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PARLIAMENTARY DEBATES
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HOUSE OF LORDS
OFFICIAL REPORT

ORDER OF BUSINESS

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

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House of Lords

Tuesday 9 January 2018

2.30 pm

Prayers—read by the Lord Bishop of Gloucester.

Parental Leave: Statutory Pay

Question

2.36 pm

Asked by ***Baroness Burt of Solihull***

To ask Her Majesty's Government what plans they have to equalise statutory pay received for shared parental leave by people of any gender.

The Parliamentary Under-Secretary of State, Department for Business, Energy and Industrial Strategy (Lord Henley) (Con): My Lords, shared parental leave and pay are provided to enable working couples to share childcare responsibility in the first year. The scheme was introduced by the coalition Government for the parents of children who are due or placed for adoption from April 2015. We will evaluate its effectiveness this year.

Baroness Burt of Solihull (LD): I am grateful to the Minister for that Answer. The shared parental leave rights, which were introduced under the coalition Government, as the Minister says, allow fathers to switch childcare duties with the mother during that first year. However, fathers get the basic maternity pay but, with only a few notable exceptions, not the enhanced maternity pay that the mother is entitled to. Unsurprisingly, take-up by fathers has been less than 1%. Will the Minister have a look at this, especially in light of the court case, Snell v Network Rail? Dads are being discriminated against, and they deserve equal rights too.

Lord Henley: My Lords, in the main, the pay and leave are both set at the same rate. Obviously, mothers get a slightly higher rate in that they are in receipt of statutory maternity pay for the first six weeks at that higher rate. Understandably, fathers, not being mothers, are not eligible for that SMP. But other than that, the leave and the pay are equal for all. As I said, we will evaluate the scheme later this year and come to conclusions. As regards the take-up rate, we are not entirely sure exactly what it is but we think it is broadly in line with the estimates that were made at the time of its introduction.

Baroness Lister of Burtersett (Lab): My Lords, it seems that the take-up rate is minuscule. When the Government evaluate the scheme, will they take note of all the growing cross-national evidence which shows that the only way significantly to increase fathers' take-up of parental leave is through an independent right to a non-transferable fathers' leave, paid at a decent rate, as recommended by, for example, the Women and Equalities Committee? This is the way to change both culture and behaviour around shared childcare.

Lord Henley: My Lords, as I said, the take-up rate is on the low side; we do not know the precise figures but we reckon that they are broadly in line with the original estimates. Again, as I said, we will evaluate—that is what we promised to do, and we will do it this year. I do not think that the noble Baroness would expect me, in advance of that evaluation, to come to any conclusions about what might be the best way to improve that take-up rate.

Baroness Nicholson of Winterbourne (Con): Will the Minister consider putting pressure on some of the European Union member state embassies in London? Our legislation, which is good and generous for maternity and paternity leave, is not replicated by those embassies, and it seems a little peculiar.

Lord Henley: My Lords, I am sure that staff in all the embassies in London will take note of what my noble friend has said. This is good legislation. We want it to succeed and to have its effect, but we also want to evaluate how it works and to see how it can be improved. That is what we will do later this year, and I am sure that our colleagues in the European Union will take note of any changes that we make.

Baroness Sherlock (Lab): My Lords, I am sure that the Minister does want it to succeed. What would success look like?

Lord Henley: My Lords, I think that success would look like fathers and mothers being able to take the appropriate leave with the appropriate support so that they could manage those early weeks and months with a newborn child and properly adapt their lives. That is what we are trying to do with the original proposals for shared parental pay and leave, and that is why we want to improve them.

Lord Lea of Crondall (Lab): Does the Minister recall that, when parental leave was first put on the agenda in Brussels, his party was very much opposed to it? It has been demonstrated in the last 15 years that this is a very useful and progressive part of our industrial system but that, as with other things agreed on a common basis across Europe—from pro rata to different types of atypical workers, as well as the gender question—it needs fairly strict rules to make it effective.

Lord Henley: My Lords, I do not recall what the noble Lord asks me to recall but I can say that this scheme was introduced by this Government—or, rather, by the previous, coalition Government. It is working reasonably well but with a very low take-up. I said in earlier answers that we obviously want to look at that to see whether it can be improved so that it can benefit more people and more couples.

Baroness Hussein-Ece (LD): My Lords, until the Government get to grips with shared parental leave, perhaps they can take a look at the equal pay situation between men and women, which is still woefully inadequate. Will the Minister have a look at, say, Iceland, which is also led by a female Prime Minister? She has enshrined in law equal pay for men and women in the public and private sectors.

Lord Henley: My Lords, the noble Baroness is going slightly wider than the original Question on the Order Paper, which relates to shared parental leave. However, I am very happy to say that, like Iceland, we have a female Prime Minister, and long may that continue.

Lord Watts (Lab): What would the Minister see as a successful take-up rate for males? Would it be 50%, 60%, 70% or 80%? Can he give an estimate of what the government policy is intended to deliver?

Lord Henley: No, my Lords. I have made it quite clear that we want to evaluate the system and, as I said in answer to one of the noble Lord's colleagues, to see how it can benefit as many people as possible. It is benefiting some at the moment. Take-up is relatively low but broadly in line with what we originally estimated it to be. We want to see whether that can be improved so that more can benefit from it, but obviously we also want to take into account the costs to the taxpayer involved in any changes to the scheme.

Homelessness

Question

2.43 pm

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

To ask Her Majesty's Government how many families were homeless over Christmas 2017.

Lord Kennedy of Southwark (Lab Co-op): My Lords, I beg leave to ask the Question standing in my name on the Order Paper and, in doing so, I draw the House's attention to my relevant interests—namely, as a councillor and as a vice-president of the Local Government Association.

The Parliamentary Under-Secretary of State, Ministry of Housing, Communities and Local Government and Wales Office (Lord Bourne of Aberystwyth) (Con): My Lords, based on the latest statistics available, in September 2017 79,190 households were living in temporary accommodation, and in January 2017 there were 4,134 rough sleepers.

Lord Kennedy of Southwark: My Lords, according to work undertaken by Shelter, approximately 120,000 children woke up on Christmas Day in B&Bs, hostels or other forms of temporary accommodation in England. Does the noble Lord agree that this figure shames our nation, and can he tell the House what work he and his department will do in the next 12 months to bring this figure down dramatically?

Lord Bourne of Aberystwyth: My Lords, the noble Lord's figure is correct. This is from a high of 130,000 in 2006, when the homelessness level was at its highest. It is too high—there is no doubt about that—as has been clearly stated from all sides of the House. What are we doing? We are certainly committing £1 billion to tackle homelessness up to 2020, and that includes rough sleeping. As the noble Lord will have seen, we have made this a top priority. Although cosmetic in a sense, the change in the name of the department, which now features housing as clearly the most important thing that we are seeking to tackle as a Government, is important because it indicates the priority that we give to homelessness, and the £1 billion will help to bring those figures down.

Lord Best (CB): My Lords, this House gave its very full support to the Homelessness Reduction Act, as it became. I pay tribute to Marcus Jones MP; he was reshuffled this morning but did a fantastic job getting that legislation through the House of Commons. The one matter on which we were all very anxious was whether there would be the resources to go with this important preventive legislation. Can the Minister reassure us that the money has been found so that when this starts in spring this year, local authorities will be able to do what we hope they will do—prevent homelessness as much as possible?

Lord Bourne of Aberystwyth: My Lords, the noble Lord is absolutely right about the Homelessness Reduction Act being at the centre of our action—in this regard, a preventive measure. I echo what he said about Marcus Jones's role in that; it was considerable, as indeed was that of the noble Lord in seeking to ensure the Bill went through this House with government support, and I pay tribute to him as well. I can confirm that the money that was committed under the new burdens doctrine—from memory, some £71 million—is being made available to help with the implementation of the Act. It is, as I said, very much at the centre of the action in this area.

Baroness Grender (LD): My Lords, did the Minister see the Liberal Democrat report last week on empty properties, which revealed that there are well over 200,000 empty properties, of which one-quarter have been empty for five years or much longer? Given the negligible use of empty dwelling management orders, will the Minister undertake an urgent review of resource and powers for local councils so that they can bring those long-term empty properties back into use and help homeless families?

Lord Bourne of Aberystwyth: My Lords, I have not had the privilege of seeing that literature as yet, but I anticipate having the opportunity to look at it at some stage. The noble Baroness will know that there were powers in the Budget to ensure that the ability to charge a higher rate of council tax on empty properties is increased. That is being done. She will be aware also that the numbers have come down considerably over the past decade, although admittedly there is work still to be done.

The Lord Bishop of St Albans: My Lords, research by the charity Shelter suggests that if current government policy continues as it is, 83% of areas in England will be unaffordable to those on local housing allowances by 2019-20. What assessment have Her Majesty's Government made of the effect of the freeze on levels of homelessness? When will that freeze come to an end?

Lord Bourne of Aberystwyth: My Lords, I thank the right reverend Prelate for that mention of Shelter, which is clearly very much a partner in this, working with us on the advisory committee on homelessness.

We look forward to working with Polly Neate and Shelter, and with Crisis and other organisations, in seeking to get those figures down. As I have indicated, there are challenges throughout the country, but with the resources we are committing to this, both in financial and human resources terms, and the importance we are giving it across government, we are confident that we will hit the targets on new houses and bring down the homelessness figure at the same time.

Baroness Redfern (Con): Will my noble friend tell me what action the Government are taking to ensure that more people who are homeless are able to access the private rented sector?

Lord Bourne of Aberystwyth: My Lords, it has been central to the Government's thinking that we make more use of the private rented sector in seeking to ensure that people who are homeless have somewhere to go. This was extended from the social sector so that appropriate private rented sector property can be used for homeless people in temporary accommodation. That is very much at the heart of what we are doing. However, at the same time, it is important that we increase the supply side. Therefore, we are building more houses to take in more people from the temporary accommodation list, so that we can ensure that everybody has a home. That is central to our thinking.

Lord Rooker (Lab): Does the Minister recall that in about 2002 the then Labour Government persuaded Louise Casey to come from Shelter into the Government and that, with the programmes she set up, we virtually eliminated rough sleeping by 2010? What is the main reason it has come back again?

Lord Bourne of Aberystwyth: My Lords, first, this is not a problem unique to the United Kingdom.

Noble Lords: Oh!

Lord Bourne of Aberystwyth: Secondly, there is only one country in the EU that does not face mounting numbers of rough sleepers and homelessness, and that is Finland. We have been careful to ensure that we have Finnish assistance on the advisory committee we are using. We are looking at this issue in a broad sense. It has not suddenly happened but it has increased over a period of time. Yes, it is a serious problem, as I have said on many occasions. We are committing resources to it and the noble Lord will be aware of our target of halving rough sleeping by 2022 and eliminating it by 2027.

Lord Farmer (Con): My Lords, what are the Government doing to address the family and relationship breakdowns which drive so much youth homelessness, in addition to the relationship support they are giving to workless families, as this is relevant to only a tiny proportion of the affected population?

Lord Bourne of Aberystwyth: My Lords, my noble friend is right about the contribution to the homelessness figure of family and relationship breakdown. In relation to youth homelessness, which is obviously part of that, we have committed resources to the homelessness prevention programme. Over two-thirds of local authorities have taken up the assistance available there—prevention is the key—and, at the same time, we are also putting resources into the fair chance fund.

Baroness Uddin (Non-Afl): The Minister said that £1 billion is available for homeless families but does he accept that that is not sufficient to feed all the people who needed support and help during the Christmas period? Does he accept that charities such as Crisis, Islamic Relief and Muslim Aid were critical components in feeding massive numbers of families and individuals? Will he commend their efforts to assist the Government where the Government have been sadly lacking?

Lord Bourne of Aberystwyth: My Lords, I am very happy to commend the work of many charities, both local and national, faith charities and other charities, over the Christmas period and at other times of the year. The noble Baroness mentioned some charities. St Mungo's is another one: it helped massively at Euston station, for example, which I am sure we all saw. I am happy to commend the charities. We have been talking here, in the main, about the provision of housing rather than the provision of food and so on. The noble Baroness mentioned food as an issue—undoubtedly it is—but these resources are going specifically on housing.

Plastic Waste

Question

2.52 pm

Asked by ***Lord Teverson***

To ask Her Majesty's Government what action they are taking following the decision of the Government of China to restrict imports of foreign waste.

The Parliamentary Under-Secretary of State, Department for Environment, Food and Rural Affairs (Lord Gardiner of Kimble) (Con): My Lords, since China's announcement the Government have raised their concerns on the scope and scale of the restrictions through the EU and WTO. We are working with local government and industry to minimise the impacts on public health and the environment and to assist in assessing alternative markets. We want to improve the quality of materials collected for recycling and reform the producer responsibility scheme for packaging to reduce waste.

Lord Teverson (LD): My Lords, I thank the Minister for his reply and for his longer-term vision. However, the Government have been slow on this. We have a crisis. First, will the Minister guarantee that landfill will not increase significantly in the short term? Secondly, when warehousing or providing greater storage of waste material while we find a market for it, will the Environment Agency and other agencies make sure that pollution locally does not happen and fire hazards are kept to a minimum?

Lord Gardiner of Kimble: My Lords, since the Government heard of China's decision in July, a great deal of work has been done. I can assure your Lordships' on that. It is clear that the last resort is always landfill.

[Lord Gardiner of Kimble]
More reuse, recycling and energy recovery in this country is the top priority. Landfill will always be the last resort. The noble Lord is right about the role of the Environment Agency, which is very important. It has been working with key partners and issuing guidance. It is important that the well-being of the environment is the number one priority,

Lord Geddes (Con): My Lords, my noble friend may not be entirely surprised by my supplementary question. Does he agree that it would greatly mitigate the effect of the decision by the Government of China if we stopped wrapping just about anything and everything in plastic?

Lord Gardiner of Kimble: My Lords, my noble friend makes an important point. What we want to do, through the resources and waste strategy which will be published later this year and the clean growth strategy which was published in October last year, is to see zero avoidable waste. We want to see less packaging and that the plastic we do use is readily recyclable.

Baroness Jones of Whitchurch (Lab): My Lords, does the noble Lord agree that, apart from persuading consumers to use less plastic, the Government should be doing more to encourage emerging technologies in this area by creating markets for recycled plastics? Sadly, the first wave of plastic recycling companies could not survive because virgin plastic was cheaper than recycled plastic. Is this not an area in which the Government really should be intervening to ensure that there are proper markets for recycled goods so that the recycling companies can grow and prosper?

Lord Gardiner of Kimble: My Lords, the noble Baroness is absolutely right. We want to ensure that we use all the innovation and technology we can. It is interesting to note that a number of the key waste management companies see what has happened in China as, ironically, a real opportunity. Companies like Suez and Biffa are saying that there are real opportunities in this and they want to find alternative markets. This is a serious situation on an international scale. For example, some 56% of globally exported plastic waste ends up in China, so we need to address this issue on a global basis.

Lord Alton of Liverpool (CB): My Lords, can the Minister tell us what percentage of the some 500,000 tonnes of plastic waste that are estimated to be exported from this country to China each year are actually capable of being recycled? Further, in his response to the noble Lord, Lord Teverson, he did not say anything about incineration. There has been some speculation that the Government might support incineration, but would that not be simply adding one environmental degradation to another?

Lord Gardiner of Kimble: My Lords, I used the phrase energy recovery. That is via the use of incineration and the source of fuel it provides is a much better use than landfill. Moreover, landfill quantities have been reduced dramatically. Some 3.7 million tonnes of plastic waste are created in this country of which 0.4 million tonnes is sent to China. That actually represents a reduction from 0.7 million tonnes of waste being exported in 2010, so a reducing amount of waste is going to China. However, it is clear that we need to do better, and that is why we are working on this issue.

Baroness McIntosh of Hudnall (Lab): My Lords, in thinking about the importance of recycling, can the Minister tell the House what research the Government know about, or are supporting, into the development of biodegradable materials that can be used, particularly in packaging? Some are available but the quantities are small relative to the stuff which is advertised as being recyclable. While I am on my feet, could I also ask the noble Lord to put in a plug, when he is thinking about recycling, for home composting? It is frightfully useful to anyone who has a garden.

Lord Gardiner of Kimble: My Lords, I am a fanatically zealous composter, as my wife knows very well. Whether waste is biodegradable or whether we are considering the better use of plastics, by which I mean quality plastic that is consistent and is readily recyclable across the country, we want to learn from the best examples. Many local authorities are doing extremely well in this area and we want to replicate their work across the country.

Baroness Jenkin of Kennington (Con): My Lords, I declare my interest as a board member of WRAP. I welcome the fact that today is the day when the ban on the use of microbeads will be introduced. I also welcome the fact that some 9 billion fewer plastic bags are in circulation than when the levy was introduced. However, will my noble friend look carefully at the recyclability of takeaway coffee cups, which currently cannot be recycled properly? What are the Government going to do about this?

Lord Gardiner of Kimble: My Lords, I endorse what my noble friend says about plastic bags. There has been a reduction of 83% of the plastic bags in circulation, and now we have the microbeads ban. We are working with the Treasury on a call for evidence this year seeking views on how the tax system or charges could reduce the amount of single-use plastic waste whether in the form of coffee cups, straws and so on. We need to adopt a different attitude to all of these issues, and I am very pleased that we are working on them.

Office for Students: Appointments

Question

2.59 pm

Asked by ***Lord Storey***

To ask Her Majesty's Government what processes were followed for the appointment of Board members of the Office for Students.

Viscount Younger of Leckie (Con): My Lords, the Office for Students board needs members who bring a broad range of skills and experience to deliver its objectives. In the recent recruitment round, six people were appointed to the OfS board, although, following this morning's resignation, the board stands at 14 members. Appointments to the Office for Students board were

made in line with the Governance Code on Public Appointments, which, as is conventional, included open advertisement, an applications process, shortlisting and interviews.

Lord Storey (LD): I am sure the Minister would agree that there is no place for cronyism in public appointments. Given that public appointments are based on Nolan principles, and the fact that somebody was appointed to this position who had posted on social media the most appalling comments, do those principles need to be strengthened?

Viscount Younger of Leckie: I say at the outset that this is very much a time of reflection following the resignation this morning. We will want to learn from this. It is regrettable that the offensive tweets were not picked up on or before the appointment. The Prime Minister herself made it clear that a repeat of any such language from someone within a public position would not be acceptable. There is always a balance of proportionality in undertaking due diligence. In this case, there were more than 50,000 tweets, some of which were completely abhorrent. We need to learn from this and be sure that the due diligence is improved.

Lord Hunt of Kings Heath (Lab): My Lords, with the greatest respect to the noble Viscount, the job specification required candidates to have "good judgement" and "high levels of integrity"; to,

"inspire confidence with a wide range of stakeholders",

and,

"demonstrate high standards of … personal conduct".

Is the noble Viscount saying that these objectionable tweets were not known to his department and Mr Jo Johnson? Is it not the case that Jo Johnson imposed this wretched man on the board of the OfS? Will he now tell me, as Jo Johnson has been removed, that the independence of the OfS, which the Government guaranteed during the passage of the Higher Education and Research Act only recently, will now be established?

Viscount Younger of Leckie: My Lords, there is no imposition of a candidate into this particular position. The current make-up of the Office for Students is a broad church. It is a broad range of people, which is what we set out to do in the first place. On the noble Lord's question: no, we did not know about the obnoxious tweets that came out. That is why I said at the outset that we need to do better. With 50,000 tweets, some of which were completely obnoxious, this is something that we should have known about. We need to learn lessons from this.

Lord Cunningham of Felling (Lab): My Lords, since the Minister has recognised that there was a process in these appointments, it follows that there must be a record of those who were involved in it. Will he tell the House, other than the Minister directly responsible, which other Ministers were involved in the process, either formally on the record or informally?

Viscount Younger of Leckie: The due process was gone through. The launch was made in July and after the advertisements were laid they were closed in August. Ultimately, the Secretary of State is responsible for appointments, so the process went through. I will also say—I say this to the noble Lord, Lord Hunt, as well—that Mr Young was appointed on merit, on what he had done. That is very separate from the obnoxious tweets that we know about.

Baroness Garden of Frognal (LD): My Lords, on a broader topic, given that a significant number of higher education students are actually in further education colleges, will the Minister say why the OfS has no one from the FE sector on the board? Can he point to where the champions will be for adult education and lifelong learning on the OfS board?

Viscount Younger of Leckie: The challenge in making up the board is to have a broad range of skills and experiences from within the sector and beyond. I can say now, to reassure the noble Baroness, that the board is well represented with experience of higher education, with the vice-chancellor of the University of the West of England, a former vice-chancellor of the private university BPP, a bursar and fellow of New College, Oxford and the chair of a performance and theatre college. It is deliberately meant to be a broad church.

