justice for further extensive study of the matter, but no proposals need to come forward.

As the noble Baroness, Lady Stern, pointed out, the Lord Chancellor should not abolish the Serious Fraud Office. That proposal was not in the Queen's Speech, and I hope it has been buried. It is an improved organisation, not a perfect one. It is a prosecuting agency in a field where successful prosecution is extremely difficult. It would not fit in the National Crime Agency, which is a police-led investigating body—so I hope that this proposal is a dead parrot, to quote an old phrase. However, it might be an opportunity to look again at

the funding model of the Serious Fraud Office which is frankly bizarre. More than half of its spending does not come from its annual budget because the Treasury approves its major prosecutions on a one-off basis. It is not an ideal arrangement and it leads to short-term decisions about the recruitment of legal support for the prosecutions that it undertakes.

Finally, looking beyond the MoJ, and with the welcome presence of the noble Lord, Lord Bourne, who I know will try to answer my question—and if he cannot do it tonight will do it by letter—I want to refer to growth deals. The Conservative manifesto contained an interesting commitment to bring forward a borderlands growth deal, including all councils on both sides of the border, to help secure prosperity in southern Scotland. Since the early 1970s, I have been arguing for cross-border working of this kind. Does that fall within the commitment in the gracious Speech that it will be a priority,

“to build a more united country, strengthening the social, economic and cultural bonds between England, Northern Ireland, Scotland and Wales”?

I presume that that phrase was not written to refer to the £1 billion deal that so many noble Lords have referred to—but that is the only deal that has emerged over recent days. Is there any substance or serious commitment to a borderlands growth deal, which would be quite complex to bring into existence? What discussions are planned between the authorities involved on both sides of the border—in the Scottish Borders, Northumberland and Cumbria for example? I am sure that the noble Lord, Lord Bourne, will seek to find an answer to that question.

6.29 pm

Baroness Meacher (CB): My Lords, I will address a matter which risks getting lost in the battle for Brexit but which urgently needs Home Office attention. I refer to the hundreds of thousands of severely and chronically ill patients whose symptoms are currently not controlled. These patients are enduring years or whole lives with appalling symptoms and side-effects of prescribed medications. Tens of thousands of patients are risking arrest every day in order to obtain from illegal drug dealers the one medicine—cannabis—which they say controls their pain or other symptoms with minimal side effects. Cannabis is a schedule 1 drug—the schedule for dangerous drugs with no medicinal properties. This is outrageous, frankly: contrary to the evidence and cruel to patients.

Ministers have shied away from reform in fear of the *Daily Mail*. Well, the *Daily Mail* has become enlightened on this issue—although I cannot believe it, frankly. Ministers would do well to read the excellent article by Jonathan Gornall in the *Daily Mail* on Tuesday 2 May. The article focuses on Faye—this is where we become a bit more sombre—who woke up one morning, poor girl, with crippling rheumatoid arthritis, aged 27. A life sentence. Every joint from her jaw to her toes was swollen, stiff and incredibly painful. The drugs prescribed for Faye, she says,

“became more disruptive to daily life than the disease itself”—difficult to imagine. They left her constantly sick, in a brain fog, and suffering panic attacks and from low blood sugar—this is all in the *Daily Mail*. Faye was

[BARONESS MEACHER]

determined to work but obviously she could not if she remained on the prescribed drugs. She heard about cannabis—nervously, I am sure—and, for the first time in her life, tried it using a vaporizer. Faye now also takes a nightly pill of cannabis oil, but no other medication, and claims that her quality of life is now 98% of what it was before she was diagnosed with rheumatoid arthritis. I have to say that I am staggered. The *Daily Mail* asks whether Faye should be prosecuted for using cannabis oil to ease her chronic pain—obviously not.

The Minister could resolve this scandalous position by signing an order to reschedule cannabis to schedule 2 or 4—a little stroke of the pen. There is international research to support such a reform. Professor Mike Barnes, in his research review, shows that the human brain and other organs contain an endocannabinoid system. This system modulates pain, controls movement, protects nerve cells and plays a role in other key brain processes. It is not then surprising that the plant cannabis, with umpteen cannabinoids, can benefit us by mimicking the effects of our own endocannabinoid system.

Barnes finds good evidence for cannabis in the management of chronic pain, including neuropathic pain; spasticity; nausea and vomiting, particularly in the context of chemotherapy; and anxiety. There is also moderate evidence of medicinal benefit for sleep disorders; appetite stimulation, again in the context of chemotherapy; fibromyalgia; PTSD; and some symptoms of Parkinson's disease. I could go on, but would no doubt bore your Lordships. Eleven countries in Europe, including Germany and the majority of US states, recognise cannabis as a legitimate medicine. The UN now recognises the need for reform within the UN conventions and that drug policy should finally, after 50 to 60 years, become evidence based. Last October, the Medicines and Healthcare Products Regulatory Agency, the MHRA, declared one of the two major ingredients of cannabis, CBD, a medicine. It is difficult to argue that this plant has no medical value.

Police officers are refusing to arrest patients found with cannabis. Of course, if people overdose drastically on cannabis, or children take it regularly, this will not be good for them. But, of course, the same applies to aspirin, does it not? I simply want to get across to Ministers and to Members of your Lordships' House that a civilised country can no longer justify treating this precious plant as a dangerous drug with no medicinal value. No one has ever been killed by cannabis; people die every day as a result of taking alcohol, tobacco and prescribed medicines.

There is no possible justification for our laws as they stand. It is time for the Government to act. Will the Minister give an assurance to your Lordships' House that this matter will be referred to the Advisory Council on the Misuse of Drugs for advice?

6.34 pm

Lord German (LD): Like the noble Lords, Lord Ramsbotham and Lord Faulks, and my noble friends Lord Dholakia, Lord Beith and Lord McNally, I am also trying to understand why the Government have failed to bring back the prisons element of the Prisons

and Courts Bill, which fell at the general election. Noble Lords will know there was broad support for the prisons element in that Bill, and although it had its flaws, in its rationale, it had the potential to be a milestone for the rehabilitation of offenders.

That milestone was a recognition of the importance of rehabilitation as a principle. In bringing forward the legislation, the Government said:

"The Prisons and Courts Bill paves the way for the biggest overhaul of prisons in a generation",

and,

"sets out a new framework and clear system of accountability for prisons".

These are the important words:

"It will enshrine into law that a key purpose of prison is to reform and rehabilitate offenders, as well as punish them for the crimes they have committed".

That important objective has now been dropped from the Government's legislative programme. The failure to include prison reform in that programme damages the social and financial fabric of our society and our country as we seek to reduce reoffending.

The Government have just received the second of two highly critical inspection reports of their handling of the reduction of reoffending issue, the most recent of which was earlier this month. So a cynic might be drawn to the conclusion that this matter has been dropped because the approach taken thus far is failing. Previous debates in your Lordships' House indicated that the previous Bill had two main areas where there was broad support: first, the proposal to recognise in law that the main purpose of prisons is rehabilitating offenders; and, secondly, that devolution of decision-making within an overarching strategy of reform was both essential and appropriate.

However, the practice and delivery which sit behind the principle are woeful. Like many others in your Lordships' House, I am used to reading critical reports, but I have never read one as strongly critical as the joint inspection report on rehabilitation released earlier this month by Her Majesty's Chief Inspector of Prisons and Her Majesty's Chief Inspector of Probation. This single sentence from both HM Chief Inspectors gives you the flavour:

"If Through the Gate services were removed tomorrow, in our view the impact on the resettlement of prisoners would be negligible".

In other words, the millions of pounds being spent by the Government on their rehabilitation of offenders programme is having no effect. The inspectors further state:

"The gap between aspiration and reality is so great, that we wonder whether there is any prospect that these services will deliver the desired impact on rates of reoffending".

Is this why the relevant section on the Government's website relating to the Prison and Courts Bill was declared obsolete just 24 hours before the Queen's Speech?

There is a second question I must ask the Government. Since they have already put in place a structure for delivery which has a big stamp on it now saying "failing", is it the Government's intention to pursue some of their additional delivery mechanisms through secondary legislation? Secondary legislation would be seen as an escape route for the Government from proper scrutiny by Parliament. Like other noble Lords, I will continue to test the Government against their

delivery, but the big loss will be that of enshrining in legislation that one of the prime purposes of our prisons is the rehabilitation of offenders. This was a fundamental move which would have altered the way in which we view our justice system—a change in the foundation of our justice system which would have underpinned all our actions.

The second inspection report bears out what I have observed when visiting rehabilitation companies: poor integration into mainstream prison activity; poor contract design; a lack of joined-up government thinking, particularly between the MoJ and the DWP; and a concentration on writing rehabilitation plans rather than simply helping people with their difficulties. That is a triumph of bureaucracy over action. Your Lordships' House is entitled to ask why the Government have not put their legislative underpinning in place. I very much hope for a satisfactory answer when the Minister sums up later tonight.

6.39 pm

Baroness Jones of Moulsecoomb (GP): There are so many issues in the gracious Speech that I would like to tackle. I would like to talk about nuclear safeguards, agriculture and fisheries and the folly of HS2. However, I will try to contain my enthusiasm—or my fury—and talk about only two or possibly three issues.

First, I want to speak about counterterrorism. I would welcome any legislation being brought forward that kept the police and the security services focused on the real problem of terrorism and serious crime rather than their wasting time and our money monitoring green campaigners, anti-fracking protesters, journalists and elected politicians. The Government's manifesto said that they would consider what new offences or aggravated offences might be needed, but I recommend that your Lordships' House block any legislation that does not include a clear definition of an extremist.

Some noble Lords may be aware that I was on the domestic extremism database for more than 10 years. At the time I was an elected politician, I was on the oversight body for the Metropolitan Police Authority and I was successfully working with the police on all sorts of issues, including road crime, FGM and protecting their National Wildlife Crime Unit. Just to be clear, the wildlife crime unit deals with things like the import of exotic, threatened and endangered species, rather than naughty squirrels. It is likely that my personal emails were hacked by police officers, and the Independent Police Complaints Commission is currently investigating the reasons for the hasty destruction of my file and any evidence of hacking that it might have contained, a file that was destroyed despite the Met commissioner specifically ordering that such files should not be deleted.

There is also a proposal for a commission on extremism. The Independent Reviewer of Terrorism Legislation, Max Hill QC, has said that we do not need new laws to tackle the current terrorist threat; we need to use the laws that we have and resource the agencies responsible for upholding them. Despite that, the Government appear keen to legislate, not for terrorism but for what they call “non-violent extremism”. So the new statutory commission for countering extremism will, “identify examples of extremism and expose them”.

The simple fact is that it is impossible at the moment to agree a definition of what constitutes an extremist—a terrorist, yes; an extremist, no. One person's non-violent extremist is another's political hero. We have to be very careful with these terms.

The Met police currently use a very clear definition of “domestic extremists”, which restricts it to those involved in terrorism or serious crime, but they regard this as guidance only, which means that they can use it or not as they please—and, of course, they please to use it on people like me. In the past the police have wasted large amounts of their time on monitoring Greenpeace campaigners or people like me, and one can imagine all sorts of people being labelled “extremists”, particularly in the current political climate. Why should I be a domestic extremist but not the DUP? I would argue that I threaten fewer of our national values than it does. We especially do not want our own distinctively British brand of McCarthyism. That is incredibly important.

The second issue that I want to tackle is climate change, particularly in view of Brexit. I think everyone will agree that the gracious Speech was rather light on any reference to the environment. It was in there—it came right at the end, just before the mention of the royal visit of the King and Queen of Spain—but it is in fact the greatest global threat that we face, and it deserves a little more prominence in our Government's thinking. We need an environmental protection Act. Such an Act would cut through all the political ideology of left and right that often sidelines the environment. It would be an evidence-based long-term approach to the problem, and it would infiltrate every aspect, so that when we talked about economics or business we would be thinking about the environment at the same time. Crucially, it would have to be via primary legislation, which would guarantee a proper level of parliamentary scrutiny and oversight.

We also need a clean air Act. It is obvious that at the moment we have a huge public health problem with dirty air, especially in our urban centres, and it is time that we dealt with it. A lot of the regulation on the environment needs primary legislation, including, for example, an independent agency similar to the Environmental Protection Agency in the United States. We need to take climate change seriously, and if we do not it will be the worse for all of us.

6.45 pm

Baroness Newlove (Con): My Lords, I want to use the short time available to speak on two issues that have been touched upon in the gracious Speech and to highlight one issue that, sadly, has not been.

As Victims Commissioner for England and Wales, I very much welcome the Government's intention to introduce an independent public advocate who will act for bereaved families following a public disaster and support them at public inquests. Bereaved families and victims need to be kept informed and assisted in their understanding of the often complex processes leading up to and during an inquest. In certain cases, they also deserve to have their voices heard at the inquest. I believe an independent public advocate provides the appropriate means to do so.

[BARONESS NEWLOVE]

However, I want to see that proposal extended beyond victims of a public disaster. I am only too aware from my role as Victims Commissioner that there are many families suffering bereavement following homicide who face these complex proceedings and inquest hearings without any support. In particular, I am thinking of those who face what are termed Article 2 inquests: those who have lost loved ones and it is alleged that the state or a statutory agency has some culpability. This might include cases where domestic homicide reviews identify failings from agencies or where alleged perpetrators were, for example, subject to probation or medical supervision. Many such cases will attract very little political or media interest. However, bereaved families are not legally represented at inquest hearings unless they are able to fund representation themselves. The statutory agencies, on the other hand, may well have publicly funded representation or may be able to afford the best representation to fight their corner. How can this be fair and described as a level playing field? As much as the proposal is to be welcomed, I respectfully suggest to the Minister that the Government consider extending their proposal to ensure that the offer of a public advocate is made to all bereaved victims who may need it.

I was pleased to see the Government include a commitment to tackling domestic violence as one of their legislative priorities. I know the Prime Minister has taken a close personal interest in this issue, and I welcome that commitment. In principle, I broadly welcome the proposal to appoint a domestic violence and abuse commissioner, but I am afraid that I must add a caveat to that welcome. Appointing a commissioner must not be simply ticking the box. She or he needs to be given the tools to make a real difference. By that, I mean that they must be given appropriate statutory powers, including ensuring that key agencies have a duty to co-operate with the commissioner, who in turn should have the power to make recommendations that require a formal response. The new commissioner will also need to be properly resourced, with a multidisciplinary team and the ability to recruit from outside government to ensure that they have people with the skills needed as well as the practical experience of supporting victims of domestic violence. Without such powers and resources, little could be achieved and victims would simply feel that it was window dressing.

As Victims Commissioner, I look forward to working with the Home Office on the new role, and I hope that this discussion will happen soon. In the meantime, I would like to clarify my understanding of the remit of the role. Domestic violence can cover certain types of child abuse, sexual violence and honour-based violence, but only if those crimes are committed within the Government's definition of domestic abuse. So are we saying that if a domestic violence commissioner identifies good practice in any of these areas, their recommendations may apply only to domestic scenarios? To some, that distinction may seem artificial. I therefore ask the Minister whether further consideration might be given to whether the role should be expanded to cover all forms of sexual violence.

Finally, for the second year running, I put on record my huge disappointment that the gracious

Speech makes no reference to a victims' law. The Government's manifesto made an encouraging reference to victims:

"We will enshrine victims' entitlements in law, making clear what level of service they should expect from the police, courts and criminal justice system".

This commitment echoed the commitment given in 2015 to a victims' law. Victims have waited patiently for Governments to place their entitlements in statute. Whereas offenders have rights within the criminal justice system, currently victims have a code, which lawyers tactfully describe as persuasive guidance. Introducing a victims' law is a real opportunity for the Government to ensure that victims receive the entitlements they deserve and that they are treated with dignity and respect. It is an opportunity to ensure that these entitlements are enforceable and that victims have a clear means of redress when they failed to receive the support that they are entitled to expect.

Sadly, victims do not feel that their voice has been heard, so I ask the Government to take steps to show that they are truly listening to victims and are prepared to act. After all, justice cannot be for one side alone. It must be for both.

6.51 pm

Lord Morris of Aberavon (Lab): My Lords, today's debate overlaps to some extent with tomorrow's, and some of my observations, while constitutional and on devolution affairs, also affect our exiting the European Union. My first point is on the cost of our divorce from the EU. Many large and varied figures have been bandied about. Will the Government demand full transparency of all EU assets and expenditure, given that the EU accounts have not been given the all-clear for 19 years? While the Court of Auditors found them "reliable", whatever that may mean, they were also materially affected by errors, for example, to the tune of €109 billion out of €117 billion spent in 2014. These errors may be only a small part of the problem, but the point is the general application of full transparency. We have an old legal adage: "He who seeks equity must come with clean hands".

Secondly, I seek an assurance that when the responsibility for a subject is repatriated to the UK on exiting, there will be no attempt to claw it back by Westminster. Agriculture, and the necessary finance to replace the funding from Brussels with that from Westminster, is one example that I have in mind. A subject, once devolved, remains devolved and cannot be clawed back.

Thirdly, under the Sewel convention, the Westminster Government do not normally legislate on devolved matters without getting legislative consent from the relevant devolved legislatures. This is reflected in the Scotland Act 2016 and the Wales Act 2017. According to the Supreme Court in Miller, the convention is political and does not give rise to obligations. The Prime Minister said in the Commons on 21 June:

"There is a possibility that a legislative consent motion may be required in the Scottish Parliament".—[*Official Report*, Commons, 21/6/17; col. 62.]

The Leader of the Commons kicked that into touch on 22 June, when she said that a decision will be taken on whether a legislative consent Motion is needed at that point.

If I heard correctly, the Minister said today that legislative consent Motions will be necessary, where required. If I am right, could that be confirmed? I would be grateful for confirmation of what I thought I heard today. If I am right, we have moved substantially forward in recent days.

My fourth and last point concerns the triggering of another general election. Brenda from Bristol would be aghast that I am even mentioning it. The *Times* was good enough to publish last week my views on the law regarding any request for a second Dissolution. As a matter of history, the then leader of the Opposition asked me in 1992 about the position of a Prime Minister who had failed to obtain a Commons majority in a general election requesting a second Dissolution. I consulted widely eminent constitutional lawyers, such as Sir William Wade and Sir David Williams, and we believed that such a request then would be improper, as it would,

“smack of an attempt to get a recount of the electorate’s first decision”.

The machinery of a request under the royal prerogative has now been superseded by the Fixed-term Parliaments Act 2011. In April this year, the Prime Minister moved under Section 2(2) of that Act:

“That there shall be an early parliamentary general election”, and got the required majority for a Dissolution, the result of that Division being 522 to 13. Parliament cannot now otherwise be dissolved.

As we know, in the election, the Prime Minister failed to get the Commons majority that she expected. In the Act, there is nothing to prevent the Prime Minister trying to get the House of Commons to pass a Motion for yet another Dissolution. This is an unintended consequence of the Act. It must be strictly interpreted and is confined to dissolving Parliament, and dissolving Parliament only. Choosing a Prime Minister, from whatever party, remains a matter for the royal prerogative. The convention on precedent before the Act, rather than then having a second Dissolution, was for the leader of the Opposition commanding the support of a substantial number of Members of the House of Commons, to be given the opportunity to form a Government. Rather than further Dissolutions, reverting to the convention, which is unaffected by the Act, should be the first port of call. I commend it.

