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PARLIAMENTARY DEBATES
(HANSARD)

HOUSE OF LORDS
OFFICIAL REPORT

ORDER OF BUSINESS

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

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House of Lords

Wednesday 24 January 2018

3 pm

Prayers—read by the Lord Bishop of Peterborough.

Children: School Attendance

Question

3.07 pm

Asked by ***Lord Storey***

To ask Her Majesty's Government what steps they are taking to safeguard children who are not attending school.

The Parliamentary Under-Secretary of State, Department for Education (Lord Agnew of Oulton) (Con): My Lords, it is very important that all children are properly safeguarded, and local authorities have a wide variety of powers in the Children Act to achieve this. Those powers apply to all children, whether attending school or not. In addition, local authorities are required by the Education Act 2002 to ensure that their education functions are exercised with a view to safeguarding children. My department issues statutory guidance relevant to these functions.

Lord Storey (LD): I thank the noble Lord. I am sure he agrees that the majority of parents who home-educate do an excellent job and work with their local authorities. I appreciate that the new Minister has barely got his feet under the desk, but could he assure us that he will work with us to put in place robust procedures which will ensure that all children are safeguarded and that children are not taught a narrow religious curriculum at home or indeed radicalised at home, so that we know that the millions of children who go missing from our school system will be safe?

Lord Agnew of Oulton: I agree with the noble Lord. Much home education is very good, and we welcome the dedication of parents who take on that responsibility and do it well. However, we have concerns about unregistered schools. We have provided additional resources to Ofsted, including by creating a new team of dedicated inspectors to inspect suspected unregistered independent schools. They and the DfE have been taking action to make sure that these settings cease to operate unlawfully. We are also creating guidance for local authorities on how to tackle unsuitable out-of-school settings and unregistered independent schools, including on how to use their existing powers. We hope to publish this guidance as soon as possible.

Lord Laming (CB): My Lords, does the Minister agree that the number of children who are out of school is increasing? Some may be receiving very good education but we do not know that, and we suspect that quite a substantial number of these children are beyond the reach of either the local authority or the safeguarding arrangements. By definition therefore these children are extremely vulnerable, and it is our responsibility to protect them.

Lord Agnew of Oulton: I agree, but the important thing to stress is that local authorities have a statutory duty to safeguard and promote the welfare of all children in their area, regardless of where they are educated. This includes home education and unregistered schools. A survey of the Association of Directors of Children's Services indicates that some 80% to 90% of home-educated children had been in school before being removed into home education by their parents, so they were already known to the local authority. The initial priority though is to provide clarity on what powers local authorities have to investigate unsafe or unsuitable home education and to take action.

Lord Soley (Lab): My Lords, does the Minister accept that my home education Bill, which is about to go into Committee, will give Parliament an opportunity not only to discuss the support that we can give to parents who are home-educating but to make sure that we protect vulnerable children?

Lord Agnew of Oulton: My Lords, I am grateful to the noble Lord for introducing his Bill and putting these issues before the House. I look forward to the debate when the Bill moves into Committee, which will give us an opportunity to discuss these matters in greater depth. I am aware that the number of children entering home education has increased. Following the Bill's Second Reading we commissioned fresh legal advice, which we have just received. It indicates that local authorities' powers in relation to home education often go further than is appreciated. We are updating our guidance to local authorities on home education, and will reflect this new advice in the guidance. We expect to produce these drafts for consultation in the next few weeks.

Lord Lexden (Con): My Lords, are there any statistics that indicate how children educated at home compare with those educated at school in public examinations? As a former general secretary of the Independent Schools Council, I add how much I welcome the Government's crackdown on unregistered independent schools.

Lord Agnew of Oulton: My Lords, there are no specific statistics on the outcome of home-educated children, but one of the issues that I would like to look at in our discussions on the home education Bill introduced by the noble Lord, Lord Soley, is making examination facilities available more easily for children who are home-educated. At the moment it can be difficult for them to find a setting where they can do their exams, which makes their education more difficult.

Lord Warner (CB): My Lords, has the Minister seen the report by the London Borough of Hackney that there are 1,500 boys in the borough in unregistered schools? Does he accept what the report also says, which is that the local authority's powers to deal with this problem are inadequate? Is he aware that no operator of an unregistered school has been successfully prosecuted since that legislation was passed in 2008?

Lord Agnew of Oulton: My Lords, we are aware of the recent report from Hackney, which refers to between 1,000 and 1,500 Haredi boys attending out-of-school

[Lord Agnew of Oulton]
settings in the borough. The report made it clear that they are yeshivas offering religious teaching in settings that do not meet the criteria to register as independent schools, but they are operating as out-of-school settings. We are conscious of this, but we have to be careful because out-of-school settings can include things like Sunday schools and even sports clubs. We have been working with some of these religious groups to encourage them to offer a broader form of education, and recently we managed to persuade the Haredi schools in Manchester to adjust their curriculum to offer a broader education. We will continue to do that.

Lord Watson of Invergowrie (Lab): My Lords, it is symptomatic of the Government's complacency on this issue that the current document, *Elective Home Education: Guidelines for Local Authorities*, contains a ministerial foreword signed by Mr Jim Knight, the Minister of State, and Mr Andrew Adonis, the Parliamentary Under-Secretary. I have no idea what became of them, but that was 11 years ago and it has never been updated so I am very pleased that the Minister has announced today that he plans to update that document. The fact is that the Government have no idea how many children are out of school at the moment. They do not collect the figures, as we have heard, and local authorities are not obliged to do so either. How can anyone safeguard a child if they do not know about them? Does the Minister accept that a register of home-educated children, which is a provision in my noble friend Lord Soley's Bill, is now an urgent necessity? Will he urge the new Secretary of State to make that one of his first priorities?

Lord Agnew of Oulton: My Lords, I think I can reassure the House that quite a lot of activity has occurred in the last four or five years. For example, we updated the statutory guidance, *Children Missing Education,* in September 2016 and *Keeping Children Safe in Education*, and introduced the Education (Pupil Registration) (England) (Amendment) Regulations 2016, which particularly required any child leaving a school and going into home education to register with the local authority. We have tackled the out-of-school settings through the recruitment of Prevent education officers and, as I mentioned earlier, Ofsted has been given increasing powers. Lastly, as I referred to in an earlier answer, the legal advice we are receiving at the moment clarifies a lot of the powers available to local authorities, and we will seek to make them aware of those powers. We are keeping an open mind on the Bill sponsored by the noble Lord, Lord Soley, but I am certainly working with him collaboratively on this.

Brexit: Economic Analyses

Question

3.15 pm

Asked by ***Lord Strasburger***

To ask Her Majesty's Government what analyses they have carried out of the effect of the United Kingdom economy of the potential outcomes of the Brexit negotiations including (1) leaving the single market, (2) leaving the customs union, and (3) leaving the European Union with no deal, on the future trading relationship between the United Kingdom and the European Union; and when they intend to publish those analyses.

The Minister of State, Department for Exiting the European Union (Lord Callanan) (Con): My Lords, the Government are undertaking extensive work to support our exit negotiations and to inform our understanding of how our EU exit will affect the UK's domestic policies and framework. Ministers have a duty not to release information that could risk undermining our negotiating position. This is a position that Parliament has endorsed.

Lord Strasburger (LD): My Lords, the absurd mantra that, "No deal is better than a bad deal" has now been replaced by, "We will get the best deal for Britain". In the event that Brexit actually happens, the best deal is bound to be worse than our current arrangements with the European Union. The only issue is: how much worse? How bad will the deal have to be for the Government finally to face down the Brexit fanatics in their own ranks and exit from Brexit, as most voters now want?

Lord Callanan: My Lords, I think the Brexit fanatics are on the Liberal Democrat Benches. We on this side of the House believe in democracy and that the referendum result should be implemented, and we will negotiate a full and comprehensive partnership with our European partners.

Lord Lea of Crondall (Lab): Will the Minister confirm, as will be confirmed by the Norwegian foreign office, that the EU EEA agreement provides not only for membership of the single market but of the EU/EEA agencies, and that it would be very foolish, given the 50% chance that that is where we will wind up, if we continue to wind down our involvement in these agencies, which is certainly not an automatic consequence of the referendum result?

Lord Callanan: My Lords, we are not winding down our membership of these agencies. We are members of the European Union until March next year, and we will continue to meet all our obligations and commitments during that period. I was in Brussels all day yesterday, consulting with the European Parliament on these issues. The Norwegian deal is not a superior deal, in my view. We want a proper, bespoke arrangement that will benefit the United Kingdom and respect the Brexit result.

Lord Lamont of Lerwick (Con): My Lords, if the Government were misguided enough to initiate an inquiry into the three questions posed by the noble Lord, would they add a fourth, which would be a study of whether they expect European trade with Britain as a percentage of our total trade to continue to decline in the next 10 years, as it has in the last 10 years? If the Government were misguided enough to initiate such a study, would they ensure that it was not done by the same officials who made such misguided and wrong forecasts about the immediate impact of a Brexit verdict in the referendum?

Lord Callanan: My noble friend makes an important point. We are conducting a wide range of analysis on all possible scenarios, but we still remain of the view that a deep and comprehensive partnership between ourselves and the EU is manifestly in both our interests. Therefore, that is where we think we should end up.

Baroness Meacher (CB): My Lords, the Minister will be aware that the Electoral Commission was undertaking an investigation into the role of Russia in the Brexit referendum. Can the Minister convey to the House whether the Government yet have the results of that investigation, or indeed, whether they are undertaking their own investigation? If Russia had a major impact on that referendum, it raises questions about how Parliament should react.

Lord Callanan: I am sorry, but I do not agree with the noble Baroness. It is the reddest of red herrings to try to cast doubt on the referendum result. I have no knowledge of what investigations the Electoral Commission is undertaking, but I am certainly not aware that the Government are undertaking any such studies.

Baroness Ludford (LD): My Lords, in what way can this Conservative Government make the traditional, if often unjustified, Conservative claim to be pro-business and pro-jobs when they have slapped down a CBI demand to stay in the customs union, along with a TUC demand to stay in the customs union and the single market, and when they refuse to publish Brexit impact assessments or a position paper on financial services? When will they open eyes blinded by dogma to the real needs of the economy?

Lord Callanan: Well, this Government are pro-business and pro-jobs, and I can only assume that the noble Baroness has missed the unemployment figures this morning, which show that unemployment under this Government is at a 42-year low.

Lord Garel-Jones (Con): My Lords—

Lord Davies of Stamford (Lab): My Lords—

The Minister of State, Ministry of Defence (Earl Howe) (Con): My Lords, if we are quick, we have time for both noble Lords, but I think that it is the turn of the Conservative Benches.

Lord Garel-Jones: As the Minister has stated, is it not a simple matter of common sense that, while these negotiations are ongoing, anything that seeks to reveal the Government's position on any issue whatever can only undermine the Government's position?

Lord Callanan: My noble friend speaks great sense. It is a matter of common sense—but, apparently, it is not a common sense shared by the Liberal Democrats.

Lord Davies of Stamford: Did the Minister notice in this morning's newspaper the report of a study produced by the Bank of England which estimated that 10,000 financial service professionals will leave this country between now and Brexit day? Goodness knows how many will leave after that. Are the Government entirely indifferent to news of that kind?

Lord Callanan: I have not seen that study. I shall go away and have a look at it, but I do not believe that it can be accurate. We have the best and most successful services industry in Europe, and we want that to continue. We will be negotiating with our European partners to bring that situation about.

Hong Kong

Question

3.22 pm

Asked by ***Lord Ashdown of Norton-sub-Hamdon***

To ask Her Majesty's Government what assessment they have made of Hong Kong's autonomy, rights and freedoms, following recently approved changes to the procedural rules of Hong Kong's Legislative Council, and the refusal of entry into Hong Kong of Taiwanese scholars and the British human rights activist, Benedict Rogers.

The Minister of State, Foreign and Commonwealth Office (Lord Ahmad of Wimbledon) (Con): My Lords, the Government's most recent six-monthly report, published in the House in September, makes it clear that, while the one country, two systems framework is generally functioning well, important areas are coming under increasing pressure. Since then, the case of British national Ben Rogers being denied entry to Hong Kong in October has raised further concerns, as reflected in the Foreign Secretary's public statement at the time and subsequent further evidence to the Foreign Affairs Committee.

Lord Ashdown of Norton-sub-Hamdon (LD): My Lords, I am grateful for that reassuring reply. Is the Minister aware that, according to the claims made by the Hong Kong and Chinese authorities, it is an interference in the domestic affairs of China for a British parliamentarian to visit Hong Kong to assess progress on the joint declaration? Given that the joint declaration is an international treaty lodged in the UN, which places responsibility on both sides to carry it out, will the Minister take this opportunity strenuously to reject that view and ensure that both the Hong Kong and Beijing authorities are duly notified?

Lord Ahmad of Wimbledon: Let me assure the noble Lord that I totally agree with the position he has just articulated. Indeed, we are fully aware of the situation that arose with the noble Lord's visit to Hong Kong. In that regard, I am sure that he read with a positive perspective the reply of my right honourable friend the Foreign Secretary, which very much restates the position articulated by the noble Lord. I assure noble Lords that the UK remains committed to strengthening its relationship with China, but not to the detriment of the joint declaration, which remains strong as ever.

Lord Collins of Highbury (Lab): As the noble Lord, Lord Ashdown, said, this is an international treaty. In the debate in Westminster Hall yesterday, Mark Field said that we will continue to raise with the Chinese authorities our concerns, particularly on the Ben Rogers situation, but also about the ongoing arrests—28 last month. If we are to continue to raise our concerns, is it not about time that we escalated this so that the Prime Minister demands answers from China on these breaches of an international treaty?

Lord Ahmad of Wimbledon: As the noble Lord may be aware, at the last G20 meeting my right honourable friend the Prime Minister raised various issues in this respect. On his point about escalation and Ben Rogers, he may be aware that, at that time, the Chinese ambassador to the UK was also summoned to the Foreign Office. I have met Ben Rogers, as have other Ministers, since this incident took place. Let me reassure the noble Lord—indeed, all noble Lords—that we continue to use every opportunity, both bilaterally and through international fora, to raise the important issue of the international agreement, to which both countries are signatories.

Lord Patten of Barnes (Con): After Mr Rogers' case, what advice does the Minister give to other British citizens travelling on a bona fide passport who wish to go to Hong Kong? Should they simply go, or should they inquire first of the Chinese embassy whether their presence in Hong Kong is to be tolerated?

Lord Ahmad of Wimbledon: My noble friend speaks from great knowledge of the area, but as he and all noble Lords will be aware, the issue of immigration remains very much in the hands of the special administrative region of Hong Kong and our advice has not changed: British citizens should travel to Hong Kong, as they do now.

Lord Alton of Liverpool (CB): My Lords, I declare an interest as a patron of Hong Kong Watch. Notwithstanding what the Minister said in his welcome reply to the noble Lord, Lord Ashdown, how does he respond to the Hong Kong Bar Association's assertion that the Chinese Government's decision to enforce mainland law at the new high-speed rail terminus in Hong Kong is,

"the most retrograde step to date in the implementation of the Basic Law and severely undermines public confidence in 'one country, two systems' and the rule of law"?

That fear is reinforced by the imprisonment of Joshua Wong and Nathan Law, both of whom I have hosted here in your Lordships' House, and whose treatment is yet another sign that one country, two systems is morphing into one country, one system.

Lord Ahmad of Wimbledon: The noble Lord is right to raise these issues and while the economic case that the Chinese have made for the high-speed rail link is clear, it is also important that the final arrangements are and remain consistent with the one country, two systems framework. We understand that the Hong Kong Bar Association and the Law Society of Hong Kong have also raised concerns about the legal basis for this proposal, and we continue to urge both the Chinese and the Hong Kong special administrative region to ensure that the agreement, which stands with international recognition, continues to be abided by.

Lord Thomas of Gresford (LD): My Lords, for those of us who love Hong Kong and really appreciate the energy and vitality of its people, will the Government impress on the Chinese Government that the special position of Hong Kong and its prosperity depend upon the rule of law and its maintenance, and that anything done to undermine that—fortunately, we still have an independent judiciary there—is likely to ruin Hong Kong's prosperity in international trade everywhere in the world?

Lord Ahmad of Wimbledon: The noble Lord is quite right and I agree with him totally. Let me assure him that we continue to address this issue through the Chinese authorities, bilateral meetings and the Hong Kong authorities. The Chief Executive of Hong Kong, for example, visited last September and in every meeting she had during that visit—indeed, my right honourable friend Sajid Javid visited Hong Kong last November—the very point the noble Lord makes about sustaining, strengthening and upholding the rule of law was clearly made to the Chinese authorities.

Lord West of Spithead (Lab): My Lords, Hong Kong was as colony for many years and in that time, a large number of Hong Kong people served in the Navy and the Army. Some of those who served, many of them for quite long periods, are now not getting any special treatment in trying to come to this country. Is this issue being looked at and dealt with in government—or has it just been pushed to one side?

Lord Ahmad of Wimbledon: As the noble Lord may well be aware, people who are Hong Kong residents are granted special consular assistance if they are travelling to third-party countries; indeed, they can visit the UK for up to six months, and we have seen that recently with many people in Hong Kong, including those with the special status the noble Lord mentions. The police is another area we are looking at, and we want to ensure that we can process applications through the normal Home Office channels. But my understanding is that more than 200,000 people resident in Hong Kong have British nationality, and a Home Office process remains in place to look into the individual cases of those who do not. However, I stress that it is an immigration process and the Home Office looks at it closely to ensure that the rights and responsibilities are sustained, and the rights of those seeking British nationality are also protected.

Prisons: Action Plans and Special Measures

Question

3.30 pm

Asked by ***Lord Ramsbotham***

To ask Her Majesty's Government how many prisons have been given action plans, or are in special measures, following inspection reports.

The Advocate-General for Scotland (Lord Keen of Elie) (Con): My Lords, all prisons are required to develop comprehensive action plans following Her Majesty's Inspectorate of Prisons' inspections. Special measures is a separate internal performance and assurance process for identifying, managing and improving underperforming prisons through agreed and time-bound performance improvement plans. There are currently 10 prisons subject to special measure arrangements.