Lord Campbell-Savours (Lab): My Lords, did a conversation take place between Boris Johnson and his brother, Jo Johnson, prior to this appointment?

Viscount Younger of Leckie: I certainly cannot answer that and I am not going to be drawn into it.

Lord Farmer (Con): My Lords, the furore over the appointment of Toby Young exposed widespread distaste for a casual attitude towards the relational and other harms of pornography. The recent consultation on the internet safety strategy included no measures to mitigate these harms. Can my noble friend assure me that this will now receive thorough attention given that opinion seems to be shifting on pornography?

Viscount Younger of Leckie: As I believe we stated in the internet safety strategy, the issue of pornography will be considered as we develop the regulations and guidance on relationships and sex education, which the Children and Social Work Act 2017 requires us to make compulsory in all secondary schools in England. Evidence has shown that the easy availability of online pornography is changing the way that young people understand healthy relationships. We need to be aware of this and move forward.

Lord Anderson of Swansea (Lab): My Lords, does the Minister agree that even his "broad church" must have some limits, so what went wrong?

Viscount Younger of Leckie: I did not hear the last part of the question.

Lord Anderson of Swansea: What went wrong?

Viscount Younger of Leckie: I think that I have made it clear that the issue was the due diligence concerning the tweets. At the end of the day, Mr Young was appointed on merit, but there were very many tweets that we did not manage to get into—but I have made that clear in another answer.

Transparency of the Parole Board and Victim Support

Statement

3.06 pm

The Advocate-General for Scotland (Lord Keen of Elie) (Con): My Lords, with the leave of the House, I should like to repeat a Statement made in the other place by my right honourable friend the Secretary of State for Justice on the Parole Board's decision to release John Worboys and the Government's response to the issues raised by this case. The Statement is as follows:

"I should like to start by echoing the Statement made by my predecessor at the weekend and to express my unreserved sympathy to all the victims. They will never erase the emotional trauma of his crimes and the Parole Board's decision to order his release must have brought back painful memories. These were horrific crimes, and I take the concerns raised, including by many colleagues in the House, very seriously.

John Worboys was convicted of 19 offences in 2009, and received an indeterminate sentence of imprisonment for public protection with a minimum tariff of eight years in custody. Following the expiry of the tariff, he was eligible for review by the Parole Board, which was required to consider whether to release him.

The board reviewed his case at a hearing on 8 November 2017, by which time he had served 10 years in custody, including a period on remand. A three-person panel considered a detailed dossier of evidence. Its subsequent decision to release him was communicated to my department on 3 January.

There are two main areas of concern that I think it essential to address today: whether the correct procedures were followed in this case; and whether those procedures are right or whether improvements are needed.

Turning first to whether procedures were followed in this case, all victims of the crimes for which he was convicted have a statutory right to receive information about parole hearings and decisions under the victim contact scheme. On the basis of the information I have received since arriving in the department yesterday, it appears that in relation to these victims, those who opted to remain in contact via the VCS were informed of the parole hearing by their preferred method of contact. Of the victims currently in contact with the scheme, those who chose to be informed of the Parole Board decision by phone or email were contacted immediately on 3 January, although the Secretary of State has recently learned that one did not receive the email.

Letters were sent immediately to those who chose to be informed that way, but of course these took longer to arrive. Some victims entitled to this contact chose not to opt in, which is of course their right. Any victims the crimes against whom were not prosecuted do not fall within the statutory remit of the victim contact scheme, so the arrangements are different. Discretionary contact can be considered, but in this instance the National Probation Service has no record of any requests for discretionary contact. However, while it appears that the correct procedures were followed, the fact that some victims learned of the decision from the media suggests that there is scope to review these procedures and examine whether lessons can be learned and improvements can be made. It is a priority for this Government that victims of rape and sexual assault have full confidence in the criminal justice system. Sentence lengths for these horrific crimes have increased by more than 30% since 2010 and more victims are coming forward, but there is still more to do.

I should be absolutely clear that I think the Parole Board should remain an independent body, responsible for making decisions about the ongoing risk that individuals pose after serving their tariff. But I agree with my predecessor's assessment that there is a strong case for reviewing transparency in the process of parole decisions and how victims are appropriately engaged in that process, and for considering changes in policy, practice or the Parole Board Rules or other guidance or procedures, including the victims' code. With that in mind, I can confirm that I have instructed my officials to establish a review to examine these questions and I will share more information on this shortly. I think it appropriate that the department leads this work but that it consults victims' groups and others. I have spoken to the Victims' Commissioner, the noble Baroness, Lady Newlove, and the chair of the Parole Board, Nick Hardwick, to discuss what changes we could make and how best to draw on their expertise and insight in this review.

Finally, I note that the Justice Select Committee has announced an evidence session. My department stands ready to provide the committee with any information it may require. I intend to prioritise this review so that decisions can be taken before Easter. I hope that this course of action reassures the House of the importance and priority I attach to this. As such, I commend this Statement to the House".

3.12 pm

Baroness Chakrabarti (Lab): My Lords, I am grateful to the Minister for repeating the Statement and for giving me advance sight of it. Our criminal justice system must of course have the interests of victims of crime at its heart. It is all too clear that victims of the vile crimes committed by John Worboys feel that the process has failed them. Such failings risk undermining public trust in our wider justice system and the rule of law. Many women, both victims and others more widely, will understandably be anxious about Mr Worboys' release. The current legal restrictions on the Parole Board mean that we do not know why and how the decision was taken. So while I thank the Minister for repeating the Statement, do we really need to debate whether there is a case for greater transparency? Surely, the Worboys case has underlined that there is, and the chair of the Parole Board has already called for it. So does the new Secretary of State for Justice intend that this review should be about how to achieve greater transparency and not whether it is needed?

The failures go much wider than the rules governing the Parole Board. In fact, the whole matter has been dogged by failures in the system from the outset. In 2009 John Worboys was convicted of 19 offences against 12 women, but it has been suggested that the police have linked Worboys to around 100 other cases. The public are asking questions about the failings in

the police handling of the case; about why there were no further prosecutions; and about failures of the victim contact scheme properly to notify victims of the parole hearing. The Worboys case raises so many serious questions that anything less than an independent, end-to-end review of the handling of the case, from the first reporting of an attack to the police right through to the Parole Board hearing, would let down victims and the wider public.

The previous Secretary of State did not take up the Opposition's request to undertake such an inquiry, but the new Secretary of State can bring a fresh perspective. He also has an opportunity to reassure the victims and wider public by going further than his predecessor and agreeing to the kind of independent, end-to-end review that I have described. That would be the right thing to do and if the new Secretary of State does so, I will be the first to congratulate him. Will the Minister agree to at least take that suggestion back today?

There is also a question about whether wider problems in the justice system—a sector that has been subject to the greatest level of cuts to any department—may have impinged on this specific case. The failure to allow women victims the opportunity to participate in the parole hearing through written and oral statements, or properly to notify them of the hearing, was a significant breach of their rights. The National Probation Service manages the victim contact scheme; your Lordships' House is all too familiar with the deep problems caused to probation by the chaotic reforms undertaken by the Government. Does the Minister believe those changes to the probation service have left the victim contact scheme more effective or less effective? Will he spell out today what the Government are doing to ensure that this scheme is functioning as it should and that we see no repeat of the failings witnessed last week? At the very least, will he consider amending the scheme so that victims opt out rather than opt in to the contact system?

Likewise, what is the Government's assessment of the effectiveness of the current sex offender treatment programmes in prison? Last year, the ministry found that its core programme actually increased reoffending among sex offenders. Does the Minister know whether Worboys was on one of those core programmes that was subsequently withdrawn? Will the Minister take the opportunity to clarify the current procedure for prioritising which IPP cases are dealt with most pressingly? Are those on the shortest tariffs dealt with first?

Finally, I am glad that the Government are now focusing on victims' rights but in 2014, the High Court found that the Metropolitan Police had breached the rights of the victims of Worboys under the Human Rights Act by failing properly to investigate many of the crimes he was linked to. This decision was later upheld by the Court of Appeal. So I think many of your Lordships will be surprised and disappointed that the Government, through the current Home Secretary and her predecessor, then backed taking Worboys' victims to the Supreme Court last year. Will the Minister take this opportunity to express regret for treating those victims in this way?

Lord German (LD): My Lords, I too express great gratitude from these Benches for the Statement from the Government today, which gives an absolute expression of sympathy for those who have been affected by this case. Because there has been an obvious breakdown in the structure and systems of criminal justice which we are talking about, I wonder whether an apology on behalf of the Government would have been more appropriate at this point.

The Statement we have just heard raises a significant number of issues, many of which link back to legislative processes and rules which have developed over recent decades. Therefore, an understanding of the scope of the review will be necessary to give confidence to the many people who are feeling pain, misery and disgust at what they have seen in recent days. If we are to assuage them and to bring appropriate satisfaction to much of our society, we need to look carefully at the scope of this review.

As the Statement itself expresses it, we are told that the review will answer issues in these two areas: first, transparency in the process for parole decisions and, secondly, how victims are appropriately engaged in that process. This is indeed a focus of public concern at present but behind it lies a set of deeper and wider issues which have been thrown up by this case. We need to ensure that we see a review that touches all these issues if we are to arrive at a satisfactory conclusion to a much deeper issue than that reflected in the Statement. An example which has been thrown up by this case is indeterminate sentences. Nine hundred people were expected to get indeterminate sentences, but by 2012, when they were abolished, 6,000 people had received such sentences. Will the Minister tell us whether there is pressure on the parole system to clear this backlog which has affected the way in which it has dealt with these cases? We need some reassurance on that, not just those of us in this Chamber but the public as well.

Public confidence in the justice system has already been alluded to, particularly in the CPS and the role it played in reducing the number of cases brought to prosecution. It is essential that the public know why that was the case and the impact it has had on the victims and alleged victims who have been so hurt in recent days.

Another area where the concerns of the public need to be assuaged is about the role of the Government and, particularly, of the Home Secretary at the time—she is currently Prime Minister—where two of the victims alleged that their cases were not taken seriously by the criminal system.

The two fundamental issues behind the Statement today are transparency and engagement with victims. The chair of the Parole Board has said that he has lots of plans for more transparency. We need to understand whether he made those views known to the Government and whether the Government took any notice of him in ensuring that openness and transparency occurred. Will the Minister tell us whether the chair of the Parole Board made those points to the Government and what the Government's response to him was? That is fundamental to the understanding that victims will have.

[Lord German]

The second fundamental issue is engagement with victims, which was mentioned in the Statement. We now know that as many as 100 victims did not have their cases taken to court, yet their names are known to the justice system. Will the review deal with those victims as well? This is fundamental. If the names of people who have come forward as being the most hurt—the people who turn to you and say, "I heard this on the television" or "I was asked by a reporter"—are known to reporters, are in the public domain and are well known, why has the penal justice system not brought these matters to their attention? It is clearly laid out in the Statement that at present that is not within the current rules and processes, so some quite significant change is needed to ensure that engagement with victims is properly executed.

The Government say that they are going to bring forward more information shortly. "Shortly" is frequently used in your Lordships' House and it can mean anything: the next season, the next year, the next Government or whatever. It would be really helpful to know whether we are going to deal with this matter urgently. I know that the Government have said that they intend to bring this matter to a conclusion by March. That is the narrow review which I suspect is what is behind the two issues raised in the Statement, but we need to know a lot more about the processes. We need to understand what victims have gone through. We need to understand what the relationship between the criminal justice system and victims will be.

Fundamentally, there is difference of view as well on the role that the criminal justice system plays. The first stated aim of the criminal justice system is to increase public confidence in it—that appears in this Statement—yet the first aim of the Parole Board is to increase public confidence in its work as an independent body. Somehow or other there is a misconnection there between the one and the other, because having confidence in an independent body and having confidence in the criminal justice system, which is a responsibility of government, in some way do not actually fulfil the needs which this case has thrown up.

I share the anguish of many in this country in relation to the system which this case has thrown up. I share the anguish of many victims who have felt let down by the criminal justice system. I welcome the Statement in so far as it lays out the immediate action to be taken, but I suggest to the Minister that there is a much bigger case lying behind it for examining the whole structure of what happens in these matters.

Lord Keen of Elie: My Lords, I thank the noble Baroness, Lady Chakrabarti, and the noble Lord, Lord German, for their contributions on this issue. It is clearly a matter of deep concern not only to the Government but to the public at large that these issues should have arisen in the way they did. I will seek to address some of the points that have been raised.

I am of course aware that there were a number of allegations directed against Worboys that were not the subject of prosecution. That matter of course falls with the Metropolitan Police and the Crown Prosecution Service, which has to apply its evidential test to the question of whether or not to proceed with a prosecution. The question remains whether there still could be a consideration of those cases that were not the subject of prosecution and which were not taken into account by any admission from Worboys himself. Therefore there is scope for other cases to be the subject of consideration by the police and the Crown Prosecution Service in due course.

As regards the question of how certain claims were dealt with, claims by two victims were of course taken to court, as alluded to by the noble Baroness and the noble Lord, Lord German. Those cases were taken against the Metropolitan Police, and by the Court of Appeal stage damages had been awarded and upheld. The Home Secretary was not engaged in that litigation process at that time. The damages that have been awarded will not be clawed back in any sense—those awards of damages will stand.

However, the decision of the Court of Appeal raised a point of law, and it is because of that point of law that the Home Office became engaged in the appeal process. The matter being taken to the Supreme Court concerns an interpretation of a legal issue and that alone—it is not addressing the merits or otherwise of the awards of damages that were made in those cases. I wish to make that clear. The Home Secretary was concerned that an important point of law should be addressed by the Supreme Court, and I am not going to comment further on that because it is an ongoing litigation.

As regards the observations that were made about the victim contact scheme, that will of course be the subject of the review which is to be undertaken. The Secretary of State is determined that the review should be undertaken as soon as possible, which is why I referred to Easter. At present, there is a process whereby victims can be informed of a parole hearing by their own preferred method of contact, but they are not obliged to accept that there should be such contact. The noble Baroness raised the question of whether there should be an opt-in or an opt-out, and that is a question that may properly be addressed in the context of an ongoing review.

Victims of crimes that were not prosecuted do not fall within the present statutory remit of the victim contact scheme, but there is a discretionary contact process which can be considered by the National Probation Service. In this instance, there is no record of any request for discretionary contact, but again the question of discretionary contact is one that may properly be addressed in the context of the review that is to be undertaken. The resources of the probation service are important in two respects. First, the National Probation Service prepares and submits a risk management plan to the Parole Board for the purposes of the board setting licence conditions if there is to be a release of an IPP prisoner. We have to remember that an IPP prisoner is being released under licence for life, albeit they may have the option to apply after 10 years for the removal of that licence, and they are subject to strict conditions which, if breached, may result in them being returned to prison. Again, it is not open to me to go into the detail of the particular licence conditions because the circumstances of the Parole Board's decision are not something that it is

open to me to comment upon; indeed, I am not aware of them. The Parole Board acts in an independent fashion.

The difficulty that has been underlined by this case is that under present legislative provision the decision-making process of the Parole Board cannot be disclosed. I am not aware at present of any prior requests for a change in that legislative provision but, as the noble Lord, Lord German, observed, the chairman of the Parole Board had come forward to say that perhaps the time had come to address that issue. That will of course be the subject of the review that is going to be undertaken. I appreciate the comment made by the noble Lord, Lord German, about the need for us to consider carefully the scope of that review and its terms. That is why the Secretary of State, having only just come in to office, is going to take a reasonable opportunity to address the process of the review that is to be undertaken in order that we can address that point. If it is necessary and appropriate to change the legislative provisions with regard to the transparency of the Parole Board, that can be done by way of secondary legislation so it would not be held up by the need to contemplate primary legislation in this context.

I hope I have addressed the majority of the concerns raised by noble Lords. In light of the time constraints, I will rest my present submission there.

3.32 pm

Viscount Hailsham (Con): My Lords, when I was a junior Minister at the Home Office I had to deal with the release of patients from special hospitals and of life prisoners on tariffs. Does my noble and learned friend agree that risk can never be wholly excluded, and that the question the Parole Board has to determine is whether, given proper and appropriate safeguarding provisions, the risk is an acceptable one? Does he also agree that while the principle of transparency is an important one, prisoners have a right to a degree of privacy? There will be many issues—relating, for example, to their mental or physical health—that cannot be properly put into the public domain.

Lord Keen of Elie: I acknowledge the observations made by my noble friend, and they are well founded. The test applied to release by the Parole Board in the case of an IPP prisoner is particularly high and has to be overcome by the prisoner himself addressing the onus. The onus rests on the prisoner to satisfy the Parole Board. However, I entirely accept that we can never exclude risk in this context. These are individuals who have been responsible for violent, and very often violent and sexual, crimes. They do pose a risk. It is a question of determining whether their incarceration should be indefinite or whether society has reached a point where it can decide that the risk is so diminished that they can be safely allowed back out into the community. We in this country do not believe in indefinite imprisonment, nor have we ever done so.

On the question of transparency, I acknowledge that the individual prisoner will have certain basic human rights that have to be respected, but it is necessary for us to take a proportionate approach to that issue, remembering that there are also victims here, not just the perpetrator.

Lord Laming (CB): My Lords, I am sure the Minister will recognise that the House welcomes the review that is to be undertaken. However, would he agree that the review outlined by the Statement is rather narrow? One of the concerns that many of us—certainly the victims—will have is the quality of supervision that will be available on release. It is true, as the Minister has indicated, that the Parole Board will have had a plan based on assessment of risk. However, it is one thing to have a plan but quite another to ensure that it is operated effectively and reliably. Reports that we have had from the inspectorate about the level of supervision provided in some of these cases sometimes not going beyond an occasional telephone call do not give us much cause for comfort. I would be grateful if the Minister could assure the House that the review will look at the capacity of the National Probation Service to provide comfort and assurance to victims and to the wider community.

Lord Keen of Elie: I am obliged to the noble Lord. I am not going to close down the terms of a review that are yet to be determined. That will be looked at, it will come into the public domain and it will be open to your Lordships to consider whether to press for a wider review. It would not be appropriate for me at this stage to seek to set down the parameters of the review process.

As regards the level of care and supervision, an individual such as Worboys will be subject to a multiagency public protection arrangement supervised by the National Probation Service. I am conscious of the recent criticism made of the probation service, but in the context in which it was mentioned it was not directed at the National Probation Service, which deals with the most serious offenders in the circumstances.

Lord Morris of Aberavon (Lab): My Lords, does the Director of Public Prosecutions still have regular and frequent meetings with the Attorney-General about the non-prosecution or prosecution of particularly important individual cases?

Lord Keen of Elie: My understanding is that the Director of Public Prosecutions and the Attorney-General meet on a regular basis.

Baroness Brinton (LD): My Lords, in 2016 the Public Accounts Committee reported:

"The criminal justice system is not good enough at supporting victims and witnesses".

Your Lordships' House voted on 12 December 2016 to strengthen the victims' code, and we held off having another vote in January 2017 only after an undertaking from the Minister at the Dispatch Box that a strategy would be published in the next 12 months. To be told that the review will be undertaken "as soon as possible and possibly by Easter", as the Minister said in reply to my noble friend just now, is still throwing it into the long grass. What guarantee can the Minister undertake to give the House that there will be such a strategy and that the victims' code will be strengthened to ensure that mistakes such as this do not happen again?

Lord Keen of Elie: My Lords, the matter of a victims' strategy is very much at the forefront of our minds. Indeed, I believe that my right honourable

[Lord Keen of Elie]
friend the Secretary of State observed in the other place that it is in his present inbox. He has only just come into office, but I understand that he intends to address that very strategy.

Baroness Newlove (Con): This weekend has been quite emotional. I have done a lot of media, speaking for victims, and this case has raised a lot of issues from a lot of agencies that victims do not get support. First and foremost, they do not have any legal rights. However, I welcome the Government's commitment to the review on the transparency of the Parole Board. I have had meetings with Nick Hardwick, and that is something that we have been discussing. I have asked for transparency, so that, as in appeal courts, we get a judgment set down that people can see. That is an area that we can look at and which I shall push forward with my team.

In addition, I ask my noble and learned friend to agree that the victims' contact scheme must be radically reformed, not just with guidance and persuasion. That raises another important issue mentioned in the Secretary of State's Statement, where he says that,

"the National Probation Service has no record of any requests for discretionary contact".

That gives me a red alert. Victims are constantly let down by not getting the right communication, so it does not give me any comfort to say that nobody even thought of these individuals as human beings. I ask my noble and learned friend to look at the victims' contact scheme in a radical way, because there are victims in whose cases there was no conviction.