6.57 pm

Lord Thomas of Gresford (LD): My Lords, the White Paper on Brexit of 2 February stated that,

“the UK will continue to participate fully in EU security and criminal justice measures while we remain a member of the EU”, and continued:

“As we exit, we will therefore look to negotiate the best deal we can with the EU to cooperate in the fight against crime and terrorism”.

That was the promise.

The House of Commons Justice Committee published an important report on 22 March, *Implications of Brexit for the Justice System*. Written evidence was received from the Ministry of Justice which highlighted the significance of our membership of Europol, the European arrest warrant, Eurojust, which maintains joint investigative teams on individual cases, the European

Criminal Records Information System, which gives access to EU data-sharing platforms and agreements, and the EU prisoner transfer agreement. The Ministry of Justice further stated in its evidence:

“We are exploring options for cooperation arrangements once the UK has left the EU ... it would be wrong to set out unilateral positions on specific measures in advance of negotiations”.

We have 19 months to go before we fall off the cliff.

In a written memorandum of 6 March, Professor Tim Wilson, an expert in this field, the chair of the Criminal Bar Association and the chair of the Criminal Law Solicitors’ Association jointly set out their concerns. They stated that,

“nowhere is there such a comprehensive, integrated and efficient multinational system for co-operation as within the EU”.

After Brexit, there will have to be in place UK law sufficiently well grounded to work in a manner that is not damaging to the UK legal system.

Take the European arrest warrant, available only to members of the EU. Norway and Iceland have spent 15 years trying to join. Theresa May herself, when Home Secretary, pointed out that without the EAW we fall back on the Council of Europe convention of 1957. She said that the length of time that extradition procedures would take could undermine public safety. Further, she said that 22 member states of the EU, including France, Germany and Spain could refuse to extradite their own nationals to the UK.

The National Crime Agency, in evidence to the Justice Committee also said that the EAW system is,

“quick, effective, and an excellent example of co-operation and mutual recognition in criminal matters”.

This is what we are about to throw away, along with a long and valuable history of co-operation in combating terrorism and crime.

For example, the EU Council framework decision of 2009 on the exchange of information from criminal records resulted in the UK adding 478 individuals convicted of sex offences overseas to our own violent and sexual offenders database, adding their fingerprints and DNA profiles. The UK, as a financial centre, must always be on its guard against money laundering, tax evasion, bribery and similar white collar crime in cross-border financial activities. We will lose the existing data sharing and co-operation.

Ironically, we have just signed up to the new Europol regime, starting last month. During this Parliament, we will leave that organisation and there is nothing envisaged to replace it. We have also been heavily involved in creating the new Prüm system for the exchange of fingerprints, DNA and vehicle data. It is currently at a pilot stage, but will by 2020 introduce a fully automated and quick system for the exchange in Europe of fingerprint, DNA and vehicle records. We, of course, will be outside it. All these tools depend on our membership of the EU, and the data protection regime developed under European directives. The chairman of the Criminal Bar Association put it this way:

“I understand that at the moment we are just about compliant, and the European Union is willing to forgive any potential lapses in our data protection regime; but if we drift away from compliance when outside the European Union, it will not share data”.

[LORD THOMAS OF GRESFORD]

The gracious Speech, which sets out the Government's programme for two years—beyond the point where, under Article 50, we will leave the EU—says nothing about the complex legislation that will be required in all these fields. Without robust legal arrangements for extradition, we in this country are in danger of being a safe haven for criminals. Without the close co-operation we have developed with our European partners, the Government will fail in their primary duty: to keep this country safe and secure.

"Negotiating the best deal we can",

the White Paper says. Where do the Government start, and where will they finish?

7.03 pm

Lord Elystan-Morgan (CB): My Lords, I had the privilege for some two or three years to be a member of a committee that dealt with the likely consequences of European developments on our law. I agree with every word that the noble Lord, Lord Thomas of Gresford, has advanced. This is a situation where narrow British chauvinism—*Daily Mail* chauvinism—is putting so much that is invaluable at risk. However, that is not the topic on which I want to address the House tonight.

I wish to say a few words about the constitutional situation of Wales in consequence of the Wales Act 2017. Following that legislation, the position of Wales is far less satisfactory and far less certain—and indeed, far less authoritative constitutionally—than it was previous to the legislation. That is a massive piece of irony, for the Government trumpeted it to be a considerable achievement.

I believe that the answer lies in the fact that the Government are rather reluctant performers in this connection. I have raised this matter before and I raise it again in this place. Two decisions were made in the Divisional Court: on the agricultural workers case in 2014 and the medical costs case the following year in 2015. The consequence of those two cases was quite alarming for the Government. They discovered suddenly that the range, scale and depth of devolution was entirely different from what they had conceived. There were huge areas of dubiety and it was very much more than the Government had anticipated in those days, and they reacted immediately. That is the heart, core and kernel of the problem that we now face, with a piece of very unsatisfactory legislation in the Wales Act 2017.

It is axiomatic in relation to the creation of a reserved constitution, which is what the Act set out to do, that the reservations should be fairly limited. They are limited to massive cogent matters that are so relevant to the mother Parliament, and indeed are not the proper and appropriate realm for the devolved authority—but on the other hand, all other matters, which cry out for domestic jurisdiction, should be dealt with in that particular way. In other words, there is a clear concept of where there is a watershed. That is totally lacking in this legislation.

First, the reservations are massive—there are 197 altogether. Secondly, their very nature shows that scores of them are extremely trivial. They are matters that

are relatively inconsequential in a constitutional sense, such as dangerous dogs, sharp knives and axes, the organisation of charitable collections, and licensing, which seems to have been a Welsh prerogative since 1871. There are dozens of other cases that give the lie to the fact that this was a genuine attempt to give Wales a proper reserved constitution. When is a reserved constitution not a reserved constitution? When the reservations are utterly ridiculous. That is the situation here.

In addition, there is of course the point that many of the powers—this was mentioned by my noble and learned friend Lord Morris of Aberavon—were never there for the British Government to consider; they were in Brussels, and have been there since 1 January 1973. They are still there.

What do we do? We must set up jointly a constitutional convention that will deal first of all with the dozens of small matters that have been reserved and examine each in detail to see whether reservation is properly justified. Furthermore, that body should make it clear that it will examine each and every item of what is now in Brussels with the presumption that that item should return not to this Parliament but to Wales. That is the only way forward—a constitutional convention of that nature. Devolution is not a matter of dainty sympathies and dilettante political practices for dreamers. Devolution is an acid test of the trusteeship that mutually exists between a mother Parliament and a devolved Parliament. It works both ways. It is the cement that keeps the United Kingdom together through these perilous, difficult and uncertain days.

7.09 pm

Lord Rana (Con): My Lords, the problems of terrorism and extremism were mentioned more than once in the gracious Speech, and I will speak on this subject. Unfortunately, I have suffered civil strife and terrorism most of my life, first as a young child in 1947, when killing and carnage followed partition of India, then in Belfast where I have been living since 1966. There were some 16 bomb attacks on my businesses; I have been held at gunpoint and robbed while my family was held hostage. I believe that such experiences qualify me to speak on this subject.

Against this background in Belfast, I sought, over a long time, to work for peace, through facilitating dialogue in my own home between people from opposing sides when it was considered impossible or too dangerous to do this. We are, essentially, facing a global conflict. We know that it has an ever-widening international reach and today it comes with various name tags. Sadly, the current international crisis is based on the actions of a limited few from Islamic communities. I recognize that Islam's core message is one of peace and harmony, but that message has been distorted so that those seeking to radicalise others use a version of Islam to brainwash vulnerable people, even to the extent of them becoming suicide bombers.

We should concentrate our efforts to mobilise opinion internationally to counter this threat. This should include international conferences in an attempt to settle on a common agenda to defeat the scourge. We must also explore whether there are any deep-seated reasons and genuine grievances being exploited to

radicalise young people who are born and brought up in otherwise peaceful European cities. Why are they prepared to join these extreme groups? What is the trigger leading these young people to the extreme of killing innocent people and being willing to kill themselves in the process?

Dialogue with Islamic countries and communities will be essential, and they too need to acknowledge their role and to put their own house in order to combat extremism wherever it is being nurtured and supported in their midst. In the case of people in Islamic communities who have influence and are willing to discuss the issues peacefully, we must facilitate genuine and respectful dialogue with them. As to those who have passed the point of no return, their actions must be resisted with great force and their message constantly challenged. It is a long struggle. There are no easy answers, nor any early solutions. The international community must work together, and without any ifs and buts, when condemning such terrorism. We need to fight a war on many fronts but ultimately we must do so based upon the same principles on which the world fought against Nazism. I am convinced that Islamic communities are aware that they will need to develop, as a priority, their own means of condemning violence and promoting peaceful dialogue.

It may be of interest that in Northern Ireland it was ultimately the local communities, including women's organisations, which proved particularly effective in condemning violence and denouncing those who offered succour to the violent. Comparative valuable efforts were also made by churches of various denominations. The terrorists will not win but they will not be readily defeated. This requires international commitment and effort at every level. This war is likely to prove a long haul, but terrorism can ultimately be isolated and defeated.

Are the Government convinced that the Prevent strategy, in its current form, is working? What are they going to do to ensure that the many hundreds who we know pose a threat are properly monitored? How can communities work with the Government to stamp out the evil of terrorism?

7.15 pm

Lord Shipley (LD): My Lords, I remind the House of my vice-presidency of the Local Government Association. I have found it surprising that the gracious Speech says virtually nothing about housing, the financial problems of local government, the funding of adult social care, or the future of business rates and the Local Government Finance Bill. I hope that when the Minister replies he will be able to give some greater clarity on each of those matters.

It does not help to promote the case for more house building when housing is not seen by the Government as requiring a Minister of Cabinet rank—I think it does. Despite the very good work being done by the noble Lord, Lord Bourne, and other colleagues, it needs a Cabinet Minister in the lead. Despite the commitment of the Prime Minister to stand up for social tenants in the face of the appalling tragedy at Grenfell Tower, there is no indication in the gracious Speech of what this amounts to. The Speech simply says:

“Proposals will be brought forward to ... help ensure more homes are built”.

It does not say how many or what their tenure will be. Does the commitment of the last Minister for Housing to build a net 1 million new homes by 2020 still stand, or has the commitment altered to building 1.5 million by 2022, as outlined in the Conservative Party's manifesto? I ask because consultation on the housing White Paper ended several weeks ago, but it would help to know when the Government will set out their plans as a consequence of that consultation. They know that there is broad support for getting more homes built, using every financial lever available, including permitting local authorities to borrow using the prudential code.

The housing crisis is getting worse. New house sales dropped 7% in 2016 in England and Wales. Government-funded homes built for social rent fell to just 1,102 in 2016-17. Shelter recently reported that 1 million households face their housing benefit not covering their rent. The problem is that we have been building around 100,000 new homes too few every year for at least 20 years. That failure to build more has resulted in high prices and high rents with 20% of households now dependent on the private rented sector. Most of them are in no position to buy, because an average home now costs eight times average annual earnings.

In our own manifesto, and elsewhere, we have made a number of suggestions. I will remind the Minister of something I have said previously in this Chamber. The Government need to change the balance of their housing investment. Only 16% of their planned housing investment will directly support the building of new affordable homes: it should be higher. The Government should take action to stop unnecessary land banking. They should permit much higher levels of taxation on properties that are bought to leave empty as investment properties. I hope they will take action to help leaseholders buy out spiralling ground rent contracts. Leasehold purchases represented 22% of all sales 20 years ago; today it is 43% and in London it is much higher. Will the Government increase funding for supported housing which, if provided, could pay for itself through reducing public spending overall? Do they have plans to abandon the policy of selling off high-value council housing? This is rumoured but not confirmed. Will the Government directly commission the building of homes on unwanted public land? All these proposals would help. Having said that, I welcome the draft tenant fees Bill to ban unfair tenant fees imposed by private landlords. I hope that it will include a cap on deposits.

I wish to say something further about the shocking tragedy of Grenfell Tower. The public inquiry is being set up, but it needs to report speedily on building regulations and safety checks. Immediate action is needed—probably as a consequence of an interim report by the public inquiry, but action needs to be taken very quickly. All councils will have to review the speed of their reaction in terms of their emergency plans. The Government should look at annual electricity safety checks. At present, these are not required; in my view, they should be. I hope that the Government will listen much more to tenants to ensure tenant participation works effectively.

I propose that the Government should adopt the following value—that someone in work on the living wage should be able to afford to live reasonably close to where they work. Might the Government share that aim?

7.20 pm

Lord Maginnis of Drumglass (Ind UU): My Lords, before I begin, I apologise to everyone, and specifically to the noble Baroness, Lady Williams, for failing to turn up for the opening address, as I should have done. It was to do with the cyber problem that we had and the fact that when I arrived in my office the speech that I had transmitted was not there and I had to travel back to my flat; hence, I was late. I apologise and thank those responsible for the discipline of this House for their understanding.

During my 34 years in Parliament, and subsequent to 12 years' service as an officer in the Ulster Defence Regiment, I have never been as anxious about the state of our nation as I am today. I had looked forward to Brexit, hopeful that we would restore our Britishness and free our nation from the gross bureaucratic diktat that undermines our parliamentary democracy, and which has eroded our nation's sense of commitment and loyalty to whom and to what we are, and to what we could and should be.

Sadly, we have become victim to catchphrases—can I call them that?—that are being perverted on a daily basis: terms such as “liberal” and “equality”. I was never ashamed to be labelled a “liberal unionist”, even when that was not fashionable, or to argue for equal opportunity. Those who worked with me since pre-1970 know my record over almost 50 years. However, we are now witnessing equality being relegated to little more than a cliché. It becomes “inequality”, where every small faction or clique can demand, collectively, virtual control over traditional resources and rights that are totally out of proportion to their numbers. I refer to those who seek privilege calling it equality, while ignoring any responsibility obligation. We see it in Northern Ireland, where our public services, not least health, are being held to ransom by those who will prevent the Northern Ireland Assembly getting up and running unless their dictated brand of democracy is delivered as they wish. I urge that if and when Secretary of State Brokenshire is forced to reintroduce direct rule, he does not allow that to become but a variation of the ongoing week-by-week chaos, but that it is firmly established on the basis of potential for productivity, be that for at least 12 months at a time, perhaps even for the lifetime of this Parliament at Westminster.

One thing in particular worried me over the course of the general election campaign, and that was the outrageous hectoring and bullying by BBC commentators. From when I was a lad during the Second World War, I had come to expect an informative output from our national news medium, but that has changed beyond recognition. A stranger could now be excused for concluding that the BBC was a party-political participant and, bluntly, was openly hostile to our Prime Minister. Just in case anyone should think that they gain from this, it is a tactic, perhaps a strategy, that will come back to bite us if we do not deal with it now. It is based on provocation and confrontation rather than sound analysis. We have experienced it over the past weeks in the most tragic circumstances, with our broadcasters openly provoking and promoting an antagonistic backlash. The simple deceit is that Prime Minister May was no more responsible than any of us here for the cladding on the Grenfell tower block—no more than she or any

of us could be deemed responsible for the Flood or the black plague. So catch yourself on, BBC; your role is to inform, not to outrageously, unfairly and provocatively incite mob reaction, as you now clearly seek to do. Be clear, BBC, as to what this nation expects, demands and pays for.

Should noble Lords think that I am being too critical of the BBC, be assured that I have not missed those crude indiscretions nearer to home—the crass rudeness and envy of George Osborne or the exaggerated onus of corporate murder that John McDonnell MP sees fit to lay at the feet of society as a whole. Grenfell Tower dates back to 1974. There are somewhere in the region of 4,000 such structures in existence here in the United Kingdom. Those awful recent problems did not simply spring up during the premiership of Mrs May.

My allocated time is fast running out, so I will sum up by making the following points. While we need a principled and intelligent approach to Brexit, we cannot negotiate effectively if we pre-empt every tactic and strategy with superficial, bad-mannered public debate. The nation's interest lies with the necessity for the Government to properly execute their business through protocols that are well established, if sometimes neglected, within this place.

Finally, we must as a nation grasp and exploit the opportunity to devise and implement what has been missing since the 1980s, if not longer—a coherent and strategic United Kingdom foreign and commonwealth policy. Why has one seen us abandon our erstwhile allies in the TRNC to the wiles of the inheritors and successors of EOKA and EOKA-B—an attitude that has recently inspired new and petty UK flight restrictions and controls on those who wish to travel to and from Ercan airport in the north of Cyprus? Let us prioritise our democratic responsibility. Let us implement our moral strategies. Let us, simply, “get a grip”.

7.28 pm

Lord McColl of Dulwich (Con): My Lords, I want to raise an issue of great concern to many, that of victims of modern-day slavery. I welcome the commitments in the gracious Speech to continuing to work at an international level to tackle this terrible crime. However, I believe we must also continue to look for improvements in how we address this appalling abuse here in the United Kingdom. At the end of March, the National Crime Agency published figures for the number of potential victims referred to the National Referral Mechanism in 2016. There were 3,805 potential victims in total, an increase of 17% compared with the year before.

Such an increase is, I believe, a clear indication that the police, front-line services and even the general public are becoming more aware of the signs of trafficking and exploitation, and more aware of how they can help people to access emergency support. I was particularly encouraged to hear of NGOs training flight attendants around the world how to spot the signs of their passengers who might be being trafficked. I encourage the Government to look into how we can encourage such training for all airline staff who fly into the United Kingdom.

However, we cannot afford to rest on our laurels. The number of potential victims identified in 2016 is still less than half, and possibly only a third, of the 10,000 to 13,000 potential victims estimated by the Home Office's chief scientific adviser in the year 2014. This suggests that many more people are suffering extraordinary exploitation and abuse, who are not being offered help. Some, of course, will receive assistance from charities, and others may even be treated in the National Health Service or encountered by immigration officials or by the police. However, they may be either not recognised as possible victims of modern-day slavery or may be too afraid to come forward.

In April, just at the end of the last Session, a report was published by the Work and Pensions Committee which highlighted another key problem. What happens to victims after the initial period of emergency support while their victim status is assessed by the NRM? The report found:

"There is very little structured support for confirmed victims once they have been given a 'Conclusive Grounds' decision from the NRM that they are a modern slavery victim".

It is simply unacceptable that our authorities can send someone a letter confirming that we recognise that they have been trafficked, yet from that point on they may be homeless. They may not even be eligible for benefits and they may be told that they have no right to remain in the UK. We can, and must, do better.

The gracious Speech reaffirmed the Prime Minister's commitment to lead the fight against modern slavery. However, as the Minister knows, addressing modern slavery must go beyond just battling criminals who commit these terrible crimes. Leading this fight must also take seriously the need to support victims. Vulnerable victims are at risk of re-trafficking, entering an ongoing cycle of exploitation. Moreover, victims who are supported on a pathway to recovery are much better placed to assist the police with investigations, which can only increase the chances of convicting the perpetrators. I echo the call of the Work and Pensions Committee report that,

"the Government must introduce a system that will help victims to start piecing their lives back together. Not only is there a moral case for doing this but it can help to bring the perpetrators of these horrendous crimes to justice".