Lord Ramsbotham (CB): My Lords, I thank the Minister for that very disturbing Answer. I have two further questions. First, in view of the dreadful situation that the Minister has outlined—the chief executive of the Prison and Probation Service has blamed it on his budget being cut by 40% since 2010, despite the increase in the numbers of prisoners—the dropping of the prisons part of the Prisons and Courts Bill and the recent appointment of the fourth Justice Secretary and third Prisons Minister since the 2015 election, how high does prison reform feature in the Prime Minister's list of priorities?

Secondly, when the noble Lord, Lord Beecham, asked a Question about Liverpool prison before Christmas, I asked the Minister who in Prison Service headquarters was responsible and accountable for the prison. Understandably, he refused to name names. I now ask the question that I have been asking since 1995: is there anyone in Prison Service headquarters who is responsible for any prison or group of prisons, with the exception of high-security prisons, to whom governors who have either special measures or action plans can go to for advice and help?

Lord Keen of Elie: Clearly, our prisons remain a priority for this Government. There have been challenging issues, which we need to address and we will address. As regards special measures, when prisons go into special measures, they are provided with central support, which can potentially cover a number of areas, including expert advice, provision—in some instances—of further capital, and direction to the governor and staff of the individual prison.

Lord Beecham (Lab): My Lords, one of the most disturbing features of the crisis in the Prison Service, highlighted at HMP Liverpool, has been shockingly inadequate healthcare. What discussions have taken place between the Ministry of Justice and the Department of Health to improve this situation? Will the Government encourage local authorities, which have responsibility for scrutinising health services, to exercise that function in relation to the provision of healthcare within custodial institutions in their area? I refer to my interest as a member of Newcastle City Council's Health Scrutiny Committee.

Lord Keen of Elie: My Lords, the provision of healthcare within prisons is generally carried out by way of partnership between the prison and the health service. It is on that basis that it is continued. There are ongoing issues over the review of such partnerships.

Viscount Hailsham (Con): My Lords, while endorsing the remarks made by the noble Lord, Lord Ramsbotham, may I suggest that the Ministry of Justice formulates its own action plan to address the continuing incarceration of prisoners held on IPP? Part of that action plan should include releasing those prisoners who have served their minimum term, unless there is some overarching concern about public safety.

Lord Keen of Elie: I am obliged to my noble friend. The matter of IPP prisoners is under consideration by the Ministry at the present time. It has of course been highlighted by the recent case of Worboys, which should not be seen, I would suggest, as an indication that we have dropped this matter. We are concerned with the issue of IPP prisoners.

Lord Lee of Trafford (LD): My Lords, all parliamentarians should be sent a copy of the chief inspector's devastating report on HM Prison Liverpool, showing that half the prisoners were locked in cells during the working day and 37% were drug-positive. The prison had hundreds of broken windows, with cockroach infestation and piles of rubbish, and over 2,000 maintenance tasks were outstanding. How many local, regional and national managers have been dismissed following this shocking indictment?

Lord Keen of Elie: My Lords, the conditions the inspectors found at Liverpool prison were unacceptable. Effective measures should have been taken to deal with the issues at a much earlier stage. A full review of all cell accommodation is under way. A programme of window replacement has been approved and in the region of £100,000 worth of toilets and sinks have been ordered for installation. The governor, deputy governor and the director of health services of Liverpool prison have been replaced. We are taking steps to address the situation, but I do not seek to suggest that it should not have been done earlier.

Baroness Corston (Lab): My Lords, during the coalition and up to 2016, 7,000 full-time prison officer posts were abolished. As a result of my freedom of information request, the Government have revealed that the cost of riots since then—due, no doubt, to inadequate staffing—runs to £9,363,964. The contract was with Carillion. Would it not have been better to have kept those prison staff on?

Lord Keen of Elie: My Lords, we are halfway to the target of recruiting 2,500 extra prison officers. Reference is made to the past. We, as a Government, learn from the past but we plan for the future.

The Lord Bishop of Chester: My Lords, bishops go into prison more often than most Members of your Lordships' House. There are two prisons in my diocese. The Liverpool prison report is an absolute scandal, so far as I can judge. However, does the Minister agree that many prisons are functioning rather well in the circumstances they face and that there is a good deal that can be celebrated alongside the horror stories, which are indeed dreadful?

Lord Keen of Elie: I accept that there have been horror stories and we cannot but be concerned by that. As I indicated, 10 prisons are subject to special

[Lord Keen of Elie]
measures and receive support but others are functioning effectively. We are taking urgent steps to improve the prison estate.

Official Development Assistance Target (Repeal) Bill [HL]
First Reading

3.37 pm

A Bill to repeal the International Development (Official Development Assistance Target) Act 2015.

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

Nuclear Safeguards Bill
First Reading

3.38 pm

The Bill was brought from the Commons, read a first time and ordered to be printed.

Business of the House
Motion on Standing Orders

3.38 pm

Tabled by ***Baroness Evans of Bowes Park***

That Standing Order 40(1) *(Arrangement of the Order Paper)* be dispensed with on Tuesday 30 January to enable the debate on the second reading of the European Union (Withdrawal) Bill to begin before oral questions and, in the event of the debate having been adjourned, on Wednesday 31 January to enable the debate to resume before oral questions that day.

Lord Taylor of Holbeach (Con): My Lords, in the absence of my noble friend the Leader of the House, I beg to move the Motion standing in her name. In doing so, I ought to say a brief word about how we intend our business to proceed next week, in particular the Second Reading debate on the European Union (Withdrawal) Bill. To ensure that the House has sufficient time over the two days to debate the Bill without the risk of an unduly late sitting on either day, the House will sit early on both days. We will sit at 8 am—

Noble Lords: Oh!

Lord Taylor of Holbeach: There is no harm in being optimistic. We will sit at 11 am on Tuesday 30 January and at 10 am on Wednesday 31 January. The Motion before the House in my noble friend's name simply allows us to keep Oral Questions fixed at their normal time rather than moving them to the beginning of the day's business. This is designed to minimise any inconvenience to those who tabled their Questions several weeks ago, and of course it helpfully ensures that there will be short adjournments on both days during the Second Reading debate itself. I beg to move.

Motion agreed.

Asset Freezing (Compensation) Bill [HL]
Order of Commitment Discharged

3.40 pm

Moved by ***Lord Empey***

That the order of commitment be discharged.

Lord Empey (UUP): My Lords, I understand that no amendments have been set down to this Bill and that no noble Lord has indicated a wish to move a manuscript amendment or to speak in Committee. Unless, therefore, any noble Lord objects, I beg to move that the order of commitment be discharged.

Motion agreed.

Sanctions and Anti-Money Laundering Bill [HL]
Third Reading

Relevant documents: 7th, 10th and 11th Reports from the Delegated Powers Committee

3.40 pm

Clause 43: Money laundering and terrorist financing etc

Amendment 1

Moved by ***Lord Ahmad of Wimbledon***

1: Clause 43, page 33, line 16, leave out paragraphs (a) and (b) and insert—

"(a) enabling or facilitating the detection or investigation of money laundering, or preventing money laundering;

(b) enabling or facilitating the detection or investigation of terrorist financing, or preventing terrorist financing;"

The Minister of State, Foreign and Commonwealth Office (Lord Ahmad of Wimbledon) (Con): My Lords, it is a pleasure to stand before the House once again, and to speak to Amendments 1, 2, 5, 6 and 7. Although these are tabled as government amendments, they have been prepared through close collaboration with noble Lords. In particular, I convey my thanks for the collaborative and constructive engagement that we have had with the noble Baronesses, Lady Bowles and Lady Kramer.

I said at Second Reading, and have said throughout the Bill's progress through your Lordships' House, that I intended to co-operate and work constructively with all noble Lords as this important Bill progresses through the House. I am pleased—and I am sure that the sentiment is shared by all noble Lords—that we have been able to conduct debate on the Bill in this very spirit and that the noble Baronesses have been able to sign these government amendments. They improve the Bill, and I hope that the amendments which we will discuss today will further satisfy all those in your Lordships' House that the powers in the Bill are appropriate for the UK's future anti-money laundering regime.

In brief, Amendment 1 requires that future regulations made under Clause 43 can only make provision which enables or facilitates the detection or investigation of money laundering or terrorist financing. Power remains within Clause 43 to make regulations that prevent money laundering or terrorist financing and to implement the standards of the Financial Action Task Force. This clarifies the purposes for which regulations can be made and addresses concerns that have been raised by noble Lords.

Amendment 2 is a technical change which extends the definitions of money laundering and terrorist financing contained within Clause 43(4) to the proposed new clause that would be introduced in connection with the register of beneficial ownership of overseas companies that own UK property through government Amendment 3, which I will speak to later today. This amendment is necessary to ensure that the definitions already contained within Clause 43 are consistently applied throughout the sections of the Bill that relate to anti-money laundering.

Concerns have been raised over the breadth of paragraph 2 of Schedule 2. Amendment 5 addresses these concerns by limiting the ability of regulations made under Clause 43 to require only relevant government departments, anti-money laundering supervisory authorities, and persons carrying on a relevant business to identify and assess risks relating to money laundering, terrorist financing or other threats to the integrity of the international financial system. This also clarifies the scope of the power and essentially reflects the current position within Regulations 16 to 18 of the money laundering regulations 2017. This narrowing of the scope of potential duties to carry out such risk assessments is consistent with the approach currently taken by the United Kingdom's anti-money laundering framework.

3.45 pm

Amendment 6 will ensure that any regulations made under paragraph 3 of Schedule 2 to require a relevant person to adopt policies, controls and procedures must also fulfil the condition that these policies, controls and procedures are appropriate to the size and nature of the relevant person's business. This will provide further certainty for firms that our existing approach within the money laundering regulations 2017 will not undergo fundamental change after the UK ceases to be a member of the European Union.

Finally, I would like briefly to explain Amendment 7. This is a technical amendment which is needed to define "relevant business" as business of a kind which entails,

"risks relating to money laundering, terrorist financing or other threats to the integrity of the international financial system".

This amendment ensures that the Bill's clauses remain legally consistent throughout.

These amendments follow the careful discussion and, as I referred to at the start, collaborative engagement that has taken place since Committee. They are a testament to the proficiency and collegiate work of your Lordships' House, and I urge noble Lords to accept them. I beg to move.

Baroness Bowles of Berkhamsted (LD): My Lords, I start by thanking the Minister, the Bill team and other officials, who have all played their part in getting this suite of amendments to Clause 43, as it now is, and Schedule 2 on to the Marshalled List. We had a flurry of meetings following the Recess and, once we got down to detailed discussion with papers and checklists, good progress was made. As has been said, I have added my name to the amendments because they deliver the understandings reached in our meetings—and that is also the view of my noble friend Lady Kramer.

I thank the noble and learned Lord, Lord Judge, and the noble Lords, Lord Pannick and Lord Collins, who on Report added their names to my amendment, which paved the way for today's amendments and for the undertaking given on Report regarding tighter language in the potential modification of the definition of terrorist offences. That yet-to-be amendment depends on achieving resolution in the other place on how to deal, on the face of the Bill, with any necessary extension of criminal offences. I remain ready to assist with that on the anti-money laundering aspects.

When we started out with the Bill, there was no policy in Part 2, yet it gave sweeping powers to amend, rewrite or revoke the anti-money laundering legislation. There were no safeguards, save for the Minister saying, "Trust me—and all my successors—in all circumstances". Clause 43—Clause 41 as it then was—could have resulted in too little in future, and Schedule 2 could have allowed too much. It took a bit of a journey to elucidate that the problems lay as much with what was not in the Bill as with what was in it, and I thank your Lordships for bearing with me in my endeavours to explain and then distil the main essence of the missing parts.

The words "enabling or facilitating" in Amendment 1 to Clause 43 will further define the detection or investigation of money laundering and terrorist financing purposes for which regulation may be made. This means that the scope and effectiveness of the present rules cannot be undermined—that would hardly be "facilitating"—but it gives some leeway for change, such as updating thresholds or removing redundant measures that perhaps other vocabulary such as "maintaining" or "strengthening" would have prevented.

My concerns with Schedule 2—apart from criminal offences by regulation—were that it was not at all limiting, potentially covering anyone and everyone, with unlimited scope to the burden imposed and no provision for relevance or guidance. Now, Amendment 6 narrows the scope of who can be covered and reflects far better that it is a shared process where the assessments are made at the three levels of Home Office and Treasury, supervisors and relevant businesses. Along with the protective effect of amended Clause 43, this provides the framework we sought and that, in the context of the current regulations, I described as the cascade of responsibility. No longer can it be read that an individual or business takes on the whole burden.

Amendment 7 is now clearer in its drafting and, very importantly, businesses will be subject only to a burden that is appropriate having regard to the size and nature of the business that the person carries on—now defined as "relevant businesses"—and those businesses also have to be of a kind that entails risks relating to money laundering, terrorist financing or other threats to the integrity of the financial system, which now appears in Amendment 8 and was part of the Report stage concessions.

[Baroness Bowles of Berkhamsted]

Together with other amendments from Report, with the statement by the Minister that, despite the without prejudice wording, Schedule 2 is limiting, and with the agreed pending matters to be dealt with in the other place, I hope we can all agree that this is a much improved Bill with regard to the administrative anti-money laundering aspect of Part 2.

More generally, I hope that the Government will take note, as other Brexit power-transferring Bills come along, that they do require policy to be stated or restated alongside empowerments, especially when they give sweeping powers to redo everything by regulation. In particular, the twin spectres of permissions to do too much and permissions to do too little need laying to rest.

Lord Judge (CB): My Lords, I had not intended to speak again—your Lordships have been patient with me already—but there is a slight problem. Someone in the Minister's office must have had a Homeric nod, because Clause 43 makes the express provision that regulations under subsection (1) may not make provisions that create new criminal offences. That was consequent on the vote in the House last week. Unfortunately, criminal offences remain in Schedule 2. Regulations under Section 43, in paragraphs 18 and 19, provide for the creation of criminal offences. Something has gone wrong and I look forward to the Minister telling the House how he proposes to deal with it.

A similar point arises in connection with Clause 17. The original clause made provision for the creation of criminal offences punishable by up to 10 years' imprisonment. That proposal was defeated in this House and does not appear in Clause 17, which is the former Clause 16. However, in Clause 17(6) there is a provision that:

"Regulations may provide that a particular offence which is … created by virtue of this section".

There is no such power, so I wonder whether the Homeric nod extended to both parts of the Bill.

Baroness Northover (LD): My Lords, I thank the Minister for the amendments he has tabled. I support the noble and learned Lord, Lord Judge. One has to think that the continued inclusion we have just heard described was inadvertent and that the Minister will make sure that it is cleaned up immediately in the Commons—otherwise we will have to address the issue when the Bill returns to this House so that it is consistent throughout.

Lord Hain (Lab): My Lords, I rise briefly to thank your Lordships' House for allowing me to speak at length on three occasions to spell out the corruption and money laundering involving some British companies. I am told by those involved that, when the leadership change took place in South Africa just before Christmas, these interventions had some effect on the margin, and I am grateful for that. I thank in particular the Minister. When last Monday I spoke on Report, I think that I may have strayed outside order, narrowly—or not, as the case may be. I am grateful to him and to those involved for their tolerance. I have thanked him personally but I wanted to put it on the record.

Baroness Kramer (LD): My Lords, I will speak exceedingly briefly because so much has been said. In fact, it has all been said, but it has not been said by me—and I refer of course to the thanks. I thank in particular the Minister, who took the view from the beginning that, if we worked together, we could improve the Bill. I appreciate so much that approach to this piece of legislation. It has been reflected in his Bill team, which, I may say, is made up of people of exceptional quality. They understood the issues we raised and recognised that we were not being either party political or pernickety but, rather, that our points touched on fundamental issues. They also understood that changes could be made to the Bill that would meet the requirements not only of the Government but also of those of us who thought that the way the Bill had been drafted achieved a transfer of power from Parliament to the Executive that was not appropriate—and I suspect in this case was probably not intended. Members of the Bill team also responded with very creative language rather than casually accepting our wording. They did not take what we provided and simply print it; they went back and looked closely at the issues, and came forward with very satisfactory language.

Like others in the House, I thank the noble and learned Lord, Lord Judge, and the noble Lord, Lord Pannick, for leading the charge on removing the powers for Ministers to create criminal offences—something that is so fundamental to our underlying constitution. I hope that the Minister has taken on board that there seems to have been a slip, so that consequentials have remained in the Bill when they should have slipped out. I hope that it will not be necessary for this House to have to deal with them. When the whole issue of criminal offences is considered in the Commons, I hope that it will be dealt with in the appropriate way and in the spirit in which the Bill has moved forward.

I have one last set of particular thanks. Obviously my noble friend Lady Northover will make formal thanks to everyone later, but a key player in all of this has been my great friend and colleague, my noble friend Lady Bowles. The attention that she has paid to the detail of the Bill, and her assiduity, have unlocked everyone's thinking by demonstrating that you could use reasonable language and sensible approaches to shape the Bill into something better. It has been an exceptional example of the work that this House does in an extraordinary way. I know that my noble friend is relatively new to the House—although she is not new to politics or to Parliament—and I am grateful to her and I really appreciate the fact that the Minister has recognised the contribution that she has made.

Lord Collins of Highbury (Lab): My Lords, I will save my thanks for later, when we consider the Motion that the Bill do pass. Before then, I want to echo the comments about how this Bill has proceeded in terms of the concerns of noble Lords which, of course, have turned on how we as a Parliament can constrain the Executive when they are seeking powers. Of course, this is the first Brexit Bill that the House has considered, and we heard earlier that we have another Bill on its way here. It is my intention to speak in the debate on Second Reading of that Bill to raise again our concerns

about an Executive power grab, in particular when it concerns the important issue that the noble and learned Lord, Lord Judge, raised about powers to create criminal offences.

In one of those debates, the noble and learned Lord—of course, the noble Lord, Lord Pannick, also raised these issues—gave us a history lesson about Henry VIII. What struck me was when he said that not even Henry VIII had the nerve to take these powers. Not only have this Government had the nerve, but even when the House spoke overwhelmingly on this subject, we still have errors creeping into the Bill as it has been presented to us today. I hope that this is an error and that, when the Bill goes to the other place, we will not see an attempt to grab power back and that we will get this sorted out in accordance with the wishes of this House.

On the anti-money laundering provisions, as I said, this House, across the board, has done an excellent job of scrutiny, and I think the Minister has done an excellent job of listening to our concerns.