Is this about changing the law to ensure that we can stand up on stilts, or will it be about treating people with human decency and dignity? At the end of the day, for someone such as me, who found out that the media knew about a judgment in my husband's case before my family and I did, I can tell your Lordships that that that leaves scars for ever. I want to ensure that all the victims, in this case especially, get that discretionary informing of the full facts so that they can get on with their lives and feel safe and secure, because only that gives us public protection standing up in bold letters for everybody in our community.

Lord Keen of Elie: I note what the noble Baroness has said, and I quite understand the basis on which she expresses these views. As I have already said, there is a question about the discretionary contact where a case has not actually been prosecuted. Clearly, we must have that in mind when we take the question of the VCS forward. As I observed earlier, it would not be appropriate for me at this stage to set out the parameters of a review that is under contemplation at present.

Lord Beith (LD): When cases show a pattern of serial and prolific offending, ought it not to be considered by the prosecution service that how many cases to prosecute should not be unduly restrained by either CPS resources or court resources, because of the effect that may have on the sentencing?

Lord Keen of Elie: I do not understand that they are ever determined by reference to court resources at all. The CPS has to make an independent judgment on these matters. It applies its evidential tests to the complaints that are brought before it by the police, to determine whether or not the prosecution should appropriately be taken forward. One has to acknowledge that there are cases when victims come forward, and yet, because of the particular circumstances, it is not possible for the CPS to determine that the evidential test has been met.

Lord Blair of Boughton (CB): My Lords, I ask the Minister to take away from this short discussion the view of the House that the terms of reference for this inquiry need to be pretty wide. In 1985 I wrote a book called *Investigating Rape: A New Approach for Police*. Since then, more than 30 years have passed, and we have seen in these last few months really difficult rape cases failing in the courts. It seems to me that the Worboys case is a perfect example from which we could learn in a wider sense how to both support victims and provide the accused with a proper defence. At the moment, the investigation of rape and serious sexual offences is in a mess.

Lord Keen of Elie: I hear what the noble Lord is saying, but if we are to make progress—and swiftly, which is what we are required to do in these circumstances—we have to ensure that the review process is focused on the matters immediately at issue. To broaden it in the way suggested would, I fear, take us into the swamp lands and result in no meaningful change in the foreseeable future, particularly on the issue of transparency. While I understand and hear the desire for as wide a review as possible, let us bear in mind the need to ensure a review process that leads to legislative change within a realistic and—for victims—an acceptable timeframe.

Lord Elystan-Morgan (CB): My Lords, can the Minister tell the House whether a full, preliminary review at the time Worboys pleaded was held by a learned judge? Normally such a mechanism enables many of the issues arising in this case to be ironed out at that stage.

Lord Keen of Elie: I am obliged to the noble Lord, but I am not sure that that could address the sorts of issues that have arisen here as a result of the present process. We are looking at the situation of Worboys 10 years after his initial incarceration and the circumstances in which he has sought to persuade the Parole Board that he can be released, without danger to the public and against the background of a risk management plan submitted to the Parole Board by the National Probation Service itself. I do not believe that that could be brought forward.

Lord Cormack (Con): Would my noble and learned friend agree with me that this is a very welcome review, but the very serious implications of this particular case should not impede progress on looking at the whole problem of indeterminate sentences for crimes committed by people which were entirely different? That has often been raised in your Lordships' House by the noble and learned Lord, Lord Brown of Eaton-under-Heywood, and many of us have given him strong support. Can my noble and learned friend give that reassurance?

Lord Keen of Elie: I welcome my noble friend's observation and seek to give that reassurance. The wider question of IPP sentences and how they are dealt with has to be addressed in all its spheres, and it would not be appropriate to allow one most unfortunate case to distract us from wider questions with regard to IPP sentences and their final disposal.

Lord Harris of Haringey (Lab): My Lords, that brings us back to the question that the noble Lord, Lord German, asked, to which the Minister was not able to give an answer because of time. Has there been any pressure on the Parole Board to deal more speedily with the backlog of IPP cases? I think that we need to know. I understood that the principle of IPP sentences was to protect the public. Clearly, the view of many victims is that in this instance the public are not being protected. We need to know—and I would be grateful for the Minister's answer—what pressure has been applied on the Parole Board to deal with that backlog.

While I am on my feet, could we pick up the point that the noble Viscount, Lord Hailsham, raised, which was the very interesting question that in the past Ministers took personal responsibility for some of these difficult cases? Is not there a value in what I believe is by and large sound political judgment being made by people, perhaps with a background of elective politics, looking at these cases and assessing whether in the mind of the wider public this is something that should be looked at, and that it is perhaps not in the public interest for such people to be released?

Lord Keen of Elie: With respect, I can perhaps answer both questions by reference to the same issue. As far as I am aware, no pressure is being brought to bear on the Parole Board with respect to inappropriate release of IPP prisoners. The statutory test is perfectly clear, and the Parole Board is an independent body applying that statutory test, which should continue to be the position. It would not be appropriate that we should depart from the situation in which there is an independent Parole Board making these decisions objectively, to somehow bring it back into the fold of political decision-making where you may find pressure from the electorate, the media and elsewhere that impacts directly on someone's right of liberty.

Lord Foulkes of Cumnock (Lab): From the Minister's extensive experience north of the border, is there anything that can be learned from the procedures in Scotland?

Lord Keen of Elie: I am obliged to the noble Lord, but I have to confess that I have virtually no experience of criminal law north of the border.

Baroness Hussein-Ece (LD): My Lords, John Worboys carried out violent sexual crimes against very many women—we will probably never know how many—and it has called into question whether women victims of domestic violence are getting justice. It has caused great unrest, not least to the victims, but the wider public have raised great concerns about this. A panel of three has been convinced by John Worboys that he is safe to be released but, at the same time and in contrast to that, the Parole Board has said that his release conditions will be rigorously monitored and enforced. If they need to be rigorously enforced, and the Parole Board is worried about that, is he really safe to be released? This is a fundamental question—whether he is that safe to be released and to be a free man who has put his life of crime behind him, when the risk assessment is that he needs to be very closely monitored by the probation services and other multi-agencies. The public rightly need some reassurance that he is either safe to be released or is not.

Lord Keen of Elie: He has, of course, to satisfy the Parole Board that, from the perspective of public safety, he can be released. However, he is released under licence so that monitoring can be maintained. For example, an individual may have been prompted to carry out the most violent, vicious crimes when under the influence of drugs or alcohol. Therefore, the licensing conditions may ensure that they do not revert to a life of drug dependency or alcoholism. Where there are indications that they have done so, it may be necessary to revoke the licence as they then present a danger that they would not otherwise have been seen to present when they were first released. This is an issue of proportionality and balance. To impose an absolute upon an individual in these circumstances would, I fear, impose upon him a lifetime of incarceration, in which case we would lose that balance altogether.

The Lord Bishop of Gloucester: I thank the Minister for bringing this issue to the House and for the pertinent points made on this important subject. What action are the Government taking to ensure that the Parole Board is adequately funded so that due diligence can be performed before decisions are made?

Lord Keen of Elie: I do not understand that any concern was expressed by the chairman of the Parole Board about resources or the standard of review that the board carried out before making this decision. The issue is whether or not it can disclose the reasoning behind its decision. As the law stands, it cannot do that, so the issue is one of transparency more than anything else. I reassure the right reverend Prelate that that is the position as I understand it.

Lord Pannick (CB): My Lords, are not the Government making a bit of a meal of this? Is it not clear beyond argument that the decision of the Parole Board to release Worboys cannot command the confidence of the public, and certainly not that of the victims, without the Parole Board being able to tell the public why it has taken that decision? Do we really need a review to establish that?

Lord Keen of Elie: With respect to the noble Lord, few issues are ever clear beyond argument, as he knows from his experience in the courts. In this instance, it is appropriate that we should review the matter before we take further steps.

BBC: Unfair Pay

Statement

3.52 pm

The Parliamentary Under-Secretary of State, Department for Digital, Culture, Media and Sport (Lord Ashton of Hyde) (Con): My Lords, with the leave of the House, I shall now repeat in the form of a Statement the Answer given by my right honourable friend the Secretary of

[Lord Ashton of Hyde]
State for the Department for Digital, Culture, Media and Sport to an Urgent Question in another place. The Statement is as follows:

"Thank you very much, Mr Speaker. Like most Members of the House, I strongly support the BBC, and like most of the licence fee payers who fund it, I would go so far as to say that I love it. Now in this digital age, perhaps more than ever, if the BBC did not exist, we would need to invent it. But as a treasured national institution, the BBC must not only uphold, but be a beacon for, the British values of fairness that this nation holds dear. That includes fair pay and equal pay for equal jobs. By introducing reforms in the BBC charter, this Government, under the leadership of my two predecessors, have vastly improved BBC transparency and shone a light on gender and pay issues at the BBC. This new transparency includes requiring the BBC annually to publish the salary details of all BBC staff paid more than £150,000. Publishing these details for the first time in July resulted in much-needed public scrutiny of pay at the BBC. The BBC's overall gender pay gap stands at around 9%. But the figures also show that two-thirds of those earning over £150,000 were men, and reveal a lack of staff from BAME backgrounds among top earners.

At the time of publication, some male presenters were understandably uncomfortable with the results. John Humphrys even acknowledged that he would not necessarily be able to explain his salary of £600,000. This is a matter not just of levelling women's pay up: it is a matter of pay equality. Working for the BBC is public service and a great privilege, yet some men at the BBC are paid far more than other equivalent public servants. The BBC has now begun to act, and I welcome that. But more action—much more action—is needed, especially when BBC foreign editors can earn more than Her Majesty's ambassadors in the same jurisdiction. In the specific case of Carrie Gracie, I welcome the EHRC's decision to look into the issues she has raised. The EHRC is the regulatory body responsible for policing equal pay and it is for it, not the Government, to investigate this matter further and take further action if necessary.

Of course, the BBC is operationally and editorially independent of government—rightly so. The director-general has, commendably, committed to sorting out this issue by 2020 and we will hold him to that. I understand that its report on on-air presenter salaries will be published in the next few weeks. But we expect the BBC to observe pay restraint and deliver value for money for licence fee payers. We will watch closely. The BBC must act. The brilliant women working at all levels of the BBC deserve better".

3.55 pm

Lord Griffiths of Burry Port (Lab): My Lords, I am grateful to the Minister for repeating that Answer to an Urgent Question given in another place. I must say, as I take part in this exercise for the first time, that I had expected in an Urgent Question to hear a note of urgency. While I sense a little self-congratulation about measures that have been brought in and reforms that have been introduced, as regards the BBC I do not sense that deep desire to achieve objectives that are in line with public expectations at large, deeply held and urgently sought. Of course, the measures that are mentioned must continue, but 2020 seems a long way away. We understand that the BBC must look after its own internal affairs, but can the Government assure us that, with some urgency, all appropriate measures will be applied to encourage, goad and pressurise it to come forward with a solution to these questions, so that the beacon referred to can serve as a benchmark against which to measure progress in other sectors of our public life?

Lord Ashton of Hyde: I stress that the Government absolutely support urgent action on this. Of course, it was this Government who brought in the requirement for the BBC to publish salaries over £150,000, which is one of the reasons why we are talking about this issue today. The Statement makes it quite clear that the Government expect the BBC to act in accordance with what we have expected it to do as regards the gender pay gap. We understand that when you have a deep-seated and probably long-established problem, it takes some time to deal with and it is a difficult management issue. But let us be under no illusions—the Government expect the director-general and the new unitary board to deal with that. They are the people who have responsibility for that. We are pleased that the EHRC will look at this. For individuals, it has been illegal to pay people unequally because of their gender for over 40 years, and we expect all companies—not only the BBC but especially the BBC, which is a public institution—to obey the law.

Baroness Burt of Solihull (LD): My Lords, the Minister says that it has been illegal to pay women less than men for 40years. However, is not the crux of the matter that many employers, even those as publicly exposed as the BBC, will pay as little as they think they can get away with, and they think they can get away with paying women less than men? The BBC is in a pickle and it needs to sort itself out, otherwise it will be sorted out by the EHRC. Any employer worth his or her salt appreciates that women are often more hard-working and conscientious—indeed, better employees—than men. However, men know how to demand, and we are conditioned to believe that demanding things, especially money, is strident and inappropriate. But when men do it, that is assertive and appropriate. Enough already—let us have full transparency over pay for everyone. What can the Minister do to ensure that that happens at the BBC and other public bodies?

Lord Ashton of Hyde: I agree with some of what the noble Baroness has said but I do not agree with the general statement that sometimes women work harder or are better at their jobs than men. We are talking about equality here. People should be paid the same for doing the same job and should be treated equally and given the same opportunities. As far as the BBC is concerned, this Government have made transparency available—both by introducing transparency regulations on the gender pay gap for all organisations with more than 250 employees and by making the BBC publish the details of employees earning over £150,000—so that we can look at this situation. We can get all organisations to do what they should be doing, which

we all support, by making it transparent when they do not do so, so that their customers, employees and all the stakeholders that deal with them know the sort of organisations they are.

Baroness McIntosh of Pickering (Con): Does my noble friend not agree that it is unacceptable for this situation to continue so many months after the initial transparency regulations were introduced, with the exposure of the differences in salaries? Had this particular female employee of the BBC not resigned on a matter of principle, it would have been swept under the carpet. How can this situation, where she is so well qualified as a Mandarin speaker and outperforms her two male colleagues, persist?

Lord Ashton of Hyde: I am certainly not going to get into the details of whether she outperformed her male colleagues. People should be paid equally for doing the same jobs, but that does not mean that two people, be they men or women, will be paid exactly the same at different levels, as there are different levels of experience. The fact is that, if somebody does not believe that they are receiving equal pay for gender reasons, under the Equality Act they can go to an employment tribunal.

Baroness Bakewell (Lab): My Lords, I speak as a long-term employee of the BBC, which, I have to say, has taken a long time to obey this law. The BBC is not above the law. It is good at arguing a very complicated case, which in fact is very simple: people should be given equal pay for doing an equal job. The BBC will say, "Ah, yes, we need until 2020 to sort it out. It is very difficult", but it is not very difficult. The BBC tries to feed off the difference between information and entertainment. Different entertainers receive entirely different fees. Graham Norton is not paid the same as Jonathan Ross, and Sandi Toksvig is not paid the same as Sue Perkins. They are entertainers, but journalists are something else. An absolute condition of their job is that they are efficient and able in the same sort of way. Four people called foreign editors in different zones of the globe are not identical. Who could claim that the reporter, Jon Sopel, who works out of Washington, has a more difficult job than Carrie Gracie, who works out of China? It may well be said that she has a tougher job trying to penetrate the news situation there than he has in Washington, which is abundant with news, leads, leaks and so on. Therefore, I invite the Minister not to be confused by the BBC's strategy of, and skill in, confusing the issue, which is very straightforward: women want equal pay for equal work, and they have waited too long to get it.

Lord Ashton of Hyde: I am very grateful for that instruction. I have listened to everything that the noble Baroness has said, particularly with reference to her experience of being paid by the BBC. Of course, the BBC has not totally disregarded the situation—it knows that we take it seriously. I remember that we spent a long time discussing pay transparency during the charter renewal process. The compromise position that was reached—that we should make the BBC publish all salaries above £150,000—was not straightforward, and I cannot say that the BBC particularly wanted to do it. However, we made it do that and, as a result, we are talking about these issues today, whereas it is unlikely that we would be doing so had we not done that. As a result, the BBC committed to publish its gender pay gap data earlier than was required under the law, it carried out an independent audit of pay for the majority of its staff, and it is undertaking a separate review of on-air presenters, editors and correspondents, which will come out soon.

Baroness Stowell of Beeston (Con): My Lords, I very much support the stance that the women at the BBC are taking in demanding equal pay. I support also the fact that they have made it clear that they are not seeking pay increases, and are raising awareness of and concerns about high pay for some of the top presenters. Has my noble friend had the opportunity to reflect on the allegation in Carrie Gracie's public letter at the weekend that the BBC often settles cases out of court—these are disputes about pay—and demands non-disclosure agreements? What is the Government's view of the BBC, a public organisation, using NDAs?

Lord Ashton of Hyde: That is a genuine issue to consider. These things have to be taken on a case-by-case basis, and there are times when non-disclosure agreements are right. However, the BBC has to remember that it is a mainly publicly funded organisation and has to set an example of how to treat male and female employees and all questions of diversity. We expect the BBC to do that and to be an example, and we will continue to make sure that it is.

Secure Tenancies (Victims of Domestic Abuse) Bill [HL]

Second Reading

4.06 pm

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

That the Bill be now read a second time.

The Parliamentary Under-Secretary of State, Department for Communities and Local Government and Wales Office (Lord Bourne of Aberystwyth) (Con): My Lords, I am delighted to be moving the Second Reading today. Domestic abuse is a devastating issue which has serious impacts on the victim, the victim's family and, indeed, society as a whole. According to the crime survey, each year an estimated 1.9 million people in England and Wales suffer some form of domestic abuse. Not only does domestic abuse often place the victim in immediate physical danger; its emotional effect can create damaging, long-term impacts on the victims and their families, and place huge costs on society and the public purse. This short, targeted Bill is an important part of the Government's wider aim of supporting victims of domestic abuse to leave their abusive situation, and ensuring that they and their families are provided with the stability and security they need and deserve.

The Bill will ensure that if victims of domestic abuse who have a lifetime social tenancy need to flee their current home to escape abuse and are granted a new tenancy, they are able to retain their lifetime

[Lord Bourne of Aberystwyth]
tenancy in their new social home. The Bill achieves this by requiring local authorities to offer a further lifetime tenancy to existing lifetime tenants where the tenant needs to move or has recently moved to escape domestic abuse, and the local authority is satisfied that granting the new tenancy will reduce the risk of further abuse. This will apply not only to situations where the tenant themselves is a victim of domestic abuse but also where a member of their household, such as a child, has suffered domestic abuse.

The Bill applies to all local authorities in England and protects all lifetime social tenants in these circumstances, whether they have a secure local authority tenancy or an assured tenancy with a private registered provider of social housing. It will apply not only to situations where the tenant is a victim of domestic abuse but also where a member of the household, such as a child, has suffered domestic abuse.

The definition of domestic abuse in the Bill has been drawn widely, so it will apply not just to those who have suffered physical violence but also to victims of psychological, sexual, financial and emotional abuse, as provided by Clause 1(2).

The Bill delivers on a commitment that the Government made to this House during the passage of the Housing and Planning Act 2016. We gave a commitment that when local authorities moved to fixed-term tenancies in the future we would ensure that the regulations which specify when local authorities may grant a further lifetime tenancy would make this mandatory for victims of domestic abuse. The noble Baroness, Lady Lister of Burtersett, raised this issue—I am pleased to see her in her place—and I acknowledge her part in ensuring that we have come through with this legislation. It has been a pleasure dealing with the noble Baroness in that regard.

Primary legislation is necessary to deliver on this commitment. To be clear, the Bill does not create a new requirement for local authorities to rehouse lifetime tenants who are victims of domestic abuse, but it ensures that where a lifetime tenant is rehoused in these circumstances they do not lose their security of tenure. This is about removing an impediment that could prevent victims from leaving their abusive situation.

The Government are absolutely committed to supporting victims of domestic abuse—it is a high priority for the Prime Minister. That is why we have secured £40 million of dedicated funding in the spending review and invested £33.5 million since 2014 to support victims of domestic abuse. However, we want to go further and are carrying out a fundamental review of the commissioning and funding of domestic abuse services, which will conclude in the summer of this year. I look forward to updating noble Lords on the review's progress.

The most recent lettings data show that from April 2015 to March 2016 about 1.6% of all social lettings were to existing tenants who moved to another social home to escape domestic abuse. While the numbers are relatively small, this is still more than 5,000 lives affected by domestic abuse and it is important that they are provided with the support they need to leave their abusive situation. The measures in the Bill will do precisely this and ensure that we do not create a barrier—

Lord Campbell-Savours (Lab): What happens in the case of the abuser? In such circumstances, are the rights of the abuser—who may well end up being a single person—in no way affected by this legislation?

Lord Bourne of Aberystwyth: My Lords, the aim of this legislation is certainly not to do anything in relation to the abusing party; it is to protect the abused party. It is about the protection of the victim rather than doing anything in relation to the perpetrator.

The measures in the Bill will provide that protection and ensure that we do not create a barrier to victims of domestic abuse who are considering leaving their abusive situation by protecting the security of tenure of those who move to a new social home.

We recognise that there will be other circumstances in which it might be appropriate for local authorities to continue to offer lifetime tenancies at their discretion. We will set out those circumstances in regulations that we are currently developing. These regulations are affirmative and noble Lords will have the opportunity to debate them when they are laid.