I was disappointed that the gracious Speech did not contain reference to plans to address the longer-term support and recovery of victims of modern slavery. I reassure the Minister that help is on the way, in that yesterday was the first reading of the Modern Slavery (Victims Support) Bill that I have brought forward to address this very issue. I hope that the Government will give it their support.

I was pleased to hear that the Scottish Government announced two weeks ago that they will be doubling the basic period of support provided to adult victims of trafficking, from 45 days to 90 days. I urge the Government to consider the need for victims in England and Wales to receive support for a longer period to prepare them better for their continued rehabilitation.

I close my remarks by seeking an assurance from the Minister that supporting victims of modern slavery will be a priority for the Government in the coming year.

7.34 pm

Lord Mackenzie of Framwellgate (Non-Aff): My Lords, I am pleased to be speaking in this debate on the gracious Speech. It will not surprise your Lordships to know that, as a former police officer of some 35 years' experience, I intend to concentrate on that area in this important debate today.

This has been a difficult time for the policing family—for that is what it is—and, as with any family, it produces best results if it is happy, content and, most of all, valued. Over the decades, I have seen the process of policing change, with the advent of modern technology, improved transport, scientific advancement, DNA, biometrics and the like. But the basics tenets of policing have not changed from the days of that great parliamentarian, Sir Robert Peel, who founded the Metropolitan Police in 1829. In shorthand, it is the concept of policing by consent. Without the respect and the support of the vast majority of the British public, a largely unarmed body of men and women could not perform the tasks which we have asked of them recently in the United Kingdom. Have they not performed magnificently?

So why do we hear murmurs of discontent from the men and women in blue? We have heard of complaints of reduced funding, which of course the Government have denied. However, no one can deny or refute the falling police numbers, and when the money is stretched it affects personnel, which is the largest cost, and therefore the numbers of officers are, naturally, reduced. It is argued that the amount allocated has not been reduced, but as any household knows, with costs increasing and demands for service rocketing, the thin blue line is stretched as never before.

What is to be done? There have been requests for a sensible, objective look at what policing requirements will be in the coming years, and I urge the Government, of whatever colour, to heed these pleas. We hear demands for all police to be armed, but you rarely hear this demand from the police themselves. Many surveys have shown that there is no appetite by police officers to routinely carry guns. This has not solved the problem in other countries.

In my time as a young superintendent, I had the honour of attending a training course for three months at the FBI academy at Quantico in the United States of America. If I had been asked for advice—I was not—I would have said to President Trump, "Don't mess with the FBI!". In my judgment, they are a professional, dedicated organisation with investigators of the utmost integrity.

So what did I learn on the course? We know that the police in America are routinely armed, and many of them are very poorly trained to use their guns. We see the results. When I studied the subject in those days, I found that roughly 15% of police officers who were fatally shot were killed with a police firearm. This was because the weapon was taken from them by the perpetrator, because of inaccurate fire by other officers, or careless handling of guns during practice or exercises. Tasers, of course, are perfect for a less-than-lethal response, such as against knives, but we are talking here about firearms. This is the danger—it illustrates it well—of putting more guns on the streets in the hands

[LORD MACKENZIE OF FRAMWELLGATE]

of the police or anyone else. We should be proud of our record on firearms control in this country and should not be provoked into taking rash decisions to change it.

When I started on the beat in Jarrow on Tyneside in the 1960s, all I had was a truncheon and a whistle, with few vehicles and no radio to call for back-up. It certainly increased your ability to think on your feet and not make rash decisions. A police officer is not like a soldier. He does not respond to orders barked at him or her. The officer exercises discretion and judgment, and I believe those early years of learning are crucial to the officer's development and experience as he or she rises in rank to positions of specialisation or command in an increasingly complex service. That is why I am very cautious indeed about direct entry into the CID, where I spent many years. In my judgment, these positions are far better filled by existing officers with a grounding in general policing on the streets, rubbing shoulders with the great British public, and having been assessed as possessing the attributes, personality and ability to investigate crime, child abuse, terrorism and the like.

Finally, I simply say this, and here I agree with the noble Lord, Lord Paddick. Good policing starts with the community acting as its eyes and ears, and if, because of cuts, there is any continued reduction in the number of community beat officers, who garner, collect and share information and intelligence with the specialist departments, this will reduce the ability of a proud and successful police service to protect the great British public—a responsibility, of course, which is the core duty of every Government.

7.40 pm

Lord Scriven (LD): My Lords, I noticed that the gracious Speech was very clear about something to do with fairness, which the Minister raised. It said that the Government,

“will make further progress to tackle ... discrimination against people on the basis of their race, faith, gender, disability or sexual orientation”.

We have made much progress on equality for people who are lesbian, gay, bisexual or transsexual. There is still a way to go but great progress has been made. In fact, on Saturday I was very lucky to be able to marry David, my new husband and partner of 21 years. That was thanks in particular to my noble friend Lady Featherstone and Nick Clegg, the former Deputy Prime Minister and former MP for Sheffield Hallam, who were in the coalition. It gave me great happiness to be able to reaffirm our love and commitment of 21 years.

However, yesterday my happiness turned to some concern due to the deal that the Government had done with the DUP, not in terms of trying to get stable and strong government but because of some of the social attitudes that that party has. It is particularly galling that in its last vote on equal marriage, the devolved Assembly of Northern Ireland having narrowly passed that people like me in Northern Ireland should be able to cement their love, it was stopped by a petition of concern. It was even more galling to read the BBC story about somebody called Josh, who cannot marry and cement his relationship in his home town

simply because he lives in Northern Ireland. Therefore, I wondered how the deal that I saw progressed equality, particularly in relation to sexual orientation, and I will tell the Government why.

That deal sends a very strong signal to many LGBT people in Northern Ireland that this Government believe that the right of thousands of people in Northern Ireland can be sidelined or ignored so that the right of Theresa May to hold the key to No. 10 is upheld. That sends a very worrying signal. This is guilt by association and the Government need to understand that. They need to understand that it is not just what they say but what they do that sends strong signals about equality across the whole United Kingdom. It is really important that we do not just say things but that strong action is taken through legislation. Even though those words are in the gracious Speech, I have seen no mention of legislation to further the rights of LGBT citizens across the United Kingdom. I make that point particularly in the light of the Stonewall report, published today, which has found that nearly half of LGBT pupils are still bullied at school. I ask the Ministers what kind of legislation will be coming forward to further the rights of those pupils and tackle their discrimination.

I want to move on not just to domestic issues relating to LGBT citizens but to immigration issues relating to those who seek asylum on the basis of their sexual orientation. Great work has been done by an organisation called the UK Lesbian & Gay Immigration Group, which supports people seeking asylum on the basis of their sexual orientation or identity. However, one issue that comes back time and again is the number of LGBT asylum seekers who can be held in detention for as long as those holding them see fit. The Government have been asked for about four years—particularly by Anderson—when they are going to stop detaining people who flee persecution because of whom they love here in the UK. As the Anderson report showed, they are fleeing persecution only to be held in situations of great danger, with prejudice and potential threats to their safety within detention.

I hope that the Government will take heed of these issues. Rhetoric and words are good but they do not solve the problems of many LGBT people, whether they are here in the UK living in Northern Ireland or fleeing persecution. Therefore, I ask the Government what specific legislation will be coming forward to meet that commitment to ensuring that further progress is made on tackling discrimination on the basis of sexual orientation.

Baroness Goldie (Con): My Lords, I respectfully remind your Lordships that the advisory speaking time is five minutes. The previous speaker was most obedient of that, but we are running quite significantly behind time and your Lordships' co-operation in adhering to the advisory time limit would be very much appreciated. When the clock shows “5”, the time is up.

7.46 pm

Lord Marlesford (Con): My Lords, I wish to speak about national security. I suggest that the greatest threat to our national security comes from political Islam and, in particular, its military wing, Islamic State,

which has in fact subsumed earlier jihadist organisations such as al-Qaeda. Since ISIS announced its arrival in Raqqa three years ago with the aim of creating a worldwide caliphate, we have seen enough of its brutal methods to be able to classify it as a fundamentally fascist movement wearing the cloak of Islam. The political motivation is clear. In this, it is remarkably similar to Soviet Bolshevism, but of course with Islamist theocracy taking the place of communism as the monopoly form of government.

This morning I visited the British Library exhibition on the Russian Revolution. I would like to quote one full paragraph from the catalogue which makes the point with elegance:

“Inaugurating the next stage of history, the proletarian revolution would, in their view, accelerate, extend and transform these globalising dynamics”—

the world moving to ever closer integration—

“further dissolving national territorial distinctions of class, ethnicity, religion and culture. The revolution would lead to the creation of a unified socialist world-state, and ultimately to world-wide stateless communism”.

I have nine specific proposals to make to the Government. First, HMG should always make an independent assessment of the greater national good where the interests of national security clash with civil or human rights.

Secondly, British jihadists who have travelled to take part in IS operations anywhere in the world should not be allowed back into this country, whether they be British citizens by birth or naturalisation. Their passports should be cancelled and their citizenship revoked. They have made their free choice and, if they have not died from it, they should live with it. We cannot afford to take the risk or pay the price of doing otherwise.

Thirdly, we need greatly to tighten our borders. This must mean that the Passport Office is aware of any other passports held by a British passport holder.

Fourthly, the Passport Office should temporarily invalidate electronically a British passport held by someone who is serving a custodial sentence or is on bail under charge of a security offence. I note that it was reported that one of the London Bridge killers was on bail at the time of the attack. This will involve automatic notification of such instances by the courts and the police to the passport authorities.

Fifthly, there must also be automatic electronic cancellation of passports on death as soon as notified by the registrar of births and deaths.

Sixthly, it is most urgent that there be automatic recording, for a period of at least five years, of all departures from or arrivals in the UK. It is absurd that there is scant recording of departures, with the wholly inadequate excuse that closer scrutiny is “intelligence led”.

Seventhly, we do not necessarily need national identity cards, but we need national identity numbers with individual biometrics centrally held, but not just on any document held by the individual. Documents containing biometrics—although necessary for many purposes—can be dangerously misleading if the biometrics of the holder cannot be compared with a central record. At present there are a plethora of government

numbers allocated to the individual: national insurance, NHS, passports, driving licences, HMRC and criminal records to mention half a dozen obvious ones.

Eighthly, new standards of positive vetting must be introduced to help ensure that terrorists, of whom we know there are now many in the UK, are not able to get into sensitive positions.

Finally, there should be a fresh appraisal of the role and legitimacy of the Muslim Brotherhood in Britain, whose links with jihad are not unlike those that Sinn Féin once had with the IRA.

None of these proposals is new. I have made them all before, but with scant response from the Home Office—although sometimes Ministers have privately told me that they agree with me. Perhaps the time has come for a department of homeland security on the basis and lines of that constructed in the United States.

7.51 pm

Lord Watts (Lab): My Lords, I raise an issue faced by many councils around the country. They have faced massive cuts in their expenditure over the last few years. They have been forced to privatise services, been stripped of powers and in some cases been forced to cut services altogether. Those services that are left have been cut to the bone.

How did we get to such a state in our local government? Before I arrived in the other place I was leader of my local authority. When I first became a councillor 40 years ago, my authority could set its own council tax and decide the level of services it wanted to provide. It could also decide whether it wanted to provide those services directly or contract them out. Voters could then decide whether the services they received were the services they wanted and whether they were cost-effective.

But then it all changed. The Conservative Government of the day decided that public was bad and private was good. No real assessment was ever done to see whether this was true. The policy was driven by dogma rather than any sort of research. To make things worse, the Government moved away from a needs-based funding system to a political system based on the whim of the Minister. The new funding system moved funding from some of the poorer areas to the richer areas. That can be seen today, when some local authorities face bankruptcy while others are awash with cash. We have been talking about Westminster Council and Kensington and Chelsea. They have loads of money, while other local authorities have none and face bankruptcy.

When I was a council leader, I asked my finance staff to do an assessment of what it would mean if we had the same level of grant as Westminster. I was amazed to find out, when my officers told me, that we would have to levy no council tax whatsoever. We would be able to improve council services and send all our residents on a Spanish holiday at the end of the year. That shows noble Lords the level of fix that went in at the time. That system is still in place. Our funding system is corrupt. Our council services are less accountable and less transparent than they were. Our services are far more expensive than they need to be.

How can we rebuild our council services and support for our public sector workers in local government? Our funding system should be set by an independent academic body. It should move back to a needs-based

[LORD WATTS]

system. We should stop the enforced privatisation of our council services. We should once again give our councillors direct, democratic control over the services. Unless we do so, we shall face a growing divide between rich and poorer areas. Some councils will not even be able to provide basic services in the future. Our councils will continue to be more expensive than they need to be. They will be less accountable, less transparent and less democratic than they are at present.

I hope the Prime Minister will not just say but do the right thing and make our country less divided than it is now. Had I had the time to make the point, I could address the same issues on health, police and fire funding, and for many other services. We need to have a fundamental review of the way we fund public services in the UK. Quite frankly, it is a terrible indictment that the richest areas are getting the most and the poorest areas are getting the least.

7.55 pm

Baroness Hamwee (LD): My Lords, my noble friend Lord Scriven will forgive me if I simply congratulate him on his marriage and move swiftly on.

One litmus test of public concern is a storyline in "The Archers". Other noble Lords may be aware that Adam Macy is worried about engaging strawberry pickers in the future and the administration involved if there is a seasonal worker scheme. The Federation of Small Businesses has asked for, to use their term, an employer-responsive immigration policy. That is a widespread demand or plea. I urge the Government to consult widely not only on their immigration policy following Brexit—the Minister referred to consultation—but on processes.

With regard to EU citizens, the Leader of the House yesterday promised,

"a streamlined and high-quality service".—[*Official Report*, 26/6/17; col. 190.]

Currently, our processes and services do not meet that description; they are very expensive, by way of fees, to boot. I suspect that this is in large part because of the huge overload on Home Office staff. I believe that, because of the demands of Brexit, no additional staff are heading the Home Office's way.

It would be logical, too, to take the opportunity to simplify our immigration law. Who in the Chamber is confident of finding their way round the non-statutory Immigration Rules, which change so frequently and, if they were printed out in hard copy—which generally they are not—I suspect might be about the size of all the Harry Potter books in aggregate?

What was never logical was the aspiration—or ambition or policy or whatever it was—to reduce net migration to the tens of thousands, so I welcome that this has slipped off the agenda. David Davis now talks about "sustainable levels". I noted that the Minister used this phrase herself this afternoon. What are the criteria for sustainability? We know the role played by immigrants in sustaining our economy, our NHS and our care services—one could go on—and, of course, that many do not feel valued in the current situation.

Our regard for people is reflected in our language. My noble friend Lord Paddick referred to the Home Office's use of the words "hostile environment"—do

they ever blush when they use them? I shall say a word about language and Refugee Action's campaign Let Refugees Learn, a campaign to improve language provision to refugees. Being able to understand and make oneself understood is fundamental to integration. A young woman from the DRC has said:

"One thing I've realised, when you can't talk to people, it's really very hard. They smile but can't talk to you and you can't talk to them".

There are English language classes with waiting lists of two years and close to 1,000 people, reductions in learning hours and the doubling of class sizes. Teaching English should be regarded as an investment in the often highly skilled and highly motivated people who seek asylum here. Words are our tools, so we should understand the need.

It is frustrating not to be able to respond to so many points made this afternoon. I simply wonder aloud whether other noble Lords had the experience that I did of being lobbied extremely hard during the election—in our constituency headquarters while trying to match a deliverer with a delivery round which was convenient to him and also sort out a whole load of canvas cards—about the incorporation of the Serious Fraud Office into the NCA. The constituent who was lobbying me was rather surprised that I knew anything about the subject at all, but he lobbied me at length.

I have one last thought on how we describe things. Human rights do not "get in the way" of dealing with the issues that I and other noble Lords have discussed this afternoon. They are what we are about, and human rights and the rule of law must be one of the building bricks of our post-Brexit policy.

8.01 pm

Baroness Flather (CB): My Lords, I have lived in this country most of my life. In fact, I do not call it "this country" now; I call it "my country". It has been good to me. I have done well and things have happened, but of course some effort has to be made by the person who comes. That is a separate story. The country has been good to me and I have enjoyed living here.

I want to remind noble Lords of a couple of things from the gracious Speech. It talks about discrimination against anybody on the basis of,

"race, faith, gender, disability or sexual orientation".

It goes on to say:

"Legislation will be brought forward to protect the victims of domestic violence and abuse".

I read that because there is a group, particularly of women, who are victims of abuse, discrimination and domestic violence. These are Muslim women who, under sharia, have no rights whatever to do anything about their situation. They cannot get a divorce. Men can get a divorce in five minutes, sometimes by email. Women cannot get a divorce. Noble Lords may ask why they need a sharia divorce, if they can have a divorce under British law. They need a divorce because, if they visit their families in Pakistan, the husband can take their children away. After the age of seven, the husband can always take the children away. Every aspect of sharia is discriminatory.

I do not know whether noble Lords remember the Bishop of Rochester, Michael Nazir-Ali, who has retired. He studied sharia and said that not one thing

in sharia is non-discriminatory against women. We are allowing this to go on in this country. No system such as sharia should have been allowed to take root in this country, but we have allowed it because we do not like to be nasty to anybody. It does not matter if half the Muslim population has no rights, because we must not be nasty to them. Well, we should be. It is time for us to protect our values.

Our values are about equal treatment for women. Women did not get equality in this country by sitting about and waiting for it. They fought for it. They really did fight for it, and it took them a long time to get equality. It is time that British women, whatever their faith or background, are treated the same. If these were white British women, would we accept that treatment? We would not. It is time that we looked at this more clearly.

People may say, "Let's not do anything: it is about their religion and culture". But if religion and culture hit at the most fundamental values of this country, the loss will be ours. We will lose our own values, by which we have lived and that we have fought for for so long. We have to do something about stopping this erosion, because it is completely wrong.

Nazir Afzal was the chief crown prosecutor in Manchester and became head of the Association of Police and Crime Commissioners. He said this so well that I do not want to get it wrong. He said:

"We all have a responsibility to stand up for British values and the rule of law",

and by that I mean democracy, women's rights and the rights of other minorities. That is a cornerstone of our values, and we should not forget it. It should always be there in our minds.

The time is so short, but I want to say that sharia is not really a proper law as such. It is not a law in the Koran, although it is based on Koranic principles. It may have been acceptable in the 7th century, but we are now in 21st-century Britain. Should it be acceptable today? It should not.

I end with a word from Sara Khan in the *Times*. She said that we need to fret less about religious sensitivities and become more intolerant of intolerance. We should keep that in mind.

8.06 pm

Baroness Manzoor (Con): My Lords, more than 200 years after the abolition of slavery, there are still an estimated 45.8 million men, women and children trapped in modern slavery, and up to 11,700 potential victims in the UK alone. It is unacceptable that in our society there are vulnerable people who find that they have been duped, forced into hard labour, locked up and abused. Therefore, I am pleased to note that in the gracious Speech tackling human trafficking and modern slavery remains a priority for this Government and that we are committed to stamping out this abhorrent crime.