4 pm

Lord Ahmad of Wimbledon: My Lords, I once again thank noble Lords for their support on these amendments. I have listened very carefully, as I always have, to the noble and learned Lord, Lord Judge, on the issue of criminal offences. I think he referred to Clause 17 and Schedule 2. I assure him that we will return to this in the other place to ensure the consistency of the drafting. I will certainly take this up, but I can give him that reassurance.

Apart from that, I wish again to extend my thanks to all noble Lords who have engaged constructively. To pick up on the point made by the noble Baroness, Lady Kramer, I understand that the noble Baroness, Lady Bowles, was out in New Zealand. It is a good example for all of us that, if you have a 23-hour or 24-hour flight, drafting amendments is one way of utilising that time. I beg to move.

Amendment 1 agreed.

Amendment 2

Moved by ***Lord Ahmad of Wimbledon***

2: Clause 43, page 33, leave out line 24 and insert "In this Part—"

Amendment 2 agreed.

Amendment 3

Moved by ***Lord Ahmad of Wimbledon***

3: After Clause 43, insert the following new Clause—

"Reports on progress towards register of beneficial owners of overseas entities

(1) The Secretary of State must, after the end of each reporting period, publish a report explaining the progress that has been made during that period towards putting in place a register of beneficial owners of overseas entities.

(2) For the purposes of this section, the following are reporting periods—

(a) the period of 12 months beginning with the day on which this section comes into force;

(b) the period of 12 months beginning with the day after the end of the period mentioned in paragraph (a);

(c) the period of 12 months beginning with the day after the end of the period mentioned in paragraph (b).

(3) The first and second reports under this section must include—

(a) a statement setting out the steps that are to be taken in the next reporting period towards putting the register in place, and

(b) an assessment of when the register will be put in place.

(4) The third report under this section must include a statement setting out what further steps, if any, are to be taken towards putting the register in place.

(5) Where a report is published under this section the Secretary of State must lay a copy of it before Parliament.

(6) For the purposes of this section "a register of beneficial owners of overseas entities" means a public register—

(a) which contains information about overseas entities and persons with significant control over them, and

(b) which in the opinion of the Secretary of State will assist in the prevention of money laundering."

Lord Ahmad of Wimbledon: My Lords, this amendment seeks to set down in legislation the commitment I made on Report that the Government would make regular reports to Parliament on the progress being made on its proposal to create a register of beneficial owners of overseas entities that own or buy property in the UK or participate in UK government procurement. The new clause requires the Secretary of State to publish and lay before Parliament three reports on the progress made to put in place the register. Each report will be due after the expiry of a 12-month reporting period. The first and second report must set out the steps that will be taken in the next reporting period towards putting the register in place and an assessment as to when the register will be put in place. The third and final report must also include a statement setting out what further steps, if any, are to be taken towards putting the register in place.

Noble Lords will have noted that my noble friend Lord Henley, the Business Minister, this morning laid a Written Ministerial Statement before the House confirming the Government's intention to publish a draft Bill for scrutiny this summer, as I said on Report, and to introduce a Bill in the second Session—an assurance I gave on Report—and for the register to be operational in 2021.

I also reassure my noble friends, particularly my noble friend Lord Naseby, that the amendment places a duty on the Government to report on progress against implementing a public register of beneficial ownership of overseas legal entities involved in property or procurement within the UK, and will not cover the overseas territories. It would be fair to say that the House had quite a frank debate on this subject only last week. As the House decided, it is for the legislatures of the overseas territories to implement a public register. I reassure noble Lords that we will continue to work with our overseas territories. Indeed, the review periods of 2018 and 2019 that I highlighted will also reflect our continued co-operation with the overseas territories concerning their obligations.

[Lord Ahmad of Wimbledon]

I therefore hope that this covers the assurances that noble Lords, particularly my noble friends, sought, and that my noble friend Lord Naseby will be minded not to press his amendment. I beg to move.

Amendment 4 (to Amendment 3)

Moved by ***Lord Naseby***

4: After Clause 43, in paragraph (6)(a), after "entities" insert "that own or buy property in the United Kingdom"

Lord Naseby: My Lords, when I studied the amendment that my noble friend on the Front Bench tabled, I was concerned about the expression "overseas entities", so I went to the dictionary and looked up "entities". The Bill does not use the terminology "overseas entities" anywhere, nor do any of the proposed amendments, so it is unclear what it means except in the ordinary meaning of the words; that is, they may apply to structures or arrangements that have legal personality and are not formed in the United Kingdom. My noble friend on the Front Bench made it clear that the Bill does not intend to single out the overseas territories but would apply to all entities registered in all jurisdictions around the world.

I do not believe that it is the United Kingdom Government's intention to allow the power in proposed new subsection (6)(b) to be infinitely broad. My interpretation is that it is an attempt to refer to entities for which the Government launched a consultation in April 2017. It was called the OCBO register at one point; it has also been called the register of OLEs. This extends to overseas entities that are legal owners of UK real estate or that enter into contracts with UK public authorities. As such, it seems aimed primarily at entities used by certain Middle Eastern investors to purchase London real estate.

However, as I understand it, the Government have yet to respond to that consultation with details as to precisely which activities should or should not be captured. There seems still to be degree of indecision. As a result, I hurriedly put down an amendment, which is why it is starred on the Marshalled List.

There is a concern on my part and, I imagine, that of others, that the Government may be attempting through this amendment to give themselves latitude to decide the precise definition at a later date. I hope that that is not the case, but there seems a possibility as the Bill stands at the moment. Either I will withdraw the amendment if I receive a reassurance from my noble friend or it may be left to the Commons to put down a precise amendment to cover this slight difficulty that I and others foresee. I beg to move.

Lord Faulks (Con): My Lords, I was responsible for putting down the amendment which I think provoked this amendment to the Bill. As many noble Lords may remember, the background was anxiety expressed around the House about the fact that large parts of central London and outside London were being bought up by legal entities and companies, often with money laundered proceeds of crime and corruption—it is an increasing problem. Although the Government had committed to set up a register, they were taking some time about doing it and the attempt was to bring matters forward.

I am glad that my noble friend was able to give reassurance to the House that the register would be coming forward and that a Bill would be drafted, and indeed went further by promising that there would be regular reporting about progress. That, as I understand it, is the purport of proposed new subsection (3).

I am sorry that I have banged on about this issue for some time—throughout the passage of Criminal Finances Act, through Questions and through the course of this Bill—but I remain unrepentant. I was particularly reassured about this when I attended a lecture given by the distinguished author and journalist Misha Glenny on Monday. He has spent 10 years or so studying international crime and money laundering and is the author of the book *McMafia*, which is now the basis of a successful television series. He outlined for the audience the scale of money laundering throughout the world, principally following the collapse of communism, and how it has spread to all sorts of jurisdictions, the United Kingdom being one in principle. He showed the audience a map of central London showing the extent to which prime London property is now owned by kleptocrats: let us not beat about the bush—that is the position. He said, however, that worldwide there is a feeling that we should be fighting back against this appalling scourge of money laundering. He identified the most effective way this country could do this as being to set up a register to make sure that nobody could hide behind the cloak of anonymity and thus be able to launder the proceeds of crime through central London property. This is why this remains an important procedure.

I am very glad that the Government are committed to doing what they said they will do. I will be keeping the Government up to the mark, as I am sure other noble Lords will. My noble friend Lord Hodgson has one query about the amendment. Subject, of course, to the clarification that my noble friend Lord Naseby seeks, I join others in thanking the Minister and his Bill team for their co-operation on this issue and on all issues. My real sense in dealing with the Bill is that it is not a party political exercise at all; there is a real cross-party endeavour to make sure that this is as effective as possible.

Lord Hodgson of Astley Abbotts (Con): My Lords, I have put my name to various amendments on this issue, going back to the Criminal Finances Act last April, and I add my thanks to my noble friend for having listened so intently and for having tabled Amendment 3, which we are debating this afternoon. As I prepared for this discussion in Committee, I raised a couple of points with his office. As ever, he and his office were punctilious in responding, but some clarification might be helpful for those of us who are not as accustomed and learned in the law as others are.

The first issue concerns commencement. Originally, reading this through, it appeared to fall under a clause where the commencement was set by the Secretary of State and that was the trigger for the 12-month clock. I was concerned that we might have a delay in the Secretary of State triggering this clause: it was not in

Clause 54. The commencement of each clause is set down, but the commencement might be delayed. The Minister's office pointed out that Amendment 5 triggers the clock on Royal Assent. It would be helpful if he could make that clear. It would also be helpful if he could say when he expects Royal Assent to take place, although I quite understand that he cannot give a commitment. If Royal Assent is delayed, let us say through the summer, it might be nearly two years before we get the first report: if commencement were to start in August or September, it would be September 2019 before we get news of any progress whatever. So it would be helpful to the House if my noble friend, either now or by writing to those of us who have been involved in the proceedings on this Bill, will say how and when he expects the clock to start ticking.

My second point concerns an omission in the words of Amendment 3, which we are debating. When my noble friend Lord Faulks and I tabled Amendment 75 —and earlier amendments—it did not cover just a register of companies and other legal entities registered outside the UK that own or buy UK property but also covered those which,

"bid for UK government contracts".

Those words do not appear in the amendment before us today. My noble friend's officials have drawn my attention to, and indeed he has mentioned, the Written Ministerial Statement, tabled today, that commits the Government to dealing with a public register of beneficial owners of non-UK entities that own or buy UK property or which participate in UK government procurement. So, that is covered in the statement, but it is disappointing that we do not have it in the Bill, which is where we started and what we hoped for when we set out on this long and rather stony road.

4.15 pm

Of course, it is true that this aspect has been rather overlooked in our debates. The glamour, if that is the right word, of people buying £19 million Mayfair properties when they are paid £250,000 a year has rather caught our eye. I plead guilty to that myself. However, it is very important that we tackle this because it is an area where anecdotal evidence is everywhere but hard facts are much harder to come by. A lot of people would suggest that organised crime will try to establish an inoffensive base—an everyday activity that will not arouse suspicion—and once that has been established, the tentacles can spread out. Often mentioned at local government level are such things as waste disposal, landfill, rubbish collection and taxi services. That is because local government have only two criteria for awarding contracts: price and technical competence—that is to say, "Are you the cheapest price and can you do the task for which you have tendered?" There is absolutely no requirement to take police intelligence into account in awarding a contract. I am told—inevitably by high-level anecdotal evidence—that some Italian gangs have been moving north in Europe, into Germany, in a very well-planned, organised and controlled way, and we have no idea yet whether they have reached the United Kingdom.

People say, "Have you come across this? Have you come across that?" There is a concern that there is a great deal more criminal activity in government contracting than is realised, and some people suggest that there is a reluctance to dive deep into this area because people may not like what they find out. It would be most helpful if my noble friend can say a bit more about the way in which overseas firms that participate in government contracts will be integrated into what is basically a property register. It would be helpful to hear about monitoring methods, sanctions, enforcement and, above all, the phrase in the Government's Written Ministerial Statement that refers to beneficial owners of non-UK entities that own or buy UK property,

"or which participate in UK Government procurement".

Does that include local government procurement, because obviously that is where some of the most difficult and problematic things—and the easiest points of entry for people with malice aforethought—are?

We still have some work to do in this area. Nevertheless, in concluding my remarks I thank my noble friend very much for what he has done so far. The steps he has taken are in the right direction, but we still have some work to do on looking at government procurement and whether this issue covers local government procurement, as I am not sure we have got it all quite right yet.

Baroness Kramer: My Lords, I want to make a short intervention on this issue. Your Lordships will remember that the amendment, moved with great energy and skill by the noble Baroness, Lady Stern, to extend public registers to overseas territories—by order, if necessary—was defeated in this House by a narrow margin. It was notable in the speeches of those who stood up to support the government position that we should focus on central registers and that public registers would not be part of that agenda. Speaker after speaker—the majority—spoke against public registers of every kind. I noticed a lot of nodding on some Benches because the arguments were around the importance of privacy, non-intrusion and the protection of identity. Anyone listening to that debate would have assumed that this House was taking a stand against public registers. It is crucial that we see urgent action by the Government on this public register, which the noble Lords, Lord Faulks and Lord Hodgson, have so eloquently described as necessary to expose and, presumably, drive out the abuse of property and government contracts in the UK by those who see them as excellent mechanisms for laundering money obtained through corruption or other nefarious activity.

I hope the Government will understand that they need to defend public registers—I was somewhat stunned that the Minister did not do so in his response—and demonstrate to all of us that this is the mechanism that can deal with this problem. I hope that other locations will understand that and will take up the baton, but one of the best ways to make sure that happens is to demonstrate the change it can deliver for us in the UK.

Lord Collins of Highbury: I will be very brief. I congratulate the noble Lord, Lord Faulks, on pushing this issue. I do not think he owes anyone an apology for doing so because it is vital that we tackle this. This amendment is about the commitment that was made

[Lord Collins of Highbury]
but has been delayed for a long time. My concern, and that of the noble Lord, Lord Hodgson, is that the wording of the amendment potentially takes us to 2022 before we see something. I think all noble Lords will be behind the noble Lord, Lord Faulks, in putting pressure on the Government to ensure that they properly meet their commitment.

Still on public registers, I agree with the noble Baroness, Lady Kramer. I am glad to see that the noble Baroness, Lady Stern, is in her place. She made a powerful case for public registers in overseas territories. The front page of today's *Guardian* has an article about Appleby and FBME Bank, which was banned from the US financial system. Appleby is a Cayman Islands-registered holding company. Anyone who reads that article will know that this issue will not go away and we will have to come back to it.

Lord Ahmad of Wimbledon: My Lords, I am grateful to noble Lords. I reiterate my thanks to my noble friends Lord Faulks and Lord Hodgson for pressing the Government and holding us to account in this respect and ensuring that we move forward. I am also grateful to my noble friend Lord Naseby, who sought clarification. I have looked carefully at his amendment and I think what the Government have tabled and his amendment have the same intent. However, in the interests of ensuring thoroughness and completeness, I have asked officials to look again to make sure that the intent behind his amendment is achieved.

The Government have committed to the new Bill establishing the register. It will be primary legislation and will pass through your Lordships' House, so I am sure there will be further discussions and plenty of opportunity to ensure that all issues, particularly those raised by my noble friend, are addressed. I assure him that we feel the intent behind his amendment has been achieved. I will, however, look at this again, and if there is a need to do anything further, we will seek to do that in the other place.

My noble friend Lord Hodgson asked me when Royal Assent might be granted. It is not within my gift as the Minister at the Dispatch Box to confirm that, but we are expecting Royal Assent at the end of this Session. On accountability, I reassure my noble friend that through the additional ministerial Statement laid today, I have sought to provide as much detail as I can at this juncture in the parliamentary timetable. However, as I said to him in our bilateral meetings—I believe this was communicated to him subsequently in other meetings we had—we have worked back, and as the Written Ministerial Statement again confirms, we are looking to have the register operational by 2021. I am sure there will be other opportunities. As for the Government laying a report, I confirm that the 12-month clock—the countdown—will commence as soon as Her Majesty has signed off on the Bill. However, it would be beyond the scope of my responsibilities to give an absolute, cast-iron guarantee as to when Royal Assent will be. I am sure my noble friend appreciates and respects that we have to follow due process. However, the Government are committed to the register being operational in 2021. From the points made by other noble Lords, I appreciate that wherever one is sitting in your Lordships' House, there is no disagreement on the need to move forward on this and to do so as rapidly as we can.

My noble friend raised another issue, about procurement. Again, to reassure him on that, I draw his attention to the Written Ministerial Statement laid today by my noble friend Lord Henley, which says:

"I am today confirming to Parliament the Government's timetable for implementation of its policy to achieve greater transparency around foreign entities that own or buy property in the UK or participate in UK Government procurement".

As the Bill is drafted and pre-legislative scrutiny takes place on it—if that is the process which is agreed—that will allow further discussion to address the very points my noble friend raises in that primary piece of legislation.

The point about local government is well made. As someone who served 10 years in local government, I am acutely aware of how procurement works. It will reflect the very policies adopted by the UK Government. With those reassurances, I hope my noble friend will be minded to withdraw his amendment.

Lord Naseby: My Lords, having listened to my noble friend, I am most grateful to him for the patience he has shown and the care he has taken over the Bill and this amendment. In light of the commitment he has made—as he says, if necessary, some amendment could be made in another place—it is my pleasure to withdraw the amendment.

Amendment 4 (to Amendment 3) withdrawn.

Amendment 3 agreed.

Clause 54: Commencement

Amendment 5

Moved by ***Lord Ahmad of Wimbledon***

5: Clause 54, page 41, line 19, at end insert—

"( ) section (Reports on progress towards register of beneficial owners of overseas entities);"

Amendment 5 agreed.

Schedule 2: Money laundering and terrorist financing etc

Amendments 6 to 8

Moved by ***Lord Ahmad of Wimbledon***

6: Schedule 2, page 50, line 6, leave out sub-paragraph (1) and insert—

"(1) Require—

(a) the Secretary of State or the Treasury, or both of them acting jointly,

(b) supervisory authorities (within the meaning given by paragraph 23), and

(c) such persons carrying on relevant business (within the meaning given by that paragraph) as are prescribed for the purposes of this paragraph,

to identify and assess risks relating to money laundering, terrorist financing or other threats to the integrity of the international financial system."

7: Schedule 2, page 50, line 11, leave out paragraph 3 and insert—

"3_ Require any person carrying on relevant business who is of a description prescribed for the purposes of this paragraph ("a relevant person") to have policies, controls and procedures which—

(a) are policies, controls and procedures for mitigating and managing risks relating to money laundering, terrorist financing or other threats to the integrity of the international financial system,

(b) are of prescribed kinds, and

(c) are appropriate having regard to the size and nature of the business that the person carries on."

8: Schedule 2, page 53, line 41, at end insert—

""relevant business" means business of a kind which entails risks relating to money laundering, terrorist financing or other threats to the integrity of the financial system;"

Amendments 6 to 8 agreed.

A privilege amendment was made.

4.29 pm

Motion

Moved by ***Lord Ahmad of Wimbledon***

That the Bill do now pass.

Lord Ahmad of Wimbledon: My Lords, I stand before your Lordships' House to reiterate my thanks to all noble Lords who have put a lot of time and energy into making sure that we reached the position that we have today. I would like to take this opportunity to say a few words about the progress achieved in recent months. As many noble Lords acknowledged at Second Reading, this has been the first Bill related to the UK leaving the EU to pass through this House. It has rightly, and I fully respect this, been subject to close scrutiny.