I repeat that this is a targeted and short Bill. It was a hard-won opportunity for a specific situation. I look forward to hearing noble Lords' comments and views on the Bill, and I beg to move.

4.13 pm

Baroness Lister of Burtersett (Lab): My Lords, today represents a double first for me. It is my first time at the Dispatch Box—as a day tripper, I should make clear—and I am grateful to the Minister for his kind words. More importantly, it is the first time in my seven years in your Lordships' House that I have been able to welcome a Bill at Second Reading more or less unequivocally.

Before going further, I should like to thank Jacob Secker of Haringey Defend Council Housing, who brought to my attention the issue of the potential impact of loss of security of tenure under the Housing and Planning Bill on victims of domestic abuse. I also thank members of Arden Chambers and Giles Peaker, chair of the Housing Law Practitioners Association, for their advice. I should also make it clear that, while I am aware that men can be the victims of domestic violence, it is women who are the main victims, particularly of serious abuse, and therefore it is women about whom I will speak.

As the Minister has already underlined, the importance of this issue to women, and therefore the importance of the Bill, are stressed by the helpful briefing from Women's Aid. It makes clear that secure housing is not only a practical need for women and children fleeing abuse, but is integral to their safety and recovery. Concerns about housing are a key barrier to many women trying to escape domestic abuse. Women's Aid's annual survey in 2016 showed that nine out of 10 women in a refuge required help with their housing needs. During the passage of the Bill, I drew on

research by the Child and Woman Abuse Studies Unit and Solace Women's Aid. One of the key messages was:

"Having a home in which women and children can be and feel safe is vital, removing the fear and insecurity which domestic violence creates".

Housing insecurity interfered with all the processes that the study found,

"enabled them to begin undoing the harms of domestic violence".

The research also demonstrated why it is insufficient to give local authorities a permissive power to provide victims of domestic violence with a new lifetime tenancy, which was the Government's original response. The study found that all too often, women fleeing domestic abuse who present to local authority housing services reported that they found them unhelpful, with many describing housing officers as unsympathetic, uninterested and disbelieving. To Ministers' credit, they listened to the arguments and agreed, as the Minister has said, that regulations would require rather than simply enable local authorities to provide new lifetime tenancies when rehousing a tenant in such circumstances.

It then transpired, however, that the lawyers had discovered that this was not permissible under the terms of the Act. Again to their credit, the Minister and the noble Baroness, Lady Evans of Bowes Park, said that they would announce a concession during the passage of the Bill and immediately apologised to me. At that stage I had understood that the primary legislation would be amended either through the forthcoming domestic abuse Bill or possibly through a Private Member's Bill. I pay tribute to the Minister for pushing for this Bill to avoid further delay, but I am afraid I cannot resist pointing out that had the Government accepted my original amendment, or something like it, they could have saved themselves an awful lot of bother.

When I said that I can give the Bill a more or less unequivocal welcome, the less arises because of one key omission, also raised by Women's Aid. I am grateful to the Minister for meeting with me just before Christmas and I am hopeful that we can resolve the issue. When I moved my amendment on Report, I emphasised that the regulations should cover not only the victims of domestic abuse who flee their home but also the situation where a joint tenancy had terminated and a new sole tenancy has been granted in the name of the victim. As presently drafted, the Bill would not cover this situation. Yet I have been advised that this is invariably what happens in the few cases where there is a joint tenancy and the perpetrator is removed by the local authority so that he does not benefit from the abuse by driving his victim from the home. This makes sense because otherwise the perpetrator could give notice to quit and terminate the joint tenancy at some future date, thereby depriving his victim of her rights. What if she dies? That would enable the perpetrator to move back in and continue as an old-style secure tenant, a question raised by my noble friend. I cannot believe that the Government would want that. Indeed, in their recent consultation on improving access to social housing for victims of domestic abuse, they propose that new guidance should strongly encourage local authorities to use their existing powers to support tenants who are the victims of abuse to stay in their homes if they wish to. The consultation recognises that they may well wish to, to avoid the upheaval that fleeing would have on their lives and, I would add, on the lives of their children. I therefore urge the Minister to look at this again and bring forward an amendment in Committee, because otherwise I will do so.

In addition, I would be grateful if he could answer a number of questions about the Bill, either now or, if need be, in a subsequent letter. First, can he confirm that the Bill will cover an abuse victim who gives up a secure tenure with one local authority and flees to a different one? According to Women's Aid's latest annual survey, more than two-thirds of women resident in a refuge on one day in 2017 had come from a different local authority area. Again, this would be consistent with the proposal in the recent consultation document that the guidance would strongly encourage local authorities to exempt from any residency requirements victims of domestic abuse who have fled from another area.

Secondly, when drawing up guidance for local authorities, will the Government consider the recommendations of Women's Aid concerning the evidence requirements for accessing the domestic abuse exemption and specialist training for local housing officers who will apply it? They propose that the domestic violence gateway for legal aid could be used as a starting point for developing any evidence requirements. As for specialist training, the research to which I referred showed just how necessary it is. Moreover, Article 15 of the Istanbul convention requires relevant professionals dealing with victims or perpetrators of violence against women and domestic violence to receive adequate training.

My third question concerns the regulations on new lifetime tenancies, to which the Minister referred. In his letter to me of 24 October 2016, he stated that these regulations would cover other groups at risk of harm in their current social home and that there would be a consultation on them. In an earlier Written Answer, he suggested that the circumstances in which local authorities may exercise discretion might include tenants who downsize into a smaller home. Here, I emphasise those affected by the bedroom tax. Will he tell us where the department has got to on this and which other groups he envisages will be covered? In particular, during the passage of the Bill the noble Baroness, Lady Evans of Bowes Park, confirmed to me that consideration would be given to,

"whether the circumstances should include tenants with severe disabilities, mobility issues or significant care needs, as well as those who need to give or receive care".—[*Official Report*, 14/3/16; col. 1715.]

Will he confirm that they will indeed be covered? Our concerns about the loss of security of tenure under the Act remain. My noble friend Lord Kennedy of Southwark will probably say a bit more about that later, but at the very least it is important that local authorities have the necessary discretion to minimise its impact on these other vulnerable groups.

Finally, Women's Aid makes the important point that the Bill's goal of improving housing security for domestic abuse survivors is threatened by other areas of government policy. To reassure the Minister, I do not intend to try to amend the Bill to address these

[Baroness Lister of Burtersett]
concerns, but given that this is a Second Reading they need to be placed on the record. First, the proposed devolution to local areas of responsibility and resourcing for domestic abuse refuges, which he made sound like rather a wonderful nirvana coming towards us, will, they warn, have a catastrophic impact on refuges and, therefore, their ability to help protect women's housing security. Particular concerns have been raised that it could mark the end of specialist services for BME, disabled or otherwise marginalised groups of women who are already suffering under the localism model—a concern already raised back in 2015 by the Joint Committee on Human Rights, of which I was then a member.

The JCHR also raised a number of concerns about the possible impact of so-called welfare reform on women subject to domestic abuse—in particular, the payment of universal credit into a single bank account. This could exacerbate financial abuse, which I am very pleased to see is included in the Bill's definition of domestic abuse. Other concerns raised by Women's Aid include the impact of the lower benefit cap, the two-child limit and the application of the underoccupation charge to move-on accommodation without any transitional protection.

I am sure these are issues to which we will return in the context of the forthcoming domestic abuse legislation. For now, I am very happy that we are able to give our full support to this Bill in principle. Once again, I thank the Minister for bringing it forward.

4.24 pm

Baroness Hamwee (LD): My Lords, this is a short but significant Bill, and from these Benches we welcome it. I thank both the Minister for his introduction and the noble Baroness, who is a redoubtable campaigner—the combination of energy and intellectual rigour cannot be beaten.

The term "secure" in the Title applies more widely than in the technical sense of the type of tenancy. The emotional security of one's home plays a very big part in most of our lives. When I first became involved in the work of the domestic violence charity Refuge, I was quite shaken by two thoughts: first, what it must be like to distrust the person whom one should most be able to trust and, secondly, what it must be like not to feel safe in one's own home? As the Minister has said, children as well as partners are affected by insecurity and instability.

It is a pity that we use the term "victims". It should not imply, although it often does, some sort of passivity in the face of ill-treatment. That is certainly not the case in this context. We must not underestimate the strength needed to leave an abuser and to talk about a situation. This is not done lightly or quickly, so I welcome this legislative response to one housing situation.

I have some questions, which to a considerable extent reflect some of those already asked by the noble Baroness, and one fundamental observation: that this Bill is about the person abused and often her children—"her", as the noble Baroness said—having to move, and not the abuser having to move. I understand that there will probably be considerable difficulties regarding rights to the tenancy of the abuser and evidence, but I am unhappy about the imbalance that we are recognising here.

I know that my noble friend Lord Shipley will ask why the obligation is on local housing authorities and not on housing associations. I therefore ask the Minister whether the obligation can be satisfied by a local housing authority procuring that a housing association grants an assured tenancy. How does the local housing association fulfil the obligation if it has no stock of its own? Do the Government envisage reciprocal arrangements between authorities—for instance, authority A making some provision for a person from authority B in return for an old-style secure tenancy for someone coming from authority A? I cannot really see how this could work, because, by definition, there will be a problem with housing stock, which is the elephant in the Chamber today.

Are the Government satisfied that the scheme can work if, for reasons of safety, the abused person needs to be in a different location from the abuser—indeed, to be somewhere unknown to the abuser? The noble Baroness raised a particular lacuna. I would ask as well whether the Bill applies if the victim is not a joint tenant of the original housing. I am a little unclear about whether someone leaving a home needs to be in the private sector to escape abuse. I assume not, because under new subsection (2A), one does not leave square one unless the local housing authority is required to grant a secure tenancy.

Can the Minister explain the eligibility a little more fully? As I understand it, not all victims of domestic abuse who do not have children are considered as being in priority need for housing, so does the woman—again, I will assume that it is a woman for the purposes of the debate—have to satisfy priority need for the provisions to apply? Will a victim have to accept whatever housing is offered, however unsatisfactory she considers it?

There is also the question of identifying domestic abuse for the purposes of the legislation. What evidence will be required? The Bill rightly extends to all forms of abuse—I note that the list of types of abuse is not exhaustive—but what level of proof will be required?

Local authority social workers, who have enough on their plates already, will not be unfamiliar with identifying abuse; for our part, we are familiar with training not always being adequate. In our debate last July, introduced by the noble Baroness, Lady Manzoor, my noble friend Lady Brinton and the noble Baroness, Lady Royall, referred, I think to the Minister's surprise, to the training of police officers in identifying stalking being satisfied by a 25-minute desk exercise. I see possible comparisons here. Is the Minister considering guidance in this connection for housing officers?

I looked back at a report, referred to in that previous debate, into the No Woman Turned Away project, which looked at the position of 404 women with 533 children in the period January 2016 to January 2017. I shall quote from that report, by Women's Aid:

"Many women, supported by the NWTA caseworkers, faced structural barriers to accessing safety due to inadequate responses from statutory agencies … Social services failed to meet their duty of care towards 37 of the 115 survivors they supported …

Several women who were refused help by social services were told that they were not experiencing domestic abuse or that they did not meet the risk threshold for intervention. Local housing teams prevented 78 … survivors from making a valid homeless application. 14 women were told to call the NDVH instead of making a homeless application and 11 cases did not consider the domestic abuse to be a significant risk factor to merit a domestic abuse application, with eight women being told to return to the perpetrator and three women told to come back when the situation got worse ... reasons given for preventing a survivor from making a homeless application",

included being told to call the helpline, as I have mentioned,

"that the Local Housing Authority did not have the duty to her or her children … being explicitly told that domestic abuse was not the responsibility of the LHA …, or refusing an application and giving no reason at all".

A number of survivors were told,

"that they needed a local connection in order to apply … or were told to make an application in another borough … Local housing teams prevented 78 … survivors from making an application. Often their understanding of domestic abuse is limited to physical abuse with only partial knowledge of other aspects of abuse or coercive control".

These are two major areas of concern. What does the Local Government Association have to say about these and other concerns? We might be about to hear the answer from the next speaker: I hope so.

I appreciate that this is one piece in the jigsaw of supporting adults and children who are subjected to domestic abuse. I, too, will not venture into the complicated field of benefits or no benefits—today, at any rate. That will be unavoidable when we get to the wider legislation.

The Minister mentioned regulations. Will those be regulations under the 2016 Act? This Bill seems to provide for regulations only in regard to commencement.

The Bill is not a silver bullet, but it addresses one unintended consequence of the 2016 Act, so my final small but important question is: when is this legislation likely to be brought into effect?

4.34 pm

Lord Porter of Spalding (Con): My Lords, it is probably pertinent that I declare my interests in so far as I am the chairman of the Local Government Association. I am also the leader of South Holland District Council, which is one of the few councils in the country that still owns housing stock.

I should congratulate my noble friend the Minister on his personal commitment to getting this legislation through. It is always good when good people do good things, so my congratulations. But one of the Bill's shortcomings is that it addresses council tenancies, not all the social market. Given that most social properties are now owned by non-councils, some further work probably needs to be done—if not to compel RSLs forcefully, then at least to do so surreptitiously, so they do not know they are having their arms twisted to make them do it. A way of coercing them informally needs to be at least considered, given that the majority of those affected will be their tenants and the majority of the properties available will be theirs. To truly look after some of our most vulnerable citizens, widening the scope of the landlords covered would be a good thing to do.

I am really pleased that my noble friend the Minister said that we are considering widening the scope regarding vulnerable people who may be able to access lifetime tenancies or at least secure tenancies. Clearly, a number of other vulnerable groups really need the security of knowing that the home they live in will be the home they will always be able to live in, should they choose to and if their circumstances remain the same. That is particularly true for people with mobility impairments whose homes have been adapted for them, or people with mental health problems for whom there is no foreseeable chance of recovery. It seems pointless to make them look over their shoulder every five years at whether they might get a new tenancy.

I will not address directly some of the other comments made but they all stem from one problem. My noble friend the Minister would not forgive me—at least, he would think I had taken leave of my senses—if I did not take the opportunity to say that the reason we are having to ration the limited supply of available, affordable homes is simply that for the last 40 years, and under Governments of all colours, we have failed to build enough affordable homes in the right places for people to live in. This is not a criticism of the current Government but of all Governments. "Affordable" should not have just the interesting, latest variations in meaning; it should also mean social homes.

By social homes, I do not mean the fad from the 1980s of calling an RSL house a social home. That was a failed experiment. Social homes really does mean council houses, and if we are serious about this—clearly, the Prime Minister wants to be the most serious Prime Minister for years in tackling the housing crisis—the only way to do that is by allowing councils to take up their historic role as the main provider of social homes. I know from speaking to colleagues in all parties across the country that they are more than willing to do as much as possible, provided that the Government—whatever colour they end up being—give us the scope and freedom to do what we all know needs to be done: to build at historic levels again. I seriously congratulate my noble friend the Minister on getting this part of the legislation, at least, to address helping this most vulnerable group of people.

4.38 pm

The Lord Bishop of Gloucester: I wish to comment only briefly today, first by paying tribute to the noble Baroness, Lady Lister, for her work on this issue and by thanking both her and my right reverend friend the Bishop of St Albans for their initial work during the passage of the Housing and Planning Act. Secondly, I thank the noble Lord, Lord Bourne, for his commitment to addressing this issue. I also need to declare an interest as an ambassador for the charity Restored, an international Christian alliance that seeks to end violence against women.

As has been said, domestic abuse of any sort is demeaning, degrading and something that no one should have to endure. While not wanting to ignore the truth that men can be victims of domestic abuse, on average two women a week are killed by a current or former male partner, while approximately 750,000 children in England and Wales witness domestic violence every year. No woman should be forced to choose

[The Lord Bishop of Gloucester]
between her safety and that of her children, or maintaining a roof over her head. Yet this is a tragic dilemma for many women and children. I really hope that this Bill will make some progress in decreasing the number of people placed in this position.

As has been said, there is more work to do, particularly on securing long-term refuge funding. None the less, I am delighted to support the Bill at Second Reading. I hope it will progress through this House to ensure that the most vulnerable have increased opportunities to leave oppressive and unacceptable home environments.

4.40 pm

Baroness Bertin (Con): My Lords, I first congratulate the noble Baroness, Lady Lister, on the part she played in getting this Bill put forward. I often get asked, particularly when I visit schools: what does the House of Lords do? What is the point of it? This Bill is surely an example of the Chamber operating at its best, with Peers raising an unintended potential consequence of a policy. The Government should also be praised for listening and doing something about it.

Housing and the continuation of domestic violence are inextricably linked. You will put up with an awful lot if you do not have a safe and secure escape route. To make the difficult and often dangerous decision to upend your entire life and potentially that of your young family, you need to know that a better and safer place awaits. It is for this reason that many women, quite understandably, put off the decision, and that has tragically cost lives on so many occasions. I sincerely hope this Bill gives victims the reassurance they need and helps them make that brave leap to end the abuse. As the Women's Aid briefing sets out, and as the noble Baroness, Lady Lister, pointed out, it is right that the provisions in the Bill apply to women who need to move their secure lifetime tenancy to a new local authority area to escape the perpetrator, and the exemption should apply to those seeking to end a joint tenancy and replace it with sole tenancy in their name.

I hope the House will forgive me if I use this debate to speak on domestic abuse a little more generally. It is incredibly important to raise awareness and to help tireless campaigners such as Women's Aid and Refuge. Whenever I research this crime, I have to double check the facts as I cannot believe how startling they are. As was just pointed out, two women a week are killed by a partner or former partner. In 2016, 78 women were killed, 75 % of them at home, which highlights the urgent need for this Bill.

The UN and the World Bank have released data that estimates that women between the ages of 15 and 44 are more at risk from rape and domestic abuse than from cancer, car accidents, war and malaria, that more than one-quarter of women in the UK will experience domestic violence in their lifetime and that one-fifth of children in this country have been exposed to domestic abuse. There was a 10% increase in the number of cases of domestic abuse last year. One hopes that this jump is down to the bravery of victims coming forward thanks to high-profile awareness campaigns, but it is clear that a lot more needs to be done and that improvement in some areas is thwarted by a decline in others. For example, advances in technology have in many ways given abusers more tools at their disposal. Smartphones tracking partners' whereabouts, spoof emails et cetera can all add up to a virtual prison for many victims.

I think all of us in this Chamber will be looking forward to the domestic abuse Bill, which will be introduced by the Minister later this year. I hope it will take a whole-system, long-term approach, incorporating all elements that will not only make victims safe and punish perpetrators but, just as importantly, prevent the devastating cycle of abuse in the first place.

Refuges of course play a crucial part in keeping women safe when they flee abuse. These organisations are vital and in many cases save lives. One woman I read about recently was so desperate to leave her dangerous and abusive home that she slept on a bus with her three year-old until she could be housed at a refuge a week later. As a mother of two young children, I can only imagine such desperation. It is too long to wait, and no woman should have nowhere to run to. We also know that the most dangerous time for a woman is at the point of separation, which is when most murders happen.

The Government are committed to reducing domestic abuse and have provided an extra £100 million until 2020 and, within that, a £20 million fund to support refuges and an additional 2,200 bed spaces. They will therefore want urgently to allay fears that reforms to the funding of supported housing may somehow lead to closures. I do not believe Theresa May or this Government would allow that to happen—it is simply not the mark of a civilised, progressive society, and I hope the consultation from the MHCLG, when concluded, will support this.

However, in this context the words, "local authority" and "ring-fencing" send a shiver down my spine. To touch briefly on a subject I know a bit more about, funding for disabled children and their families, especially concerning their legal right to short breaks, is supposedly ring-fenced and legally protected, but the reality on the ground feels very different and is geographically patchy. The fight goes on, and this postcode lottery absolutely should not be extended to women's refuges.

More effective measures that encourage proper punishment need to be introduced. Victims all too often get let down by the justice system that should be protecting them. More reporting, police referrals, prosecution, specialist training and conviction rates have to be a key focus. But it is also right to point out that despite a slow start, progress is being made, especially on coercion prosecutions. I spent a morning with the police today and saw first-hand their commitment to improving the situation. But clearly, a 60% increase in reporting over the last five years and the challenges regarding resources will inevitably put a strain on forces, and this needs to be properly considered in the overall approach. I sincerely hope that we see a much more joined-up strategy that allows agencies easily to share information, a lack of which is often cited as a key failing in domestic homicide cases

Finally, however, prevention must be at the forefront of our thinking. I quite agree with the many experts who say that prevention and progress will really be seen only if we tackle the social norms that still pervade

many people's lives, leading to gender-based abuse and violence. Education and raising awareness have to be at the root of this. We must teach our children and young people that dignity and respect have to be at the heart of relationships, and we must properly care for those young and vulnerable people who have seen things no one should see, preventing any further cycle of abuse.