Much has been achieved by the Government in the relatively short two years since the Modern Slavery Act was enacted in 2015. An Independent Anti-Slavery Commissioner whose office is working in partnership to tackle modern slavery in all its forms is now fully established, and the Government made available a £33.5 million package to support victims from countries

where they are regularly trafficked to the UK. Part of this was £11 million invested to tackle modern slavery in the community. But more needs to be done, as we heard earlier from my noble friend Lord McColl in relation to victims.

An independent review in 2015 alone found that there was a 40% rise in the number of victims identified and hundreds prosecuted for this crime—and, as we heard from my noble friend Lord McColl, this number continues to rise. But we need to further strengthen our law—and I mean our company law. To that end, it is right that the debate now moves to the question of what should be the legal obligations on business to ensure that there is respect for human rights throughout company activities and business relationships, including their supply chains. Evidence from the European Coalition for Corporate Justice shows a welcome increase in initiatives to improve corporate accountability at national, European and international level. But more still needs to be done. It is interesting to note that the French have gone further. They have been bold and made new company law. The new French corporate duty of vigilance law, applicable only to the largest French companies, shows that respect for human rights and the environment can be legally mandated into business activities. This is a first.

The French law establishes a legally binding obligation for parent companies to identify and prevent adverse human rights and environmental impacts resulting from their own activities, from the activities of companies they control and from the activities of the subcontractors and suppliers with whom they have a commercial relationship. This is a great enhancement of French company law, bringing a greater focus and clarity of responsibility to company directors and their shareholders in a key priority area.

In my view, UK company law could likewise be amended to reflect this kind of law in relation to Section 54 of the Modern Slavery Act. Currently, directors of UK public companies have to report on "human rights" matters in the directors' strategic report, but under Section 54 of the MSA they have a separate obligation to report on supply chains via a website. This makes little sense. How can the issue of human rights be separated from the supply chains of the companies? Regrettably, in my view, when the human rights reporting requirements were put into UK company law, an opportunity was missed to include five small words: "including in its supply chain". The Government now have an excellent opportunity to correct and strengthen this in UK company law.

There are very few good companies or consumers who would wish to provide or receive goods and services made on the backs of the most vulnerable people in the world. No one needs to turn a blind eye. Despite modern slavery and trafficking being illegal in many countries, sadly it remains very profitable, especially if the fruits can be sold into the legitimate business sector unwittingly through its supply chains and subcontractors. It will not escape noble Lords that many countries do not have a modern slavery Act, but that every country does have a company Act, which is the best vehicle to strengthen and amend the law to prevent modern slavery.

[BARONESS MANZOOR]

I will conclude by asking my noble friend the Minister two questions. First, what further action are the Government taking and what resources are they making available to ensure that they continue to tackle modern slavery? Secondly, will the Minister give consideration to the French duty of vigilance law and/or incorporate or link Section 54 of the MSA into UK company law?

8.12 pm

Viscount Simon (Lab): My Lords, over the past few years a number of financial cuts have been required of various bodies, such as education, the NHS and policing. It seems as though no one in government takes responsibility for the reduced levels of roads policing. The Department for Transport says the decline is not a problem but that if it is, it is a Home Office matter. The Home Office says that it is down to police and crime commissioners, who in turn pass it down to chief constables, who blame government cuts—a fine merry-go-round.

However, if the reason for the delay in publishing this year's road casualty figures turns out to be operational difficulties within police forces, it is important that the Home Office should acknowledge this and reaffirm the instruction that the data, known as STATS 19, are collected in a timely and conscientious manner. There has been no explanation from the Home Office of why these figures, which usually come out in June, have been delayed until September. I wonder why has there been such a delay.

This is no mere quibble about statistics. The provisional figures published in February showed a rise in total road deaths in Great Britain in each of the past three years. The trend is in the wrong direction and we badly need good information on which to base policy. The number of specialised roads policing officers fell from 7,104 in 2005 to 4,356 in 2014. Unfortunately, I do not have more recent figures, but I am led to believe that the numbers have fallen even further. It is interesting to note that the Transport Select Committee concluded that the reduction in overall road traffic offences recorded does not represent a reduction in the offences actually committed. There simply are not enough police officers out there to take appropriate action regarding many offences in many circumstances due to the various obligations placed on them.

At present there is a lack of investment and recognition of the role that roads policing plays in protecting our communities from harm. It is one area of policing that can disrupt and detect transient criminality before it brings harm. This covers all areas, from fly-tipping to the most serious forms of harm such as terrorism, where the roads are arteries of harm. Should the benefits of roads policing be better understood, there is a real opportunity to strengthen this area, which could have a positive impact on road safety and safer communities if supported at government level.

We can make our roads policing officers much more effective and efficient if we equip them with the best technology. The UK leads the world in the development of traffic safety technology, yet we are not making progress nearly as quickly as we could and should be. We need a much faster and more proactive approach from the Government. We should be harnessing

the private sector's ingenuity and investment to make roads safer and our police more efficient. We should be doing more to support these cutting-edge businesses which provide high-skilled jobs and valuable export earnings.

When the Serious Organised Crime and Police Act was passed more than 10 years ago, I had an amendment accepted that permits the use of evidential roadside breath testing instruments. After all this time, however, the Home Office has still not provided type approval for any such equipment. A number of target dates for achieving type approval have been missed and, as far as I am aware, there is now no target date whatsoever. This means that the equipment is not available to our police officers, who have to take suspected offenders to a police station for an evidential sample.

Yet it seems that type approval can sometimes be achieved quickly. The so-called "drugalyser", which tests a driver's saliva for certain drugs, was passed for police use by the Home Office in a relatively short time, despite the technical challenges involved. Could it be that this was due to a commitment made by the former Prime Minister, David Cameron?

Then there is the thought that the police could have multi-function cameras to serve a number of purposes: security, safety, licensing, insurance requirements and more. Equipment exists that can detect unlicensed or uninsured drivers, speeding, red light running and so on, but type approval for each camera is generally limited to a single purpose. As a result, the police are required to buy two or more cameras to do the same job, thereby adding to the costs, or simply failing to enforce. It is interesting that the University of Hertfordshire has some PhD people working on some very interesting improvements in ANPR and two of them are police officers.

One must acknowledge that the number of vehicles on our roads has increased considerably and the safety features of modern vehicles have greatly improved. We must also acknowledge that the standard of driving has fallen for various reasons, including poor driving test standards in many countries, which are legal there but not accepted here. Then we must acknowledge the improved safety devices in modern cars, which can effectively prevent road deaths in certain circumstances. However, we must also remember that in a serious collision, where the vehicle stops in less than one second, the human body is not designed to stop from high speed in that time.

Finally, there are lots of excellent specialist collision investigation units within the police. These units look for evidence that may support a prosecution—for speeding or dangerous driving, for example—but they do not look for wider causation factors, such as pressure from an employer to complete a delivery, or how the design of the car or road contributed to the collision. It has been suggested, somewhat strongly, that a road collision investigation unit should be formed and there should be an overhaul of how collision information is gathered and analysed. This would complement, not replace, the work of the police. We have separate investigation branches for rail, air and maritime accidents, so why not for people who die on the roads? At the moment roads policing operations tend to be swept under the carpet whenever possible and it is not generally acknowledged that many more people die on our roads than are murdered.

8.18 pm

Lord Roberts of Llandudno (LD): My Lords, it is a privilege to speak this afternoon and to say how inspiring so many of the speeches have been. I was particularly inspired by three prominent Welsh lawyers, one after another: the noble and learned Lord, Lord Morris, and the noble Lords, Lord Thomas and Lord Elystan-Morgan. We would have had to pay a massive fee, I think, if we had to see them in any other place. In the wide-ranging speeches, we had one great disappointment, and I am sure the Minister involved will know exactly what I am referring to; there has been no commitment at all to receiving the 20,000 Syrian refugees as promised by David Cameron. It is not there in the Queen's Speech. Nor is there a commitment to increase the number of unaccompanied child refugees. When you think that in Europe there are still about 88,000 of these children by themselves, we have met no commitment whatever in the Speech that we are discussing this afternoon. It has been a great disappointment in that direction.

We are probably going to get another immigration Bill; we get one every Session. I am not sure what we are going to do in a two-year Session: will we get two or just one and a half? We are going to get new legislation, and every time we do it makes it more difficult for those who are vulnerable and those who wish to escape from total austerity to come here. We can promote many amendments when that new Bill comes. We can ask why asylum seekers are still refused permission to work for the first 12 months of their time in the United Kingdom. Is there any reason whatever? I cannot see any. Why, also, do we have legislation that permits 18 year-olds to be deported? Those who are deported are largely those who have had no access to legal advice. The Government could, quite easily I think, make a commitment that everyone who approaches 18 years of age shall at least have the benefit of top-rate legal advice.

There is one other thing I would like to see in the new immigration Bill. Do you know how much people get every week when they are applying? It is £36.95, and this has not increased at all in the past five or six years. Anything that we can do to uprate that to the present cost of living would be very welcome.

I have come across a poem by Warsan Shire of Somalia that describes the circumstances, and I shall quote part of it:

"You have to understand/that no one puts their children in a boat/unless the water is safer than the land
No one burns their palms/under trains/beneath carriages
No one spends days and nights in the stomach of a truck/feeding on newspaper/unless the miles travelled meant something more than journey.
No one crawls under fences.
No one wants to be beaten/pitied
No one chooses refugee camps/or strip searches where your/body is left aching/or prison/because prison is safer/than a city of fire ...".

The accusation is that they have:

"messed up their country and now they want to mess ours up".

I could go on but I had better not. In the United Kingdom, there are many victims of the harshest circumstances.

We in the House of Lords can lead the way in defining the character of the United Kingdom. Is it one of which we are proud, that we are delighted to be part of, or do we have to say, "This is not in my name"? Years ago, I dreamed of a country that could be a model of moral leadership, and so on, in the world. I thought of India when Mahatma Gandhi was there. I thought of the victims of the Holocaust, who had been through so much trauma themselves that they could surely lead, but that was not so. Now, who do we choose? Which is that nation? Now we are four nations: Wales—let us put Wales first—England, Scotland and Ireland. Could we not be the nation that leads morally in this ruptured world? I am proud to be a Welshman—your Lordships might have gathered that over the years—and I want my kids and grandchildren to have even more reason to be proud than I do.

8.23 pm

Lord Laird (Non-Affl): My Lords, I offer sincere apologies to the Government Front Bench for not being here at the opening of the debate. I am having a difficult day. I have not spoken here for two years, deliberately, because over that period and before I have had a number of difficulties with a heart condition, including arrhythmia, which place me in a rather difficult position. I have had a very difficult day today, to be quite honest. A bit like my colleague, the noble Lord, Lord Maginnis, I had my notes for today neatly typed out on my machine at home, but I am here and everything has been hacked into so I have been trying to recreate what I have to say. I would like your Lordships' indulgence and understanding this evening. Earlier today, I nearly scratched from speaking because I felt that bad. I am not quite in the position that I would like to be in, but I want to talk about a topic that is of interest to me.

One of the important organisations in Northern Ireland, which leaves a tremendous impression—whether it is a good impression or another thing—is the Northern Ireland Parades Commission. It is wholly unaccountable to either the courts or to Parliament, yet it is publicly funded, making quasi-judicial decisions enforceable by the courts and police. It is under no obligation to give reasons for its decisions or even to explain how they were made. It is under no obligation to keep or maintain records of decisions. Attendance of commissioners at decision-making and other meetings is not recorded or published. A body applying for permission to parade is not allowed to know the reason for the complaint made against it. Consequently, a defendant cannot defend themselves because they do not know what the complaint against them is.

I will look at a few well-documented cases. Police reports indicate that during the Ardoyne difficulties in Belfast, which we have all heard of, the parades did not cause any of the violence in any year and they conformed to all the rules, regulations and restrictions put upon them by the Parades Commission. It would appear that the commission, in banning the peaceful parades for a number of years, is not only giving in to violent protest but even condoning or rewarding such violence. One could claim that it is criminally aiding and abetting the use of violence to prevent a lawful peaceful assembly. This would constitute a criminal

[LORD LAIRD]

conspiracy in itself by being in violation of the state's duty to uphold the right of peaceful assembly, which is in the European Convention on Human Rights.

To underline, we in Northern Ireland have, funded by the taxpayer, a quasi-judicial body that is not answerable to the courts, Parliament or our Assembly, yet it can have a considerable impact on day-to-day affairs. What is urgently required is a reconstruction of the commission to take account of the European Convention on Human Rights and the Organization for Security and Co-operation in Europe, both of which the United Kingdom has signed up to. The Belfast agreement is supposed to uphold these rights. Instead, we find that one section of the community has had its fundamental rights taken away. I thank your Lordships for your brief and kind attention.

8.29 pm

Baroness Eaton (Con): My Lords, I start by declaring my interest as a member of the independent advisory group of Marston Holdings, which is a judicial services company, and as a vice-president of the Local Government Association.

I welcome the announcement in the gracious Speech that legislation will be introduced to modernise the courts system. As noble Lords who have some experience of that system will recognise, investment in its services is much needed, and I hope that that will improve the situation, particularly for those who find themselves with no other route of redress. Civil court users include many small businesses and individual creditors who resort to the civil court to regain money that is owed to them and which is often the life-blood of their businesses or vital to their needs in some other way. Such creditors use the civil court to obtain a county court judgment that orders the individual or entity named to pay money that they owe. At present, county court judgments for debts of less than £600 or debts regulated under the Consumer Credit Act may be enforced only by county court bailiffs—directly employed staff of Her Majesty's Courts & Tribunals Service. Creditors report waiting times of more than 10 months in some cases for a court order to be enforced by a county court bailiff. Such delays can have serious consequences for cash flow and are all the more difficult to bear when it is considered that it is civil creditors who subsidise the courts system for other users.

In the review of the civil court structure that Lord Justice Briggs conducted, which was published in July last year, he described a "serious blight" on the county court bailiff service and noted that criticisms of it had gone "entirely unchallenged." It could be concluded that the underperformance of county court bailiffs results from long-standing underinvestment in the service, but Lord Justice Briggs expressed the view that investment at this stage would be unlikely to resolve the service's shortcomings. Industry associations have long called for access to private sector enforcement for such debts, and Lord Justice Briggs recommended that a "detailed bespoke review" of civil enforcement processes be undertaken. The coalition Government had committed to reviewing the restrictions on private sector enforcement following a review of enforcement regulations that were introduced in 2014. No such review has yet been

published, which has left civil creditors without clarity as to whether they can hope for greater choice in enforcement. I hope that your Lordships will agree that access to justice for civil creditors should be considered as part of the Government's programme of court reform, so that those who subsidise the courts are better assured of achieving the remedy that they seek.

We know that Brexit casts its shadow across much that this Parliament will do. Whatever shape Brexit takes, local government will still be there, delivering local leadership and serving our communities and businesses. Driving local and regional economic growth will require investment in infrastructure, skills and enterprise and an ongoing willingness on the part of central government to trust its local and regional partners and to continue with the job of devolving powers and resources. Delivering local growth will be critical in reducing demand for council and other public services and in putting councils on a sustained financial footing. For too long, regional economies have underperformed in comparison with London and the south-east. It is estimated that, if the northern economy could just halve the gap between its productivity and the national average, that would add £34 billion to the value of the national economy. If the local economy in my home city of Bradford performed at a level that was commensurate with the city's scale, it would be worth at least £13 billion, in comparison with the £9.5 billion that it is worth today.

To secure a sustainable future for local services, inclusive and balanced national and regional economies, and safe, vibrant and cohesive communities, we cannot afford to let devolution die or to let it flourish for some and lie fallow for others. That was the case before Brexit and it will continue to be the case beyond Brexit.

8.34 pm

Lord Smith of Leigh (Lab): My Lords, I need to begin by declaring my interests in local government: I am the leader of Wigan Council, a vice-president of the LGA, a vice-chair of SIGOMA, chairman of the Greater Manchester health partnership board and a member of the Greater Manchester Combined Authority.

The Queen's Speech was a huge disappointment for local government. We understand the need to be exercised with Brexit in this Parliament, but the fact is that there is not a lot of substance for local government over the next two years in this gracious Speech. The first issue I want to raise, following my noble friend Lord Watts, is the finances of local government. Perhaps I may ask the Minister a simple question: has austerity ended yet? It clearly has in Northern Ireland—if you are there, you have £1 billion in your back pocket and can spend quite a lot—but what about those deprived communities in the north of England that my noble friend talked about? They already have much less per head in public spending and that will get even worse, so has austerity ended?

Secondly, following the terrible events over the last few weeks, what are the Government going to do about public services? We have heard police chief after police chief argue that they need more funding.

In Greater Manchester, they have had to cope with the situation after the Manchester Arena bomb with 2,000 fewer police than we had in 2011. There clearly needs to be an increase; even this Government cannot resist that. There have been hints by the Secretary of State that in health, the public pay freeze may go beyond the 1%, which is unsustainable while inflation is beginning to rise. Again, the question for the Government is: if public pay begins to rise beyond the 1% that is in the forecast, who will pay the bill? Will it be local authorities or local taxpayers, who would really be a substitute for more cuts as it would be the only way they could pay those bills?

I am particularly concerned about the lack of clarity in the Government's promise to allow local authorities to keep more of their business rate revenue. We thought that this was to happen over the course of the Parliament which started in 2015. There is nothing in this gracious Speech to indicate when or whether it will happen. I also want to know what the Government's attitude is towards the pilots. A number of authorities, including Greater Manchester, have been piloting the issues around business rates collection and all we have been told by officials is that it will probably go on until the end of this year—although when we signed up to the deal, it was to continue over the next 12 months and to the end of 2019-20.

I turn to devolution because it is about not just the nations of this country but the regions of England as well. Since the departure of the former Chancellor to edit the *Evening Standard*, the commitment of the Government to devolution has been less than solid. We have not really understood where they are coming from. If we remember the northern powerhouse, there are arguments in favour of driving it up—the noble Baroness, Lady Eaton, made clear what we still need to do—but does that still mean anything to anybody there? Coming on to Brexit, we need to make sure that the powers that are devolved back to this country from Brussels do not stop in the sticky fingers of Whitehall but can go down into the regions and local authorities. We need a voice to make sure that point is heard.

Given my health hat, I need to mention social care. It is promised that we will have a consultation on that but it is clearly a matter of urgency. The Government have tried to fix it on a number of occasions and the last Budget put a bit more cash in the system. But there is really a long-term problem with the ageing population and the impact it has on not just local authorities but the health service as well, creating bed-blocking and other issues in the NHS. The King's Fund is predicting a further gap of more than £2 billion by 2019-20, so we need a solution early and it needs to be consensual if it is to work properly.

Finally, I turn to the awful events of the tragedy around Grenfell Tower. In the past, national and local government have really not taken fire safety seriously in all our buildings. Whatever the outcome of the inquiry—I hope it is a quick inquiry—we need to take that on board. For example, we cannot still have schools deciding on the whim of a head teacher whether or not to impose sprinklers. It has to be done and we have to say, "If we want to keep our buildings and schools safe, it should be done properly".