I hope noble Lords recognise the need for legislation. Indeed, I acknowledge that the noble and learned Lord, Lord Judge, notwithstanding our differences and the bridges that have been built in reaching agreement, has consistently recognised the necessity for such a Bill because it allows us to ensure that we can update and lift sanctions, as well as address—here I am grateful to the noble Baroness, Lady Bowles—the issue of an anti-money laundering framework after we leave the EU. I said at Second Reading, and indeed at all stages as progress was made on the Bill, that getting this right will enable the UK to continue to work closely with international partners—yes, our European partners as well—to ensure that we uphold our legal obligations and promote and protect our shared interests and values.

To offer the House some perspective, so far we have dealt with a total of 214 amendments. I am told that we have spent 24 hours and 24 minutes on the Bill in your Lordships' House—someone has clearly been timing us down to the minute. Noble Lords have listened carefully to the arguments put forward on all sides, and I hope that is reflective of the Government's attitude. In my opinion, that demonstrates your Lordships' House at its best. I am confident that the interventions by noble Lords have led to an improved piece of legislation. I am also satisfied that we have been able to agree a range of government amendments, and I am delighted that in several cases these have been supported by noble Lords from across the House, reflecting what I believe is a convergence of views on a number of issues, such as the policy framework for anti-money laundering measures that we have debated today.

I and my officials have engaged closely with noble Lords, both ahead of the Bill and during its passage. In this regard, I put on record my particular thanks to the Opposition Benches, particularly the noble Lord, Lord Collins. We have joked with our respective partners that we have probably seen more of each other than we have of our other halves. Perhaps, with the moving of the Bill, we will be able to provide them with some adequate time. That said, I very much welcome the constructive nature with which the noble Lord has engaged in this, well supported in this regard by the noble Lord, Lord Lennie, with the constructive proposals that he has put forward, and which are now reflected in the Bill, to make absolutely sure that these powers are exercised by future Governments in a spirit of transparency and accountability.

Equally, I am pleased to acknowledge the support, constructive dialogue and exchanges that I have had with the noble Baroness, Lady Northover, for which I am grateful. As I said earlier, I am also grateful to her colleagues, the noble Baronesses, Lady Bowles and Lady Kramer, who have engaged constructively both directly with myself and with real impact, as the noble Baroness acknowledged, on the anti-money laundering part of the Bill.

On my own side—this shows that we are tested from all sides of your Lordships' House—as I look over my shoulder, I see three noble Lords who have engaged on this, particularly my noble friend Lord Faulks, who has really pushed on the important issue of beneficial ownership, which we have just discussed. I use the term quite directly: he has ensured that the Government's feet have been held to the fire on that issue. I also thank my noble friend Lady Goldie, who has supported me from the Government Front Bench throughout the passage of the Bill. I am also grateful to other Whips who have supported in this regard.

It would be remiss of me not to thank the noble and learned Lord, Lord Judge, and the noble Lord, Lord Pannick, who, I am told, tabled a total of 50 amendments between them, with a particular focus on strengthening procedural safeguards. I acknowledge and recognise their great expertise and thank them for their collaborative and collegiate approach, which has done so much to improve the Bill.

I would like to thank my Bill team. We have heard from various noble Lords that my team has devoted a huge amount of time and energy to making this work. I thank in particular Louise Williams, the Bill manager, who has also been planning her wedding while working on the Bill; Adam Morley; Jennifer Budniak; and the Bill lawyers, particularly Luke Barfoot and Michael Atkins. There has been a team of more than 50 officials from across government who have supported them, and it has been a truly cross-Whitehall effort. This Bill

[Lord Ahmad of Wimbledon]
has played a large part in my life over the past three months but it is only part of my portfolio. The Bill team has been working on it only since last April, but they will continue in their role as a team to shepherd the Bill through the other place. As I move on to other challenges I believe that, with our team, the Bill remains in good hands.

Baroness Northover (LD): My Lords, when the Minister introduced the Bill at Second Reading, he described it as "technical". It was, of course, about issues on which we all agree: enabling us to have a sanctions regime and to counter money laundering. No sooner were those words out of his mouth than he and all of us registered how important the Bill was in constitutional terms. It is indeed a forerunner of the massive legislation coming our way in the European Union (Withdrawal) Bill, and much else besides.

I therefore thank the Minister for his mental and political flexibility in realising the significance of the way in which this Bill has been drawn up, but above all for being so ready to engage. I thank him today for his latest statement that he will address the inconsistencies on criminal offences immediately in the Commons. My thanks, too, to the Bill team for its equal readiness to engage with us, even responding to emails on Sundays—I think that was Jonny and Louise—when it was clearly beyond the call of duty.

Issues in the Bill included the usual kind of areas where we sought improvements. We failed to take forward the amendment tabled by the noble Baroness, Lady Stern, but I am sure we will return to that. In other areas we have made progress, either in the Bill or through promises that the Minister made in regard to actions that the Government will take; for example, in relation to NGOs working in fragile states and those who may or may not bank them.

However, of most importance were the constitutional issues. Here we are absolutely indebted to the noble and learned Lord, Lord Judge, and the noble Lord, Lord Pannick, for the clarity of their thinking and their determined engagement. I also think that we owe a huge debt to my noble friends Lady Bowles and Lady Kramer—I thank the Minister for that acknowledgement—for spotting quite how much needed to be addressed on the anti-money laundering side of Bill, and setting about reconstructing it. The best result is indeed when the Government bring forward amendments in response to such concerns.

I am extremely grateful to those in my group who have engaged on this Bill. I can hardly describe myself as leading them—they are far too experienced and knowledgeable to need leading. My special thanks go to my noble friends Lord McNally and Lady Sheehan as well as to my noble friends Lady Kramer and Lady Bowles for the extraordinary amount of work they put in. I also thank the noble Lord, Lord Collins, who has been his usual wonderful self throughout this Bill, and his colleagues, the noble and learned Lord, Lord Davidson, and the noble Lord, Lord Lennie. The Bill signals much beyond what it aims to cover, and we have worked collectively around the House, including with the Government. I thank the Minister for ensuring that that work was in the end so productive. He is now temporarily liberated from the Bill—the Bill team, of course, is not—until it returns to us in due course, hopefully in a very sound fashion.

Lord Pannick (CB): My Lords, I add my thanks to the Minister and the Bill team for what the Minister accurately described as the collaborative co-engagement on the Bill. It has been quite remarkable and exceptional, and I am very grateful to him. My only regret is that, personally, I prefer a good argument—it may be my professional training—but I realise we are not here for my personal gratification. I very much look forward—perhaps the Minister may communicate this to his colleagues on the Front Bench—to the same collaborative engagement, co-operation and desire to accommodate concerns when we consider any other Bill that may come before this House in the weeks ahead.

Lord Patten (Con): My Lords, your Lordships may need reminding that, before this excellent Bill was introduced, between April and June last year, some 30,000 people and companies were asked for their views. Just 34 responded with any views in writing. Since its introduction, however, the Bill has received the line-by-line scrutiny expected of your Lordships' House in Committee. Even I had a go, once or twice.

No one could fairly say that it has not been scrutinised thoroughly before it journeys to another place. There certainly have been some tussles but, below the surface, it has received broad all-party support. This is welcome from the Opposition Benches and Cross Benches, of course—just as some of us, a few years back, in opposition, spoke in equally strong support of the eventual Bribery Act 2010, when ably introduced to Parliament by the then Justice Secretary Jack Straw, whose contribution certainly should not be forgotten. I believe the Bribery Act is still the toughest anti-corruption legislation anywhere in the world, raising the bar far above the earlier US Foreign Corrupt Practices Act. Similarly, if passed by another place and then passed by us again, the Sanctions and Anti-Money Laundering Bill will become its absolute twin, as it were, giving us again another globally tough measure to match the Bribery Act, and marching in step with it.

We must remember that bribery, sanctions breaking and money laundering are very often in practice very closely intertwined. One key test of the legislation before your Lordships' House is its ability to go beyond the big or top players, right down through the supply chains of corruption via intermediaries, and then down through them to minor actors and mere runners—indeed, that cascade of responsibility referred to so aptly by the noble Baroness, Lady Bowles of Berkhamsted. How right she was. The Bill as amended by your Lordships does just that, as globally we work against terrorism and in favour of maintaining and strengthening the integrity of our financial system, as we have since 1989, when the UK as a key player was one of the G7, which first set up the Financial Action Task Force.

Lord Collins of Highbury: My Lords, I add my thanks to everyone involved in the Bill. I start by thanking my own team, my noble friend Lord Lennie and my noble and learned friend Lord Davidson.

These people do not often get thanked publicly, but I thank also the team in the Labour opposition office, including Catherine Johnson, who did a particularly good job in helping me to be well prepared for my numerous meetings with the Minister.

I also thank the Lib Dem Benches, particularly the noble Baronesses, Lady Northover, Lady Kramer and Lady Bowles. We, again, had numerous meetings. One thing that the Minister omitted to mention—he mentioned all the time that we spent in Committee, in the Chamber, scrutinising the Bill—was that we spent substantial time in meetings outside the Chamber. In fact, the Minister got quite anxious at one point when I turned up to meetings with the noble Lord, Lord Faulks. I am sure he felt that I was in the wrong meeting at the time. We had very good cross-party and cross-Bench support, and I add my thanks to the noble Lord, Lord Pannick, and the noble and learned Lord, Lord Judge. We now have a better Bill. It is not necessarily a good Bill in all respects, but it is a much better one than what was originally delivered.

I also pay tribute and thanks to the Bill team, particularly Louise Williams, Adam Morley and Jennifer Budniak, and of course the lawyers. I think I had the most pleasure dealing with the lawyers, and I hope Luke Barfoot and Michael Atkins enjoyed those exchanges as well. They did a terrific job; they are great public servants and, again, they deserve our thanks and gratitude. Obviously, as the noble Baroness, Lady Northover, said, their work will continue.

One thing that surprised me was that at one of the lengthy meetings I had with the Minister, the BBC fly-on-the-wall cameras were there. I hope to God it is better than the programme it did on the House of Lords. I certainly hope I come across much better than some noble Lords did, but let us wait and see—I do not know when it will come out.

My final thanks, of course, go to the Minister. He said at the beginning of this Bill, "I am in listening mode" and I know we joked about that, but honestly, he has listened and his responses prove how much he listened. I am very grateful to him for dealing with us so well on this Bill.

Lord Ahmad of Wimbledon: My Lords, I want again to thank all noble Lords.

Bill passed and sent to the Commons.

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

Committee

4.46 pm

Clause 1: Duty to grant old-style secure tenancies: victims of domestic abuse

Amendment 1

Moved by ***Baroness Lister of Burtersett***

1: Clause 1, page 1, line 7, at end insert "the same or"

Baroness Lister of Burtersett (Lab): My Lords, I rise to move Amendment 1 and speak to Amendment 3, in my name and those of a number of other noble Lords.

The purpose of the two amendments combined is to ensure that the welcome protection this Bill provides to survivors of domestic abuse who give up a secure tenancy covers those who remain in their home and who are granted a new sole tenancy in place of an existing joint tenancy. I am not a lawyer or a housing expert, but I am fortunate in that my good friend Andrew Arden QC is both, and I am grateful to him and his colleague Justin Bates for their help with this amendment.

The amendment addresses a lacuna in the Bill identified by a number of noble Lords at Second Reading. The Minister responded positively with the undertaking to meet to see whether we could find a way forward. True to his word, we met the next day. However, unlike the Minister, the wheels of government move rather slowly and so, while I am confident that we will find a way forward, in the meantime it falls to me to suggest what that way forward might look like.

Before I restate the case, I will say a word again about terminology. First, as some of us noted at Second Reading, while it is true that men as well as women can suffer domestic abuse, women are the main victims, especially of the most serious and sustained forms of abuse; it is thus women who are most likely to have to give up a tenancy because of it. Women's Aid reminds us of the importance of retaining a gendered understanding of domestic abuse in its various forms. I would like to thank Women's Aid for all its support on the Bill and pay tribute to its work on behalf of victims of domestic abuse.

Secondly, as the noble Baroness, Lady Hamwee, rightly observed at Second Reading, the language of victims gives a false impression of,

"passivity in the face of ill treatment".—[*Official Report*, 9/1/18; col.139.]

Yes, we are talking about victims of domestic abuse, but these victims are also survivors with agency.

We tend to talk about women fleeing domestic abuse because that is the most common scenario, as a woman escapes a harmful and dangerous situation and tries to find a place of safety, often in a refuge and often in another local authority area—the subject of the next amendments. But there are cases where the perpetrator is removed by the local authority or the police. Indeed, I heard of just such a case last week where the police had removed the perpetrator. Interestingly, it would appear to be government policy to encourage this where it is safe for the woman to remain in the home and she does not want to leave it. This is partly to avoid the upheaval involved in moving home, and—even under the old legislation—a desire not to lose the security of an existing secure tenancy.

Women's Aid quotes a key worker from Solace Women's Aid who told researchers that many of the women with whom she worked were reluctant to leave a secure tenancy and that some would take massive risks rather than give it up. Where children are involved, we should not underestimate the impact of frequent moves on them, their schooling, their friendships and

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their general sense of security and belonging. The policy to encourage removal of the perpetrator, where safe to do so, is also motivated by a desire to prevent him from benefiting from the abuse by driving his partner from the home, as spelled out in the recent consultation document, *Improving Access to Social Housing for Victims of Domestic Abuse*. This concern was raised by my noble friend Lord Campbell-Savours at Second Reading, when he talked about possible "unintended consequences" where a perpetrator might remain in the home. I suspect it is a situation that might become more common, even if we are talking at present about a very small minority—and even if it is a small minority, minorities matter.

Where it is the perpetrator who leaves the home and there is a joint tenancy, I am advised that it is usual practice for a new sole tenancy to be granted in the name of the survivor. As I pointed out at Second Reading, this make sense, because otherwise the perpetrator could give notice to quit and terminate the joint tenancy at some future date, thereby depriving his victim of both her rights and any real sense of security. And what if she dies? This would enable the perpetrator to move back in and continue as an old-style secure tenant, which would make a mockery of this law.

It was clear at Second Reading that this would be a totally uncontroversial amendment, which would have the support of all parts of your Lordships' House. I hope, therefore, that the Minister—who has throughout been most supportive on the issue—will be able to give the House an assurance that he will be able to bring forward his own amendment on Report. I beg to move.

Lord Shipley (LD): My Lords, I remind the House that I am a vice-president of the Local Government Association. I reiterate our strong support for the Bill from these Benches, in the expectation that the Government will be willing either to accept these amendments or to bring forward their own on Report. The noble Baroness, Lady Lister of Burtersett, referred to these amendments representing a solution to a lacuna in the Bill. I think that she is entirely right and I support all the points that she has made. Put simply, this has raised the very important issue of what a secure tenancy is. Now we will be in a position—assuming the Government do come back on Report with their own amendment—to ensure the right of victims to stay in their existing home, in the case of a joint tenancy, in addition to being able to move home, which is provided for in the Bill. So I declare our support for both Amendments 1 and 3.

Lord Kennedy of Southwark (Lab Co-op): My Lords, as this is my first contribution in Committee, I draw the House's attention to my registered interests, namely as a councillor in the London Borough of Lewisham and as a vice-president of the Local Government Association. My noble friend Lady Lister moved Amendment 1 in great detail. I fully support that amendment and the intention behind it—as I do Amendment 3.

This issue was, as we heard, raised by my noble friend at Second Reading and deals with the situation where a victim of domestic violence has a joint tenancy with the perpetrator but wants to remain in the property and wants some security and to avoid upheaval. They need to be granted a new secure sole tenancy, rather than the joint tenancy that they have at that time. My noble friend highlighted the risk of the perpetrator remaining on the tenancy and the problem of them being able to effectively cancel that tenancy. I hope that the Minister agrees that this is an issue and will say that he will come back with an amendment on Report. I certainly fully support these amendments and the intention behind them.

Baroness Manzoor (Con): My Lords, I rise briefly from these Benches to say that I fully support what the noble Baroness, Lady Lister, said. I think that it clarifies the situation for victims and survivors; it is very important that people have a right to stay in the home that they love and where their children are being brought up.

The Parliamentary Under-Secretary of State, Ministry of Housing, Communities and Local Government and Wales Office (Lord Bourne of Aberystwyth) (Con): My Lords, I thank the noble Baroness, Lady Lister, very much indeed for bringing forward this amendment and for her positive engagement on this issue. I also thank the noble Lords, Lord Shipley and Lord Kennedy, and my noble friend Lady Manzoor who spoke in support of the amendment. I absolutely understand and support the intention of Amendments 1 and 3 to extend the Bill to offer protection not just to tenants seeking to escape domestic abuse but to those who remain in their existing home after the perpetrator has left. That issue was discussed at Second Reading. I absolutely support that intention.

Amendment 1 seeks to extend the Bill so that it applies where a local authority grants a further tenancy to a lifetime tenant in the same home. I listened carefully to the debate at Second Reading and I have found this further discussion in Committee very useful. Granting a further "sole" lifetime tenancy to survivors of domestic abuse who remain in their current home would go further than the original purpose of the Bill, which was to ensure that lifetime tenants were protected where they had to leave their home. However, I recognise that there is a strong, indeed overwhelming, case for ensuring that lifetime tenants who have suffered domestic abuse—I absolutely accept that usually these victims are women—and remain in their home are given the same level of protection as those who have been forced to leave. That is logical and sensible. It would safeguard against the perpetrator bringing the joint tenancy to an end—either tenant may terminate a joint tenancy by serving a notice to quit—or returning to the property. The noble Baroness, Lady Lister, made a very forceful point in that regard. It would also be in line with the Government's wider policy of ensuring that victims of abuse and their families are provided with the stability and security that they need and deserve.

As I said at Second Reading, protecting victims of domestic abuse is a priority for the Prime Minister and the Government. However, while I am sympathetic to the intention behind these amendments, I do not think that they would work in practice as they presume that a local authority would be able to grant a secure tenancy where the tenant has an assured housing

association tenancy—that is, in a property which the local authority does not own. This is because a "qualifying tenancy" in the Bill includes both secure local authority and assured housing association tenancies. This point is relatively technical but nevertheless important in terms of the amendment.