4.47 pm

Lord Lipsey (Non-Afl): My Lords, immediately before this debate, we were discussing the pay of women at the BBC. I should make it clear I in no way condone the relative underpayment, but I wonder whether I am the only person in this House who really attaches rather more importance to the group of women we are discussing now, who suffer physically as well as materially and as a result of extraordinarily abusive partners or husbands who betray the person whom they should most care for. I therefore join with all other noble Lords who have spoken in welcoming the Bill.

I do not want to outdo the noble Baroness, Lady Lister, in generosity, but the Government have a commitment in this area, which I think stems from the Prime Minister herself. As evidence, it is really rather extraordinary that this measure should force itself into a Queen's Speech, and now into a parliamentary programme, so burdened with other weighty matters such as Brexit, Brexit and Brexit. This is a wonderful triumph and is not the only such case: the Government are promising the domestic violence and abuse Bill, which will make a difference to women in this situation over a wider field. I pay great tribute to the Government's motivation. What I will say though is that it is not uncommon to find that the good effects the Government are having are weighed against—or even outweighed by—things they are doing which have an adverse effect on the group they are trying to help.

My first example is that of legal aid to women. We know that the numbers getting legal aid when they appear in court fell by about a third after the Government's restrictions. The Government have eased up a bit, but I bet the figures never get to what they were before. Think of the plight of an abused woman facing her abuser in court without professional legal advice at hand. That is no small thing.

There is a more serious problem lurking in the wings. It relates to the ending of the system whereby aid for refuges for women is given via the HB system, to be replaced by grants to local authorities that are—I share the view that has been expressed about this phrase—ring-fenced. I do not think you need surveys, although they exist, to show what effect this is going to have on refuges. Picture a local authority with terribly difficult choices to make because its expenditure is being slashed on every side, faced with claims from a refuge. On average, three-quarters of the women in that refuge will not come from that area at all; if you are subject to domestic abuse, of course you want to fly as far away as possible from the local area in which you lived to get away from your abuser. Councils therefore do not have an incentive to give that refuge the priority that they would give to services that really were for local people. There is some evidence now that this is going to cause the mass closure of refuges. The figures that I have seen suggest that 39% might close as a result, with a 12% reduction in beds.

From a scandal we proceed to a confusion. I do not know what the Government's policy is in the area that I am talking about, and the reason why is that I do not really think they know themselves. One consultation, launched in October 2017, to which people have to submit their representations by 23 January, seems absolutely committed to this switch from the money coming from HB to the money coming from grants to the local authority. At the same time, though—this almost beggars belief—the Government are launching a separate review of support for supported housing that is not designed to report until November 2018. So they have a policy that they are reviewing even before it comes into force in 2020. Even odder, in a kind reply the other day to a Question from me, the Minister said,

"We are continuing to explore all options for future delivery of refuge services, including a national model for refuges".

Here we have this new localism being instituted, based on grants, while at the same time a national model is being looked at. This really is chaos.

I know that government is not usually chaotic by accident; there is usually a reason. I will lay before the House—I expect the Minister to deny it, but that is his prerogative—what I think is probably going on here. On the one hand, his department, the MHCLG, can see perfectly well that this policy is a nonsense; that while there are many things that should be given to local authorities, this is not one of them; and that it is going to lead to closures and a hell of a row. Indeed, if the Prime Minister gets involved, it will be a hell of a row that rebounds on the MHCLG. Over at the DWP, on the other hand, there is another problem: the Ozymandian project to build universal credit. HB does not fit easily into universal credit, and HB for refuges does not fit into universal credit at all. So the DWP has taken its sabre, cut straight through this and got rid of a system that is working perfectly well in order to ensure that the prospects for universal credit are not further discredited, as they have been so regularly over the last few months. Support for refuges, support for the women in tragic circumstances who have recourse to them and even support for rebuilding their lives rank pretty low in the priorities in the battle between these giant bureaucracies.

I do not know how all this will be resolved. I am extremely optimistic that the degree of opposition to this change of policy, witnessed in the 140,000 signatures to a petition got up against it, will pressure the DWP to think again. Otherwise, the bad day when that system is introduced will more than outweigh the great good to be done by this excellent Bill.

4.55 pm

Lord Farmer (Con): My Lords, without wishing to trivialise in any way the important issues dealt with in the Bill, it has occurred to me that the question of continuing access to secure lifetime tenancies is probably close to the hearts of many people in this House. We and any future new Peers may find ourselves on a fixed-term secure tenancy and possibly even physically evicted from this House if parliamentary refurbishment requires it. So it is somewhat ironic that the Bill not only begins its passage at this end of the Corridor but also that Lords' amendments to the Housing and Planning Bill led to its necessity. Indeed, it is a necessary piece of legislation and I do not disagree with the intent behind its provisions.

[Lord Farmer]

However, these provisions are very narrow and, in the absence of the forthcoming domestic violence and abuse Bill, it might appear that we are still, as a society and a Government, stuck on the question, "Why doesn't she or he leave?", when someone is the victim of abuse, rather than taking a more preventive approach and asking, with regard to the perpetrator, "Why doesn't he or she stop?".

Furthermore, while councils should not, of course, put any barriers in the way of victims being able to flee domestic abuse, the sad truth is that being able to leave one abusive partner all too often does not lead to freedom from a life of abusive relationships. Research has concluded that a high proportion of victims leaving abusive relationships are at risk of returning to their abusive partner—although I would expect the Bill to reduce the likelihood of that happening, hence my support for it—or of becoming romantically involved with another abusive person.

Extensive evidence such as that from Alexander, Kemp et al, Woffordt et al and Coolidge and Anderson, has shown that between 40% and 56% of women experiencing domestic abuse have had a previously abusive relationship. In one study of refuge residents, Griffing et al found that 66% had previously left and returned to their abusive partner, and 97% of these women had done so several times. Victims stay with or return to an abusive partner for a wide range of reasons, including practical problems such as a lack of financial resources, social support and alternative housing options—again, hence the welcome provisions in the Bill, although it does not require councils to rehouse, it just requires that any future tenancy will be on a like-for-like basis.

However, they also stay because they fear that ongoing separation could trigger worse abuse. They may have feelings of love for the perpetrator and a sense of dependency towards him or her. This may be due to the insecurity and low self-worth that can mushroom in toxic and dysfunctional relationships. They may nurse an expectation that they can rescue or reform their abusive partner. This, paradoxically, can ratchet up their commitment the worse the treatment becomes.

Stating these complex psychological processes which make a victim vulnerable to further abuse is not at all the same thing as holding them responsible for that abuse. On the contrary, a nuanced understanding of them is vital for rejecting decisively the blame that can be ascribed to victims for staying in or embarking on new abusive relationships. However, their ongoing vulnerability, which accumulates with each new abusive relationship, has to be acknowledged if victims themselves are to be able to understand and address it. Many will need support to grapple with these deeper psychological forces.

So, it is not simply about housing, as I am sure the Government realise. I have taken the opportunity that the Second Reading of the Bill provides to urge my noble friend the Minister, as did the noble Baroness, Lady Donaghy, in her Oral Question in this House last November, to give much needed prominence to preventive approaches. This has been lacking in the past.

Our Prime Minister has made it a key personal priority to transform the way we think about tackling domestic violence. Diana Barran, the founder and former CEO of SafeLives, a national charity dedicated to ending domestic abuse, gives us an important starting point by asking the question: what would you want for your best friend? You would want her to be safe in her own home, with her things around her, rather than being forced to move or living in secrecy in a refuge, possibly at the other end of the country. This must be the goal wherever possible which will, without in any way deprioritising safety, require a paradigm shift towards early intervention, prevention and a family-based emphasis for domestic abuse. Again, to quote SafeLives: "We need to understand the whole picture for an individual and family to give an effective response".

Previously in your Lordships' House, I have described the work of the organisation Atal Y Fro, Welsh for "safety in the vale", formerly the Vale of Glamorgan Women's Aid. I explained that the name change reflects its broader base of working because, over years of practice, the organisation became convinced that if it works only with the mother and children, this just patches up the problem. It partners with a range of organisations in a one-stop shop to help families with medium to low-risk abuse to reshape and restore their lives. Current evidence suggests that two-thirds of families have been enabled to stay together safely through education, prevention and intervention in the community—the EPIC strategy. This involves different evidence-based perpetrator programmes for men and women, a healthy relationships programme in every school, and couples work.

I have not seen a more recent cost-benefit analysis but its annual cost in 2015 was around £83,000, with a conservative estimate of cost savings of around £1.4 million. It now works across Wales and has added extra elements such as programmes to tackle adolescent violence against parents—a very disturbing sequela of children witnessing domestic abuse.

In conclusion, I do not want to be hard on the Bill, as I said at the outset, because it addresses an important, albeit narrow, need. However, preventing violence within relationships has to become a mainstream preoccupation of policy and practice. I note that in his letter on the Bill to colleagues in this House, my noble friend promised a fundamental review of the commissioning and funding of domestic abuse services that will conclude this summer. He also explained that his department will work with the Home Office and the Ministry of Justice to make a robust and positive contribution to the non-legislative package that will accompany the forthcoming Bill on domestic violence and abuse to which I have referred.

Can my noble friend confirm that this non-legislative package will do justice to the need for prevention, early intervention and whole-family approaches? Without a policy shift in this direction, we stand zero chance of stamping out the scourge of domestic abuse, especially given the intergenerational transmission of violence that I described earlier. We will keep on picking up the pieces and incurring scandalously high costs, not just to the public purse but in terms of the wasted lives and

squandered potential of victims and their children who inhabit the shadowlands of misery and unresolved trauma.

This is a necessary Bill but it must be a precursor to the much needed paradigm shift I have sketched out here, for which many domestic violence charities are also calling. The media will struggle to understand its nuances but that should not deter. Lives will be saved, children will be better protected and society will benefit when prevention and early intervention, instead of being seen as a luxury we cannot afford, are instead accepted as the policy of first resort.

5.04 pm

Baroness Burt of Solihull (LD): My Lords, housing is not normally an area that I would venture into, and it is not something that I am an expert in, but I would like to make a short intervention today from the perspective of my role as Liberal Democrat spokesperson for women. The Bill is very much to be welcomed, arising as it does from the work of noble colleagues in this House during the Report stage of the then Housing and Planning Bill in 2016—which, as colleagues have already mentioned, changes and restricts the rules on lifetime tenancies. This Bill, as I understand it, applies only to victims of domestic abuse who already hold lifetime tenancies; those who do not will presumably fall under the duty to secure permanent accommodation for people unintentionally homeless in priority need. I would be grateful if the Minister could confirm that.

Those with existing secure permanent tenancies constituted only 1.6% of new permanent social housing acceptances in 2015-16, so the numbers affected are very small, but the principle is very important. As has been said, many victims have to move to new areas to flee from their perpetrator. My first question is whether the Minister can confirm that the rights conferred by this new legislation will apply across local authority boundaries. My noble friend Lady Hamwee questions the practicality of this. If the answer is yes, what consideration has been given to how to make it work?

In 2015-16, domestic violence victims constituted 11% of all homeless acceptances by local authorities. I appreciate that, in an already fraught situation, housing authorities may be reluctant to evict the perpetrator, but it is a shame that it is so often the victim and her, or his, children, who are the ones to suffer, sometimes for years, while the perpetrator sits snugly in the victim's previous home. However, there are times when the perpetrator leaves so, secondly, can the Minister please confirm that the rules will apply when the victim stays and the tenancy is converted from joint to single? The noble Baroness, Lady Lister, raised this point and thinks not. Would the Minister consider, if that is true, an amendment to that effect?

I am grateful to Women's Aid for its briefing and for all the incredible work that it does. If it were not for Women's Aid, many more women would have nowhere to go—but last year 60% of all referrals to refuges were declined. Clearly, there is a crying need for more, but they struggle greatly for money, with more than one in 10 receiving no local authority support at all. So, thirdly, can the Minister, through his government colleagues, look seriously at what effect taking away the ring-fence of protected funding is likely to have on the ability of refuges to cope with the needs of women and their children who so desperately need refuge?

Women's Aid mentions a number of changes that it would like to see. One, which I hope would not be too much of a stretch for the Government to implement, concerns the underoccupation exclusion from housing benefit—more commonly known as the bedroom tax. While refuges themselves are exempt, this may exacerbate their already vulnerable financial situation, through no fault of their own. So my fourth question is whether the Government will be prepared to consider a transition period of exemption for any woman moved to a property technically underoccupied to enable her to better withstand the financial pressures that she is likely to be under—or could local authorities be given the discretion to allow a transition period? It is they, after all, who are tasked with finding accommodation in the first place. Given the much larger number of women fleeing violence who will not qualify under the old secure tenancy rules, will the Government consider extending this discretion to all those who qualify under the duty to secure accommodation for victims of domestic violence who qualify as unintentionally homeless?

Finally, will the Minister say a word about what evidence would be required to warrant rehoming under the provisions of the Bill? ActionAid welcomes the wider definition than that of simply whether a prosecution has been made: only one in five survivors in refuges has been involved in criminal proceedings. The pressures on a woman in this situation are enormous and leaving the security of the home has to be, in the vast majority of cases, a last resort. However, while the Bill defines what domestic abuse is, it does not enlighten us on evidence. Are we talking about evidence from health professionals, domestic abuse services in local authorities or the refuges themselves perhaps? I am sure that local authorities would appreciate a steer.

5.11 pm

Baroness Manzoor (Con): My Lords, this is a very short but very important Bill as it will make a significant impact on, and difference to, the lives of some of the most vulnerable people in our society. As we have heard from my noble friend the Minister, the Bill's aim is to ensure that individuals on lifetime tenancies in social housing are protected if they need to leave their home to escape domestic abuse. However, like my noble friend Lord Porter, I would like the Bill's scope to be looked at and consideration given to widening it.

As has already been said, this legislation will enable local authorities to grant further lifetime tenancies when individuals are rehoused in local authority housing. However, we also need to ensure that more social housing is built, so that it is available for individuals who need it. If passed, the Bill will remove the housing insecurity faced by victims of domestic abuse and will help prevent women and their children being trapped in abusive relationships because of their fear of losing their right to secure housing through secure lifetime tenancies.

I note with sadness that in December last year the charity Women's Aid reported that of the 113 women killed in the UK last year, 85 died in their own homes,

[Baroness Manzoor]
while nine out of 10 were killed by their current or former partner or another male family member. The Office for National Statistics reported that for the year ending March 2016, on average two women every week were killed in England and Wales by a partner or ex-partner. These shocking statistics show the devastating impact of this abuse on families. Some research, albeit limited, shows that many homeless women are homeless mainly as a result of domestic violence or abuse in the home. As Women's Aid points out in its excellent briefing, women and children fleeing abuse can face years moving between forms of temporary accommodation waiting for social housing, or being homeless. This is not only unacceptable but goes to the heart of the basic principles that we as a society must address, particularly around gender inequality, fairness and compassion. Why is it that the abused always need to leave their home rather than the abuser? Therefore, as I and other noble Lords have said, although the Bill has only two clauses, its impact on the physical and emotional well-being of many women and their children who find themselves in an abusive relationship will be significant. It will also bring significant advantages, particularly to women with children, and the stability a permanent home can bring.

The Bill, coupled with the recent announcement of greater flexibility regarding legal aid for domestic violence cases, is most welcome, and I look forward to the outcome of the Government's review into domestic violence, particularly on specialist services and ethnic minority women. I, like Women's Aid and other women's organisations, support the Bill wholeheartedly, and I commend the Government on bringing it forward. As other noble Lords have already said, the Bill will deliver the commitment given by the Government during the passage of the Housing and Planning Act 2016. I pay particular tribute to the noble Baroness, Lady Lister, for bringing this issue to light during the passage of that Bill and for her rigour in pursuing it. I also welcome the commitment that was given in the 2017 Conservative Party manifesto, which is also being delivered.

I conclude by thanking the Minister, my noble friend Lord Bourne of Aberystwyth, for his personal commitment to bringing forward the Bill and to this issue. I wish the Bill all speed on to the statute book. I certainly will not make any amendments to it.

5.16 pm

Baroness Hodgson of Abinger (Con): My Lords, I too welcome the Bill, which seeks to provide support to victims of domestic abuse who have had lifetime tenancies of social housing and who have had to leave their homes, which are unsafe to remain in because of domestic abuse.

The Conservative Party has sometimes been labelled "uncaring", but this is an example of how the Government are addressing social injustice by trying to make a country that works for everyone. Many points have already been raised this afternoon, so I do not intend to speak for long. In bringing forward the Bill today the Government recognise the terrible distress that victims of domestic abuse face. We have already heard many of the awful statistics about domestic violence, which occurs all too frequently: one in three women across the world suffers abuse—that is a staggering statistic—and it affects women in this country of all ages and all socioeconomic types.

Today in the UK, nearly 2 million people suffer some form of domestic abuse—as we have heard, the majority of them are women—and each year about 100,000 people are at imminent risk of being seriously injured or killed. In spite of all the publicity around and recognition of this dreadful situation, as we have heard, around seven women are still murdered every month in England and Wales. It does not affect just women but children, as the Minister said. It is so damaging and frightening for a child to see his or her mother being attacked. It is estimated that around 130,000 children live in homes where there is a high risk of domestic abuse. Of the children who witness this abuse, many will be directly harmed, too. It has such a terrible, detrimental effect on them that it often stays with them for the rest of their lives and can create a cycle of abuse. We heard, movingly, from my noble friend Lord Farmer about the importance of trying to stop this terrible cycle and to try to give support to families, which is so important.

For many victims, leaving home is a last resort; it is estimated that, on average, victims experience 50 incidents of domestic abuse before getting effective help and will live with violence for over two years before they leave. Sadly, as we have heard from many speakers this afternoon, too often the victims have to go, not the perpetrators. Having experienced such horror and devastation, it is only right that they should be supported and helped to pick up their lives again. Having a place to live and some security is fundamental to this. Too often in the past, women and children fleeing abuse have had to face years in temporary accommodation or have become homeless, which has added more distress.

Therefore, without more ado, I am absolutely delighted to welcome the Bill today, as it seeks to provide security and help to victims of domestic abuse to escape abusive situations. I hope that, in the long term, it will lead to a reduction in domestic violence.

5.19 pm

Lord Campbell-Savours: My Lords, I speak briefly in the gap to congratulate the Minister on bringing forward this measure in the form of primary legislation, in response to a brilliant campaign run by my noble friend Lady Lister of Burtersett. I also want to comment on the speech given by the noble Baroness, Lady Burt of Solihull. Her contribution was very interesting because it raised a number of issues and suggested some rather innovative ways of dealing with particular problems.

However, I want to talk about the unintended consequences and ask whether Ministers have really thought through how these can be dealt with. Let us take a particular circumstance: Mr and Mrs Jones are married with five children and live in a house in London. Mrs Jones goes to the local authority because she is able to substantiate her case that she is being abused. All the processes have been gone through. The local authority is satisfied that she is an abused person and therefore, with her five children, she will be rehoused.

So a large local authority-owned—publicly owned—property is in the hands of the abuser. Following the suggestion made by the noble Baroness, Lady Burt, I wonder whether it is possible to qualify the tenancy of the abuser; otherwise, as far as I can see, he can remain, perhaps even indefinitely, in a large house in London, while it might be costing the local authority as much as £1,000 a week to house another family, perhaps with a number of children. I wonder whether it is possible to qualify that tenancy, although of course that in itself raises the question of whether the abuser's human rights would be breached. I just add that to the complication of dealing with this issue. If one were able to qualify the tenancy, it might concentrate the mind of the abuser to know that his housing situation could be compromised if he were to proceed with the abuse within the marital relationship. I just put that forward as a possibility.

Also, is it not possible that in these circumstances the abuser could move an alternative tenant into the property? He knows that in certain circumstances his abused partner can claim and obtain alternative accommodation, so he could move into the home—that is, the home of the abuser—another family where he may well be having a relationship with the woman involved. Those are situations that may well arise in the real world when this legislation is implemented, but it all goes back to whether we can qualify the tenancy of the abuser, and that is the issue that I hope we can deal with at some stage during the course of the Bill.

5.23 pm

Lord Shipley (LD): My Lords, the noble Lord, Lord Campbell-Savours, has raised a very important issue. My attention was drawn to the impact assessment sent out yesterday by the Minister. That makes it clear that in the situation that the noble Lord raises, social landlords have a power under the Housing Act 1985 and the Housing Act 1988 to seek possession against the perpetrator in appropriate circumstances. It is stated that this power would be expected to be used in appropriate circumstances, although of course a definition would be required of what those appropriate circumstances would be, to what extent they would be used and whether the sections of those two Acts were strong enough. I hope that the Minister will be able to respond to that specific point.