8.40 pm

Baroness Bowles of Berkhamsted (LD): My Lords, the gracious Speech this year was conspicuous by what it left out and not only for the issues that made headlines. I want to know where corporate governance and responsibility have gone. In the previous Parliament, we had a Green Paper on corporate governance, and there were interesting things all over pages 17 and 18 of the Conservative manifesto, from criminal offences for directors putting pension schemes at risk and boards taking proper account of employees, suppliers and the wider community, to legal enforcement of takeover promises and much more. These are issues at the heart of public concern and trust and, through that, productivity, and I hope they are not abandoned.

Some of these topics sit better in yesterday's debate, but there are overlaps with the Ministry of Justice when it comes to the real nitty-gritty of making things stick legally, especially when criminal sanctions are required. The noble Baroness the Minister, who unfortunately is not in her place, will recall my submissions during the passage of the then Criminal Finances Bill about how the identification doctrine has restricted the ability to hold companies to account. The Ministry of Justice has shied away from this issue, last Session issuing a call for evidence instead of the consultation promised at the anti-corruption summit and delaying serious preparation for legislation.

Transparency International, among others, summarised the situation in its evidence. As long ago as 2010, the Law Commission called UK corporate liability laws "inappropriate and ineffective". In 2012, the Government recognised in introducing deferred prosecution agreements that:

"Options for dealing with offending by commercial organisations are currently limited and the number of outcomes each year, through both criminal and civil proceedings, is relatively low".

More recently, the Government stated in their July 2015 consultation on a new corporate offence of failure to prevent tax evasion:

"Under the existing law it can be extremely difficult to hold ... corporations to account for the criminal actions of their agents."

The fact is that the criminal liability test and corporate governance do not align. We could go on introducing more individual "failure to prevent" offences, and it would be better than nothing, but the need to do that begs the question of why we go on piecemeal, always behind the curve, missing culprits.

Two recent events put corporate behaviour in focus: first, the SFO, which is an organisation worth keeping, bringing charges against Barclays and individuals and, secondly, potential criminal charges as a result of the Grenfell fire, on which I welcome a full public inquiry and associate myself with the sympathy and gratitude expressed to victims and rescue workers by other noble Lords. I do not want to probe those cases now, other than the general lessons that they point to yet again.

Many ordinary folk felt gratified that the SFO was bringing charges against a bank and senior bank executives, not because of the particulars of the case but rather from frustration that the identification doctrine and the directing mind and deliberate intent tests had conspired to make companies and directors immune

[BARONESS BOWLES OF BERKHAMSTED]

as regards the financial crisis. When it comes to the Grenfell fire, issues of corporate manslaughter may be raised, and that legislation was made specifically to overcome the identification doctrine that had previously thwarted prosecutions. That legislation was yet another admission of previous failure. Is it not about time there was a universal solution to the immunity that the identification doctrine has perpetuated?

It is not better regulation to do things piecemeal. This is one issue—corporate responsibility and liability—and it needs to be fixed universally. It does not work to have permissive, comply-or-explain and self-certification regimes coupled together with an inability to prosecute for egregious failures. The more Government go light touch on regulation and corporate governance, the greater the need to plug the gaping hole in justice. Will the Government publish the responses to the call for evidence and will they take further steps towards implementing a strict liability regime?

8.45 pm

Lord Eames (CB): My Lords, this has been a very wide-ranging and in-depth discussions this evening on the Queen's Speech. I make no apology for bringing to your Lordships' attention, as we come to the end of the debate, a theme which has reared its head at almost every juncture of today's work: the question of devolution. I do it for this reason. Although much reference has been made to Northern Ireland and its problems, its hopes and its failures, there has been little reference to the theory of devolution, which lies constitutionally, legally and politically at the root of many of the relationships of a country that faces Brexit. I believe that some of the lessons that come from my part of the United Kingdom are worth remembering as we approach that crucial stage of our history.

People say the Troubles are over. There were those of us in this House and in the other place who, when we saw the ending of the obvious elements of strife, turned away and said, "It's over—it's now history and we can move on". But those of us who dedicated so much of our active lives to building bridges, healing wounds and trying to bring communities together know that it is still a tender plant when we talk of the peace process. For that reason, when I hear people talking about the question of the border between the Republic and Northern Ireland, and the fact that it will soon become the frontier between the United Kingdom and the European Union, I wonder: do we pause to think of the significance of that other word which has to be linked to the theory of devolution—the word "relationships"? Relationships not only within the devolved nations but between the devolved nations and between those nations and central government will be tested as never before when Brexit becomes a reality.

I do not speak as a party politician or to represent a political party, but as one who has seen where relationships can break down, where harm can be done and where injury can be caused when this tender plant called relationships is allowed to flounder. The noble Lord, Lord Reid, reminded us earlier on in this debate of the importance of looking at the whole theory of devolution

—what is happening in Northern Ireland with the collapse of the Administration and with the questions being asked about how Brexit will affect the United Kingdom as a whole. But remember, it will first and foremost affect the people of Northern Ireland. The border is not just a question of north/south but a question of east/west. Those relationships go to make up the community from which I come, and it is a question which we cannot allow to founder in the happenings of Brussels.

The Queen's Speech rightly reminded us that the Government will attempt to work closely with the devolved nations in the years ahead, particularly through the Brexit process. However, they must go further than that in the case of Northern Ireland. It must be recognised that before, during and after Brexit the relationships that have been so carefully built up in the peace process could be fractured. Those of us who live there, and who know it is a tender plant, know that the slightest wavering of purpose or outside pressure could quite easily take us back. I am ashamed to say it, but I have to admit that sometimes I believe we are only a gasp away from seeing some of the darkness of that period return.

I beg the Government, as they approach Brexit and all its complications, and as they look at the theory of devolution, to remember that we are talking not just about laws or the constitution but about ordinary human beings who have been through a great deal and who have the right to expect, from this place and the other, a sensitivity that will ensure that Brexit is as much about people as it is about things.

8.51 pm

Baroness Secombe (Con): My Lords, my few words are about broken relationships. I was pleased to hear in the gracious Speech that a draft Bill on domestic violence and abuse is to be introduced later in this Session. When I was a new, raw, young and inexperienced magistrate, crimes of this nature were few and far between, the reason being that they were rarely reported. It seemed to me at that time that if a case came before the court there was a reluctance by magistrates to get involved. Such delicate issues were private matters between husband and wife, and in any case very difficult to prove. I could never accept that, and said so.

Women at that time often believed that if they were attacked and severely bruised by their husband it must be their fault, and that to seek any outside assistance was not the answer as they would pay for it later. Men very rarely sought relief from the courts; they saw it as rather shameful as it showed a sign of weakness, and felt that they and they alone should be able to resolve the problem. Thank goodness we have come a very long way since then. There has been a mammoth change in the attitude of society, which will no longer accept such cruel treatment being committed under the radar. People, both male and female, have come forward, and since 2015 police forces have centrally collected recorded offences.

Publicity and numerous passionate campaigns have meant that there has been a dramatic rise in recorded crime. Based on the latest figures, in 2015, 7% of women and 4.5% of men experienced domestic abuse.

In other words, over 1 million women and two-thirds of a million men were victims and suffered in this perfectly sickening way. These distressing statistics caused concern and demanded action. Since then the Government have made stopping violence against women and girls a priority, as no one should live in fear of violence. Everyone has the right to feel safe in their home.

As a result, new laws have been introduced. For example, protection orders stop the offender from returning to the house. There is a new offence of coercive behaviour, with a maximum of five years' imprisonment. Forced marriage is now a criminal offence, and there is protection for victims of stalking. The law on female genital mutilation has been strengthened, so now it is a criminal offence to fail to protect a young girl from this hideous practice. More funding for advisers, rape crisis centres and women's refuges has also been committed. Much of this has been done, so now is the right time for extensive consultation so that a Bill can come before the House which will make our citizens able to live without the dread of such repulsive behaviour.

We think and talk a lot about care in society today. In my mind, nothing is more important than caring for people who have suffered for generations at the hands of bullies, and all behind closed doors. I hope that the legislation that will be brought before the House will protect victims and punish those who commit crimes in an appropriate manner. That, for me, is at the heart of the caring agenda.

8.55 pm

Baroness Lister of Burtersett (Lab): My Lords, it is difficult to see much in the gracious Speech that will address the social division, injustice, unfairness and inequality identified as “abhorrent” in the Conservative manifesto. Even welcome measures, such as those on domestic abuse, discussed so powerfully by the noble Baroness, Lady Seccombe, just now, will be brought forward only in draft form. That is the more disappointing, as this is an opportunity to put into law the Government's stated intention in its manifesto that survivors of domestic violence will retain the right to an automatic lifetime tenancy under the Housing and Planning Act 2016. As this is not mentioned in the background briefing on the draft Bill, it would be helpful if the Minister could confirm this intention on the record tonight. I would also welcome an assurance that there will be no further delay in ratifying the Istanbul convention.

Echoing the noble Lord, Lord Roberts of Llandudno, I would say that the thought of a third Conservative immigration Bill in as many years does not inspire hope after the last two, particularly as the manifesto appeared to suggest that asylum seekers who manage to make their own way to the UK are not deserving of help. Even when they achieve refugee status, this group is already profoundly disadvantaged through a two-tier system that has developed for refugees, identified by the inquiry into the experience of new refugees conducted by the APPG on Refugees, of which I was a member, and published just before the election. Our report, *Refugees Welcome?*, observed that while many local communities indeed make refugees welcome, in too

many areas we identified barriers to integration and lack of support for refugees that undermine those positive examples and take away from the protection that refugee status should entail.

These barriers are very much of the Government's making, and they include: the far-too-short 28-day move-on period between the ending of Home Office support and the provision of mainstream social security and housing, which leaves many destitute, and will be even more problematic under universal credit, paid only after six weeks; inadequate support to learn English, other than for resettled Syrians; and restrictive family reunion rules, identified by the UN refugee representative as one of the biggest obstacles to integration. The inquiry also warned that the recent announcement of automatic use of safe return reviews will undermine refugee integration still further.

Acceptance of our recommendations, including for a cross-departmental national refugee integration strategy overseen by a Minister for Refugees, could make a valuable contribution to the wider “new integration strategy” promised in the manifesto. It was proposed under the rubric of,

“A country that comes together”,

and “Integrating divided communities” in the context of immigration, ethnic diversity and extremism. But, as the shameful and tragic Grenfell Tower fire underlined, communities are also divided by social class and socioeconomic inequality.

All the predictions are that, on current government policies, especially the benefits freeze, the socioeconomic divide will worsen markedly during this Parliament, as will homelessness, according to Shelter. Despite the manifesto's vague aspiration to,

“reduce levels of child poverty”,

independent estimates indicate the opposite is all too likely.

One of the Grenfell Tower residents was quoted as saying, “They don't care about us. They don't listen to us”. For too long, people in social housing and people living in poverty have been treated with contempt, their lives and their views counting for nothing. Along with an end to prioritising cutting spending and so-called red tape over safety and housing needs, one of the most fundamental lessons for public authorities has to be that people on benefits and/or in low-paid and insecure work must be treated as citizens of equal worth, with equal voice and equal rights.

I have one final point. Following yesterday's helpful briefing, can the Minister give an assurance that any Grenfell Tower residents rehoused in larger and/or more expensive accommodation will not be subject to the bedroom tax or benefit cap? The suggestion that they can in any case be protected through discretionary housing payments is not good enough. The clue is in the name—discretionary. Any diminution of the tenants' social security rights would mean they are not being,

“guaranteed a new home on the same terms as the one they lost”—[*Official Report*, 22/6/17; col.71]—

as promised by the Prime Minister in last week's Statement to Parliament. Anything less would surely be too cruel for people who have gone through such trauma.

9.01 pm

Lord Tyler (LD): My Lords, over the last few days the constantly muddled and largely misleading comments on the proper constitutional role of your Lordships' House have persuaded me that I should spend a few minutes on that this evening, because obviously it affects every single proposal in the gracious Speech.

Last week, my noble friend Lord Purvis reminded the House that we are all minorities now. The Prime Minister's Faustian pact with the DUP yesterday does not change that. It follows, therefore, that not only is the Salisbury-Addison convention irrelevant—indeed, it was declared dead and buried by the 2006 Select Committee on parliamentary conventions, on which I served—but all the other conventions do not really apply either, except, of course, that which relates to the primacy of the elected other place.

Let me explain. This is not a coalition. It has no fully agreed programme of government, supported by a majority of MPs elected in the previous general election. It therefore has no manifesto mandate. With many others, I permitted myself a hollow laugh when the noble Lord, Lord Barker, said on television that he would have preferred a repeat of the Conservative-Liberal Democrat "strong and stable coalition". Alone of all the Governments in my political lifetime, the 2010 coalition was a true majority Government. They were supported by a clear majority of those who voted. They could legitimately claim that the conventions redefined by the Select Committee report and approved by both Houses did apply. This Government cannot so claim.

In short, the committee briefly examined the circumstances of a minority Government but could reach no agreement and made no recommendations for the role of your Lordships' House whatsoever in such circumstances, as referred to by my noble friend Lord McNally. We are now in a completely new situation.

Many in the House served in the short Parliament of 1974, as I did as an MP. Indeed, my noble friends Lord Beith and Lord Steel were very active Members, as we had to be in that Parliament. Even that short Parliament does not provide a firm precedent for our situation now, because there was then the presence of a large number of Conservative hereditary Peers in this House, and it was still largely a bilateral House in the other place, so of course the Salisbury-Addison agreement was thought to be generally applicable.

In any case, Prime Minister Wilson craftily avoided any controversial or contentious legislation for the whole of that summer, and simply waited for his opportunity to achieve a working majority. Anyone who thinks that is the situation now is well away in a fool's paradise. Brexit is clearly very contentious, and I do not think the Prime Minister is going back to the polls.

This has urgent and vital lessons for all parts of this House, but especially for those of us who believe that Mrs May's appeal to the country to back her approach on Brexit manifestly failed. In particular, those who have resolutely argued for a very different approach—on the Conservative, Labour and Cross Benches, as well as my colleagues here—have a constitutional duty, as well as a right, to stick to our judgment of what is in

the country's best interests in these circumstances. I trust that the Labour Front Bench will no longer simply roll over at the first whiff of pong in ping-pong.

The noble Baroness, Lady Smith of Basildon, has a fully justified reputation for personal integrity, but she should bear in mind that the majority of Labour voters, particularly younger ones, have now twice said that they have a more positive view of the relationship with the EU than Messrs Corbyn and McDonnell. The Labour leadership in the Commons may still regard the single market as a capitalist conspiracy, but most of their voters do not. She and her colleagues really do not have to just suspend their own judgment, or desert those Labour voters. We should all take note of the copious signs of opinion, in the country as a whole, calling for a fresh approach. Some 69% now record support for continuing in the customs union and 53% want the public to decide, in a referendum, whether or not to accept the Brexit deal, rather than politicians.

With a minority Administration, not a coalition, this House has an overriding obligation to examine everything put before us with "extra special care"—I quote the words of the noble Lord, Lord Strathclyde, to the Conventions Committee on this issue. And, yes, that applies as much to the flood of secondary Brexit-related legislation that we are told to expect as to the Bills themselves. How ironic: this process could end up with Parliament taking back control, with your Lordships' House in the vanguard.

9.07 pm

Baroness Cavendish of Little Venice (Non-Affl): My Lords, there are many aspects of the gracious Speech that I would have liked to speak on, but I decided to choose Islamist extremism, which many other noble Lords have already addressed. I worked on this in the Policy Unit in Downing Street and I hope that I can make a few brief and constructive points on it. In her excellent opening speech the noble Baroness, Lady Williams, rightly said that the Government's counter-extremism strategy must ensure that our pluralistic values flourish. The noble Lord, Lord Rana, gave a very eloquent testimony of his own experiences of terror in various parts of the world. The noble Baroness also pointed to the very welcome increase in CT spend over the last few years. However, we all know that the number of subjects of interest to the security services is growing at an exponential rate. That creates an enormous challenge, as we have seen in recent tragic events.

I believe that the battle against Islamist extremism is the battle of my generation. We are up against an ideology that is as brutal as fascism—and unlike fascism it cloaks itself in religion. That is one of the reasons why it has been particularly difficult to challenge it in this country. As we all know, this ideology seeks to persuade Muslims that it represents the purest form of Islam, and is utterly incompatible with our values in the West. There are a number of organisations in this country which seek to convince normal, law-abiding people that the West seeks to destroy the Muslim ummah. That is believed by far too many people in some of our communities.

As many other noble Lords have said, this is not, of course, the Islam which the majority of law-abiding people in this country follow and practise. However, when the terrorists self-identify as Muslims and cloak themselves in ideology and theology at the same time, I have to slightly disagree with the point made earlier by the noble Lord, Lord Paddick, as I think that we need to be very careful about denying all links. To do that is to disempower the moderate reformers who are campaigning every day against the fusing of this religion and politics, and who are challenging the scriptural basis that the extremists claim. Theirs will be the most important voices in providing an alternative narrative to our British teenagers, some of whom are attracted by this potent combination of, if you like, an eighteenth-century world view with 21st-century technology. Many of those moderate campaigners, whom only a few in this House will have heard of and very few of the public will know of, are precisely the people who would like us all to be perhaps a little more honest and back them more strongly in confronting the sources of the ideology, because there are some very plausible voices—make no mistake—on the other side. There are some very plausible organisations that are just inside the law but which we perhaps need to do more to confront.

This brings me to the commission for countering extremism that was mentioned in the gracious Speech. The noble Baroness, Lady Williams, said that this commission will be powerful. I hope that it will be powerful in the right way. We do not yet know, of course, whether it will be a full-scale legislative vehicle. We do not know whether it will be based in the Home Office or DCLG. I am slightly disappointed to hear that its work is not expected to start until next April: I hope that that can be accelerated. It is clearly worth taking time, though, to get the terms of reference right. Members of this House know probably better than anyone that commissions can have impact only if they draw on relatively narrow terms of reference.

I will make only one point about the terms of reference. This commission could encompass a million things and there will be many views about what it should do. However, I would take as my starting point the speech made by the Prime Minister on 4 June. I was struck by her saying that civil society needed to have some difficult and embarrassing conversations to root out extremism. I do not think that that was something she said lightly. For when I look back on the last six years of government trying to tackle Islamist extremism—successive Governments have gradually tried to grip this issue—it strikes me that the most successful initiatives which have most empowered the moderates have been those which have not shirked the difficult conversation.

The review of Prevent undertaken by the noble Lord, Lord Carlile, in 2011, when he challenged the Federation of Student Islamic Societies, is one example. Peter Clarke's report on Birmingham will be another. The Ian Acheson review into extremism in prisons will be another. Finally, I mention Louise Casey's 2016 review into integration, with which I was involved. I strongly recommend that its recommendations, particularly on schools and women's rights, are looked at very seriously, I hope by the commission and if not

in some other way, because we do not have the luxury of time to get on with some recommendations which I think would command cross-party support.