In addition, the link to removing the risk of further abuse is maintained. This may not be the most appropriate test where the victim remains in the home and the perpetrator has moved out. However, I am able to give an absolute undertaking that we will bring forward an amendment—or amendments, if necessary—on Report that will meet the intention behind these amendments and ensure that, where local authorities offer a new tenancy to a lifetime tenant in their own home, this must be a further lifetime tenancy where the tenant is a victim of domestic abuse.

I am very happy to work with the noble Baroness and other noble Lords to achieve what we clearly all want in this regard. I hope that the commitment I am giving to extend the Bill to include tenants who remain in their homes will give noble Lords and the noble Baroness the reassurance they seek. As I say, I will be very happy to work with noble Lords in this regard. On that basis, I hope that the noble Baroness will withdraw her amendment.

Baroness Lister of Burtersett: I am very grateful to all noble Lords who have spoken in support of the amendment. In particular, I am extremely grateful to the Minister. I am very happy with his reassurance. As I said, I am neither a housing expert nor a lawyer, so I will certainly not argue about technicalities. The Minister has given a very firm commitment, which is exactly what I was hoping for. Therefore, I beg leave to withdraw the amendment.

Amendment 1 withdrawn.

Amendment 2

Moved by ***Lord Kennedy of Southwark***

2: Clause 1, page 1, line 9, after "tenant)" insert "and regardless of whether the qualifying tenancy is in the jurisdiction of another local authority"

Lord Kennedy of Southwark: My Lords, Amendment 2 standing in my name and that of the noble Lord, Lord Shipley, comes back to an issue raised at Second Reading by myself and other noble Lords.

This is only a probing amendment. I was very grateful for the helpful letter that the noble Lord, Lord Bourne of Aberystwyth, issued last week. To be clear: the issue here is that victims of domestic violence should be protected and not have impediments put in the way of their feeling safe and secure. That may include wanting to move elsewhere in England or to other parts of the United Kingdom. When the noble Lord responds, it would be useful if he could set out how this provision will work in practice. Different practice applies in different authorities. While they all have the best intentions in this regard, things sometimes go wrong—and that is just in England. Therefore, I would be grateful if the noble Lord would set out how he believes this provision will work and what the Government will do to ensure that there are no unintended impediments or problems for people in a very difficult situation who may seek to move elsewhere in the country. I beg to move.

5 pm

Lord Shipley: My Lords, I support this amendment and I agree with the noble Lord, Lord Kennedy, that it is a probing amendment. I will ask the Minister a specific question about the obligations of housing associations. In a message on 19 January the Minister said:

"In a housing association property the tenancy standard protects social tenants who had a lifetime tenancy granted before April 2012 by requiring that they must be given a further lifetime tenancy if they move to another social rented home".

The meaning of that is clear. However, what is the position for those granted a housing association tenancy after April 2012 who may be victims of domestic abuse? If they move to a local authority home, again, the situation is clear. But what advice will the Government give to housing associations which will not have the same obligation to give a lifetime tenancy if a tenant moves to another housing association property?

Lord Porter of Spalding (Con): My Lords, I declare my interest as chairman of the Local Government Association and as the leader of South Holland District Council. I put on record my personal support and the wider sector's support for the Bill. I am not aware of any council in the country that would want to resist any of the good proposals in the Bill. However, as the Minister said earlier on the previous set of amendments, and as the noble Lord opposite just raised, there is an anomaly between types of landlord. While the Government may not be able to compel registered social landlords to offer like-for-like tenancies, given that most registered social landlords use taxpayers' money to build those homes in the first place, perhaps the Minister could find a form of words that would give some form of encouragement to anybody who is expecting to get taxpayer-funded properties of the expectation that they would voluntarily put their properties into a scheme that allowed secure tenancies for victims of domestic abuse if they should happen to flee to an area where the council is not the primary landlord.

Baroness Lister of Burtersett: I support this amendment. Towards the end of Second Reading I questioned the Minister about this issue during his summing up. He responded:

"The intention is for the legislation to cover that".—[*Official Report*, 9/1/18; col. 161.]

Later on he said that,

"it is central to the legislation that we want to cover the Luton-to-Leicester situation",

that I had referred to. I invite the Minister to say something rather more definitive now, because "intention" and "want" seem to me, as a non-lawyer, perhaps not to give quite the reassurance that somebody in this situation might look for in the legislation. Therefore, if it is necessary to spell it out more explicitly in the legislation, perhaps the Minister could give a commitment

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to come back on that on Report, or, at the very least, if the legislation covers it now, he could make a more explicit statement at this stage.

Lord Bourne of Aberystwyth: My Lords, I thank noble Lords who have participated in the debate on Amendment 2. I will try to deal with the various points that have, understandably, been raised on this. The amendment aims to ensure that the requirement to offer a lifetime tenancy would apply where the victim of domestic abuse applies to be rehoused in another local authority district.

Before I come on to that specific issue, I will deal with the housing association point that was made. I agree with the summary of where we are at the moment that was provided by the noble Lord, Lord Shipley, and I take the point he made about the gap. My noble friend Lord Porter also addressed this issue and asked me—kindly exaggerating my powers and talking them up—to come up with a form of words on housing associations. We covered this point to some extent at Second Reading, when I said that housing associations are of course now bodies that we cannot give directions to without compromising the position of being off balance sheet and that therefore the legislation has been designed with that very much in mind. That said, of course the Government are totally sympathetic to that position. If I may, I would like to come back on Report and say something in relation to this issue, but I do not want to hold out the hope of being able to do anything other than possibly indicating what we think is a morally defensible position.

I move on to the very specific and fair point made by the noble Baroness, Lady Lister, in relation to the legislation. My background is as a lawyer and I think I can say without fear of contradiction that this drafting provides for moving from, for example, Luton to Leicester. That is very much the intention and the reality of this legislation. We recognise that in many, although not all, cases that is exactly what somebody will seek to do—they will not want to remain in their local authority area because of the nature of the domestic abuse and the possibility of the perpetrator being in that area, there being difficult memories and so on. Therefore, this proposed provision is totally unnecessary—I will not say ineffective—because that is what the legislation provides for. I want to nail that down and, on that basis, I ask the noble Lord, Lord Kennedy, to withdraw his amendment.

Lord Kennedy of Southwark: I thank the noble Lord for that explanation, which I will certainly read with interest after the debate. With that, I am very happy to withdraw the amendment.

Amendment 2 withdrawn.

Amendment 3 not moved.

Amendment 4

Moved by ***Baroness Lister of Burtersett***

4: Clause 1, page 1, line 15, at end insert—

"(2AA) The Secretary of State must by regulations issue guidance as to—

(a) the identification of persons entitled to be offered a tenancy under subsection (2A) including the evidence required of domestic abuse, and

(b) the training of local authority officials in matters relevant to the exercise of the duties of local authorities under subsection (2A).

(2AB) Before issuing the guidance the Secretary of State must consult such persons and the representatives of such persons as he or she considers appropriate.

(2AC) Regulations under this section shall be made by statutory instrument and may not be made unless a draft of the instrument has been laid before and approved by a resolution of each House of Parliament."

Baroness Lister of Burtersett: My Lords, this amendment seeks to ensure that, after consultation, the Government issue guidance to local authorities about, first, the identification of survivors of domestic abuse entitled to a new old-style secure tenancy under the Bill, including appropriate evidence requirements, and, secondly, the training of local authority officials who will be responsible for the exercise of the duties contained in the Bill.

The amendment is tabled jointly with the noble Baroness, Lady Hamwee, who I do not think is in her place today but to whom I am grateful for her help with its drafting and for her general support on the Bill. It is tabled also with the support of my noble friend Lord Kennedy of Southwark.

Our aim in tabling it was to enable a proper, focused discussion on two issues raised at Second Reading by a number of noble Lords: evidence requirements and training. These are concerns raised by Women's Aid, which, although giving the Bill a warm welcome, nevertheless has warned that, for its goal to be achieved, it is crucial that new guidance is issued to local authorities on these two matters.

Our focus is mainly on the question of evidence but I repeat the point that I made at Second Reading: that the poor treatment of some domestic abuse survivors by housing officers—sometimes, according to research, portraying victim-blaming attitudes—indicates that, despite what the Minister said in his helpful letter to Peers, there is still some way to go to ensure that all officials exercising such responsibilities are adequately trained. That is particularly the case given the welcome wide definition of "abuse" in the Bill, as concepts such as controlling behaviour and emotional, financial or psychological abuse are, I believe, still not widely understood. Such training for relevant professionals is, after all, required by Article 15 of the Istanbul convention.

Turning to the question of evidence, at Second Reading the Minister responded to concerns raised by pointing out that identifying survivors of domestic abuse is something that local authorities are doing already and that this legislation does not alter that. In his letter to Peers, he repeated the point and referred to the updated homelessness code of practice, which, he said, will provide extensive advice to help local authorities to handle cases that involve domestic abuse, including on what sort of corroborative evidence might be appropriate. However, unless I have missed something, as far as I can see, the draft homelessness code, on which the Government have recently consulted, simply says that housing authorities may,

"wish to seek information from friends and relatives of the applicant, social services and the police, as appropriate. In some cases, corroborative evidence of actual or threatened violence may not be available, for example, because there were no adult witnesses and/or the applicant was too frightened or ashamed to report incidents to family, friends or the police".

I do not consider that extensive guidance, and it comes nowhere near what Women's Aid is recommending.

Women's Aid's experience and research suggests considerable inconsistency in how local authorities exercise their current responsibilities towards survivors of domestic abuse. In a small number of cases in a study which tracked 404 women unable to access a refuge space in 2016-17, the housing authority did not consider domestic abuse to be a significant risk factor meriting a homelessness application. Women's Aid cites examples of women being told to return to the perpetrator or to come back when the situation got worse. It argues persuasively that it is crucial that there is clear national guidance as to how to apply this legislation.

A key area is what constitutes appropriate evidence. In particular, Women's Aid argues that such evidence should not be confined to that arising from interaction with the criminal justice system because most women experiencing domestic abuse do not report to the police and may have little or no contact with the criminal justice system. As I suggested at Second Reading, the revised evidence requirements for the legal aid domestic violence gateway offer one possible model, as it has been significantly widened to include evidence from health professionals, domestic abuse services and refuges. However this is not exhaustive, and in a note on evidence requirements which I have passed to officials, Women's Aid provides a list of other possible sources of evidence which could be included in guidance, but again emphasises that these should not be presented as prescriptive or exhaustive.

The amendment also provides for there to be consultation prior to the issue of such guidance. This should go beyond the usual written consultation document seeking responses to a set of written questions. It would be useful, too, for officials to sit down with those who work with survivors of domestic abuse, such as Women's Aid. Ideally, it might also be helpful to hear from survivors who have had experience of trying to prove they have suffered domestic abuse. Increasingly there is recognition of the value of listening to what is sometimes called "experts by experience".

As I have said, although the Minister initially responded that he did not believe additional guidance was necessary, I welcome the fact that he has an open mind on this. In his letter he said:

"We will certainly consider whether it would be helpful to provide further guidance in the context of this Bill".

I hope that today's debate will persuade him of the case for doing so and that he and officials will find it helpful when considering such further guidance. I beg to move.

Lord Shipley: My noble friend Lady Hamwee has put her name to this amendment but at present she has to be elsewhere in the House.

I agree with the noble Baroness, Lady Lister of Burtersett, that this is an important amendment. It is important that the Government consult on how local authorities should collect evidence and on how their officials should be trained. The two issues are closely related.

Perhaps I may give an example of a problem that could arise if procedures are not properly understood by staff in a local authority. Consider the case of a housing association tenant in one local authority area moving to another local authority area—possibly some long distance away—and having to request rehousing by that other local authority, not by a housing association. This raises issues of the collection of evidence and an understanding of the statutory responsibility of that new local authority to give assistance. The noble Baroness, Lady Lister, has explained the issue clearly and I hope the Government are prepared to consult widely to ensure that the guidance is better than it might otherwise be. It will be crucial in assisting local authority officers to fulfil their statutory duties.

In terms of the training needed on what evidence is required, housing officers will need to understand that victims of abuse may have difficulty presenting essential evidence. The ability to listen and to obtain relevant information will be very important. For that reason, I have been thinking about how the training might be organised. I would suggest that local authorities should not try to do it all by themselves. Given that there are many local housing authorities in England, would it not be better if they were brought together to organise training in this area across boundaries? There are two benefits in that. It would lead to better and more professional training, and it would enable staff from different councils to meet each other, as well as enabling the staff of local authorities and housing associations to do so. That informal communication will help in a case that is particularly difficult or complex.

5.15 pm

Lord Elystan-Morgan (CB): My Lords, I am sympathetic to and fully support the sentiments tendered by the two noble Lords who have spoken. During the years I spent as a judge, I often came to the conclusion that violence could eat like acid into the mentality and the heart of a lawful society. What we often forget is that although we are horrified by the idea of violence taking place in the open street—fights with knives, bicycle chains and so on—so much of it takes place behind the closed door of the ordinary home. That is why we should concentrate as much as we possibly can on this aspect.

There is often a cavalier attitude on the part of police officers, although only among a minority, and in local government. I came across the phrase, "It's a domestic matter", as if it were somehow or other beyond the pale of respectability and therefore not to be taken all that seriously. The fact that it is often a one-to-one situation and that no third or fourth party is present does not mean that it ends there. If we think about it, the vast majority of rape cases are one-to-one situations. If we were to demand that there should be a third or fourth party present, most rape prosecutions would never get off the ground at all. You have to do the best you can by sifting and analysing the evidence on the basis of a one-to-one situation. Of course sometimes there will be corroborative evidence by way of injury or something of that nature, but there is

[Lord Elystan-Morgan]
nothing inherently wrong in a one-to-one situation where you have to decide whether a serious charge being made by one person is in fact true in the circumstances. If I speak the obvious, I apologise for that, but more often than not worthy complaints are dismissed in this way.

There is a fundamental reluctance in the weaker party, who inevitably in most cases is the woman, to take the matter further. Sometimes that is out of consideration of the children and sometimes due to the fact that she wants to remain in the home. It can be because of her total economic dependence on the man. In many cases, the odds are stacked against her and therefore anything that can be done to ease her path to a just and proper settlement is very much to be commended.

Lord Kennedy of Southwark: My Lords, Amendment 4, moved by my noble friend Lady Lister of Burtersett and supported by me and the noble Baroness, Lady Hamwee, puts a requirement in the Bill for the Secretary of State to issue guidance to local authorities on the implementation of the policy. As with the previous amendment, it seeks to get some consistency into the process by providing guidance on identifying, recognising and supporting the survivors. The guidance must also address the issue of training because there can be an inconsistency of approaches between local authorities.

During the debate at Second Reading, I spoke about my visit to the domestic violence unit at Greenwich police station. I was really impressed by the work that the officers were doing, but also horrified by some of the terrible things I learned that people can do to others. What I found out was really horrific. The abuse can take many forms. It can be physical, sexual, emotional, financial, controlling, or coercive. The housing officers dealing with the victims have to have the knowledge and expertise to recognise the abuse and then be able to respond effectively to it. This is too important and too serious to leave without proper training for the housing officers who will be assessing each case. The point of the amendment about consultation is again very important. We have to get this right. I certainly fully support the amendment. I look forward to the noble Lord's response.

Lord Bourne of Aberystwyth: I thank the noble Baroness, Lady Lister, and other noble Lords who have participated in the debate on this amendment, which relates to evidence and training. I understand what has motivated the amendment. I will deal with where we are at the moment and then what I propose to do in relation to it.

Local authorities are used to making decisions when people apply for social housing that require them to identify whether the applicant has been a victim of domestic abuse. While the Bill includes important protections for victims, it does not require local authorities to make decisions relating to domestic abuse which may be qualitatively different from those they already make. We have ensured that the definition of domestic abuse in the Bill is on very similar lines to the definition in the Homelessness Reduction Act 2017. This should help to ensure a consistent approach by local authorities. I appreciate that this is not the main point that has been made on consistency, but there is an issue here that it is important to address.

As the noble Baroness set out, the current 2014 statutory homelessness guidance recognises that local authorities may wish to seek information from a range of sources, including friends and relatives, social services and the police, but it also recognises that corroborative evidence of actual or threatened violence may not be available. That is a point that the noble Lord, Lord Elystan-Morgan, made—I was going to call him my noble friend; he is my friend, but not my noble friend—that corroborative evidence will often not be available, for example, because there were no adult witnesses and maybe because the applicant was too frightened or ashamed to report incidents to family, friends or the police. These are issues that I recognise do exist.

As the noble Baroness again pointed out, we have had a consultation on an updated homelessness code of guidance. It finished on 11 December last year. It will cover the Homelessness Reduction Act duties, integrate separate documents published since 2006, and update and streamline guidance on existing law. The consultative draft provides extensive advice to help local authorities handle cases that involve domestic abuse, including on what sort of corroborative evidence might be appropriate. This final code of guidance will be published in spring this year. I will of course ensure that noble Lords who participated in the debate receive a copy of it as it is made available.

In addition, I was very grateful to the noble Baroness, Lady Lister, for drawing my attention and that of the House to the domestic violence gateway for legal aid during Second Reading and for forwarding me a document prepared by Women's Aid on evidence requirements regarding victims of domestic abuse, which I consider very helpful. In addition to the consultation and the evidence brought forward on the responses to it, I am ensuring that we consider the documents supplied by Women's Aid with the other responses. I will be taking a close personal interest in the development of the code, as will the Minister in the Commons, my honourable friend Heather Wheeler, who is responsible for policy in this area.

The consultative draft of the homelessness code of guidance also advises local authorities about the need to have appropriate policies and training in place to identify and respond to domestic abuse. It advises that specialist training for staff and managers on domestic abuse will help them to provide a more sensitive response and to identify, with applicants, housing options that are safe and appropriate to their needs. In addition, the Government already provide funding to the National Homelessness Advisory Service to provide training on homelessness. This includes training specifically on domestic abuse.

We have provided funding to the National Practitioner Support Service to provide domestic abuse awareness training for front-line housing staff in local authorities in 2016, resulting in the training of 232 front-line housing staff across nine English regions. I recognise the point made, inter alia, by the noble Lord, Lord Shipley, about the need for consistency in ensuring that we have a national approach. I will ensure that that is fed in to the consultation.

In addition, a number of local authorities used funding from our 2016-18 £20 million fund for specialist accommodation-based support and service reform to meet the priorities for domestic abuse services to provide training programmes for their front-line staff. Much of the training is collaborative.