I remind the House that I am a vice-president of the Local Government Association. This has been a positive Second Reading and the response from around the Chamber demonstrates strong support for the principles underlying the Bill. As we have heard, the Bill reflects commitments given during the passage of the Housing and Planning Act 2016 and in the Government's manifesto at the last general election. It is, therefore, extremely important that it progresses quickly. The Bill is a welcome step in giving greater security to those trapped in an abusive relationship who need to leave a home in which they have a secure lifetime tenancy.

One of the main conclusions I draw from the debate is that the success of the Bill will depend very much on the training of local housing authority staff to ensure that its aims are delivered on the ground. This is important, not least because the Bill does not create a new statutory requirement for the rehousing of lifetime tenants who are victims of domestic abuse, but will instead ensure that in circumstances where a lifetime tenant is rehoused it will be with a lifetime tenancy.

I would like to raise a number of other issues. We have heard from my noble friend Lady Hamwee and the noble Lord, Lord Porter, that the Bill does not apply to housing associations. Under the Housing and Planning Act 2016, housing associations will retain discretion over whether or not to offer a flexible tenancy. But what happens where there is no local housing authority? In some areas, housing associations will be the only registered social landlord—should they not also offer long-term tenancies to victims of domestic abuse where it is the best option?

The Bill could also be an opportunity to give councils the power to set their own categories for granting lifetime tenancies to other vulnerable tenants. Councils are currently the only landlords who issue secure, lifetime tenancies, but their ability to offer the right tenancies for some vulnerable tenants is too restricted. When will the statutory guidance arising from the Housing and Planning Act 2016 be published? It is significantly overdue. This Bill at least provides the necessary assurance for those who are victims of domestic violence, but what about others who are deemed vulnerable?

The noble Baroness, Lady Lister, my noble friend Lady Burt and others raised the important issue of the termination of a joint tenancy where a victim is granted the sole tenancy. It is important that that should happen correctly, and I hope that the Minister will respond to this point, both in his reply and, should it be necessary, with an amendment when we reach Committee.

The noble Baroness, Lady Lister, the noble Lord, Lord Porter, and my noble friend Lady Hamwee made the point that because not all local authorities manage their own housing these days, the issue of tenants moving across local authority boundaries to a secure refuge is relevant. All noble Lords who talked about this asked the Minister to respond specifically to that point. There is, of course, a wider focus by the Government on domestic abuse. There has been consultation on new statutory guidance—it closed last week, on 5 January—which would disapply residency tests for those who have crossed a boundary. The guidance will help to define how local authorities can help victims of domestic violence and enable them to stay in their homes safely. Clearly, it is important that the outcome of that consultation is implemented very quickly, because it seems to me that it contains a number of issues relevant to this Bill.

The noble Lord, Lord Lipsey, raised the extremely important issue of funding. Currently, just over 300 refuges operate in England and Wales, but funding is stretched and is going to become more so. I hope the Government understand that they need to be very careful to not underfund the refuges that provide a safe haven for those fleeing domestic violence and in which local housing authorities can provide the necessary support for and assessment of an individual's need. Then, of course, there is the review that the Government are undertaking into the commissioning and funding of

[LORD SHIPLEY]
domestic abuse services. It concludes in the summer, and I hope that actions arising from that will be speedy and not subject to long delays.

In the meantime, we have this short, targeted Bill, as the Minister described it in his opening remarks. It provides a foundation for further support for victims of domestic abuse. In that sense, it is absolutely welcome.

5.30 pm

Lord Kennedy of Southwark (Lab Co-op): My Lords, I make my usual declaration of interests as a councillor in the London Borough of Lewisham and as a vice-president of the Local Government Association.

I welcome the Bill as it corrects a terrible error and wrong in the dreadful Housing and Planning Act—one of the worst pieces of legislation ever put on the statute book by a Government in recent times. Thankfully, most of it has either been dropped or quietly not enacted or, as in this case, has had to be corrected by the use of primary legislation.

I am delighted that the Government have brought this Bill forward. I thank my noble friend Lady Lister of Burtersett for her tenacity in raising the issue and for getting a commitment from the Government to introduce the Bill. I also thank the noble Lord, Lord Bourne of Aberystwyth, for his work in bringing the Bill forward and for meeting me and my noble friend before Christmas to discuss it before it was published. We are grateful to him for the work he has done to get the Bill to the Floor of the House today.

Domestic violence is a shocking, evil crime that only relatively recently has had the focus and attention that it deserves, with action being taken to protect victims and bring the perpetrators to justice. Labour Governments, the coalition Government and the Conservative Government have made it a priority for action, and that has been welcome.

Like the noble Baroness, Lady Burt, I wish to cover a couple of other issues in this debate. I recently spent some time with the Metropolitan Police in Greenwich as part of the parliamentary police scheme. During my three days there, I spent some time with police officers who work in the domestic violence unit. It is a unit of dedicated officers who work with the victims of domestic violence in the Royal Borough of Greenwich. To speak to the officers and to hear about some of the dreadful, vicious, serious assaults they have to deal with, the work they do to protect victims and bring perpetrators to justice was very distressing. Some of the stuff I heard was truly horrific. They do important work in dealing with this disgusting crime, and I pay tribute to them. It was good to hear how they work closely with other agencies, including the Royal Borough of Greenwich, led by my friend Councillor Denise Hyland. It was clear that partnership working was important in protecting victims and enabling them to get their lives back on track.

The victims and the children of the victims face serious challenges and a risk to their safety from abusive partners. Issues such as the lack of social housing, the cost of housing in the private sector and other matters can be a serious and dangerous barrier for many women who wish to escape from domestic abuse. The risk and fear of facing years in B&Bs, hostels and other forms of temporary accommodation will have a terrible impact on families as they try to get their lives back in order, with insecure housing being a major threat and barrier.

As the right reverend Prelate the Bishop of Gloucester said, it is shocking to think that on average two women are killed by their partner or ex-partner every week in England and Wales. These are figures from the Office for National Statistics. They are not disputed, but they are shocking.

As we have heard, the Bill will enable victims of domestic violence who have had to leave or have left their social rented home on a secure tenancy to be granted a new secure tenancy when being rehoused by a local authority. I have a couple of issues which I hope that the noble Lord, Lord Bourne of Aberystwyth, will be able to clarify in his response to the debate. First, can he confirm that the Bill will enable a victim living in social housing in, say, London, to move to another part of England or Wales? My noble friend Lady Lister made that point, as did other noble Lords and the noble Baroness, Lady Hamwee. What happens if the victim is Scottish and wants to return to Glasgow in order to be closer to family and friends? The Bill states in Clause 2(1):

"This Act extends to England and Wales only".

Has the department spoken to Scottish Ministers in the relevant department in Scotland to agree on what the process should be to extend the provision? Similarly, what if the victim wants to go back home to Belfast in Northern Ireland? On the face of it, we have an issue here that it would be good to resolve during the passage of the Bill.

The second point I want to raise has also been referred to by a number of noble Lords in the course of the debate, including my noble friends Lady Lister and Lord Campbell-Savours. What happens when the victim and the perpetrator hold a joint tenancy? It appears that there is a problem here.

Thirdly, Clause 1(2) states that a local authority,

"must grant an old-style secure tenancy if … the authority is satisfied that … the person or a member of the person's household is or has been a victim of domestic abuse".

Can the noble Lord explain how a victim is to "satisfy" a local authority that they are the victim of domestic abuse? Does he agree that if a victim seeks a letter from a doctor to show that they are a victim, they should not ever be charged for such a letter? A small minority of doctors have charged victims for letters so that they can access legal aid for domestic abuse. I think that that is completely wrong. No one should ever have to pay money to confirm that they are the victim of a crime in order to seek help and protection. Does he further agree that no one should ever have to pay anyone to satisfy a local authority that they are the victim of a crime and need help?

The noble Lord, Lord Porter of Spalding, raised the important issue of widening the scope of the legislation to include all registered social landlords. I agree entirely with that, as I do with his comments about the need for more social housing, more council housing and real social rents, not the unaffordable rent model that the Government are so keen on delivering.

It is also important to point out that, although this Bill is welcome, it cannot be considered in isolation. The proposed DCLG/DWP short-term housing funding reforms are seen as a real threat to refuges, a point mentioned by many noble Lords in the debate. The loss of places through the closure of refuges is unacceptable. My noble friend Lord Lipsey referred to this in his remarks. As a councillor, in the past I have had a limited involvement with refuges and I know what a valuable service they provide, and the wonderful, important work they do cannot be overstated. The reality is that we need more places and we should not be putting at risk the places we have at present. Combining refuges with other short-term supported housing services and removing them entirely from the welfare system is both cruel and risky, and something which I hope will be consigned to the dustbin before it gets off the drawing board.

The point made by the noble Lord, Lord Farmer, certainly highlights the fact that these issues need to be addressed across government and all departments; it cannot be dealt with in silos.

The noble Lord, Lord Shipley, referred to what happens when local authorities do not have any housing of their own. It is a very important point, which I hope that the noble Lord, Lord Bourne, will respond to.

In conclusion, I thank my noble friend Lady Lister and the Minister for introducing this Bill. It is the right thing to do as it corrects a wrong and we wish it a speedy passage through your Lordships' House.

5.38 pm

Lord Bourne of Aberystwyth: My Lords, I thank all noble Lords who have participated in what has been an excellent debate across a range of issues connected with domestic abuse, sometimes going quite a bit further than the targeted and specific Bill before us. However, I will try to do justice to the contributions that have been made. Where I do not do so, either through lack of time, or more likely through lack of knowledge, I will make sure that those points are covered in correspondence to noble Lords and place a copy in the Library.

As many noble Lords have said, the evil and scourge of domestic abuse has come to the fore only relatively recently in the graphic terms it has. I am sure that in all quarters of the House, and indeed throughout the country, this issue is now very high on people's agendas. As noble Lords have noted, most graphically the noble Lord, Lord Lipsey, the Prime Minister is very much wedded to ensuring that action is taken in this area to tackle what, as I say, is a real scourge. That point was also made by my noble friends Lady Hodgson and Lady Bertin, by the right reverend Prelate the Bishop of Gloucester in a powerful contribution, and indeed by the noble Baroness, Lady Lister. If this is what she can do on a day trip, imagine what she could do on a longer-term posting. I am not sure that the Labour Party will have the sense to ensure that that happens, but there we are. It has been a very good day's work, if that is what it is—in all honesty, I think it has been more than that.

I also pay tribute to all the domestic abuse services throughout the country. I have seen some excellent examples of what has been done by local authorities over the last year to 18 months in Liverpool, Newcastle, Norwich, Fenland, Hampshire, London and elsewhere. I also pay tribute, as others have, to the work of some of our partner bodies: Refuge, Women's Aid and many others that have worked incredibly hard on this area.

I thank noble Lords for their support for this targeted Bill. I repeat that it is very targeted—laser-like, almost. It is something I would like to see us bank. That is not to say that the other issues are not important, but to get this on to the statute book we have to keep it tight. That said, questions have been raised about the particular issue the noble Baroness, Lady Lister, raised on termination of a joint tenancy and somebody staying in the property. That is something I would like to have a look at, as I have indicated to her. Perhaps she and I, together with officials, could look to see a way forward there. I undertake to do just that.

Let me try to deal with some of the questions raised. For those that I am unable to deal with I will ensure that full responses go to noble Lords, who I am sure will appreciate that some of the questions are well beyond the department's brief and certainly well beyond my knowledge, but I will make sure that full responses come forward.

I will deal first with the regulations. The noble Baronesses, Lady Lister and Lady Hamwee, in particular raised this, but many others touched on it as well, such as the noble Lord, Lord Shipley. As I said, we are working on those regulations. I will certainly cover in a letter to noble Lords exactly where we have got to on them. When the Housing and Planning Act went through I think we discussed one particular situation where people downsize. That is certainly something that we would want to cover. I will make sure that noble Lords are updated on that ahead of Committee.

I was also asked by various noble Lords about evidential requirements. I am always grateful for noble Lords exaggerating my powers, but I do not think I am in a position to pontificate on precise evidential requirements that come forward relating to establishing domestic abuse. This is something that local authorities have to identify. I will certainly cover this again in a letter, but the legislation deliberately does not go into this because those decisions are currently being made, as far as the department can see, very effectively. Obviously practice will vary from area to area, but this is a matter that is dealt with at present.

Baroness Lister of Burtersett: I am sorry to interrupt the noble Lord. I do not think anyone is suggesting that it should be put in the legislation but, given that there has been a consultation on guidance to local authorities, which someone said has just ended, would it not be appropriate for that guidance to include guidance to local authorities about how to implement this Bill and the evidence they should be looking for? I think that is what noble Lords were saying.

Lord Bourne of Aberystwyth: I am grateful to the noble Baroness. As I said, this is something local authorities are doing already. They have to make decisions about identification of domestic abuse at present without this legislation. I am saying that the legislation is not altering the position. I will happily cover that in the letter, if I may.

[Lord Bourne of Aberystwyth]

There was a question regarding training for local authorities. Training goes on at the moment. The new code of guidance on homelessness will advise local authorities about the need to have appropriate policies and training in place. We provide funding to the National Homelessness Advice Service to provide training, which is taken up by many—probably most—local authorities. For example, we provided funding to the National Practitioner Support Service for domestic abuse awareness training for front-line housing staff in 2016. That trained 232 front-line housing staff across nine English regions. In addition, a number of local authorities used funding from our £20 million fund for specialist accommodation-based support and service reform to meet the priorities for domestic abuse services to provide training programmes. So training is going on at the moment. Again, I will expand on that in the letter that I will ensure goes to noble Lords.

Broader questions were raised, many of which I can understand and empathise with. The noble Lord, Lord Porter, said that I would have been disappointed if he did not raise the issue of supply. I am not sure that "disappointed" is the mot juste, but he is right that I would have been surprised. Clearly, there is an issue of supply, so perhaps I would have been disappointed; we cannot be complacent about the supply of housing across the piece, and we need to look at that.

Other noble Lords, including my noble friends Lord Farmer, Lady Manzoor and Lady Hodgson, raised broader questions about the need to ensure that this agenda is carried forward however hard pressed the legislative programme is. I certainly agree with that and give the undertaking that the Government will do so, because it is absolutely at the forefront of our thinking.

The noble Baroness, Lady Burt, raised some pertinent questions, some of which were picked up by the noble Lord, Lord Campbell-Savours. The noble Lord, Lord Shipley, is right that there is power in present legislation for perpetrators of domestic abuse to be forced out of the premises in question. I will endeavour to find out how that is being used, because, as noble Lords indicated, there is clearly a question about how effective it is. I will see what statistics we have and ensure that whatever evidence we have comes round before Committee stage. It is a valid point: we are tending here, understandably, to focus on the victim, but we want not to advantage the perpetrator of the domestic abuse. Often—perhaps not as often as one would like—there will be criminal proceedings and the perpetrator will end up in prison, but there is not any guarantee of that. As we know, some domestic abuse is more insidious; it is not always direct, physical violence, so I accept that there are issues of evidence and proof. I will see what I can find on that, because it is important to look at this issue further.

Lord Campbell-Savours: I understand that, under the Small Tenements Recovery Act 1838, it was possible for a local authority to go to a court and evict without having to produce the justification. The position as I understand it from the noble Lord, Lord Shipley, is that there would have to be a proceeding and the court would then have to decide whether it was satisfied that the abuse was sufficient to warrant. I am asking this question because I am not altogether convinced that local authorities, realising that they may have to go into proceedings to argue the scale of the abuse, will be prepared to do it. They may say, "It's better from our point of view simply to leave the abuser in place without taking any action". That is why it is important that the Minister follows this up in some detail.

Lord Bourne of Aberystwyth: My Lords, the noble Lord makes a powerful case that I accept. As I have said, I want to see how much this provision is taken up, how effective it has been over the years and the number of cases where perhaps it might have been used but has not.

I shall try to pick up some other points that were raised. Any that I have not covered I will ensure are covered in the write-around. The noble Lord, Lord Shipley, raised a question about the consultation that has just closed on residence tests. I will ensure that that is taken up. It has just closed, he is absolutely right. We anticipate that the residence requirement—or the non-residence requirement—will be carried forward to ensure that victims of domestic abuse are placed in the position he indicated and that I agree with him that they should be in.

The most important thing I can do, in closing, is to give an undertaking in relation to the very pertinent point raised by the noble Baroness, Lady Lister, about the termination of joint tenancies. I will follow that up. Some of the other specific points that were raised were a little off-piste—legal aid and so on—but if the noble Lord, Lord Lipsey, wants a fuller response I will make sure that it comes to him, but that will not be in the context of this Bill.

I thank noble Lords very much for their support, which will make it much easier to carry this legislation through and then to tackle the domestic abuse situation on a broader front. In closing I once again thank the noble Baroness, Lady Lister, whose rigour and charming determination has ensured that we are where we are today.

Lord Kennedy of Southwark: Before the noble Lord sits down, I think it is fair to say that in the debate this afternoon there were two groups of issues. One group covers a wider area and is probably not in scope for amendments and stuff, but there are some other points where noble Lords raised some practical issues about the legislation and how we go forward with things. I am sure that the noble Lord will be available to meet Members of the House to discuss these. We do not want to get the Bill on the statute book and find ourselves, six months down the line, thinking, "If we had only put a little amendment in, this could have solved another problem". I think that some of the issues raised around the House deserve further attention before Committee.

Baroness Lister of Burtersett: I was not quite sure what the Minister meant when he talked about the current consultation. Did he go on to answer the specific questions of a number of noble Lords about what happens if, say, someone who has a tenancy in Luton leaves and goes to Leicester? Will this apply to them when they get to Leicester?

Lord Bourne of Aberystwyth: Let me deal with the devolved Administrations point first. As noble Lords can imagine, with my background I am usually very hot on devolved Administration situations. First, we clearly have areas where we can legislate and areas where we cannot. In Scotland, we are not in a position to legislate: this is something that is devolved. That said, we have established relationships with officials—I did ask this of officials—where this sort of issue is raised. I am sure that, in this event, it would be done at official level to ensure that something could be done on the basis of reciprocity. One thing I was very keen on in DCLG, and carried forward, is that we established a devolved forum where such issues are looked at, because we want to have best practice across the four legislatures within the United Kingdom. It is being done at that level, if I can cover it that way. I had a written note on this but I missed it when I was reading my notes.

In relation to somebody who has a tenancy in Hounslow, let us say, and wants to move to Doncaster, that will be, if not the norm, a pretty common situation. The intention is for the legislation to cover that. The point on the devolved Administrations is that it has to be done on the basis of reciprocity, rather than legislation, but it is central to the legislation that we want to cover the Luton-to-Leicester situation that the noble Baroness referred to.

The noble Lord, Lord Kennedy, referred to points that we would not want to miss. I agree, but with the proviso that it has to be within the very targeted scope of this legislation. There may be very many desiderata that we would want to do that are not within the commitment that we gave to the noble Baroness, Lady Lister, and I would not want this legislation to be opened up on that basis. However, within the scope of delivering the commitment that we gave to the noble Baroness, Lady Lister, and that is in the manifesto, and extending it to look, as I have indicated we will, at the very particular situation, I would not want to open it up on too broad a front, otherwise we risk losing the legislation. I make that gentle point. I am very happy to discuss points but, as I say, I do not want to raise false hopes about having a large piece of legislation here: this is very specific and targeted at a specific promise.

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

Laser Misuse (Vehicles) Bill [HL]

Second Reading

5.55 pm

Moved by ***Baroness Sugg***

That the Bill be now read a second time.

The Parliamentary Under-Secretary of State, Department for Transport (Baroness Sugg) (Con): My Lords, our transport sector continues to play a vital role in our economy and daily lives. Last year, UK airlines flew more than 1.2 million flights carrying nearly 154 million passengers. More than 37 million vehicles were licensed for use on the roads in Great Britain. Rail passenger journeys have more than doubled in the last 20 years, with 1.7 billion journeys in the last year, while over 60 million passengers travelled by sea. We rely on all modes of transport for economic growth and to go about our day-to-day lives. It is important that whatever the mode of transport, passengers and staff are safe. We can be proud of the safety culture across our transport sector in recent years but we cannot be complacent. Safety and security must be our top priority.

The Government are determined to protect pilots, captains, drivers and their passengers. We will take action against those who threaten safety. That is why we are bringing forward a new law, strengthening the rules against those who shine lasers at aircraft while for the first time making it an offence to shine a laser at cars, trains and ships. This important legislation was originally proposed as part of last year's Vehicle Technology and Aviation Bill, but that Bill fell when Parliament was dissolved ahead of the general election. We committed to reintroducing this measure and that is what we are doing.