The Government need to challenge themselves, too. We need to know why Muslims who warned about Salman Abedi in Manchester apparently were not heeded. In asking difficult questions and engendering difficult conversations, a commission should ask itself why other people do not report to the authorities. That is actually not always for the reasons one might assume. It can also be because they fear that they will not be listened to.

I thank noble Lords for listening. I hope that this commission can be accelerated, as I said—but, more fundamentally, that it will do its best to have an honest debate.

9.14 pm

Baroness Stroud (Con): My Lords, this evening I add my voice to those who would speak in support of the gracious Speech. As time is limited, I will focus on one aspect only: a united Britain.

As stated in the Speech:

"A priority will be to build a more united country, strengthening the social, economic and cultural bonds between England, Northern Ireland, Scotland and Wales".

Rarely in my lifetime have we witnessed such forces at work to drive wedges of division through every part of our society: between young and old, north and south, employer and employee, black and white, Christian and Muslim, home owner and renter, leaver and remainer. As I have talked with people on all sides of this House and as we have all watched the events of the last few weeks unfolding, we all seem to recognise the need to build a more united country, where the social, economic and cultural bonds are strengthened. We must refuse to be divided. Last week I walked across London Bridge and saw the small altars and flowers to those who had died. Across the internet are campaigns such as Not In My Name—ordinary members of the public standing with their neighbour, no matter who they are, refusing to be divided.

The referendum result itself has given a voice to many of those who felt disfranchised, and seeing their will enacted by leaving the EU can bring them hope of a stake in the future. But if we are to truly change how people's lives feel, we must also trigger wider social reform and a better and clearer vision of social justice, by stabilising employment, making home ownership a reality for the many, and providing greater access to good schools and healthcare. This is the only real and long-term way to heal a divided nation, and these are some of the social, economic and cultural bonds that need to be strengthened. As the Prime Minister has said:

"That means fighting against the burning injustice that, if you're born poor, you will die on average 9 years earlier than others. If you're black, you're treated more harshly by the criminal justice system than if you're white. If you're a white, working-class boy, you're less likely than anybody else in Britain to go to university. If you're at a state school, you're less likely to reach the top professions than if you're educated privately. If you're a woman, you will earn less than a man. If you suffer from mental health problems, there's not enough help to hand. If you're young, you'll find it harder than ever before to own your own home".

[BARONESS STROUD]

While many of these things require more action than legislation, they need to be central to the focus of the Government's approach to bringing unity. This is the work that now needs to be done if we are to unify this amazing nation.

We need to unite by strengthening our social bonds. When many individuals and communities feel so alienated, we must address ways of rebuilding relationships. For years I have been saying that a lack of social capital and life chances characterise our most divided communities. There has rarely been a more important time to act. We must unite by strengthening our economic bonds. From schools that prepare people for work, to the training and development that help people on in their careers, we need to look at how individuals do not just remain employed but thrive in their work. We must also strengthen the cultural bonds.

This moment is an unfrozen moment, where change at every level of society is possible. It should not be reduced to moments of conflict, or pitting people against one another, or of international negotiation only, but rather to an opportunity to bring this nation back together and bring healing. Now is the moment to offer a better, new and inclusive vision for our society.

Unity in this country is something that is built with millions of small decisions: an imam standing in the gap to protect an aggressor, a neighbour providing accommodation for a stranger at Grenfell Tower, or decisions of community members to reach across divisions, as we have seen in Manchester and London. It could be the unity of the young serving the older generation and the older generation sharing their stories with the young so that wisdom goes down through the ages, or the unity of purpose around a challenge the size of Brexit that we need to get right to protect this nation for future generations.

Many quote Jo Cox—we have more that unites us than divides us—but then immediately reach for points of division. Unity comes when we choose not to point-score politically even though one could, and to fix one's eyes on the bigger picture and the bigger challenge. Unity comes when we reach across artificial barriers of background, race and creed. Unity comes when we say no to days of rage and say "Not in my name". And unity comes when we are responsible with the power and influence we have and use it to build confidence and not to tear down. The bonds of common humanity have to be stronger than the divisiveness of our fears and prejudice. The Brexit negotiations are critical for the prosperity of this nation but the social negotiations are crucial for the reuniting of this nation.

9.20 pm

Lord Rooker (Lab): My Lords, there are references in the Queen's Speech to keeping the population safe and safeguarding national security—words of comfort—yet over the past two weeks the UK media have been astonished by investigatory reports published by buzzfeed.com about more than a dozen suspicious "non-suspicious" deaths in the UK. BuzzFeed published the reports, which are extensive and detailed, on 12, 15, 19 and 20 June, and I invite noble Lords to access them.

According to BuzzFeed, the Government have declined to comment on any of the deaths due to "national security concerns".

I do not propose to go into any detail but I think it would be useful if I read out the names of the people whose deaths are the focus of the reports: Scot Young, Boris Berezhovsky, Stephen Moss, Badri Patarkatsishvili, Stephen Curtis, Yuri Golubev, Paul Castle, Robert Curtis, Johnny Elichiaoff, Alexander Litvinenko, Matthew Puncher, Igor Ponomarev, Daniel McGrory, Gareth Williams and Alexander Perepilichnyy.

In all but one case, the police have found the deaths to be non-suspicious. They have been classified as due to natural causes, accidents or suicide. One of them is subject to a current inquest in London, during which the Government have withheld information and refused to co-operate with the French police regarding a French connection to the death. One case involves a suicide decision, as a result of the person stabbing themselves to death with two separate knives.

Certainly, the death of Mr Litvinenko in 2006 cannot be held to be non-suspicious, given the result of the inquiry by Sir Robert Owen in January 2016. The evidence was so blatant that action had to be taken, but it caused a severe rift with Russia to the extent that high-ranking US intelligence officials fear that the UK is failing to get to grips with the threat. They claim, as do officials cited in the BuzzFeed reports, that it has caused a 10-year stand-off with the Kremlin, but several officials quoted in the reports claim that the UK Government have been particularly keen to preserve the flow of Russian money into London banks and properties.

Nine of the deaths related to one circle of people. The police declared them non-suspicious, yet the BuzzFeed report reveals that MI6 asked its US counterparts for information about each of them in the "context of assassinations".

Examples are given in the report of the UK Government refusing to fully co-operate with some of the inquests, citing "international relations" or "national security". Named former UK senior counterterrorism officers make it clear that investigating such cases is "very, very dangerous territory" and,

"completely out of the scope of local police",
and that,

"the government withholds evidence from coroners 'quite a lot'... because it's 'diplomatically easier'",

and,

"the UK is soft on such things",

as,

"'brazen' Russian assassinations in Britain 'right out in the daylight'".

Eleven of the deaths occurred after the murder of Mr Litvinenko. Some of those who died had been UK public sector employees where the employer needs to be tested on the duty of care. Public Health England is in the frame, as are the security services. Either we no longer have the capacity to investigate such deaths or someone has told the police not to fully investigate them. The police are not stupid, but it has been shown that UK public bodies find it very difficult to change decisions once made.

What do Ministers say about these reports, which have been very negatively received on the other side of the Atlantic? Quite clearly, some members of our population have not been kept safe. Notwithstanding what the Minister might say, I believe that there is a strong case for the relevant House of Commons committees to start examining these reports and to start asking some very searching questions.

9.24 pm

Baroness Humphreys (LD): My Lords, I am grateful for the opportunity to take part in the debate today in response to the devolved issues raised in the gracious Speech. From the outset, I express profound disappointment at the lack of detail about future policies relating to our communities, families and economy in Wales. This is a Brexit programme for government following the Brexit general election, which produced no mandate in Wales for the Conservative manifesto. Although the manifesto made no specific legislative proposals for Wales, it made some specific commitments. Would the Minister care to comment on these?

Little has been heard since the election on the general principle of improving infrastructure in Wales. For many there will be dismay that projects such as the Swansea Bay tidal lagoon did not even appear in the manifesto, and the electrification of main lines appears to have slipped off the Government's priority list. The worry for many of us is that the lack of reference to Wales in the Queen's Speech engenders a feeling that Wales is continuing to be ignored and that important decisions for Wales are likely to be kicked into the long grass.

The Conservative manifesto committed to investing in an improved infrastructure for Wales, in particular to modernising our railways. Will the Minister assure me that this commitment has not been dropped and that we can be assured that it will go ahead? The Welsh Government have already developed business cases for major rail infrastructure investments, including Cardiff valleys electrification and, more recently, north Wales main line electrification, and has submitted these to the Department for Transport. On behalf of my fellow users of the north Wales main line and all other routes in Wales, I would be grateful if the Minister could comment on the present status of these projects and the level of UK funding available for them.

The Welsh Liberal Democrats have campaigned for many years for the abolishment of tolls for vehicles using the Severn crossings. We are pleased to see this committed to in the Conservative manifesto. I hope the noble Lord will be able to confirm that this is still the case.

The Minister will also be aware of the strong support across Wales for the Welsh language broadcaster S4C. There is widespread appreciation for the success it and Radio Cymru have achieved in meeting the demands of providing Welsh language broadcasting to satisfy a wide variety of viewers and listeners. I would appreciate an indication from the Minister of present government thinking on future funding.

On a related matter, I was interested to read recently that the DUP's Arlene Foster is reported to have said on the possibility of an Irish language Act:

"If you feed a crocodile, it will keep coming back ... for more".

With plans for an Irish language Act apparently on the table at Stormont, I now suspect that the prospect of a £1 billion inducement will soon convince Mrs Foster that this particular crocodile has a pretty harmless appetite. Experience in Wales has shown that bilingualism brings many benefits in its wake and that there is nothing to fear.

As I said, the gracious Speech is a Brexit programme of work, but it does little to clarify what Brexit means, particularly in Wales. It leaves farmers in Wales still unclear about funding after 2020—funding that would enable them to plan investment in their businesses. It perpetuates their concerns about loss of access to the single market and the customs union, the importance of which to Wales has already been highlighted by the noble Lord, Lord Murphy. As their understanding of World Trade Organization rules increases, so farmers' concerns in Wales about the imposition of average tariffs of 22% on their produce also grows. However, I welcome the inclusion in the gracious Speech of an agriculture Bill to set up a system to replace the common agricultural policy.

The gracious Speech leaves councils in west Wales and the valleys unclear about funding, too. With a GDP at 75% per capita of the EU average, on a par with Estonia and Lithuania, this part of Wales has qualified for EU structural funds since 2000. As with our farmers, 2020 looms as a cliff edge for structural funding. In two and a half years' time, farmers will need security to continue their businesses. Councils need to be able to plan to continue to build the infrastructure to enable us to grow our economy, but still there appear to be no guarantees from the Government. However, now that we know that the magic money tree has been found and it really does exist, perhaps all my funding fears for Wales are unfounded.

9.30 pm

Lord Sherbourne of Didsbury (Con): My Lords, in this wide-ranging debate, I will focus my remarks on the need for good and competent government. I start with one example where I believe government failed to rise to the occasion, the implications of which we are seeing today. I am referring to last year's European referendum.

In a general election, the voters elect a Parliament and Government and so delegate to politicians the responsibility for taking complicated decisions. In a referendum, it is the other way round. Politicians delegate to the voters the responsibility for taking a complicated decision. Let me be clear that I am not for a moment criticising the decision to hold the referendum, but I am criticising the failure of the then Government to set out for the voters in a clear way the practical implications and challenges of remaining in the EU and of leaving the EU. More lamentable still was the failure of the Government to undertake any contingency planning, even though the option of leave was put on the table as a deliberate act of government policy, so there was a 50:50 chance of the country voting leave. Towards the end of a Parliament, the Cabinet Secretary initiates discussions with the main Opposition party to carry out preparatory work on that party's programme were it to form the next Government. That is rightly

[LORD SHERBOURNE OF DIDSBURY]

done in the interests of good government. In the case of the EU referendum, no such work was done for leave.

Last Thursday, my noble friend the Leader of the House and my right honourable friend the Prime Minister both spoke of the need for government to consult and listen. I hope that when my noble friend the Minister winds up he will complete the sentence and assure us that, having consulted and listened, the Government will then respond and act. I welcome that there will be more Green Papers and discussion papers on, for example, the thorny question of social care. One positive by-product of so much Brexit legislation in this two-year session of Parliament is that it provides the Government with plenty of time for thinking and consulting, ready for well-developed policies to be introduced in year three of what I hope and expect to be a full five-year Parliament.

I make one short plea about consultation. It should be more than a box-ticking exercise. What matters is the quality of the responses and getting input from people with the relevant expertise. That brings me to how the Government could benefit more from the expertise in this House. I am thinking in particular of the many excellent reports produced by committees here. These are often debated on the Floor of the House and the Minister will of course be unfailingly courteous, but the substance of the speech will often be formal and formulaic. I have always thought that it would be far better for the relevant Minister, whether from the Commons or the Lords, to appear before the committee and be asked which proposals have been followed and which have been ignored. A little bit of pressing and prodding would be good because it is, after all, to Parliament that Ministers are responsible.

I want to say a final word about the role that special advisers can play in creating good government. Their job is to oil the wheels of government and to be a lubricant in the system, not grit. A good special adviser can help officials better understand and achieve the Minister's policy objectives, but special advisers should never overreach themselves. The dictum should always be this: advisers advise and Ministers decide.

I believe that the gracious Speech is honest and straightforward. It sets out practical and achievable objectives, and I welcome it.

9.35 pm

Lord Patel of Bradford (Lab): My Lords, I am grateful to be speaking in the debate on the gracious Speech and to have the opportunity to raise an issue that I believe has been seriously neglected. Before I do that, I start on a positive note. I was pleased to see the inclusion of a number of reforms, including mental health legislation and on domestic violence and abuse—and, of course, the proposed consultation on social care which this time I hope will give social care charities and service users the opportunity to be heard.

I particularly welcome the focus on delivering on the Armed Forces covenant across the United Kingdom. I declare an interest having just completed a UK-wide report on veterans' mental health needs. That report, alongside four detailed reports covering England,

Scotland, Wales and Northern Ireland, were all commissioned by the Forces in Mind Trust. In fact the trust has just published an important second report on the community covenant which highlights issues of real concern. For example, there are mixed expectations about what the covenant means, especially in relation to the prioritisation of housing needs, and more worryingly, adult social care has been identified as an area where the covenant is least likely to be reflected in local policies and strategies. I hope that these and other issues will be considered in detail during the passage of the Armed Forces Bill.

However, I am confused by the proposed courts Bill. While of course I welcome a Bill to reform and modernise the courts and tribunal system, as many noble Lords have asked, what happened to the Prisons and Courts Bill that had been making its way through Parliament prior to the election? It had made good progress and was well supported across Parliament. Can the Minister say why this important work has been omitted from the Government's legislative programme, particularly in light of the urgent and much-needed reforms of our prisons, including devolving greater powers to prison governors? By focusing almost exclusively on Brexit, are the Government failing to do their day job and ignoring a number of growing crises in public services?

I do not use the term lightly, but our prisons are in crisis. What else can you call a situation where we see soaring prison suicides, major staff shortages and rising drug use and violence among inmates? The 2016 figures from the Ministry of Justice paint a desperate picture. A record number of people killed themselves in prisons in England and Wales. There were 354 deaths in custody, including 119 self-inflicted deaths. That is only a little short of one person dying every single day. Self-harm incidents jumped by 23% to just under 38,000, which is nearly 7,000 more than were recorded in the previous year. There were more than 25,000 assaults in the 12 months to September 2016, representing a 31% rise. Of those, more than 18,000 were prisoner-on-prisoner assaults, up 28% from the previous year. Assaults on staff also rose 40% to around 6,500, and 761 of those were serious assaults. This Government cannot deny that people in prison, both prisoners and staff, are less safe than they have been at any time since records began.

Yet some of the most vulnerable people in our communities end up in prisons, including people with mental health problems and learning disabilities, people from black and ethnic minority groups, lesbian, bisexual, gay or transgender people and women, many of whom are also victims themselves of domestic abuse. In terms of racial discrimination, there is greater disproportion in the number of black people in prisons in the UK than there is in the United States. The most shocking figures are found in the youth estate. Around 43%—nearly half—of 15 to 17 year-olds come from black and Asian minority ethnic backgrounds, and this is against a background of youth offending dropping for the population as a whole. In 2016, the Prime Minister ordered a review into how ethnic minorities and white working class people are treated by public services; but now it appears that no action will be taken to address the “burning injustices” described by

the Prime Minister and to tackle discrimination against black and ethnic minorities in the criminal justice system.

The overall situation in prisons is on a cliff edge. So I am calling on this Government to make a clear commitment to take action within this parliamentary Session to tackle these urgent issues. Without such action, I believe that we are heading towards a dangerous crisis point and placing some of the most vulnerable people in our communities at real risk.

9.40 pm

Lord Alderdice (LD): My Lords, I start by congratulating the noble Lord, Lord Bourne of Aberystwyth, as he undertakes the responsibility for speaking for Her Majesty's Government on Northern Ireland issues in your Lordships' House. I thank the noble Lord, Lord Dunlop. During his time at the Dispatch Box, he was energetic and conscientious in keeping us involved and informed, and we appreciated that very much.

In February, in March, in April—not in May, because of the election—I spoke on issues of Northern Ireland, its political crisis and Brexit. I return today to speak again about Northern Ireland, not to repeat anything I said before, but to point up one or two issues on the politics of Northern Ireland, the problem of Brexit and also, perhaps briefly, about countering extremism.

I have heard a number of criticisms of the Government for their confidence and supply arrangement with the Democratic Unionist Party. I am no supporter of the Democratic Unionist Party. However, I draw to the attention of noble Lords that, with the honourable exception of Lady Sylvia Hermon, the only representatives of Northern Ireland in the House of Commons are the Democratic Unionist Party, voted for by the substantial majority of Protestant people in Northern Ireland. If the message is to go out that the only representatives of Northern Ireland will not be welcome, not only in a coalition but even in a confidence and supply arrangement, what does that say to the people of Northern Ireland? It does not say that they are very welcome in the affairs of the United Kingdom. Oh, we were all congratulated for going into power-sharing arrangements with each other, but do not expect anybody this side of the water to have anything to do with these people from that funny place.

Of course, I think it is important to draw attention to the fact that it is almost inevitable that Sinn Féin will be in coalition government in the Republic of Ireland before long, having massively overtaken the Labour Party. Unless Fine Gael and Fianna Fáil were to go into coalition—not entirely likely—the only other party for them would be Sinn Féin, and if they were to go into coalition, the negotiation would probably not be over £1 billion but over speaking rights for Westminster MPs from Sinn Féin to speak in the Dáil in Dublin; they have no intention of coming to Westminster at any stage in the future. Would that be a threat to the peace process?

I do not think any of these things are a threat to the peace process. Why? Because what Gerry Adams, Martin McGuinness and others demonstrated is that political progress is much more possible for them through the

democratic political arrangements than through the barrel of a gun or through bombing. They are much more successful now than they ever were while using terrorist violence. So the likelihood of going back to terrorism is very modest. The peace process, in that sense, is largely over. We are now in a political process. The fact that it is in a bit of a mess does not make it entirely different from what is happening on this side of the water. Nor is the fact that there is deep polarisation in politics, with only two large parties, a major difference between Northern Ireland and England. We need to be a little bit more reasonable and honest about these things.