I do not believe that it is necessary to issue formal guidance to local authorities to support them to implement the Bill, but, as I have said, I accept the point about the need for consistency in training and will want to see that reflected in the guidance. It would not be helpful for local housing authorities to have different pieces of guidance on domestic abuse; we need to bring them together, as we are doing in this case.

With the undertaking to ensure that the Women's Aid document is considered in relation to the guidance—I will also ensure that our debate in Committee is available as a further document in relation to the guidance—I respectfully ask the noble Baroness to withdraw the amendment. Although very good points have been made in relation to it, I remind noble Lords that this legislation has a laser-like focus on specific issues. Nevertheless, the department finds input on this very valuable and I will ensure that it is carried forward in relation to development of the code.

Baroness Lister of Burtersett: I thank all noble Lords who have spoken and made helpful points to amplify the case that I put forward. I am grateful also to the Minister for engaging with the points made, as is his wont. I do not think that anyone is saying that there should be two separate sets of guidance—obviously, it makes sense to put them together—but what we are saying is that the existing guidance does not go far enough. It would need to go further anyway, but this Bill has helped point to that fact.

I am pleased that the Minister will look at what Women's Aid has submitted. It would be helpful if at some stage officials could sit down with members of Women's Aid to talk through some of the issues, because you can get a lot more out of face-to-face conversations than from something simply in writing. Perhaps the Minister might like to respond on that.

Given that later this year—no one quite knows when—we will see not just a domestic violence Bill but policy around it, thought might be given to how central government monitors the effectiveness of the current domestic violence legislation in relation to housing to make sure that the evidence requirements and the training are going well. At present, there seems to be a big gap between the theory of what local authorities are supposed to be doing and the practice. All of us want to see that gap narrowed. We should not have to rely on Women's Aid, which has very few resources and probably fewer in future, to do that kind of monitoring. Although the Minister cannot obviously give a commitment, he might at least say that that would be considered.

Lord Bourne of Aberystwyth: My Lords, I am certainly very happy to meet with Women's Aid, as I have in the past, and other organisations such as Refuge, Imkaan and so on. It is an open agenda, and this could well be on the agenda. Officials would as a matter of course be at the meeting as well.

Baroness Lister of Burtersett: I thank the Minister. I hope that he will also think about or take back the question about monitoring—I do not expect an answer from him now. Given those assurances, I beg leave to withdraw the amendment.

Amendment 4 withdrawn.

5.30 pm

Amendment 5

Moved by ***Baroness Burt of Solihull***

5: Clause 1, page 1, line 15, at end insert—

"(2AA) A local housing authority which grants an old-style secure tenancy under subsection (2A) has discretion to decide whether or not the maximum rent for the old-style secure tenancy should be determined according to regulation B13 of the Housing Benefit Regulations 2006 (SI 2006/213) as amended by the Housing Benefit (Amendment) Regulations 2012 (SI 2012/3040)."

Baroness Burt of Solihull (LD): My Lords, this simple amendment tackles the issue of what happens when someone becomes liable for the underoccupancy deduction, colloquially known as the bedroom tax, either as a result of the perpetrator having been removed from the household or the victim being allocated a new property which has technically too many bedrooms and qualifies for the underoccupancy deduction. The bedroom tax has been estimated to affect more than 400,000 households. We know that it does not apply to women in a refuge and, following the Court of Appeal decision, that it does not apply when someone has had a panic room installed. However, a problem frequently arises when a new local authority seeks to place a woman, and potentially her children, in new housing.

I agree with Women's Aid, which considers that a victim rehoused with a secure tenancy because she has escaped or is escaping domestic abuse should not be impacted by the underoccupation deduction if it is set to apply as a result of her no longer living with the perpetrator. Women's Aid has also received evidence from its member services that the bedroom tax is resulting in challenges in securing move-on accommodation. One refuge that secured move-on accommodation for a survivor, under time pressure from local authority specifications that state that refuges can house women only for four months and so have limited time to source appropriate move-on accommodation, received a note saying she would lose £50 a week because of the underoccupation deduction. Such significant financial losses have a severe impact on the ability of women to secure permanent housing after fleeing abuse and may result in many women choosing financial security over safety.

Will the Minister please reflect on this situation, which is likely to affect only a very small number of households? Even if it could be allowed for a transition period, it could save further misery, and potentially further risk, for victims who have already suffered enough.

Baroness Lister of Burtersett: My Lords, I support the amendment and would have put my name to it had I known about it. The noble Baroness has made a very

[Baroness Lister of Burtersett]
strong case. I will not go into a riff about the bedroom tax and keep noble Lords here for the rest of the night—my noble friend Lady Sherlock and I could do a duet on it. The point is that we could undermine the very good intentions of legislation such as this if women are afraid that they are going to be hit by the bedroom tax if either the perpetrator leaves or they leave. This points to the importance of looking at this across departments and doing something about it. Even if something cannot be done now, can it be taken back and put into the pot of thinking about domestic violence strategy?

Lord Shipley: My Lords, I support my noble friend Lady Burt's amendment. She has made a very strong case and it is an extremely important issue on which guidance, at the very least, will be needed. I think there is a preferable option, which is to put it on the face of the Bill. Whichever approach the Government adopt, I understand there have been suggestions that the Government accept the aim of this policy. I very much hope that they will, but can the Minister confirm that the Government understand the importance, for a limited number of individuals—that is what it will turn out to be—of the Government taking action on this point? It is very important for them.

Lord Kennedy of Southwark: My Lords, the noble Baroness, Lady Burt of Solihull, moved Amendment 5, on which she makes a very powerful case. The Government need to address this issue. As noble Lords have heard, it would be totally unfair for a victim to be penalised by the bedroom tax due to either the perpetrator having left the property they live in now or the victim having moved somewhere else and finding themselves with one bedroom over the threshold for the tax. That needs to be looked at. It would be wrong if people ended up with additional costs because they are the victim of a crime. As the noble Baroness said, this issue affects very few people, and the Government should address it. I hope the noble Lord will look at it or come back to it on Report.

Lord Bourne of Aberystwyth: My Lords, I thank the noble Baroness, Lady Burt, for raising this issue.

We would expect local authorities, when offering a tenancy under this Bill, to ensure that, wherever possible, this does not result in the tenant underoccupying the property. Let me make that very clear first of all—I am grateful for the opportunity to do so—that it would not be in the interest of either the tenant or the landlord. Not only would the tenant be subject to the housing benefit adjustment, whose object is to remove the spare room subsidy, but it would also not be the best use of scarce social housing.

Our 2012 statutory allocations guidance clearly recognises that local authorities, when framing the rules that determine the size of property to allocate to different households and in different circumstances, will want to take account of the removal of the spare room subsidy. However, I recognise that there may be some rare cases—it has been indicated that such cases are rare—where, for whatever reason, the local authority allocates a property that has more bedrooms than the tenant needs. In such cases, which, as I say, I would expect to be very few, it would be open to the tenant to apply for a discretionary housing payment to cover any shortfall.

In 2016, the Supreme Court dismissed a challenge to the removal of the spare room subsidy brought by a victim of domestic abuse on the grounds that it amounted to unlawful sex discrimination. That case involved a victim who was being provided with protection under a sanctuary scheme. In that case, the Supreme Court upheld the Government's policy, which is not to deal with personal circumstances unrelated to the size of the property by the inclusion of general exemptions in the regulations but rather to take account of a person's individual circumstances separately through the process for discretionary housing payments. The noble Baroness referred to some instances of which she is aware. I would be grateful to have a look at them just to make sure that everything has been done appropriately in those cases.

Since 2011, the Government have provided £900 million to local authorities in funding for discretionary housing payments to support vulnerable claimants, including victims of domestic abuse. There are no plans to withdraw funding for discretionary housing payments; funding for 2018 to 2021 was set out in the Summer Budget 2015. Funding for next year, 2018-19, will be £153 million for England and Wales.

The removal of the spare room subsidy was introduced to bring parity in treatment between the social and private rented sectors, encourage mobility, strengthen work incentives and make better use of available social housing. The rules on the removal of the spare room subsidy already include an exception for victims of domestic abuse in refuges. We do not intend to provide for any further exceptions, but I would be grateful to look at the cases to which the noble Baroness, Lady Burt, referred, to ensure that correct process has been followed.

That said, I have been asked to ensure that this issue is put in the general domestic violence pot, as was referred to, and I am very happy to give that undertaking. I appreciate that there may be a small minority of cases that deserve particular attention, and it is for that reason that I want to look at those cases and pass on any information to the Department for Work and Pensions, which leads on this issue, as the noble Baroness on the Front Bench and the noble Baroness, Lady Lister, will know.

With that, I am grateful to the noble Baroness for bringing this issue forward. We want to ensure that vulnerable people are not taken advantage of in this regard and that local authorities are doing what they should be doing in relation to the allocation of housing stock. I would therefore be grateful for that further evidence. I respectfully ask the noble Baroness to withdraw the amendment.

Baroness Burt of Solihull: I am very grateful to the Minister for his comments and his partial reassurance. In answer to the noble Baroness, Lady Lister, the Minister talked about meeting Women's Aid, and I think it would be delighted to bring him some examples. For instance, where there is great urgency to place a

family and a local authority is not in a position to offer exactly the right size of accommodation, perhaps a transition period could be accommodated.

I am very grateful to the Minister for his very constructive comments, and I note what he said about the discretionary housing payments, which I hope are working. However, when he meets with Women's Aid and other organisations face to face, that will give him a clear picture. Given those assurances, I beg leave to withdraw the amendment.

Amendment 5 withdrawn.

Amendment 5A

Moved by ***Lord Kennedy of Southwark***

5A: Clause 1, page 1, line 15, at end insert—

"(2AA) The person making the application for an old-style secure tenancy under subsection (2A) must not be charged for obtaining any evidence of domestic abuse if this evidence is required to make the application."

Lord Kennedy of Southwark: My Lords, Amendment 5A addresses an issue I raised at Second Reading—namely, that victims are victims and need to be protected and helped. As part of gathering evidence to satisfy a housing officer that they are a victim of domestic violence, they should not have to pay a fee. That is just wrong. One profession where this is an issue is GPs. We all respect doctors and GPs. They provide a vital service in their community, but some GPs charge for writing letters or notes that are outside their contract with the NHS, and for signing forms and things. Most GPs do not, but some do. Charging to sign letters to confirm that someone is a victim of domestic violence is unacceptable, whether it is to enable the victim to provide evidence to the housing department or to access legal aid. It is just wrong. At this stage, this is a probing amendment, but I hope the Minister agrees that this is not a practice we condone. Perhaps we can have a meeting with officials at the Department of Health and Social Care or elsewhere to see what advice and guidance they could provide to health professionals to make it clear that in these cases they should not be charging anyone for letters to confirm that they are the victim of a crime.

Baroness Manzoor: My Lords, I rise to support the noble Lord, Lord Kennedy. It seems a sensible and reasonable way to proceed. It seems inherently wrong that a woman who has been abused and subjected to domestic violence, who may be financially distressed because she has no money, and who finds it very difficult, has to pay a professional or any other organisation to say that she has been abused. I support this amendment and hope that my noble friend will look at it in a favourable light. If he cannot agree to this wording, perhaps there can be other wording on Report.

Lord Shipley: I add the support of these Benches for this amendment. This seems to us an extremely important issue. Charging in these circumstances would be unacceptable to us. I hope that on Report, or through regulations, the Minister will say something about how the problems that would be caused by charging can be prevented.

5.45 pm

Lord Bourne of Aberystwyth: My Lords, I thank the noble Lord, Lord Kennedy, for bringing forward this issue, which he raised at Second Reading. I also thank other noble Lords who participated in the discussion on this amendment.

I agree that charging a fee to a victim of abuse who is seeking evidence of their abuse to access services is, let us say, far from an ideal situation. The noble Lord, Lord Kennedy, set out the issue very fairly. Although the amendment is drawn more widely, and does not mention doctors, the point is valid in relation to doctors, for example: as has been the case under Governments of all persuasions, doctors may charge for anything outside the contract relating to NHS services. That is why we are in this position, and obviously policy responsibility rests with the Department of Health and Social Care.

However, I think I have some good news for noble Lords who participated in this debate and who are rightly concerned about this, as others will be too. As data subjects, which we all are under the Data Protection Act, individuals can lawfully ask to be provided with their medical records, without charge, thus obviating the need for a letter altogether. I appreciate we need to get that message out there so people are aware of it, but on that basis, I do not think that this would represent a problem.

I will ensure that I get an update on this issue for noble Lords. Because the amendment was tabled only last night—so it was not late as such; it was within the time limit—we have not had long to investigate the issue and had to seek assistance overnight. We are investigating further with the department, but it appears that this issue should not be a concern; if it is, then it is for the Department of Health and Social Care to discuss further. But I agree that in this sort of situation it would be quite wrong—morally wrong, if not legally wrong—to charge victims in this regard.

I also spoke privately to the noble Lord before today's sitting, and with that assurance, I hope he feels able to withdraw this amendment.

Baroness Hamwee (LD): My Lords, I apologise to the Committee for arriving so late after amendments to which I had my name, as I was at the Joint Committee on Human Rights. I will not ask the Minister to respond to this, but just put it into the pot. I think he is saying that a person who has been the subject of abuse needs to go and consult a doctor, perhaps, and so get it into the records that advice and assistance has been sought, and then after that ask for the records to be released. I say that because other people involved in this work will look at what has been said and might have comments on it as well as the noble Lord and the Department of Health and Social Care.

Lord Kennedy of Southwark: I thank the noble Lord for his response. I am sorry I tabled the amendment fairly late, and will bring the issue back much earlier on Report. I hear what he says about the use of a subject access request to get medical records, and I am sure he is right. But imagine you are a victim of a crime, distressed and being told you need some evidence.

[Lord Kennedy of Southwark]
Asking for your medical records may not be the quickest way to get it. Then what do you do? Do you take a big file down to the housing office? I see the point he is making but we need to find a simpler way.

I agree with the noble Lord that it is morally wrong that a victim goes to a doctor and is then charged £50, £75 or £100 to have a letter written. That is just wrong. I am pleased with what he said, but we need to go a bit further with this, as it is not right. I will certainly bring the issue back on Report. The noble Lord is right that there are other professions that do something similar, but it is a particular problem with GPs. People have the right to have a note written and not be charged for it. I thank the noble Lord for what he said, and I will happily withdraw the amendment at this stage, but I will raise the issue again on Report.

Amendment 5A withdrawn.

Amendment 6

Moved by ***Lord Kennedy of Southwark***

6: Clause 1, page 2, line 7, at end insert—

"(2C) Local housing authorities must report annually the number of old-style secure tenancies granted under subsection (2A) of this section to the Secretary State, and the Secretary of State must lay a report containing this information annually before both Houses of Parliament."

Lord Kennedy of Southwark: My Lords, this amendment in my name, and that of the noble Lord, Lord Shipley, would place a requirement on local authorities to report annually to the Secretary of State the number of old-style secure tenancies granted under the Bill. This would be useful information for the Government to collect. It would not be a great burden for local authorities, which already have to provide the department with a wide variety of information on a regular basis. It would be useful if we got to see how many tenancies were being granted, which would provide a better picture of this dreadful crime and the action being taken by local authorities in keeping people safe. I look forward to the Minister's response. I beg to move.

Lord Shipley: My Lords, this is an important amendment. It scratches the surface of a number of issues that might actually be reported annually. I hope the Government will look carefully at what information they are going to get. I would like to see how many tenants of housing associations who transfer to a local authority—either the local authority where they have been living or another one—are rehoused with a secure tenancy. I am sure the Minister and his officials will come up with a long list of what local authorities should report on, but it is important to get this right because otherwise we may not know whether the training is being properly undertaken.

Lord Bourne of Aberystwyth: My Lords, I thank the noble Lord, Lord Kennedy, for tabling this amendment and the noble Lord, Lord Shipley, for his contribution.

I am sympathetic to the intention behind Amendment 6; I agree that it is important to monitor the impact of the Bill. However, I do not believe it is necessary to use the Bill to impose an additional duty on local authorities to collect information, or on the ministry to report to Parliament on the information collected. Information on all social housing lettings is collected through the continuous recording system known as CORE and is published annually by the ministry. I believe the data collected through CORE is sufficient to allow the ministry to monitor the impact of the Bill. This is because CORE collects information on the nature of the landlord, the type of tenancy granted, whether the letting is made to a new or existing tenant and the main reason reported by the tenant for leaving their last settled home, including whether this was in relation to domestic abuse.

As I say, while I understand the intention behind the amendment, I cannot support it. To impose a further statutory requirement on local authorities to collect information that is already being provided through CORE would be burdensome, unnecessary and indeed costly. On this basis, I hope the noble Lord agrees to withdraw the amendment.

Lord Kennedy of Southwark: I am happy to withdraw the amendment. I was pleased when I heard from the Minister about the system that we have for recording information. Maybe between now and Report he could see what is actually recorded. It may be that what we need is already there, as he said, but the system might need a tweak to give us absolutely everything. Still, I was very pleased to hear his response, and at this stage I am happy to beg leave to withdraw the amendment.

Amendment 6 withdrawn.

Clause 1 agreed.

Amendment 7

Moved by ***Lord Kennedy of Southwark***

7: After Clause 1, insert the following new Clause—

"Duty to review cooperation between England, Wales, Scotland and Northern Ireland

(1) By the end of the period of six months, beginning with the day on which this Act is passed, the Secretary of State must publish a review into the potential for future cooperation between local authorities in England, Wales, Scotland and Northern Ireland in relation to the provisions of this Act.

(2) The review under subsection (1) must consider how it may be possible to extend the provisions of the Act to ensure that applications for secure tenancies in cases of domestic abuse—

(a) from Wales, Scotland or Northern Ireland may be considered by local authorities in England;

(b) from England, Scotland or Northern Ireland may be considered by local authorities in Wales;

(c) from England, Wales or Northern Ireland may be considered by local authorities in Scotland; and

(d) from England, Wales or Scotland may be considered by local authorities in Northern Ireland.

(3) The review must be laid before both Houses of Parliament.

(4) In this section, "local authority" means—

(a) in relation to England, the council of a district, county or London borough, the Common Council of the City of London and the Council of the Isles of Scilly;

(b) in relation to Wales, the council of a county or county borough;

(c) in relation to Scotland, the council of a district or city;

(d) in relation to Northern Ireland, the council of a district, borough or city."