There are legitimate uses for lasers: as alignment aids in the construction industry, by lecturers and by astronomers who use them to point out stars at night. We are not legislating against the use of laser pointers but instead against their illegitimate use. Lasers can dazzle, distract or blind those in control of a vehicle, with serious and potentially even fatal consequences. The main problems with a laser attack are that it is sudden, very bright and distracting, and it can cause temporary visual disturbance for some time after the attack. In aviation, most events occur either on take-off and landing, or when aircraft such as police helicopters carry out civil safety duties.

Back in 2003, there had never been a reported case of a laser being shone at an aircraft. In 2004, there were six reported cases; by 2008, there were 200 and last year, there were more than 1,200 reported incidents. Thankfully, no aircraft, train or road vehicle in this country has had an accident as a result of these dangerous and senseless acts. But it is all too easy to imagine the potential consequences of a pilot being blinded by a laser while trying to land a passenger jet, or of a train driver being dazzled from a bridge. This is predominantly a problem for aviation but incidents have been reported on other modes of transport. British Transport Police recorded 578 laser incidents on the railways between April 2011 and November 2017. We believe these incidents are underreported, as the recording of laser pointers outside aviation is not mandatory.

It is already an offence under the Air Navigation Order to shine a light at an aircraft to dazzle or distract a pilot, but the maximum penalty is just £2,500 and, as a summary offence, it does not give the police the powers they need to investigate effectively. Alternatively, offenders can be prosecuted under another Air Navigation Order offence of endangering an aircraft, with a maximum prison sentence of five years or a £5,000 fine. However, this poses other difficulties for successful prosecution, as for a police officer on the ground and for the Crown Prosecution Service in court, it is very difficult to prove endangerment of an aircraft, so the power and penalties that come with this offence are not often used.

[Baroness Sugg]

The Bill will make it an offence if a person shines or directs a laser beam towards a vehicle and the laser dazzles or distracts, or is likely to dazzle or distract, a person with control of the vehicle. It extends to all transport modes, and gives the police the powers needed to investigate and provide penalties that reflect the seriousness of the offence.

The offence will be a triable either way offence, which means that, depending on its seriousness, it can be tried as a summary offence or as an indictable offence. By making it a triable either way offence, it will engage powers for the police under the Police and Criminal Evidence Act 1984 to enter property for the purposes of arrest and to search a property after an arrest. These powers are not currently available for the existing aviation offence under the Air Navigation Order. The maximum fine is unlimited and the maximum prison sentence will be five years.

The measure will extend to the whole United Kingdom. We have been working with the devolved Administrations, which support this new law. The measure included in this Bill is reserved in Scotland and Wales. In Northern Ireland rail and road are devolved matters, but we expect a legislative consent Motion to be brought forward once the Northern Ireland Assembly returns.

While this Bill specifically covers the risk posed by shining a laser at a person in control of a vehicle, the Government have this week announced new measures to tackle the sale of unsafe laser pointers, including strengthening safeguards to stop high-powered lasers entering the country. More than 150 incidents of eye injuries involving laser pointers have been reported since 2013, the vast majority involving children. In many of these cases, neither the children nor their parents have known the danger involved, and the Government will work to raise awareness of the risks associated with laser pointers.

In addition, the Government have pledged additional support to local authority ports and border teams to stop such lasers entering the UK. This includes increasing the resources available to ensure an immediate impact on rogue importers. The Government will also work with manufacturers and retailers to improve laser pointer labelling, to indicate that they must not be pointed at eyes or vehicles and must state the power level of the product.

The measures in the Bill have widespread support from the authorities and the transport industry. BALPA, the airline pilots union, has welcomed its reintroduction, saying that it is good news for transport safety. It has also been welcomed by a number of airlines, airports, the National Police Chiefs' Council, the National Police Air Service, the Military Aviation Authority, the Maritime and Coastguard Agency, the Rail Delivery Group, Public Health England and the Royal College of Ophthalmologists. We have seen support from across the transport industry, which is often the victim of this senseless crime, from the police, who will enforce the law, and from medical professionals, who understand the real risks laser attacks can pose. All agree that action must be taken. I beg to move.

6.02 pm

Lord Monks (Lab): My Lords, I am pleased to follow the Minister in discussing this matter. I start by declaring an interest as the president of BALPA, which has been campaigning on this issue for some years and is delighted that this House is now legislating to deal with what is a major challenge for civil aviation and other transport sectors, although civil aviation is perhaps the most affected. I am also delighted to be joined in this debate by the noble Lord, Lord Balfe, who is the vice-president of BALPA. We work across the House on matters such as civil aviation safety. The noble Lord has worked tirelessly with BALPA to get where we are today, and I am very pleased to work with him on this.

The Government are to be congratulated on bringing forward this Bill and on taking action more generally, as the Minister explained, on the threat posed by the misuse of laser pointers. This action is very timely—even, perhaps, overdue—as we have known for some time that laser pointers are becoming ever more powerful and cheaper and are being used surprisingly often to dazzle drivers of vehicles. Misuse seems to have been increasing, with three to four attacks daily on UK-registered aircraft and 96 attacks on train drivers reported in the recent period.

Lasers can be powerful weapons in the wrong hands and, as the Minister said, they often get into the hands of children larking about and thinking it is fun. As the Bill proposes, lasers need tougher control and regulation and a strong message needs to be sent out that it is totally unacceptable to misuse lasers in the way that some people are doing. The new offence in the Bill should make prosecution easier and punishments more appropriate. Existing laws are limited in comparison.

I am pleased that the Bill is being complemented by other government action. I note that in the past few days the Department for Business, Energy and Industrial Strategy has announced that it will clamp down on the importation of high-powered laser pointers. This too is a very welcome step and should help cut the number of laser attacks on vehicles. The proposed clampdown includes schemes to tighten border controls, give more expertise to local authorities and work with manufacturers and retailers to improve the labelling of laser pointers, to point out just how dangerous they can be if misused. Work is also going on with online retailers to try to make sure they use some discretion in their distribution methods. Raising parental awareness of the risks associated with laser pointers will also be very important. These are not toys for children to use to emulate the latest sci-fi blockbuster—they are highly dangerous, and can be as big a threat as a gun in the wrong hands.

There will be a chance in Committee to review some of the Bill's details, especially whether the offence should perhaps be more about shining the laser itself and not require proof that people in charge of the vehicle were dazzled. That issue was debated in the other place and no doubt will receive some attention in Committee here. We need to examine this point, which led to some differences in the other place. There may not be any differences in this place yet—I am not sure—but I would certainly be interested at some stage in the Government's view on that.

It is a general welcome from me for the Government's moves at present on this subject. Now is the time to move forward quickly on this issue, to stop the misuses of laser pointers and to give this Bill a fair and supportive wind.

6.07 pm

Lord Trefgarne (Con): My Lords, I too declare an interest in this matter, as I am a lowly member of the British Airline Pilots Association under the noble Lord, Lord Monks, and I am also president of the British Association of Aviation Consultants, both of which of course support this measure. I spent quite a long time in my earlier years on the fringes of civil aviation. I therefore very much welcome the Bill. There is no doubt that the present legal arrangements have not proved satisfactory, and a number of cases have been brought which have failed or were not brought because it was decided that they were bound to fail.

I very much welcome the Bill from the point of view of civil aviation. I was going to say something about military aviation, but the noble and gallant Lord, Lord Craig of Radley, will no doubt refer to that more adequately than I can when he comes to speak in a moment. I hope the Bill will speedily arrive on the statute book and I very much support my noble friend Lady Sugg.

6.08 pm

Lord Craig of Radley (CB): My Lords, I, too, fully support the thrust of this small Bill. As has been pointed out, there has been a considerable increase in laser-pointing at aircraft in recent years. No doubt the growing availability of laser devices online and elsewhere risks even greater exposure to such totally irresponsible and potentially dangerous use. Even a low-power beam can distract; a higher-powered device can blind. Videos demonstrating the efficacy of hand-held laser guns and rifles can be seen on YouTube. So I was pleased to learn yesterday of the government steps to clamp down on the sale and import of unsafe lasers, although a definition of unsafe—unless I missed it—was not actually mentioned.

It is right to criminalise all dangerous, distracting use of lasers against aircrew and to take this opportunity to extend the scope of the legislation to other types of vehicle and to protect the individuals in control or responsible for monitoring their safe operation.

In order to reduce or remove possible doubts about the coverage of the Bill, I have a few questions that, having given her notice, I hope the Minister will be able to deal with in her closing remarks. First, the Bill refers very specifically to the misuse of a laser beam. Some lasers are described as "pulse" or "burst" lasers, which may achieve higher powers than beam ones at similar distances. While the devices currently used are probably all of a beam type, is the Minister confident that both pulse and burst, or indeed any other variants of laser, are captured? This legislation just sticks to the one-word description "beam". Would a laser gun or rifle be captured too? Might it make sense to use the phrase "laser device" or "laser pointer" in place of "laser beam" where it appears in this Bill to avoid any risk of creating a possible loophole in the legislation?

Secondly, Clause 1(8) refers just to a pilot of an aircraft. Larger aircraft will have flight deck crew members, not necessarily pilots, who as well as the pilot will have a role in monitoring the control of the aircraft. In the case of vessels, hovercraft and submarines, the involvement of the master or navigator as well as a pilot is included. As automation advances, even the use of the word "pilot" as a descriptor of the person in command and/or controlling an air vehicle might become outmoded. Might it therefore be better to use the word "individual" rather than the more restrictive word "pilot" in Clause 1(8) to cover the flight deck crew members or anyone else other than the pilot on board?

Thirdly, I seek to clarify the precise definitions of the start and end of a journey, as used in the Bill. For an air vehicle, this will include any ground movements—for example, taxiing to and from take-off and landing points, as described in the Explanatory Notes. What about an airliner stationary in its parking bay with its engines running? Opportunities for a member of the public in an airport terminal viewing area to use a handheld laser might exist at this point. Furthermore, is a road vehicle—presumably including motorbikes and other wheeled vehicles that use a motor to propel them—that is occupied, but not yet on the move, on its journey? I guess not, but it would be right to be sure.

Fourthly, I wonder whether for completeness horse-drawn carriages should be included. Should the risk to a coachman or driver be covered? An attempt to dazzle or distract the driver of a state coach with the monarch on board surely must be a crime.

The list of stakeholders mentioned in the pre-brief before the Recess included a variety of civil-aviation-related organisations—for example, BALPA, the CAA and the National Police Air Service. The MoD and the armed services were not. Has the MoD been consulted? The proposals deal only with the lasering of vehicles in the UK, but a service person, or a civilian subject to service discipline, might be chargeable under Section 42 of the Armed Forces Act 2006 for such a criminal offence when the Bill becomes law, even if committed overseas. I look forward to the Minister's reassurances on these points of detail. Meanwhile, I support the Bill.

6.13 pm

Lord Kirkhope of Harrogate (Con): My Lords, it is a great pleasure to follow the noble and gallant Lord, Lord Craig, particularly as he knows so much about the details of the military aspect.

I welcome the Bill and am pleased that it has been taken forward, but I presume it is a holding measure ahead of the business department's investigation into the market for lasers that is also currently under way. I hope that my noble friend the Minister will agree that, once that process is concluded, she and her officials will re-examine this legislation and, where appropriate, introduce consolidation measures. The Bill, while welcome, is not sufficient in itself because it leaves a lot to chance. The illicit use of lasers is growing year on year and the dangers are becoming more apparent. I do not declare an interest as such but I am a private pilot and a former director of Newcastle airport, so I will confine my remarks to aviation and hope that that will be understood.

[Lord Kirkhope of Harrogate]

There are particular dangers in aviation when lasers are directed at aeroplanes. These threats can be both while the plane is in the air and when it is on the ground, either taxiing or stationary. UK airports are recording laser attacks daily, and the number is increasing. In 2016 alone, there were nearly 1,500 such matters reported. Although, luckily, most of these did not cause health issues, we have evidence from elsewhere in the world where these matters are also being considered of serious injury to some pilots—some cases of retina damage. But the real problem here is not so much that health danger, although it exists, but the distraction, often at a critical moment of ascent, descent or manoeuvre, which at least complicates the work of pilots and presents dangers.

The statistics are, to my knowledge and belief, if anything understating the situation. The reporting mechanisms for these occurrences are far from clear. Within airport control zones, both on the ground and in the air, a report can be made, responded to and passed to the appropriate authorities quickly, but away from such zones—although these are not the majority of incidents—regional air traffic controllers do not always know how to handle reports, and the precise location of lasers is extremely difficult to determine from the air. We also have a separate military control in any event, but detecting and detaining someone using a laser—as we know, a laser could be as small as a fountain pen—by determining where they are located is virtually impossible, unless the source can be accurately pinpointed in some way. I am delighted to hear that the police are to be given extra powers to search suspects or premises when they have the intelligence to get close to where these events have occurred, but finding the locations alone is extremely difficult.

We have it in our hands to limit the sale of lasers, especially those of greater power than 1 milliwatt. Unfortunately, many people have been selling lasers which are described as low power but which in truth have been much greater in power. Anything greater than that level is a danger. We can limit the sale of knives, fireworks and acid, so why not lasers?

I congratulate the Civil Aviation Authority and the airport operators for their approach to education. They hold an annual UK Airports Safety Week in which community leaders and young people are told about the threats and dangers relating to the operation of aviation in the UK. These have been a great contribution, so education plays a part. Indeed, as I mentioned, other countries are also being plagued in this way, but they have taken very stern action. The United States has a federal offence relating to the abuse of lasers. In France, there are clear limits on the power of devices. In Switzerland and Canada, there are strict rules on the use of lasers.

I must add that there is a need to be clear on definitions. Strongly focused torches or LED equipment can also distract if pointed at vehicles or aeroplanes. We heard earlier that lasers have been in existence for only a few years. Before that, we were plagued by real nuisances where torches were used to try to distract pilots landing at our airports. Even before that, airguns and other weapons, as it were, were used to disrupt aviation. There have always been risks.

I also want to mention that there are legitimate uses for strong lights. We need to be sure, in our Committee stage at least, that we bear in mind the air navigation processes regarding emergency lighting. As I am sure noble Lords will know, when an airport has a radio communication issue with a plane, or there is some disruption, it has to turn to the use of coloured lights. A steady green light in aviation means that it is clear to land at an airport. A steady red light means that a plane must continue circling and not land. I have to say that sometimes, if we are not careful, there could be confusion, bearing in mind that nearly all the lasers that have been used to disrupt aviation have been either a green or a red light. We have to be very careful. This would not affect large airports as much, but in the case of smaller fields or facilities, it could be a problem.

I very much welcome this legislation as a start, but we must understand that it has to be refined and updated on a review basis. I am afraid that I am old enough to remember the Dangerous Dogs Act. That Act has little to do with aviation, of course, but it bothered me enormously when I was a Home Office Minister. Everyone clamoured for something to be done after nasty incidents had occurred in which adults and children were attacked by dogs. Our good intentions were soon thwarted by the lack of flexibility and the prescriptive nature of the legislation. We failed to understand that the best intentions and determination to legislate must follow full due diligence, otherwise the practical outcomes add up to less than we need to alleviate the original problem.

6.21 pm

Lord Balfe (Con): My Lords, I also begin by declaring my interests as the vice-president of BALPA. The noble Lord, Lord Monks, said some very kind things earlier. I have known him now for over 30 years, and I do not think we have had a cross word in all that time, and we have often worked together.

Lord Monks: I used to vote for the noble Lord.

Lord Balfe: He used to vote for me, indeed. Now, fortunately no one ever has to vote for me again.

I congratulate the Minister on bringing forward this legislation. It is much appreciated and it is necessary. As a number of noble Lords have said, it is a work in progress. This will always be a work in progress as technology is constantly lapping around and moving us forward. Fortunately, speaking at this point in the debate, a lot of things have already been said, so I do not need to repeat them.

I say, first, that I welcome the statement from the Department for Business, Energy and Industrial Strategy about clamping down on unsafe lasers. As has been mentioned, Public Health England recommends a limit of one milliwatt, and I believe that at some appropriate time, we should look at whether there can be some restriction on sales of lasers beyond this strength, particularly since quite a bit of evidence has been adduced and brought forward to show that lasers are often mislabelled; indeed, many people have no idea of the strength of the lasers they are using. They are now both powerful and cheap, and we need to have a look at the incorrect labelling of some of them.

I have also had drawn to my attention the fact that we tend to think of lasers affecting big jumbo jets flying into major airports. This is part of the story, but another part of it, as with drones, is the danger to helicopters. In 2016, 10 medical helicopters were the subject of laser attacks, as were a number of police helicopters. With helicopters, it is a much more dangerous situation in a way. It is the same with drones. A helicopter is much less protected and much less able to withstand an attack.

I have four questions that I should like to put to the Minister, not because I expect an answer tonight but because I would like her to look at them in developing and bringing this legislation further forward. The first is the definition of a journey as it applies to an aircraft. The contention is that a journey is best defined from the points of what is called "doors closed" to "doors open". When a door is closed, the aircraft is officially on its way, whether it is being pushed back or using its own traction to get to where it takes off, or whether it is on its way down the runway—there are a number of instances, but the fact is that the doors are closed. That is repeated, in reverse of course, when it lands. It has not completed its journey until the doors are open; until then, it can always be moved and it can always be the subject of further developments. I should like the Minister to look at the definition of a journey as it applies to an aeroplane.

The second thing is the level of parental responsibility. We have to make sure that it is not a defence to say, "Oh, it was Jimmy who was shining it". Obviously, you cannot say, "Last week, when he was not with you, your son shone a laser at someone and you're responsible", so there is a need to look at this. I do not have the solution, I am afraid, but I have the problem to address to the Minister of the extent to which underage persons can be made the liability of their guardians or parents.

The third area is the powers to find out whether people have a laser—in other words, what is known by the rather emotive term of "stop and search". Clearly, this is a much wider issue, because you cannot have one law for lasers and another for knives or other offensive weapons. But it is something that needs to be considered. I point out that, with regard to airports, there is a separate security procedure whereby anything deemed dangerous can be removed at the security barrier. It would seem sensible that there should be the same level of security for people going on the roof or to viewing areas as there are for people passing through the airport itself. Can the Minister look at the extent to which security at airports could be bettered?

Finally, we have the question, again from aviation, of air traffic control towers, which are also part of the structure of flying but are clearly not vehicles. Can the Minister look at whether shining a laser at an air traffic control tower and air traffic controllers should in some way be brought within the Bill? At the moment, it applies only to moving vehicles which, as far as airports are concerned, does not include the air traffic control tower.

With those words, I close by welcoming the Bill and what is in it, realising that all these measures have to go forward and will be subject to revision as time moves on. I hope we are starting at least to tidy up one small and essential area of our safety in this area.

6.28 pm

Baroness Randerson (LD): My Lords, like other noble Lords I welcome this Bill and the other announcements made yesterday by the Government. This is another example of an issue created by modern technology and, as is so often the case, the Government have struggled to keep up with the development of that technology. Once again, we certainly will support the Bill as far as it goes, but we believe that the Government need a more comprehensive approach to this problem. My thoughts chime very closely with those of the noble Lord, Lord Kirkhope, on this issue.

This is certainly a substantial problem, and the Minister has outlined that problem in statistical terms and correctly identified that there is underreporting of these incidents—probably greater underreporting in the case of trains than planes because it is not yet an offence to shine a laser at a train. Although this is already an offence in the case of planes, I agree with other noble Lords that the penalties are not adequate, and that these offences are not easily dealt with by the police because of the need to determine intent. The existing fine is not adequate either. When you look at the potential to cause an accident involving hundreds of people, a maximum fine of £2,500 is certainly not adequate.

We welcome the wide meaning of the term "vehicle" in the Bill. It is easy to appreciate that a laser pointed directly at a motorist is just as likely to cause an accident as one pointed at an airplane pilot, although not one involving as many people. As the power of lasers increases and the beams widen, the problem will only get worse. In the case of planes, the standard response that the co-pilot can take over is not necessarily workable. I agree with the comment about control towers and whether they should be included in the Bill: in other words, should "vehicle" also include control towers?

Many thousands of these laser pointers are already on the market and in people's homes. Many of them are mislabelled with no health and safety warnings and in many cases are owned by people who do not understand the dangers they pose. A friend told me recently that her grandchildren were given laser pens as Christmas stocking-filler gifts. Their immediate reaction was to point them at each other. Fortunately, their parents understood the dangers posed by those pens, and the well-meaning relative who gave them as gifts was gently given the information she needed to avoid making such a mistake again. However, there are over 150 recorded instances of eye damage caused by lasers, most of them to children. Earlier this week, I saw on television a young boy whose eye had been damaged by a laser pen. Lasers pose a danger not just to those in charge of vehicles but to people's health.