The parties there are in negotiation. They have been since 2 pm today. They need to reach an agreement by Thursday, and the Assembly has been called to meet at 12 pm. My question for the Minister is: if there is no agreement, whatever the Government do, will they ensure that the Assembly survives and we do not have direct rule without elected representatives from Northern Ireland being involved in an Assembly? Without that, we are in serious difficulty and there is the possibility of destroying a whole generation of Northern Ireland politicians.

That brings me to Brexit. There has been much talk about north-south difficulties. In economic terms, the problem for the Republic of Ireland is not north-south; it is east-west. The vast majority of the Irish economy is dependent on the relationship with England and Wales, not the relationship with Northern Ireland. I wish it were different, but it is not. The major thing in the economy in Northern Ireland and the Republic of Ireland is co-operation over agriculture and agri-food business. That is where much of the economy is involved. That is where much of the north-south cross-border traffic is. I ask the Minister: would it be possible for the Government to lobby Brussels that, on the issue of agriculture and agribusiness, there should be an approach to the island as a whole and free movement of animals and agri-food business? That would deal with a lot of the practical issues of free movement of goods and services in Ireland. Of course, as far as the people are concerned, the common travel area is the important thing.

Finally, I will speak briefly about extremism. Nobody would doubt that what happened in Northern Ireland involved violent extremism. I am just back from Colombia. Nobody would doubt that what happened there was countering violent extremism. But the Government's policy—from the war on terror to countering violent extremism to trying to produce a law that defined extremism, which did not work, now to a commission on countering extremism—will not work if it is based on the notion that this is all about extreme thinking. It is not. It is about extreme feelings that drive people to do things. People can believe all sorts of things, but they do not drive them to risk their lives. If I asked many noble Lords if they believed in heaven, they would probably say yes. If I said, "Would you like to go there?", they would say yes. If I said, "Would you like to go this evening?", they would say, "I am not in such a marvellous hurry", because you can believe all sorts of things, but it takes passionate commitment to want to risk your life and your family for them. I hope that the commission will consult with those of us who

[LORD ALDERDICE]

have spent our lives working with violent extremism in order to understand what it is really about, not what people sitting in offices in peaceful parts of the world think it is about.

9.47 pm

Lord Best (CB): My Lords, my contribution to this debate considers those aspects of the gracious Speech that relate to the nation's housing. Of course, I begin by saying how deeply distressed everyone concerned with social housing has been by the terrifying, horrifying tragedy of the Grenfell Tower fire. I join the many others stressing that robust building regulations clearly must come before cost-cutting and deregulation and, equally clearly, must be better enforced. In addition, I have three practical questions for the Minister.

First, in terms of the resources to make a number of other tower blocks safe, particularly in relation to external cladding, I know the Secretary of State has said that central government's help and support to local authorities will include funding for remedial works. Am I right in assuming that the housing associations, a number of which have taken on the ownership and management of previously council-owned properties, can also expect to receive this new financial support?

Secondly, can we be assured that the resources for this important task will not be taken from the funding previously announced for the building of desperately needed new homes? Will the funds instead be additional, from new grants and/or from raising the cap on council borrowing for housing purposes and/or from ending the current compulsory 1% real reductions each year in rents, which have hampered spending on property maintenance and renovation?

Thirdly, was there a special accountability problem for Grenfell Tower because of the unusual governance structure adopted by Kensington and Chelsea, with ownership by the council and management by a separate tenant management organisation? Although a TMO should give greater opportunities for the voice of the tenant to be heard and heeded, this seems to have broken down completely in Kensington. Is the current inquiry considering whether the ownership and management framework in this case might have meant that decisions—to prevent a disaster as well as to deal with one—fell, catastrophically, between two parties, providing lessons for this particular governance model elsewhere?

To turn to other issues in the gracious Speech, I support in principle the Government's plans to prohibit landlords and letting agents from charging fees to tenants, and I look forward to consideration of the details in the promised Bill. I also greatly welcome the Government's commitment to improving the position of leaseholders, on which they will consult. Selling houses on a leasehold basis, with rapidly escalating ground rents, is only one of the scams that must be addressed.

The Government have also committed to seeing through their proposals to ensure that sufficient land is available for the building of their new target of 1.5 million homes by 2022. That is entirely right, but my anxiety is that too few of those new homes will be

affordable to those who are on average and below-average earnings. That problem—exacerbated by disjointed policies on rents and housing benefit—will have to await debate on another day.

I conclude with some thoughts on the impact of Brexit on the Government's plans for increased housebuilding. Housing depends on borrowing, so house buyers and housing developers are extremely vulnerable to economic instability and changes in interest rates. Housing is hit by a fall in the value of the pound because that means rising costs of imported building materials and imported labour. Could untoward economic effects of Brexit on housing be offset by reductions in EU inward migration? Of the household growth on which the Government's housebuilding targets are predicated, 37% is attributable to immigration, so would less immigration from the EU enable the Government to lower its targets for new housebuilding? The Department for Communities and Local Government's projections for the number of new homes that will be needed already assume a huge fall in net immigration—from 385,000 last year to just 170,500 by 2021. It seems most improbable that the total drop in migration overall will mean that the figures fall below those on which the current housing targets are calculated. Moreover, depending on the deal struck for Brits who live in the rest of the EU, and depending on the exchange rate, housing pressures may arise from some of those million-plus citizens returning to the UK.

Curbs on EU inward migration could affect the construction industry because of its abysmal record in recruiting and training an indigenous skilled workforce. The Construction Industry Training Board forecasts a deficit of 200,000 workers by 2020, following the retirement of 430,000 workers from 2010 to 2020. Any additional loss at this time from the 194,000 building workers who come from other EU countries—notably Poland—would certainly create serious difficulties. New apprenticeship schemes and even the prefabrication of homes in factories will not overcome the skills shortages any time soon. A transitional period for any limits on building workers from the EU will be essential if the housing that we need is not to take a serious hit. I trust that the Government will keep the nation's vital housing requirements in mind as the great Brexit challenge moves on.

9.53 pm

Lord Marks of Henley-on-Thames (LD): My Lords, the debate has been broad and fascinating, but it has been set against a background of tragedy and widespread national uncertainty. From the Liberal Democrat Benches, my noble friends Lord Paddick, Lady Hamwee and Lord Roberts spoke on home affairs and covered policing, security and migration; my noble friends Lord Steel, Lord McNally, Lord Tyler, Lady Humphreys and Lord Alderdice spoke on devolved and constitutional affairs; and my noble friends Lady Pinnock and Lord Shipley spoke on communities and local government issues. I will restrict what I say to justice issues.

In the Queen's Speech debate last year, I welcomed the Government's proposed legislation on prison reform and suggested that its implementation would act as a litmus test of the Government's commitment to spreading

life chances to everyone. One year and two changes of Secretary of State for Justice later, the prisons and courts Bill has been stripped of all prison reform and all we have now is an open letter from the new Secretary of State promising “continuing improvement”.

This debate, however, with powerful and moving speeches from noble Lords across the House, including the noble Lords, Lord Faulks, Lord Dholakia, Lord Ramsbotham, Lord McNally, Lord Beith, Lord German and Lord Patel, and the right reverend Prelate the Bishop of Bristol, has demonstrated not just a broad consensus but, I suggest, an overwhelming demand for urgent legislation on prison reform. Time and again, noble Lords have drawn attention to the appalling levels of violence, suicides and self-harm. Peter Clarke, in his first annual report as Chief Inspector of Prisons, graphically described the “upsurge in violence” and equally shocking prevalence of self-harm and suicide, the dangers faced by staff, and the tragic death of a court officer killed by a prisoner. He wrote of meeting, “prisoners who have ‘self-segregated’ in order to escape the violence caused by”,

psychoactive substances, and members of staff who had described to him,

“the terrifying effects they can have”.

This is not a picture of continuing improvement but of a crisis that disgraces our national life and shames us with squalid conditions, chronic overcrowding, pitiful understaffing, inadequate education and training, too little opportunity to work and prisoners locked in cells for 22 hours a day. A new prisons Bill should introduce a new and purposeful approach to imprisonment directed at rehabilitation and reform, education and training, cutting reoffending and reducing prisoner numbers, together with a comprehensive set of statutory minimum standards for welfare applicable to all institutions across the prison estate. As a Liberal Home Secretary said as long ago as 1910:

“The mood and temper of the public in regard to the treatment of crime and criminals is one of the most unfailing tests of the civilisation of any country”.—[*Official Report, Commons, 20/7/1910; col. 1354.*]

That Home Secretary was Winston Churchill. Will the Minister please explain why prison reform is off the legislative agenda? What kind of message does he think that sends to prisoners, staff and their families?

We are, however, to have a courts Bill and we welcome proposals for modernising the court system and the more effective use of technology. The Government propose straightforward and efficient access to justice for people and targeted support and care for those who need it. Central to that will be the LASPO Act review, scheduled for completion by April 2018. Will the Minister confirm that that timetable is still on track? Will the review address the damage caused by reductions in legal aid, particularly in housing and social welfare law? Will he support more exceptional case funding and simplified access to legal aid for domestic violence victims?

On domestic violence, I, along with my noble friend Lady Burt of Solihull and others, welcome the proposals to end direct cross-examination of victims by defendants and to keep victims and defendants apart in court. However, we all recognise that more than legislation is

required to reduce the pain of domestic violence. My noble friends Lady Burt and Lord Scriven also emphasised the commitment of our party to further progress on equalities. In that regard, I was delighted to hear the noble and learned Lord, Lord Hope of Craighead, urge the Government to implement the Law Commission's proposals on cohabitation rights, as my Private Member's Bill, shortly to be introduced, would do. We are also hugely relieved on these Benches—and I think other noble Lords around the House are so relieved—that the Government no longer plan to scrap the Human Rights Act or undermine the European Convention on Human Rights.

I turn to the proposed Brexit legislation. In doing so, I propose to challenge the Government's almost obsessive determination to end the jurisdiction of the Court of Justice of the European Union. The Government propose to convert EU law into UK law as we leave the EU, ensuring that the same rules apply after exit as applied before. That is supposed to provide a smooth and orderly transition while achieving the stated aim of ending the jurisdiction of the CJEU, yet the Government are committed by the White Paper to a withdrawal treaty that involves an agreement on EU citizens in the UK and our citizens in the rest of the EU, a new strategic partnership with the EU on trade and continued close collaboration on science and innovation, security and terrorism and justice, of which my noble friend Lord Thomas of Gresford spoke so persuasively. Just how are any of these things to be agreed without the CJEU? Our European partners point out that these relationships involve not just the UK and the EU but all 27 remaining member states, which are all signed up to dispute resolution by the CJEU, and they are right.

British companies exporting to the EU must meet EU standards and will continue to have to do so. Those standards are monitored by the CJEU, as are environmental standards and all the arrangements for collaboration in the fields in which we seek it. The Government's curious proposition seems to be that the law will be preserved in aspic as at our leaving date. They propose neither policy nor principle nor mechanism for handling changes in EU law. How will we deal with new directives and regulations? How will we deal with differing decisions of the CJEU and the Supreme Court of the United Kingdom? If the answer is that we will adopt all new EU law for the sake of consistency and good sense, then why commit to ending the jurisdiction of the CJEU in the first place? If the answer is that we will diverge at will, there is no meaningful future for co-operation. To take one example, on data retention, the European court ruled last year, on the application originally brought by David Davis, that blanket retention of citizens' data communications is unlawful. Where then do we go on security co-operation if the UK Government take a different view and legislate inconsistently with the ruling so that the Supreme Court is bound to implement that UK legislation?

These issues have simply not been properly addressed. Nor has the whole area of maintaining our arrangements for applicable law under Rome Regulations I and II or for jurisdiction recognition and enforcement of judgments under the Brussels regime and Brussels II, which are all administered

[LORD MARKS OF HENLEY-ON-THAMES]

under the jurisdiction of the CJEU. The Government appear not even to have begun to appreciate the complexity of dismantling the whole edifice of European co-operation on justice issues.

On these Benches, we believe that the decision to leave the EU was a dreadful mistake. We will seek to retain membership of the single market and the customs union. We will put international co-operation and prosperity first. We will not be cowed by claims that the referendum authorised the Government to undermine Britain's prosperity and security and to damage the interests of the United Kingdom with a self-destructive mishmash of dogmatic but mutually inconsistent and intellectually incoherent ambitions. Democracy does not demand that, following the referendum, we simply get on with Brexit whatever the social and financial cost, and on these Benches we will not stand by and agree to the Government so doing.

10.04 pm

Lord Beecham (Lab): My Lords, I begin by referring to my interests in the register—my local government interests and my unpaid consultancy with my former solicitors' firm—but also by thanking the noble and learned Lord, Lord Hope, who has chosen to celebrate his birthday with us today.

Portraits of Lord Eldon, the reactionary Tory Lord Chancellor who held office for 25 years, have followed me all my life, from school in Newcastle, to the Oxford college where I studied law and finally to this House. The last seven years have seen no fewer than five Lord Chancellors appointed, only one of whom has been a lawyer. If we have to have a Conservative Lord Chancellor, many Members of your Lordships' House will wonder why neither the noble Lord, Lord Faulks, nor the noble and learned Lord, Lord Keen, was appointed. Had either featured in the recent reshuffle, the justice section of the Government's programme would perhaps have been less of a disappointment.

Faced, as we have heard from no fewer than seven noble Lords, with a prolonged and growing crisis in the prison service, the Queen's Speech has nothing to say about staffing or prisoner numbers—the latter reflecting the fourth-highest incarceration rates among the 28 countries in Europe. Time after time, we are confronted with stories of violence, drug abuse, overcrowding and serious criticisms of the management of prisons, which are all too frequently managed—or mismanaged—by oligopolies which purport to be able to deliver any service the Government wish to outsource.

Despite concerns regularly voiced around the House, noticeably by the noble and learned Lord, Lord Brown of Eaton-under-Heywood, and the noble Lord, Lord Ramsbotham, we continue to have large numbers of prisoners—some 3,000—serving indeterminate sentences long beyond the tariff of their offences. I acknowledge that the problem arose under a Labour Government, but we are now in the eighth year of Conservative Lord Chancellors—the noble Lord, Lord McNally, has clearly taken that point.

Just last week, the Prisons and Probation Ombudsman reported that the number of prisoners over 60 has tripled in 15 years and that by 2020 it will be 15,000.

The Chief Inspector of Prisons has called for purpose-built, older-prisoner jails, and the prisons ombudsman has stated that he remains,

“astonished that there is still no properly resourced older-prisoner strategy”,

such that he fears we,

“will simply continue to expose unacceptable examples of poor care of the elderly and dying in hospital”.

His predecessor points out that:

“Prisons are the largest providers of residential care for frail elderly men in the country”.

The Prison Reform Trust, which fully endorses these criticisms, called for additional action to cancel plans for new women's prisons and provide a network of women's centres, to review the arrangements for supervising short-sentence prisoners on licence under which 1,000 prisoners have been recalled since 2015, and to improve the support into employment on release.

Serious though these problems are, they are not the only ones with which the Government need to engage in their management of the justice system. The Law Society, although welcoming the ending of cross-examination of victims of domestic violence by their partners, seeks provision in the new courts Bill for qualified legal representatives to cross-examine the victim. Can the relevant Minister indicate how this will be arranged? We join the society in commending proposals to strengthen the law relating to domestic violence and abuse, and in particular its extension to child abuse.

On a different tack, will the Minister acknowledge that technology is not always the appropriate medium for criminal proceedings to be pursued? Indeed, the assumption that everybody is capable of mastering the techniques of this increasingly digitalised world, which is reflected in a number of areas of the proposed Bill, is perhaps too optimistic. I suspect I am not the only Member of your Lordships' House who from time to time struggles with this new technology, as indeed we all have, not least in the light of the last few days.

The courts Bill promises,

“a better working environment for judges”,

with what it describes as,

“more leadership positions in the judiciary to be offered on a fixed term basis”.

Can the Minister explain, if not tonight then subsequently, what the Government have in mind? We have part-time district judges—I declare a paternal interest, as my daughter is a part-time deputy district judge—but do the Government envisage part-time High Court judges or merely term-limited service allowing judges to return to legal practice? What consultations have they held, or will they hold, about such matters? What do the Government intend to do in response to the concerns about recruitment to the higher courts, given the significant disparity in remuneration between such positions and practice, especially at the highest levels?

I turn to a matter touched on by the noble Lords, Lord Faulks and Lord Beith. The proposed civil liability Bill will resurrect proposals to deal with whiplash claims by banning offers to settle without medical evidence, which seems reasonable, but also by fixing a tariff for claims,

“with a duration of two years”.

Perhaps the Minister could explain that wording. Why should there be a fixed tariff? And why on earth should we believe that insurance companies will indeed pass on the estimated £35 a year savings to their insured in the form of reduced premiums? They have shown no disposition to do so in the last few years despite making very large profits. The real problem here is the parasitic and effectively underregulated claims industry, to which the noble Viscount, Lord Goschen, referred. We welcome signs that the Government intend to tackle this issue in the Financial Guidance and Claims Bill, but will that also include oversight of paid McKenzie friends?

The noble Lord, Lord Faulks, raised the issue of the discount rate, and we certainly share his views about that. The Government also propose to increase the small claims limit, under which costs cannot be recovered, to £2,000. While that is much better than the original proposal to increase it to £5,000, it will still have an impact, with people being deterred from making a claim or, if they do without legal assistance, the potential clogging of the courts in much the same way as we have seen resulting from the loss of legal aid. The increase in the limit is estimated to mean that 90% of claimants will be denied affordable or free assistance.

While we are in the area of compensation claims, why are the Government reviving proposals to weaken recourse to employment tribunals when the number of claims has already fallen by 70% as a result of the fees required? Moreover, why do they propose to reduce further the role of lay members of tribunals, representing both employers and workers; to delegate judicial functions to case officers; and to allow changes to tribunal rules and procedures to be determined by the tribunal procedures committee without requiring any consultation with trades unions and employer organisations?

There are no references in the Queen's Speech to access to justice either geographically, where court closures have had a serious impact on the system and where the role of lay magistrates and the convenience to parties, witnesses and advocates seem to be in decline, or, more importantly, with regard to the problems occasioned by the massive reductions in legal aid and advice. What would it take for the Government to review the provision of legal aid in the particularly sensitive areas of family law and housing law? For that matter, is it not time, as the Labour manifesto suggested, to provide for no-fault divorce, and to remove the requirement for domestic violence victims to pay perhaps as much as £200 for a medical report in order to make their case? While I am mentioning the Labour manifesto, which deals with this issue, will the Government review their negative position on the funding of judicial review cases, in which, by definition, they have an interest?

The Prime Minister has produced a couple of phrases that have been endlessly repeated. One of course was "strong and stable"—which has gone missing. The other was "just about managing". It is our view, which I suspect others may endorse, that government policy should be about managing justice in ways that reflect the need to protect and foster access to justice for all who need it, and to ensure that our custodial system is humane and capable of facilitating rehabilitation as well as securing the safety of the public.