Lord Kennedy of Southwark: My Lords, Amendment 7 would insert a new clause requiring the Secretary of State to publish a review into future co-operation between local authorities in each part of the UK. This is another issue that I raised at Second Reading. As I explained, people move around the UK for a variety of reasons, and if a victim wants to move back to a place where they previously lived or where they grew up, to be nearer to family and friends or to have the additional support that they need to get their life back on track, that is something we should all support. As drafted, the Bill applies only to England, but someone could want to move from Birmingham to Belfast or from Coventry to Glasgow, or indeed any number of permutations around the UK.

The Minister recently sent out a very helpful letter setting out the current position, and it would be useful for the record if he set it out in the House today. For me, this is again about ensuring that the victims of this appalling crime are given every help and assistance, and that unnecessary impediments or barriers are not put in people's way as they go about the process of rebuilding their lives. I hope the Minister can give us that information today. I beg to move.

Lord Bourne of Aberystwyth: My Lords, I thank the noble Lord, Lord Kennedy, for moving this amendment; I understand what lies behind it and recognise its benign intention. He will understand that we as a Parliament are not in a position to pass legislation on housing policy in the devolved Administrations. I want to ensure that that is on the record. That said, I agree absolutely that increased co-operation between England and the devolved Administrations on the issue of victims of domestic abuse who need or want to move from one country to another is something that we should consider within the United Kingdom framework. Indeed, there are many other issues when collaboration across the devolved Administrations is desirable.

It is my intention to raise this at the ministry's devolved Administration round table, which I am due to attend in Cardiff on 19 April. I set up the forum of devolved Administrations with colleagues when I arrived in the ministry some 18 months ago, understanding from my background in Wales how important this collaboration is.

As part of the review, Amendment 7 would require the Government to consider how the Bill's provisions could be extended to Wales, Scotland, and Northern Ireland, so that any victim of abuse could apply for a lifetime tenancy in another part of the United Kingdom. As noble Lords will understand, there are devolved sensitivities, which I fully understand myself, which means that we do not want to approach the issue in that way. It must be approached, quite correctly, through collaboration. I am sure that there will be a positive response to that, as there has been at other devolved Administrations when we talked about co-operation, for example, relatively recently on Roma/Gypsy/Traveller issues, and others. So I am sure that this will push at an open door.

When a person flees domestic abuse to England from another part of the United Kingdom, the housing authority could not refer them back to where the abuse took place or where they would be at risk of violence or abuse. The housing authority must ensure that the applicant would not be at such a risk. They would then be housed in temporary accommodation or a refuge, and placed on the local authority housing waiting list with appropriate priority. If the person has "priority need"—they will have if they are vulnerable due to having left accommodation because of domestic abuse, or have children in their care—they will be assisted under the homelessness legislation. This means they will be provided with temporary accommodation by the local authority until a settled home is available. Households that are owed the main homelessness duty have reasonable preference—that is, priority—for social housing.

The purpose of the Bill is to remove an impediment that might prevent someone who suffers domestic abuse leaving their abusive situation in England, when the provisions under the Housing and Planning Act 2016 come into force. That Act applies to England only. The current situation for a victim of abuse in another part of the United Kingdom—in Scotland, for example—is that they will not have an impediment to flee their situation for fear of losing their lifetime tenancy, as another council within Scotland will grant them a lifetime tenancy when they are rehoused. The commencement of the Housing and Planning Act does not change this, of course.

As noble Lords are aware, housing is a devolved matter. I do not think that it would be appropriate to include a duty in the Bill, which applies to England only, to consider the potential for amending legislation in other parts of the UK. Indeed, it would be inappropriate. That said, I appreciate that there will be cases where co-operation and collaboration would be the order of the day to deal with difficult cases where people are moving from one nation of the United Kingdom to another. It is with that in mind that I want to raise this at the next devolved forum, which as I said will take place in Cardiff in April. I will certainly ensure that a reply goes out to noble Lords who have participated in the debate, and that a copy of such a letter is placed in the Library to indicate how we see the way forward. I will ensure that that is done, and with that I respectfully ask the noble Lord, Lord Kennedy, to withdraw his amendment.

Lord Kennedy of Southwark: I thank the Minister for his helpful response. We tabled the amendment because of the risk of anomalies; if someone wanted to go back to Glasgow or Belfast, having lived in London, they might find themselves in difficulties. I would hope that that would not be the case, but I am conscious that this is English legislation and people move around the whole of the United Kingdom. I would not want anyone to have any difficulties with going back to another nation.

I am pleased that the Minister is going to raise the issue at the devolved forum in April, but perhaps he could write before then, because that is still three months away. This is an important issue, and it would be good if everyone was clear on that co-operation

[LORD KENNEDY OF SOUTHWARK]
and collaboration. Equally, it works the other way as well. It is important that everything is done right. I accept entirely that it is not our place to legislate for matters that are devolved, but co-operation and collaboration are the order of the day here. Having said that, I am very grateful for the Minister's response and beg leave to withdraw the amendment.

Amendment 7 withdrawn.

Clause 2 agreed.

House resumed.

Bill reported without amendment.

Water: Developing Countries

Question for Short Debate

6.01 pm

Asked by ***Lord Cameron of Dillington***

To ask Her Majesty's Government what steps they are taking to ensure the availability, and sustainable management, of water in developing countries.

Lord Cameron of Dillington (CB): My Lords, first, I thank all those noble Lords who are taking part, including the Minister, in a debate on what I consider to be a very important issue.

Water is the source of life. The value of water to the developing world is more than that of all its minerals put together—the gold, diamonds, uranium and copper, et cetera. Meanwhile, two-thirds of the world's population live with water scarcity for at least one month of the year, and 1.8 billion people suffer from water scarcity for at least six months of the year. Probably the most terrifying fact is that 500 million people live in parts of the world where the water abstraction is more than twice the annual recharge rate.

Of the 7 billion-plus people in the world, nearly 6 billion have access to a mobile phone, while only 4.5 billion have access to a working toilet. Lack of access to clean and safe water kills a child every 20 seconds. Additionally, water availability is inextricably linked to food production and a healthy environment. Nothing grows without water. As the population increases, more food is needed, requiring yet more water for agriculture. The growing urban population also needs water for consumption. A complex trade-off is emerging in many countries and regions.

We now have problems, and they can only get worse. We have a demographic time-bomb already exploding. For instance, the population of the Sahel region of Africa has grown by more than 100 million in the last 10 years and is likely to continue to grow at that rate for the next three or four decades. There is less and less rainfall in the region, and already the soil is degrading faster than we can control. Meanwhile, the situation in India, Pakistan and Bangladesh, where more than 1 billion people live, is not much better. In India alone they are extracting from their aquifers 100 cubic kilometres of water more than the recharge rate. Some agricultural areas of China, and even of the USA, have similar problems. According to a UN study, 50 million people will be forced to leave their homes over the next 10 years because of drought and land degradation.

By 2050, 75% of the world's population will live in urban areas, and we will have to supply them with enough water and provide suitable sanitation to prevent the spread of water-borne diseases. Again according to the UN, even today, half the world's hospital beds are occupied by patients suffering from water-borne diseases. In the developing world, more than 80% of waste water is discharged untreated into rivers or the sea, and life is becoming extinct in parts of rivers in many countries. Water of poor quality cannot be used as a resource for wildlife, humans or agriculture. Some rivers are also littered with floating plastic waste that will probably eventually find its way into our oceans or the human food chain.

Meanwhile, hydro power is failing due to water shortages in places as diverse as Venezuela, Italy and California. This can only lead to more coal-fired power stations, which not only damage our climate but—a little-known fact—account for 7% of global water consumption, lost mostly through cooling towers. In other words, coal-fired plants consume enough water to supply 1.2 billion people.

There are many other doom-laded statistics about water problems between now and 2050, and if only half or fewer prove correct, it is likely that humanity, our environment and our planet will face a challenge never seen before. We have 20 years to prevent this looming water crisis, and the World Bank and the World Water Council believe that it will need an investment of some $600 billion per annum.

The World Water Council is clear:

"There is a water crisis today. But the crisis is not about having too little water to satisfy our needs. It is a crisis of managing water so badly that billions of people—and the environment—badly suffer".

So what can we in the UK do to make a difference? First, we have some of the best hydrological research institutions in the world: the Centre for Ecology & Hydrology, the British Geological Survey and several universities with world-calibre research facilities. I should at this point declare an interest as chair of the CEH advisory council. Our organisations can do more than most to inform the debate around the world over the best sustainable management of the rivers, lakes and aquifers of the developing world. While their expertise is desperately needed to deal with the already glaring problems throughout India and eastern Asia, I suggest that the greatest long-term gain will come from focusing on the sustainable management of water in sub-Saharan Africa—before the real problems arise.

The people of sub-Saharan Africa use some 3% of their rainfall, 2% being used by agriculture. This is a tiny percentage. In the Middle East and far eastern countries, figures of 40% to 50% are not unusual. Most of Africa's rainfall washes off and disappears downstream and out to sea. So above all, the UK needs to help with community-based capture and storage—and I stress the community base. Large reservoirs

have their place but, quite apart from the social and environmental problems associated with such schemes, the distances in Africa are so great that moving water to where it is needed becomes a problem and a drain on energy. It is worth noting, for instance, that the state of California uses 19% of its total energy budget to transport water over long distances to meet the needs of its people.

The UK also needs to help African agriculture with the practical introduction of drip irrigation, including underground pipes, to ensure minimum wastage. We must never forget that 40% of the world's food comes from the 20% of its agricultural land that is irrigated. Efficient irrigation is vital to feeding the continent of Africa from its own resources.

We also need to help with the sustainable use of shallow aquifers. We should support village boreholes, where the water is shared by farmers and households alike— always providing that the extraction rate is less than the recharge rate; again, we can help with the facts. It is believed that Africa has an amazing number of underground aquifers that are currently untapped. But we can also now help to recharge these aquifers by pumping surplus clean water underground during the rainy season. As a storage facility, an aquifer is better than a reservoir because it has minimal evaporation.

Above all—and this is the trickiest area—we need to improve the long-term governance of water. Management of water resources needs to be rooted in shared data describing how much water is available in space and time. Again, the UK institutes lead the world in designing hydro-meteorological monitoring networks and the tools required to make full use of the information derived. What is the recharge rate of your local aquifer? On a river such as the Nile, with nine riparian states, what is the optimum sustainable abstraction rate for wildlife and humans in each country?

It is said that the great early civilisations of the world, such as Babylon and Egypt, developed because local tribes got together to discuss the annual management of water, and then went on from there. We need to encourage such long-term planning—and local planning as well—rather than imposing our own solutions, although our researchers should definitely be informing the debate. The Nobel laureate Elinor Ostrom called it a "polycentric system of governance" where, from an international perspective, down through a national perspective, to a village perspective, everyone gets involved in the decision-making process to ensure that everyone's grandchildren will have enough water to live and flourish. It creates just the sort of long-term thinking that Africa really needs.

I will end there. This is an issue of immense importance to the future of our planet and I believe that we in the UK have an important role in finding and promoting the best sustainable solutions.

6.10 pm

Lord McColl of Dulwich (Con): My Lords, I thank the noble Lord, Lord Cameron of Dillington, for initiating this very important debate. Shortage of water in developing countries gives rise to so many problems. Very briefly, I just want to mention one: the devastating situation in countries such as Nepal. The lack of adequate water and sanitation leads of course to all sorts of diseases, but it also leads to the great risk to the people there of sexual harassment, abuse, violence and even death. There are so few indoor lavatories that people have to use the neighbouring fields, where they are frequently attacked—especially the women—and often raped or killed.

Adequate water supply and indoor lavatories are absolutely essential. This was brought to my attention when I visited Kathmandu in Nepal. I took part in my first street demonstration—I had never done this before—walking round, holding up placards advocating indoor loos, and I was accompanied by 1,000 Nepali ladies. So that was my first demonstration—I must go and repeat it. We desperately need, as the noble Lord, Lord Cameron, has suggested, a worldwide campaign to tackle this problem and to manage the available resources. There is probably plenty of water but it is just being mismanaged. I again thank the noble Lord for bringing to our attention this important issue.

6.13 pm

The Earl of Sandwich (CB): My Lords, I am also delighted to join my noble friend in this debate on one of the most critical development goals which has an impact on all human existence. I expected him to draw on his wide knowledge of agriculture here and abroad, and indeed he has, including a lot of technical advice, which we should be grateful for.

Clean water is not only fundamental to life, it is the foundation of any sustainable livelihood. It touches every vital human activity. I am surprised it is not designated higher in the batting order than SDG 6. In the drought of 1976, most of us—or some of us—remember the threat posed by one dry season, but it was only one. Millions in sub-Saharan Africa experience drought year after year and have to learn how to contain and save water. In the Sahel, people rely for months on seasonal lakes and are dependent on dry land crops such as millet and sorghum. With luck, they can afford a pump to grow a cash crop such as tomatoes or onions.

On top of this scene has come climate change and rising temperatures. We in the UK and the USA have a surplus of water. Again, we can have hardly an inkling of what higher temperatures can mean to so many people overseas. It is no use saying that people are acclimatised there: with climate change, that is exactly what they are not because it hits hardest those who are already hit. Mitigation in the form of emissions targets, for example, is not primarily their responsibility but ours. There is no doubt that poverty of resources hits sub-Saharan Africa hardest of all. We have already heard a lot of helpful statistics but I ask noble Lords to imagine the following: over a third of schools worldwide have no access to clean water; over half of schools in sub-Saharan Africa have no access to clean water; and 42% of healthcare facilities in sub-Saharan Africa do not have access to clean water. All this leads to migration out of Africa—a subject which we will need to study very closely in the future.

I have been lucky to travel throughout Africa and Asia on behalf of Christian Aid and other aid agencies. The Churches have had an enormous impact in this sector.

[The Earl of Sandwich]
Still fresh in my mind are the wells dug by the Catholic Church among the Dogon community in Mali and similar projects of the Evangelical and Protestant Churches elsewhere in Africa.

I noted that Jeremy Lefroy MP recently mentioned a Protestant Church water programme in Tanzania managed by his wife. The beneficial effects of these projects are startling. As an executive committee member of the IPU, I urge other parliamentarians to sign up for these visits to see that for themselves. However, some projects in sub-Saharan Africa do not work. The pumps may break down and there is no maintenance or follow-up. Not long ago, the Minister may remember that I served on an EU sub-committee under the chairmanship of the noble Lord, Lord Tugendhat, which discussed EU-supported water and sanitation projects. The evidence was that only about half of the projects audited were sustainable, or had the potential for sustainability. Does the Minister know what the equivalent figure is for DfID projects?

A country I visit regularly is Nepal, where over half the population still have no access to proper sanitation, as we have heard. Every year, 600 children under five die from diarrhoeal diseases caused by dirty water and poor sanitation. This accounts for a third of all child deaths overall in Nepal, which presents a tremendous challenge for the new Government there.

The noble Lord, Lord McColl, failed to mention that I stood beside him on the memorable women's march and rally in support of the famous WASH campaign. The campaign was supported by WaterAid, which offers the following two examples of its work in Nepal. In a remote village, 14 year-old Radha crouches and waits for a friend to bring her water. She is not allowed to touch anyone. For the seven days of her menstruation, she is forbidden to collect water as she is seen as "unclean" and some believe that she is possessed by a spirit. Projects that deliver safe water and sanitation to remote communities need to address such taboos through education and the provision of safe, private toilets so that every girl has the chance to grow up and achieve her ambitions. Dambar, aged 67, lives high on a terraced hill. She used to walk long distances four times a day to fetch water for her family. One day she slipped and broke both her hands. Now her daughter-in-law collects the water but is worried that the same thing might happen to her on these perilous journeys. Women and girls can spend up to six hours a day collecting water in these conditions—a task that not only puts them at risk but leaves them with little time to attend school or work. This is an important point: so much of daily life is shortened by such huge domestic burdens.

My noble friend Lord Slim, who served with the Gurkhas for years, points out that an additional cost of providing sanitation in the hills is that of preventing streams contaminating villages further down the valley. I have visited the Gurkha Welfare Trust, which has long supported the hill communities in which the Gurkha veterans live. Its rural water and sanitation programme brings safe drinking water and hygiene to villages throughout Nepal, while its school programme undertakes to build and repair schools as part of its commitment to develop rural educational facilities. The Minister will know that DfID is also behind part of this programme, which I am hoping to visit again this year.

I am pleased that the CDC sent us a briefing for this debate, and especially that it has announced support for feasibility studies for energy and water-saving measures. These studies, it says, are to be followed by low-cost loans to achieve the planned resource efficiency gains. I am absolutely with my noble friend Lord Cameron when he says that community projects are becoming much more of a priority. We will have to see how the considerably larger CDC, now alongside DfID, can adapt its programmes to achieve sustainability and to meet the needs of the very poor, which it has undertaken to do. MPs should also go out and see what they are doing.

I mentioned earlier that water deserves a higher priority among the SDGs. Given the relationship between access to water and sanitation and education, health and gender equality, will the Minister confirm that water and sanitation will be included and fully integrated into the department's upcoming thematic vision documents on those other SDGs?

Given that less than 2% of the UK's bilateral ODA is invested in water and sanitation, will the Government make plans to increase their bilateral aid budget on water and sanitation to bring the UK in line with other countries? Some countries have a very much higher percentage.

I am an admirer of the work of the Independent Commission for Aid Impact. Will the Government be implementing the ICAI's recommendations, including putting in place the necessary sustainability checks to ensure that water services are still working 10 years down the line?

Finally, as a global leader in this sector, will the Government use their influence to raise what they call their global ambition on the availability of water in multilateral institutions, and in particular at the upcoming high-level political forum in July?

6.22 pm

Lord Freeman (Con): My Lords, I also congratulate the noble Lord, Lord Cameron, on securing this important debate. I will take the opportunity to pay tribute to my noble friend Lord McColl, who has shown over many years a real interest in the impoverished and in those suffering illness in countries all over the world. I have travelled with him twice, including to Sierra Leone, and have seen for myself the contribution he makes not only in the visit but in following it up later. So I am very pleased to follow him and I stand, literally, in his stead.

I will speak briefly about an important private trust, the Busoga Trust—Busoga being a province in Uganda. It was formed in 1982, and I pay tribute to those in the Anglican Church in the United Kingdom who founded it to raise money specifically to ameliorate the tremendous hardship that families experience—particularly in Uganda but obviously in sub-Saharan Africa generally—in accessing clean water. It has been a great success over many years. I had the honour of serving as chairman of the trust for 10 years—no longer, but I am very anxious to support it.