I believe that the potential power of lasers nowadays means that it is time for us to consider treating them as offensive weapons, as BALPA suggests. The noble Lord, Lord Kirkhope, drew an analogy with knives. We all own and use knives. However, we accept that clearly set-out criminal offences apply if they are carried or used for criminal, illegal or threatening purposes. The number of people who legitimately need to use or own a laser is very much smaller than those who need to

[Baroness Randerson]
own a knife—we all do—so the problem should be much easier to deal with. In fact, the number is so small that it is reasonable to suggest that those who need to own a laser should be licensed. This proposal was put forward as a policy option by the Government in their call for evidence last August, but was not included in yesterday's announcement. Therefore, I ask the Minister: why was it not included, as I believe that licensing is used in some other countries?

I welcome yesterday's announcement, as I said, as at least a start on a comprehensive approach, but it was a limited start. I say to the Minister that the market simply will not fix this issue. I rather suspect that when the Government say that they will support local authority teams to carry out increased checks at the border, they probably mean that they will provide some advice and not provide a big increase in money or resources, which is what they really need. I am also sceptical that working with manufacturers, as the Government suggest, and with retailers, will deal effectively with the problem end of this market—and it is a market with a very long tail. To detect small, easily shipped and cheaply purchased lasers, many of them bought online, is a complex problem that needs a bold and comprehensive approach.

Last August, the Government also consulted on banning adverts for high-powered lasers and on the potential for a social media campaign. Can the Minister explain why these options are apparently not being pursued at this moment? What will the Government do to ensure that labelling is accurate and to penalise manufacturers and retailers who sell mislabelled products?

Finally, I take this opportunity to press the Minister again on the issue of drones, which are clearly not tackled by the Bill. There are so many similarities between lasers and drones. They are both modern technology with a legitimate use, which in the wrong hands can become dangerous weapons. They are uncontrolled modern technology at this time, and many hundreds of thousands of drones were sold as presents this Christmas, so the problem will multiply in the coming year. Yet the Government still have not brought forward legislation. They had a golden opportunity to link the control of drones with the control of lasers in the Bill, but unfortunately, that opportunity has been allowed to slip past. Laser control does not have to stand alone. As the Minister told us, originally it was part of the Vehicle Technology and Aviation Bill, so why are drones not included now, and when can we expect to see some government action on them?

6.37 pm

Lord Rosser (Lab): My Lords, we support the Bill, which provides for one specific means of addressing a growing problem, which has been raised on a number of occasions in this House. As has been said, that is the increased number of laser attacks on aircraft—more than 1,200 attacks per year compared with, I think, some half a dozen in 2004. A further aspect that makes action urgent is the rapidly increasing power of lasers.

Half the members of the British Airline Pilot Association, responding to a survey a few months ago, said that they had experienced a laser attack in the previous 12 months, and 15% said that they had experienced three or more. These incidents happen mainly during take-off and landing—the critical phases of a flight—and happen suddenly. They can cause temporary visual disturbance for some time after the attack and may result in instruments being obscured and night vision being disrupted. In some cases they can lead to permanent sight damage, and are a threat to those flying in aircraft so attacked, and thus also a threat to safety. As the power of lasers increases and the beams widen, BALPA has expressed concern that before long, there will be incidents of both pilots in an aircraft being temporarily incapacitated, leaving no one able to fly the aircraft. With single-pilot aircraft, including helicopters, there is of course no second pilot.

Such incidents are not confined to aircraft—they happen on our railways and to shipping—but it is only with regard to aviation that the recording of such incidents is, as I understand it, mandatory. There is currently an offence in respect of laser attacks under the Air Navigation Order but it does not give the police the powers, as the Bill will, to enter a property for the purposes of arrest or to search a person or property after an arrest; nor does the current maximum penalty of a £2,500 fine reflect the seriousness of such offences. However, I ask the Minister: will the Bill give the police the power to stop someone whom they suspect is carrying a laser without good reason? If the Bill does not do that, why did the Government come to the conclusion that such a power was not necessary, bearing in mind that a laser in the context of the offence under the Bill would presumably be regarded as akin to an offensive weapon?

The Bill, which extends to the whole of the United Kingdom following an agreement with the devolved Administrations, makes it an offence for a person to shine or direct a laser beam towards a vehicle which,

"dazzles or distracts, or is likely to dazzle or distract, a person",

in control of that vehicle when "on a journey". The word "vehicle" is intended to have a wide meaning, with the new offence covering all modes of transport—air, sea, road and rail. However, as has already been mentioned, there have been reports of laser beam attacks on control towers at airports, which one would have thought could have potentially serious consequences both for safety and for the staff affected. Does the Bill also cover laser beam attacks on control towers, and the staff monitoring or directing aircraft, and, if not, why not?

The offence will be a strict liability offence, with it not being necessary for the prosecution to prove intent to harm or endanger, but it will be necessary for the prosecution to prove that the elements of the new offence have been committed. However, can the Minister clarify what the prosecution will have to prove? Proving that a laser beam has been shone or directed towards a vehicle will presumably be insufficient, as there is also the requirement to show that it has dazzled or distracted or is likely to dazzle or distract a person in control of that vehicle.

In that regard, the statement in the Government's response to the call for evidence on laser pointers that:

"The Bill creates a new offence of shining a laser at aircraft and other modes of transport",

would not appear to be entirely correct. What will the prosecution have to do to prove the requirements in relation to dazzling or distracting a person in control of the vehicle, and how straightforward will it be for it to do so? If we are seeking to clamp down on the use of laser beams and pointers in this dangerous way, it will not help if we set a bar for the prosecution case which will be very difficult to prove. It would be helpful to have the Minister's response to that point. It would also be helpful if she could say why the Government did not think that it would be sufficient simply to prove that a laser beam had been shone or directed towards a vehicle with a person in control, bearing in mind that there is a defence for a person so charged, to which I will now refer.

Clause 1(2) provides a defence for a person charged with the new offence, but the onus will be on the person so charged to provide sufficient evidence to show either that they had,

"a reasonable excuse for shining or directing the laser beam towards the vehicle",

or that they did not intend to do so and,

"exercised all due diligence and took all reasonable precautions to avoid doing so".

Can the Minister confirm, or otherwise, that the test against which such a defence would be determined would be on the balance of probabilities rather than beyond all reasonable doubt?

For the new offence in the Bill, the maximum term of imprisonment on summary conviction is 12 months; on indictment it is five years and/or an unlimited fine. What considerations and reasons have led the Government to believe that these are the appropriate maximum terms of imprisonment on summary conviction and conviction on indictment, and how would they anticipate the level of an unlimited maximum fine being assessed and determined?

Do the Government envisage most cases coming to court being capable of being dealt with, if the case is proved or a guilty plea is entered, within the sentencing powers available to magistrates, or do they envisage most cases being dealt with at a higher court because the sentencing powers of magistrates will be insufficient for the seriousness of this kind of offence if the case is proved or a guilty plea is entered? Will lay magistrates have the power to sentence for up to 12 months on summary conviction for this new offence in the Bill?

The documentation we have received indicates the number of cases of laser incidents reported each year since 2010 to the Civil Aviation Authority. How many of these reported incidents have resulted in the alleged perpetrators being brought before a court in each year since 2010, and in how many of these cases has a conviction been secured?

What information, if any, do the Government have about the age of those committing these offences and the equipment they are using? It would appear that the answer might be very little, since the Government's response to the call for evidence states:

"There is no meaningful data on who the perpetrators are, where they have obtained the laser pointers used, or what strength laser pointers they have used".

If so, is this not a somewhat surprising deficiency, bearing in mind the length of time over which concerns have been expressed about the dangers and extent of laser beam attacks?

Under the terms of the new offence in the Bill, how many cases a year do the Government anticipate being brought before the courts? What do the Government anticipate will be the likely additional workload for our courts as a result? What impact on the number of laser offences being committed against aircraft and those in control of them, as well as more generally against vehicles, do the Government expect the measures in the Bill to have?

The Explanatory Notes to the Bill state:

"The creation of this new offence is intended to capture the use of laser pens and pointers, and other means of producing a laser beam".

Does the reference to "other means" of producing a laser beam also include the use of a drone to carry and project a laser beam? In view of this reference, is there any level of laser beam that would be considered to lack the power to enable an offence under the Bill to be committed by using it, taking into account the reference in the offence to "dazzle or distract"? If so, what is that level?

Clause 1(1)(a) states that an offence is committed if,

"the person shines or directs a laser beam towards a vehicle which is on a journey".

This issue has already been raised, but what is the definition of "on a journey", which will apply to all forms of transport covered by the Bill? For example, does it include an aircraft, ship, car or bus that has not yet moved but has a person sitting at the controls who is dazzled or distracted by a laser beam? If it does cover this situation, why are the words "on a journey" necessary? If the Bill does not cover such a situation, why not, bearing in mind the potential serious damage that can be done by a laser beam to the sight of the person in control of the vehicle, irrespective of whether it is actually moving or "on a journey" at the time?

The penalties on summary conviction differ slightly between England and Wales and Scotland. If an offence takes place close to the border between England and Scotland, where is the offence deemed to have taken place? Is it deemed to have occurred where the person shining or directing the laser beam was located at the time the offence was committed, which could be in England, or is it deemed to have taken place where the person with control of the vehicle was dazzled or distracted, which could be a short distance away over the border in Scotland?

I referred earlier to the increasing power of lasers. I appreciate that the Department for Business, Energy and Industrial Strategy conducted a consultation on the laser market and potential uses for laser pointers last autumn, and I thank the Minister for making available the Government response to that call for evidence.

The response states that most of the injuries come not from laser pointers bought on the UK high street but from those purchased primarily online or overseas, and that most higher-strength lasers are bought from manufacturers or suppliers based outside the United Kingdom. In addition, a significant number of these

[Lord Rosser]
are being supplied without the correct or appropriate information, classification or output marking, and are of a class of laser that should not be sold to the public. Whether the actions the Government now intend to take in the light of the call for evidence will prove adequate will no doubt be the subject of further debate.

The response also states:

"Government will take action to improve frequency and resourcing of enforcement activities at ports and borders with the aim of improving safety of the market for laser pointers and increasing enforcement activities against imports of dangerous high powered laser pointers".

I have to say that that response is strong on generalities and weak on specifics. What does it mean in terms of specific targets or objectives, resources being made available or practices being changed? Frankly, the £100,000 total grant to local authorities referred to in the Government's response will not solve the problem.

We seem unable to stop people being illegally trafficked into this country in the back of lorries through our inadequately staffed major border entry points, so why do the Government think we should accept that this performance will improve considerably in respect of imports of dangerous high-powered laser pointers?

The Government already appear to have rejected the option of a licensing system restricting the purchase and ownership of high-powered laser pointers, on the grounds that it would risk increasing the rates of laser attacks. No doubt this, too, will be the subject of further debate, but fortunately we do not apply that particular argument in relation to gun licensing. The significant increase in the number of laser attacks has occurred not under a system where there is licensing, but under a system where there is not.

I conclude by reiterating our support for the Bill, as far as it goes, given that the current offences and sentences in respect of laser attacks are inadequate in the current situation. Whether the actions the Government said in their response to the call for evidence that they intend to take are sufficient, though, is another matter.

6.51 pm

Baroness Sugg: My Lords, I thank all noble Lords for their contributions today and for their broad support for these measures. I shall aim to answer as many questions as I can. If I am not able to address every issue, I will follow up in writing.

On the types of lasers, we have not defined lasers in the Bill because our legal advice is that the term would be understood and there would not be difficulty in prosecuting based on whether or not a light source was a laser. The offence would cover all forms of lasers, including laser pens, pointers and laser guns; and the term "beam" would cover laser pulses and bursts, as the noble and gallant Lord, Lord Craig, mentioned.

The offence specifically covers lasers rather than any light source because of the risk of inadvertently catching normal and acceptable light sources, such as car headlights, which might dazzle and distract the pilot or the driver of another vehicle. Lasers are the predominant risk. The police have not raised the same concern in relation to other lights, such as strobe lights, as they have with lasers.

The noble and gallant Lord, Lord Craig, asked whether Clause 1(8) should refer to an individual rather than a pilot. We have sought to capture those persons who are in control of the vehicle, and in the case of an aircraft these will be the pilots. We specifically refer to the pilots monitoring the control of the aircraft to capture co-pilots. When a laser beam is shone or directed at an aircraft, the light often tends to refract and fill the cockpit with light, so it is difficult to imagine another member of the crew being dazzled or distracted but not the pilots.

Many noble Lords raised the definition of a journey. Similar concerns were raised during the Committee stage of the then Vehicle Technology and Aviation Bill, which referred to "flights" for aviation rather than "journeys". We have taken on board those concerns and amended the Bill to ensure that all parts of the journeys are covered. "Journey" will bear its natural meaning. It is intended to start when the vehicle is ready to commence its journey and end when it comes to a final stop at its destination. That includes taxiing in the case of an aircraft and for all vehicles will cover temporary stops along the way such as stops at train stations, bus stops, traffic lights or, indeed, when waiting to take off.

Lord Berkeley of Knighton (CB): For clarification, the *Oxford English Dictionary* defines "journey" as the act of travelling from one place to another. The point made by several noble Lords, including my noble and gallant friend Lord Craig, and the noble Lords, Lord Balfe and Lord Rosser, is that this is still a little vague in regard to, for example, a flying lesson, which starts in one place and returns to the same place; helicopter pilots, who initially only go up and come back down again; or even a driving lesson, which departs and returns to the same place. Would the Minister comment further on that?

Baroness Sugg: I thank the noble Lord for his intervention. Trying to define all the different types of journey which may take place is complicated. As I say, our advice is that "journey" is the best way to describe it, but I will take the noble Lord's comments away and consider them ahead of the Committee stage.

The noble and gallant Lord, Lord Craig, also mentioned horse-drawn carriages, which I am afraid will not be covered by the Bill. We have not seen any evidence of a problem, so horse-riders will not be covered either. We work closely with the British Horse Society and other organisations but, as I say, they have not raised any safety concerns. However, we will keep the issue under review and perhaps follow it up with them.

We have consulted carefully with the Ministry of Defence on the Bill and indeed with the Military Aviation Authority. The offence will cover both military and civilian vehicles, and the Bill has received support from Ministers in the Ministry of Defence. We will continue to work closely with the MoD and the MAA, some of whose representatives are also members of the UK Laser Working Group, which meets regularly.

On licensing and import controls, as I mentioned in my earlier speech, we have committed to providing additional support for enforcement activities around the import of lasers. We are working to deliver more

effective labelling and to promote public awareness. However, after considering the evidence, we do not intend to introduce a licensing regime.

Baroness Randerson: What precisely does the Minister mean by "support for local authorities"? That is the key thing. Support can mean providing advice and information or it can be firm, practical help.

Baroness Sugg: We are working with local authority ports and borders teams to advise them on prioritising the checking of imports. We have allocated a grant of £100,000, as the noble Lord, Lord Rosser, mentioned, to help them have an immediate and targeted impact. We are also working with online retailers and importers.

Lord Rosser: Although I do not want to state the obvious, could I ask the Minister to confirm that the £100,000 is the sum in total across all local authorities? It is not £100,000 for each local authority involved in this activity.

Baroness Sugg: Yes, I can confirm that it is a total of £100,000. Perhaps I will get some more detail on exactly what work the department is doing with local authorities to help them deal with this issue.

On the licensing regime, the evidence we gathered in our call for evidence did not indicate that a ban or a licensing regime would have a positive impact on public safety. We believe that introducing legislation to license the supply and purchase of high-powered lasers would not tackle illegal imports that are purchased online or indeed the many people purchasing them while on holiday. We have looked at international examples. Australia and New Zealand have taken legislative action to impose a ban or a strict licensing system, but that did not actually have a positive effect on reducing the number of these laser incidents.

We do not think that we should classify laser pointers as offensive weapons. I understand the point made by the noble Baroness, Lady Randerson, that only a few people use lasers in a legitimate way, but we think that it would penalise them. However, if a pointer is adapted for use to cause injury or if it is intended to be used to do so, it would then be classified as an offensive weapon.

My noble friend Lord Balfe raised the issue of children who commit this offence and the responsibility of their parents. Obviously, children under 10 years of age cannot be charged with committing an offence, but other steps can be taken such as a local child curfew or a child safety order. Of course, children aged between 10 and 17 can be arrested and taken to court. However, I understand the point that my noble friend has made and I will discuss it with my colleagues in the Ministry of Justice.

Air traffic control towers were mentioned by my noble friend Lord Balfe, the noble Baroness, Lady Randerson, and the noble Lord, Lord Rosser. The Bill does not currently cover air traffic control towers, but it is an interesting point. I am aware of a number of incidents where lasers have been shone at fixed installations. Such installations are often located in controlled areas so there is less scope to shine a laser, but we can certainly consider whether air traffic control towers should be included in the Bill.

My noble friend Lord Kirkhope asked about regional air traffic control and how best to deal with these reports, in particular as regards general aviation. The CAA has published a safety notice on laser attacks which provides guidance for air traffic controllers, principally to inform the police immediately and pass on all relevant information. However, obviously I understand that in general aviation the practice is perhaps not as well known as it should be. We will discuss the matter with the CAA.

A number of noble Lords raised the regulation of certain strengths of lasers. It might be helpful to say a few words on the current situation on the classification of lasers in the market. Lasers sold in the UK are classified in accordance with the current British standard on laser safety, which sets out eight classes of laser products. The classification scheme for lasers indicates the potential risks of adverse health effects. The higher the class number, the greater the radiation hazards posed by the laser. Under the General Product Safety Regulations, only laser pointers considered safe for general use should be made available to the public through general sale. The higher classes 3 and 4 are not suitable for sale to consumers. Laser pointers above 1 milliwatt are generally accepted to have limited specialist uses and can be removed from the market. But obviously, as I said, consumers purchase products directly via the internet and while overseas on holiday, which is of course more difficult to control.

My noble friend Lord Balfe and the noble Lord, Lord Rosser, mentioned stop and search and whether the police need these powers. It is worth noting that the police already have the power to stop and search for laser pointers where they have reasonable grounds to suspect that the pointer is intended to cause injury. That is because the laser would then be deemed an offensive weapon. The Government are clear that the power of stop and search, when used correctly, is vital in the fight against crime, but the Home Office is currently conducting a review to achieve greater transparency on this. While this work takes place, it would not be appropriate to consult on extending the power of stop and search to cover lasers, but my department, together with the Home Office, will consider consulting on proposals to apply the power of stop and search to laser pointers as soon as that review is concluded, which I expect to be later this year.

On sentencing, five years is the maximum jail term, as I said, and would be imposed in only the most serious cases, but we believe it is important to have an effective deterrent for these sorts of offences. As I explained, it will be a triable either way offence. It will be up to the courts to decide which court should hear each case, dependent on the seriousness. For a summary offence tried in the magistrates' court, the maximum imprisonment will be restricted to six months in England and Wales or 12 months when Section 154(1) of the Criminal Justice Act is commenced.

On the point from the noble Lord, Lord Rosser, on where the case would be tried if the offence is done across a border—which, I must admit, is something I had not considered—I imagine it will be where the person holding the laser has his feet placed, as that is where the offence would be committed. I will certainly

[Baroness Sugg]
take that back to clarify. He also asked how many people had been found guilty of committing this offence. In 2016 it was 10 and in 2015 it was 16. I will send the noble Lord the full figures I have available.

The noble Baroness, Lady Randerson, mentioned drones. As I said at the end of November, it is our intention to bring forward drone legislation in the spring of this year. That is still our intention. I understand the importance of the issue and the desire to act quickly on this, but we have decided to separate the treatment of drones from that of lasers as they present different challenges. I look forward to bringing forward drones legislation as quickly as possible.

As the noble Lord, Lord Monks, mentioned, I am lucky enough to have both the president and the vice-president—and, indeed, lowly members—of BALPA in your Lordships' House, so I want to take this opportunity to thank BALPA for its engagement with my department on this and many other issues that face the aviation sector. I hope that I have addressed all the issues raised. If not, as I said, I will follow them up in writing.

We believe that the existing laws are not strong enough, with the police unable properly to investigate and prosecute such incidents. The police lack powers to search the homes of suspects. Even when a conviction is secured, the maximum penalty for dazzling or distraction is only £2,500, and there is no specific law against shining a laser at a ship or at motorists at the wheel. This new offence will act as a deterrent to these dangerous incidents happening in the first place, but if they do occur, the proposals will help the police bring the offenders to justice.

The safety and security of the travelling public must always be a top priority for the Government. With more than 1,000 attacks on aircraft reported each year, as well as those on other modes of transport, we have a duty to act. I ask the House to give the Bill a Second Reading.

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

House adjourned at 7.05 pm.