I turn now to other issues. I have to say that, during the 50 years in which I have served as a councillor in Newcastle, local government has never suffered such draconian cuts as are now in progress—something referred to by the noble Lord, Lord Paddick, and the noble Baroness, Lady Pinnock. In my own city the budget has taken a £270 million cut, and it is proving impossible to maintain the level of services that people and communities need. In this, of course, we are by no means unique. In particular, the pressures on the social care budget are severe. Newcastle's audit committee, on which I serve, last week discussed a depressing report on the current situation in children and adult services.

Interestingly, our auditors, Ernst & Young, reported that the National Audit Office had declared, in relation to the financial and service targets of the Government's better care fund, that not only is the fund missing its targets for reducing emergency admissions but it is exceeding them, with a planned reduction of 106,000 emergency admissions turning into an increase of 87,000, while delayed transfers increased by 185,000 instead of reducing by 203,000 as planned. Of course, these figures illustrate difficulties in the National Health Service, but they necessarily have a knock-on effect on local council services up and down the country. Moreover, there appears to be a growing decline in the number of suppliers of residential care and support services, on which councils have, regrettably, increasingly relied.

What comfort can councils and communities hope for from a Government who have steadfastly refused to fund the soaring costs of deprivation of liberty safeguard cases, which they have refused to recognise as a new burden—albeit making small, one-off grants in 2016? I illustrate the position by again relating Newcastle's experience. In 2015-16, under this new responsibility, we received a one-off grant of £160,000. The number of cases has risen from 100 in 2013-14 to 2,226 in one authority last year, at a cost of £1.2 million. Multiply that across the country and it is a significant amount of money lost from the provision of basic social services. The Government need to get real about the unrelenting pressure on councils endeavouring to meet the palpable need for these and other services.

I conclude by asking whether the Minister can respond to the question posed by my noble friend Lord Smith about business rates, and how far the Government have got in working out how devolved business rates will operate. It is entirely unclear at the moment. I understand that a phased introduction is intended. How will that work between different authorities?

We have had a long debate tonight. I have contributed somewhat excessively to it, but only by a minute or two. I look forward to the noble Lord's response and the follow-up, which will no doubt be directed in correspondence with Members, which will obviously be produced in the Chamber.

10.17 pm

The Parliamentary Under-Secretary of State, Department for Communities and Local Government and Northern Ireland Office (Lord Bourne of Aberystwyth) (Con): My Lords, I thank the noble Lord, Lord Beecham, for

[LORD BOURNE OF ABERYSTWYTH]

the build-up. I undertake that I will write fully on all the points raised in a very wide-ranging debate. I think that noble Lords will appreciate that I do not necessarily have all the facts at my fingertips, nor necessarily all the time, after 66 excellent contributions—well, 67, but I do not have to write to my noble friend Lady Williams; but I have to take account of what the other 66 noble Lords have said. I also wish the noble and learned Lord, Lord Hope, a happy birthday. I congratulate the noble Lord, Lord Beecham. He referred tangentially to reaching 50 years as a councillor, which I think occurred during the election campaign. He must have been very young when he first took office. I am sure that we all wish him much more service both there and here. I also congratulate the noble Lord, Lord Scriven, on his marriage on behalf of the House—that is very good news—and wish the noble Lord, Lord Laird, all the best and thank him for coming today after two years' absence; it is much appreciated.

It is a great pleasure to close such a wide-ranging debate on a number of topics that are very close to my heart. I am extremely grateful to noble Lords who have contributed, sharing their past experience and reflections on issues close to their own hearts. I say in opening, perhaps by way of reassurance, that there seems to be an assumption that this Parliament will be only two years long. It is not; it is five years long, so there will be many opportunities for some of the legislative adventures being suggested.

Noble Lords: Oh!

Lord Bourne of Aberystwyth: I am sorry to disappoint noble Lords opposite, but it will be five years. Some of the legislative adventures, many of which I very much identify with, will be brought in henceforth.

Before I turn to some of the specific comments made, I should like to make a few personal remarks. First, the Prime Minister has been very clear, and noble Lords have appreciated that, that this Queen's Speech is about recognising and grasping opportunities that lie ahead for the United Kingdom as we negotiate withdrawal from the European Union. It is very important that we do that in a pragmatic way, bringing in many of the views that have been expressed today. Of course, this is a negotiation. What we are seeing at the moment is not necessarily how things will end up, but we cannot expect anybody in negotiations to show all their cards, or to say, "This is our bottom line". That is clearly not in the country's interests, the people's interests or in the interests of anybody here. Certainly there will be challenges, but I want to assure noble Lords today that the Government are determined to work hard to achieve withdrawal from the EU on the best terms available for the United Kingdom, but at the same time to ensure enduring relationships with friends and allies in Europe. It is a new relationship at which we are working, and I believe that we can and must all work together to achieve it. I say that to all noble Lords, some of whom have perhaps indulged in a little bit of sabre rattling against all the other parties here. We cannot ignore what happened in the referendum; it would be unwise to do that—but I appreciate that within that result there are different ways of achieving the withdrawal. That is clearly what we need to work on.

Events in the past few weeks have shown that now is indeed a time for us to work together and focus on what unites rather than divides us. Many noble Lords have referred to that. As Minister for Faith, I have had the privilege over the past few weeks to speak to leaders of different faiths from across the country. I have heard and seen first-hand how communities from all sorts of different backgrounds have responded to recent terror incidents, supporting each other in the face of cruel and unspeakable terror. That was referred to by my noble friend Lady Williams, the noble Lord, Lord Kennedy, opposite, the noble Lord, Lord Paddick, for the Liberal Democrats, and the right reverend Prelate the Bishop of Southwark. We have seen selfless acts from countless people. We have seen charities, the voluntary sector and individuals working hard. Others have spoken about the emergency services. The noble Lord, Lord Mackenzie, spoke about the role of the police, but it is true of the other emergency services—the ambulance service and the fire service, certainly, as seen in the context of Grenfell.

When I went down to speak with faith leaders after the atrocious terrorist attack on Muslims in Finsbury Park, there were Rabbi Gluck and Rabbi Pinter of the Haredi Jewish community in Stamford Hill. They were not just there at that moment; they had been there all night, standing alongside their Muslim brothers and sisters—in particular Mohammed Kozbar and Mohammed Mahmoud of the Finsbury Park mosque. There were members of the Christian community there too. It was truly inspiring.

We have spoken today of many issues facing us as we negotiate withdrawal from the European Union and how we must work constructively with the devolved Administrations in Scotland, Wales and Northern Ireland. Indeed, that is the case. I thank the noble Lord, Lord Alderdice, for his welcome. I also thank my noble friend Lord Dunlop for the massive work, as I am finding out, that he has done in Northern Ireland, and indeed, in Scotland. I will come back to Northern Ireland shortly.

On the repeal Bill, the Government have been clear that this piece of legislation establishes the mechanism through which we can ensure the decision-making powers returning from the EU are allocated within the UK in a way that works. The guiding principle behind this Bill has been, and will continue to be, that no new barriers to living and doing business within our union are created. Many noble Lords have referred to particular areas that will need attention, and I accept that. The noble Lord, Lord McConnell, referred to vulnerable children. The noble Lord, Lord Thomas of Gresford, referred to some of the criminal and arrest procedures, which was echoed by the noble Lord, Lord Elystan-Morgan. I share their concerns and that of the noble Lord, Lord Marks. These are discussions that we need to have. No doubt there will be fierce debates—that has been indicated, certainly by the noble Lord, Lord Tyler, and others.

I take very much on board what my noble friend Lord Sherbourne said about listening and consultation. That is extremely important. There is also the point made by the noble Lord, Lord Best, about construction workers in the EU. That too we must take on board. I accept that, and in areas where there will be shortages

of labour, we need to take that into account as we move forward. This guiding principle will apply to the immigration Bill, which will repeal EU rules on free movement. We will then consult on what is put in place as the UK's policy. As my noble friend Lady Williams has said, our objective is to put in place an immigration system which is right for the UK economy and right for the country as a whole. We will be very much in listening mode as we consult on and discuss that. EU citizens have made and continue to make significant contributions to economic, cultural and social life in the United Kingdom. The Government have made clear that we want to provide as much certainty as possible to the 3 million EU citizens living in the UK and the discussion on that goes on.

The noble Lord, Lord Dubs, made points on the specific issue of asylum. Lest anybody thinks otherwise—and I can understand that this is an issue where emotions rightly run high—I say that we have done a significant amount. In 2016, the United Kingdom granted asylum or other forms of leave to over 8,000 people and it has been over 42,000 since 2010. That is not to say we cannot do more. The noble Lord has rightly focused attention on this and put a terrific case for action: we are moving towards that 480. I can confirm that we have checked and there is no bar at all for children who are mentally ill. I would like that message to go out very clearly. We are happy to continue to engage with the noble Lord, who always puts his case politely but forcefully. The noble Baroness, Lady Lister, also raised some points on that and I hope this is helpful to her too.

We have taken action to help victims of domestic abuse, but we can and should go further. Many noble Lords, including my noble friend Lord Goschen, the noble Lord, Lord Paddick, the right reverend Prelate the Bishop of Bristol and the noble Baroness, Lady Burt, have contributed on this, welcoming this action and raising issues. My noble friend Lady Newlove asked whether we are consulting on the scope of this. We are and are very happy to engage on it. My noble friend Lady Seccombe gave a particularly powerful speech with a historical view on the issue. I thank her for her forceful and moving contribution. It is important that we act in this area. We will be coming forward with a statutory definition of domestic violence. Questions were asked about how much we have committed to this. We have committed £100 million in this Parliament to violence against women and girls and, in addition, we are supporting 76 projects through the DCLG with a £20 million fund for domestic abuse. Some of these issues may also feature in the racial disparity audit. This has not really been touched upon, but we are going forward with it, as we committed to do before the election. There will be a bit of slippage because of the election period but we will be moving forward with it.

I will say something about the devolved Administrations and turn first to Scotland. There were notable contributions from the noble Lord, Lord Reid, and my noble friends Lord Dunlop and Lord McInnes. In response to the noble Lord, Lord Beith, I can confirm that we are taking forward the issue of the border lands area. It is very much in process and is being led by the Secretary of State for Scotland, who is

the port of call for more details. We hope and believe that will help with the Scottish economy, which my noble friend Lord Dunlop said, quite rightly, was central to progress. As was said, it appears that Nicola Sturgeon has been listening. The Government welcome that—as did all noble Lords who spoke on this issue—and the fact that she has responded and the referendum will at least be postponed. That will make relations easier in terms of discussing Brexit with Scotland, which of course we want to do. We are very happy to engage but we do not want the megaphone diplomacy which there sometimes can be. I hope we can go forward and engage meaningfully.

I turn next to Wales. We had a very powerful contribution from the noble Lord, Lord Murphy, who has great distinction in both Wales and Northern Ireland. I thank him for that. The noble Lord, Lord Elystan-Morgan, was uncharacteristically somewhat unfair in his caricature of the Wales Act 2017. It is worth noting that this was the subject of a legislative consent Motion in Cardiff. I think that it was passed with the support of all the political parties there—albeit that some in Plaid Cymru did not vote for it, but some of them did, and all the other political parties did vote for it. There were only two votes in this Chamber on the Wales Act 2017, one of which was won by a decisive majority by the Government and the other of which was a tied vote. I am very happy to give way to the noble Lord.

Lord Elystan-Morgan: I absolve the noble Lord of all faults. I have on many occasions said kind things about him. I shall not embarrass him further in case I damage his distinguished career.

Lord Bourne of Aberystwyth: I think the noble Lord already has—but I thank him, as always, for his courtesy. We can perhaps disagree on some of the interpretation of that issue.

The noble Baroness, Lady Humphreys, asked questions about the tolls. We are working on how we intend to deliver that, and on matters in relation to the main line north and south as well. I will cover in a letter the more detailed point on S4C funding as I do not have that to hand.

I will turn swiftly to Northern Ireland. Many noble Lords rightly focused on the importance of delivering on power sharing. I can confirm that the Government are very much committed to the Assembly. That is central to everything that we are doing in terms of policy in Northern Ireland, along with other parties here. I thank many noble Lords for the kind and accurate things they said about the Secretary of State, who is working in Belfast on the power-sharing position as we speak.

I understand that views will differ on the agreement with the DUP, but I should say first of all that it does not cover any of the social conservative issues that people understandably would raise if it did. However, it does not. I think in practice that is helping with the position in Northern Ireland. It is worth noting that Gerry Adams said, “Well done, Arlene”—so perhaps that is an indication that it is helping rather than otherwise. I hope we can all agree that power sharing is important. It is central to what happens in Northern Ireland.

[LORD BOURNE OF ABERYSTWYTH]

The other issue I would like to cover on Northern Ireland—I cannot claim to be in any way an expert, but I was there last week and I will be there again tomorrow—is that you do not have to be there long to see that it is very different from England, Scotland and Wales. Different considerations apply and we have to recognise that. There is a legacy in all sorts of ways. I noted that the noble Lord, Lord Alderdice, said that we now have peace, which is essentially true. However, there are fragilities there in terms of many aspects of life in Northern Ireland, as he will know. Now we have a generation of people who have known nothing but peace. We have to work to ensure that that continues to be the case, and that before too long we will have two generations who have known nothing but peace.

I thank those noble Lords who have contributed on Northern Ireland. The noble Lord, Lord Reid, speaks with massive experience and is rightly listened to with great respect. Along with other noble Lords here—for example, the noble Lord, Lord Murphy—he is remembered with fondness in Northern Ireland for what he has contributed. They obviously speak with great experience.

I also listened with great interest to my noble friend Lord Empey, the noble Lord, Lord Browne of Belmont, my noble friend Lord Trimble, the noble Lord, Lord Hay, my noble friend Lord Dunlop and many others, including the noble and right reverend Lord, Lord Eames, who spoke with great passion about how we must deliver for Northern Ireland, the noble Lord, Lord Maginnis, the noble Lord, Lord Rana, and many others, including the noble Lord, Lord Laird. It is a pivotal moment and I repeat that the Government are truly committed to power sharing and to the Assembly. It is the way forward, as is ensuring that we have travel to work across the border.

I also thank the noble Lord, Lord Steel, who spoke about the importance of confidence and supply and the way that is delivered and advertised; I listened to that with great interest.

Many points were raised today on the situation of our housing market. We remain committed to the White Paper—many noble Lords raised that issue. Much or probably most of that can be delivered without legislation. However, as I say, at the moment we are talking about only two of the five years, and obviously, when legislation is needed, we will look at that. I thank the noble Baroness, Lady Warwick, who I know speaks with great authority on housing, for her welcome of much of what is in the White Paper. We are very happy to work across the aisle, as it were, with other political parties to ensure that we deliver not just on affordable homes but also on social housing, which has for understandable reasons been the focus of our attention recently.

The noble Lord, Lord Shipley, put many important points, which I will cover in the letter, on housing, land banking, and so on. Those were addressed in the housing White Paper and are very much still in play. As noble Lords appreciate, we will deliver on the tenant fees Bill.

The noble Baroness, Lady Lister, asked about guaranteeing the position of people who are subject to domestic abuse and therefore need that guarantee.

That is still on the table, as we discussed previously, so if she wants another chat about how we will do that, I will be happy to meet her.

On Grenfell Tower, briefly, this was another dreadful situation. Once again, I pay tribute to all those people who helped there—certainly the emergency services, voluntary organisations, individuals on the ground, faith organisations and people from all sorts of backgrounds. Yes, there was a slow start there in dealing with what was pretty much, thank goodness, an unprecedented situation. Now we are garnering resources and moving forward with the testing, and doing what is necessary on a national basis, because this demands a national response. I am grateful for the way that noble Lords have dealt with this rather than the more emotive way others have, characterising it as murder, which was grossly irresponsible. I thank noble Lords and I am grateful that noble Lords in this House have treated it very differently.

I will quickly deal with some other issues if noble Lords indulge me—I am moving through this. The independent advocate is important—the noble Lord, Lord Kennedy, and my noble friend Lady Newlove referred to it.

On the courts Bill, I will deal with the detailed points made by the noble Lord, Lord Beecham, and others, as I will on prisons legislation. I thank noble Lords who have given a welcome to the role of David Lidington, who regards prison reform as important; it is on his radar. Much of this—not all of it—can be delivered without legislation. However, I take very seriously the points made by the noble Lord, Lord Ramsbotham, who speaks with massive experience. I am sure that this debate will be picked up by the Lord Chancellor anyway, but I will make sure that he is aware of what was said; points were made by the noble Lords, Lord Dholakia and Lord German, the noble Baroness, Lady Stern, the noble Lord, Lord McNally, the right reverend Prelate the Bishop of Bristol, the noble Lord, Lord Marks, and other noble Lords.

I will deal with some individual points, some of which were a little bit left-field. However, I will make sure that they are picked up. The noble Baroness, Lady Howe, talked about the content filter and extreme pornography; I will certainly make sure that we get a response on that.

My noble friend Lord Empey spoke about House of Lords reform. It was very courageous of him to mention that in the body of this Chamber. I think that the Lord Speaker is taking that forward, but I will make sure that my noble friend gets a response.

My noble friend Lord Goschen spoke about motorbike crime. My noble friends Lord McColl and Lady Manzoor raised issues concerning modern slavery. I know that my noble friend Lady Williams will be very happy to meet them to discuss how that issue can be taken forward.

The noble Baroness, Lady Flather, along with others, mentioned the Casey review, which is still very much a live issue.

The noble Baroness, Lady Meacher, made a very powerful speech, if I may say so. Again, I shall be very happy to meet her, along with my noble friend

Lady Williams. I think that there are issues worthy of being looked at, and I say, "Well done on getting the *Daily Mail* on side".

The noble and learned Lord, Lord Morris, asked a specific question, but I cannot remember what it was.

Lord Morris of Aberavon: It was about legislative consent Motions.

Lord Bourne of Aberystwyth: I am grateful. I can confirm that they are needed and we will be seeking them from all three devolved bodies—in Northern Ireland, Wales and Scotland.

On tackling corruption, I will get a response for the noble Baroness, Lady Stern.

Corporate governance was raised by the noble Baroness, Lady Bowles, and we will cover that. It is not something that I saw coming, but I can say that I think that the legislation on corporate manslaughter is acting quite effectively, as is that on corporate governance. It is updated from time to time, usually in line with recommendations from bodies that look at those issues.

The noble and learned Lord, Lord Hope, asked about cohabiting couples, and we are looking at that matter. We have not come to a conclusion on it but, again, we will be very happy to engage on it to see how to move it forward.

I apologise if I have missed any of the points that were mentioned. I was completely blind-sided by the issue raised by the noble Lord, Lord Rooker, apart from recognising one or two of the names, but I will ensure that he receives a full response. I hope he does not think that that is part of the conspiracy—I really was blind-sided by it. As I said, I will make sure that he gets a full response, but I am not in a position to say more than that at the moment.

The points that I have not covered I will pick up in correspondence. As ever, I thank noble Lords for a very full and helpful debate.

Debate adjourned until Wednesday 28 June.

House adjourned at 10.42 pm.