We owe a debt of gratitude to the group of clerics and members of the congregation of Saint Michael's Church, Chester Square, for launching the most excellent initiative of trying to provide clean water supplies in Uganda. I will say a few words about what effect that has had. I pay tribute to Bishop Cyprian, who not only saw the blindingly obvious need but gave religious support and, more importantly, money and help on the ground. It has been a tremendous success.

The first bore-hole for clean water was drilled in 1984—so the charity has been around for some considerable time. Those who have visited sub-Saharan Africa, and in particular Uganda, will know that a bore-hole drilled and then bricked is one of the many ways in which very clean water can be delivered to remote villages in the countryside. It takes technical effort to drill down to create a bore-hole and then to maintain it. Children walk miles to a water hole from remote villages and then carry the water back on either their head or their shoulders. I have seen that happen many times. I appreciate the importance for them of not only this charity and many other charities like it but of clean water. You often see these wells next to a dirty mudhole where cattle have been drinking, so it is heartening to see for the first time a well with clean water, which is then carried back perhaps many miles to families who will not suffer irreparable damage from illness. So the impact on local life in sub-Saharan Africa—not just in Uganda—of providing clean water is extremely important.

I pay tribute and put on record my thanks and, I know, the thanks of the other trustees, particularly the director, to Johnson and Josephine. Incidentally, I say to my noble friend the Minister, who is a great champion of trying to bring relief to Africa in particular but also to many other countries—he has travelled widely—that I hope he will find time to drop in on a reception that I am hosting in the House of Lords. I have asked Johnson, our Africa manager, to come, and I am sure that he would appreciate just a few minutes of the Minister's time in order to explain what he is doing.

In 2000, 100 wells were dug by the Busoga Trust. There are now 2,500 wells—90% of them working, I am glad to say—and 50 locally recruited staff. However, a change came about a number of years ago when DfID decided to make grants directly to the Government of Uganda, rather than make specific grants to charities. I make no complaint about that; I just note that now the Government are directly responsible for commissioning wells, and the role of trusts such as the Busoga Trust and other charities is to maintain them.

Maintaining these wells is as important as the original construction. If you do not maintain them, the water does not remain purified and can create and prolong illnesses. Therefore, although DfID no longer provides grants directly to charities such as the Busoga Trust and the Government in Uganda are paying for the construction of the wells, their maintenance to guarantee the provision of fresh water is just as important as the original construction. Our charity continues to pay staff to travel round on motorbikes to the 2,000-odd wells that it has been responsible for creating over many years. That maintenance is so important because, if the wells are not maintained, illness inevitably follows.

Therefore, I hope very much that the Minister will take up my invitation to meet the member of staff who is coming over from Uganda so that he can pass on fresh information about the work of this trust in what is still, in many ways, a very distressed part of sub-Saharan Africa.

6.30 pm

The Lord Bishop of Derby: I too thank the noble Lord, Lord Cameron, for introducing this vital issue. The timeframe is pressing and getting shorter. It is wonderful to hear the testimony of colleagues about Nepal and the inspiring story of the noble Lord, Lord Freeman, on what can be done with commitment. However, it is the scale of the problem that we have to mark.

Clearly, water is basic not only to life but to health. Many of us now carry bottles of water because we know it is good for our health. Lack of water causes droughts, which cause death; too much water causes devastating floods; and untreated water causes death and disease on a vast scale across the world. So how we talk about water, and how as a country we contribute to the global management of water, is a mark of how civilised our world can be and the role we can play in a civilisation that takes seriously how basic good water is for human life.

I shall talk briefly about two areas. The first obvious area is how we can intervene when there is a crisis and a shortage of water. In doing research for this debate I was delighted to find that, within a few miles of where I live in Derbyshire, in the small town of Wirksworth the rotary club set up a scheme called Aquabox, which has sent to disaster areas over 100,000 boxes containing hydration units, education materials and cooking utensils. It is an amazing local charity, which received the Queen's Award for Voluntary Service in 2016. This shows, as in the example given by the noble Lord, Lord Freeman, that we can make interventions. My question to the Minister is: how can all those small, passionate efforts be gathered up strategically to contribute not only to staving off disasters but to building creative steps to put things right in the long term and not just plugging the gaps, if I can use that terrible metaphor in a debate about water?

In addition to responding to disasters, the second area concerns the lack of an infrastructure to provide proper water for so many of our brothers and sisters. As the noble Lord, Lord Cameron, and others have said, the statistics of the number of people who lack access to proper water and sanitation, who suffer from the results of contamination and who have to go miles and spend many hours to collect water are horrific, as is the sheer vulnerability of the women and girls who carry the water.

I want to ask a number of questions about big players such as DfID. In terms of DfID's strategic operation, to what extent can the long-term provision of a proper infrastructure to provide good water be built in to the grants given to areas for development? All the evidence shows that if we do not do that, however much money we put into education, other forms of healthcare, malaria control and so on, if the basic infrastructure for water to provide a quality of

[The Lord Bishop of Derby]
life is not there, it is a dubious investment. There will be short-term gains but, in the long term, disease will keep coming and people will struggle.

What leverage do DfID and people like the Minister have, when we are negotiating to give aid and to join in partnerships with aid agencies, to make the provision of long-term infrastructure for good water a part of the deal? Otherwise a great deal of our investment will be far more short term than we hope.

On a similar track, I should say that I am proud of our amazing aid budget and I congratulate the Government on maintaining the percentage. As we decide on how to invest that budget, how can we build into our aid programmes a challenge to the kind of culture that the noble Lord, Lord McColl, and the noble Earl, Lord Sandwich, talked about, where people are expected to sort this out locally and get by? One of the problems with water supplies is that we expect the local people to sort them out and get by. They do that by travelling to fetch water and by losing many of their children at young ages to disease. But that is getting by in an uncivilised way. If we can make targeted and strategic investments into a culture that would allow this kind of development to happen locally through investment in infrastructure, we might begin to make some progress. I turn to the third area: DfID often carries out development in partnership with business enterprises. To what extent can they be challenged to push this issue up the agenda through how we work on development as a Government?

I want to make two more brief points. We heard from the noble Lord, Lord Cameron, that what is key is the development of appropriate technologies. We have some marvellous research and technological wisdom in this country and through other countries we partner with. That needs to be part of the planning equation and the crafting of the strategy equation. I hope that the Minister will reflect on that for us. Lastly, as the noble Earl, Lord Sandwich, said, we have a number of levers in terms of international co-operation. Water knows no borders and so it has to be managed politically as well as practically. It would be interesting if the Minister could share with us the role of the Government, especially through DfID but also in terms of other foreign policy relations, in how they approach the political importance of the management of water and what kind of aspirations DfID may have to see that within its portfolio?

6.36 pm

Lord Leigh of Hurley (Con): My Lords, I would also like to thank the noble Lord, Lord Cameron, for raising this important debate, and I welcome his opening remarks.

It is not set out in my register of interests as there is no need for me to do so, but I would like to bring to your Lordships' attention that I work with WaterAid, mainly fundraising, and have arranged a number of events with the organisation, of which more in a minute or two. This debate is perfectly timed to assist me in that regard. I will not take your Lordships' time in overpraising WaterAid as I believe that anyone interested in this area will be aware of the amazing and wonderful work it does, largely funded by the great generosity of the UK public, corporations and government.

Clean water is absolutely vital for people to break free from poverty, unlock their potential and change their lives for good. The noble Earl, Lord Sandwich, gave us some helpful statistics on that. We live in a world where one in 10 people are still without access to this basic essential.

The daily task of collecting water dominates the lives of millions, especially those of young girls, who are often responsible for collecting water—in fact, in nearly three-quarters of households in developing countries. Often walking long distances, girls can spend up to six hours a day collecting water, leaving little or no time to go to school, and they often miss out on their education completely. Carried on their heads, the UN Development Programme estimates that the weight of this water to be around 20 kilograms, which is about as heavy as a suitcase.

The lack of access to clean water also has a devastating impact on children's health. Every year, 289,000 children under the age of five die due to diarrhoea caused by unsafe water and sanitation, which is more than one child every two minutes.

This is not to say that progress has not been made, because it has. The UK Government have done some incredible work, reaching 63 million people with access to water and sanitation between 2010 and 2015. However, more can always be achieved. I was very pleased to see within DfID's single departmental plan the specific objective at point 4.2 to:

"Support poor people get sustainable access to clean water and sanitation".

According to the World Health Organization, 844 million people still lack even a basic drinking water service and 263 million people spend more than 30 minutes per round trip to get to water. Despite the UK Government's commitments, as the noble Earl, Lord Sandwich, mentioned, only 2% of the UK's bilateral aid budget is invested in water and sanitation. In my opinion, this is not nearly enough. Ensuring the availability and sustainable management of water in developing countries is absolutely essential, and the UK Government should commit more resources to this. Investing in access to safe drinking water, sanitation and hygiene is one of the most cost-effective uses of the UK's aid budget, with every £1 spent returning an average of £4 in productivity improvements. That is an impressive statistic.

To be clear, I believe the UK's aid budget is by any standard very generous. At 0.7% of the UK's GDP—some £13 billion—no one could say we are not doing our bit. To put this in perspective, it is more than 10% of the entire budget that we spend on the NHS in England. We want to see this aid spent carefully—hence the suggestion to focus on water, which is something that both the public and Parliament could get behind.

One small point: communities often struggle to keep services working on their own. As a result, water services often stop later down the line. The Independent Commission for Aid Impact has called on DfID to adopt sustainability checks, like USAID and the Dutch development agency do, so that water services installed will still be working even 10 years down the line.

On another matter, I understand that DfID is now working much more closely with the Foreign Office, even sharing Ministers, such as Alistair Burt. Our work helping others should receive greater recognition and we should not be in any way embarrassed about tying it into generating good will towards our country from developing countries so that they can see that flourishing capitalist market economies such as ours can be, should be and are a force for good in the world.

I also want to mention some global political aspects of water sustainability and how HM Government might help. I have been very impressed with the work of EcoPeace Middle East for some time now. Its focal programme, the Good Water Neighbors project, engages 25 communities throughout Israel, Palestine and Jordan in a united effort to rehabilitate the region's shared water resources and to ensure that all benefit from the amazing new Israeli technologies—and, as the noble Lord, Lord Cameron, said, UK technologies—in water desalination.

Yesterday in this Chamber, the Minister assured us that there is no question of any funds from the UK taxpayer going to support terrorists in prison, but rather that in Gaza,

"We also work through UNICEF on the ground, providing water and sanitation".—[*Official Report*, 23/1/18; col. 941.]

May I encourage direct action in this area by HM Government? A recent UN report concluded that the Gaza Strip, in just five more years of further under-development, will be uninhabitable, with water, sanitation and energy issues of prime concern. This has dire implications not only for the Palestinian population of Gaza but for the region as a whole. As Lara Krasnostein, the science and innovation co-ordinator at the British embassy in Israel, has written, there are viable desalination solutions to this. I hope DfID might investigate how it might assist, using the best of UK expertise, to avoid a human and environmental tragedy.

I have a couple of questions for the Minister. Will he set out whether water and sanitation will be included and fully integrated into the Department for International Development's upcoming thematic vision documents on gender and education? I share the concern of the noble Earl, Lord Sandwich, that only 2% of the UK's bilateral aid is spent on water. Will the Government implement the recommendations of the Independent Commission for Aid Impact, as I mentioned?

Finally, I mentioned that this debate is timely due to my connection with WaterAid. For a number of years, I have run a half-marathon for WaterAid, until last year when I needed a steroid injection in my discs. I had sworn to my family and friends—and doctor—not to do a half-marathon again, but DfID has forced me to change my mind. The offer of matched funding up to £5 million for WaterAid's Untapped campaign to support its work in Sierra Leone and Mozambique, changing lives forever, has compelled me to reach for my trainers. I am now scheduled to do another half-marathon this very Sunday, with a target of some £50,000. My noble friend the Minister, who is one of the greatest fundraisers in this House for good causes—although over much tougher endurance tests—will be pleased to know that his department's incentives for people to raise money do work.

6.44 pm

Baroness Sheehan (LD): My Lords, it has been a fascinating debate on a substance without which life on planet Earth would not be possible. I thank the noble Lord, Lord Cameron, for bringing it to your Lordships' House and for the informative way in which he introduced it—I certainly learned a lot not just from him but from contributions from other noble Lords. I am proud to associate myself with the remarks made by the noble Lord, Lord Leigh, with respect to Gaza. I hope that the Minister will take up some of the suggestions made.

We have heard from across your Lordships' House how access to clean water and hygienic disposal of human waste permeate every aspect of human health, affecting education, economies and livelihoods. We have also heard how competition for this increasingly scarce resource is affecting the environmental integrity and biodiversity of our world.

Without sound and sustainable management of water availability in developing countries, we cannot hope to achieve the global goals set out in the 17 SDGs. The World Wide Fund for Nature has sent a useful infographic showing how clean freshwater is linked to every one of the 17 SDG. It makes a powerful case for paying attention to the Chinese proverb: when you drink the water, remember the spring. The undeniable fact is that freshwater ecosystems are the source of almost all the water we use in cities and industry and about half the water we use to grow crops. Given that from an international development view there are profound implications of rivers and aquifers running dry, what is DfID doing to support improved water policy in countries where the need is greatest? I too was encouraged to receive a briefing from the CDC stating that over the next five years it has committed to reducing water consumption across its portfolio of companies, which is to be welcomed.

Water is indeed life, but for many of us in developed countries good water is so plentiful and readily available that we rarely pause to consider what life would be like without it. However, we know that for many of the world's poorest, clean water, on tap, is a dream.

The challenges faced by developing countries have been spelled out by noble Lords, and they are many. I cannot hope to cover them all in the time available, so I shall focus the remainder of my remarks on three aspects of water, sanitation and hygiene—commonly known as WASH programmes—where I think DfID can make a real difference.

First, I want to talk about data, because the old adage that if you cannot measure it you cannot manage it holds firm in the context of WASH programmes. The primary recommendation to DfID in ICAI's report of May 2016, entitled *Assessing DFID's Results in Water, Sanitation and Hygiene*, was to improve the measurement and reporting of the development impact of WASH programmes. While I wholeheartedly congratulate DfID on reaching 62.9 million people with vital WASH support between 2011 and 2015, I nevertheless put it to the Minister that the consequence of not collecting better data is that DfID does not have what it needs to assess whether WASH programming is maximising impact, particularly for vulnerable groups.

[Baroness Sheehan]

Secondly, I want to talk about the longer-term sustainability of WASH programmes, about which the noble Lord, Lord Freeman, spoke eloquently. The ICAI report was also critical of the fact that DfID measures only initial and not sustained access to its WASH programmes. We have no way of knowing how many of the 62.9 million people whom DfID had reached are still being reached today. This is a real weakness in the programme design. The situation has changed little since the National Audit Office report of 2003, which made a similar recommendation. Has DfID moved away from programmes designed to maximise reach to focus rather on longevity?

Thirdly, I want to talk about the impact of SDG 5 on women and girls, and the wider commitment to leave no one behind. When I managed to glean some evidence on human well-being, it showed that DfID's WASH programmes have an enviable knock-on effect on the wider development goals. Here is a really good example. In Bangladesh, DfID spent £48.5m on the sanitation, hygiene and water supply project between 2007 and 2013, providing the poorest regions with arsenic-safe water, improved sanitation facilities and hygiene messages. A programme evaluation found that the project led to increases in school enrolment and reductions in dropout rates, particularly for girls. Because the fact is that without sanitation and hygiene facilities in schools, girls stop going to school when they start menstruation. Also, of course, the burden of collecting water is removed from them. It also showed that improvement in sanitation facilities led to a reduction in water-borne diseases: the diarrhoea rate for children under five fell from 11% to 5.1%. In other words, it more than halved in the target area, alongside reductions in parasitic worms, malaria and skin infections.

What a story—this is something to be really proud of. The ICAI report gives other examples where WASH programmes have shown impressive wider development impacts. So it is not surprising that ICAI lamented the fact that the data is not routinely collected at programme level, even when it is readily available. This is a real shame, because collecting this data would enable DfID to fine-tune its programmes in real time and better target investment towards the most vulnerable, such as women and girls, the elderly and people with disabilities. This is very important because of the SDGs' commitment to leave no one behind.

There is growing recognition of the importance the WASH sector plays in tackling issues of gender violence. A DfID research programme, "Sanitation and Hygiene Applied Research for Equity"—SHARE—has produced a toolkit on how to design WASH facilities so as to reduce vulnerability to violence. I hope that the Minister will confirm that this programme will be accompanied by robust monitoring arrangements to determine its effectiveness. While I welcome the difference DfID WASH programmes are making, I want to emphasise how much support the department would receive if it did more of it. The fact is that WASH programmes have a great deal of support among the public and they do not come under attack from the tabloids. It is a no-brainer. We do not need the World Health Organization to tell us that for every pound spent on WASH, an estimated £4 is returned in productivity. However, currently only 1.6% of DfID's bilateral aid is invested in WASH programmes. The UN has identified this SDG as a key area facing funding shortfalls. I hope that DfID will consider increasing the amount that it gives to WASH programmes.

We have seen the positive knock-on effects of WASH programmes on other development goals—in other words, its prevention potential. There is a real case for not only increasing our contribution but encouraging others to do likewise.

6.53 pm

Lord Collins of Highbury (Lab): My Lords, I too thank the noble Lord, Lord Cameron, for initiating this debate. Availability of clean water underpins human health, economies, livelihoods and cultures. We have heard about SDG 6, on managing water resources, but water management is vital for achieving other goals, especially those on hunger, energy, cities and peace. As we have heard, one in 10 people still live without access to clean water. As the noble Earl, Lord Sandwich, said, more than half of schools and 42% of healthcare facilities in sub-Saharan Africa do not have access to clean water.

The availability and sustainable management of water in developing countries is essential to ending extreme poverty and building a healthier and more prosperous world. The high-level panel on water, convened by the UN Secretary-General and the president of the World Bank, has met four times. Its next report will focus on the UN General Assembly resolution on the international decade for action—from 2018 to 2028—on water for sustainable development. They see that resolution as a major vehicle for achieving SDG 6. I would be grateful if the Minister can tell us what steps the Government are taking to use their significant influence to raise the global ambition on the availability of water in multilateral institutions—especially the high-level panel. How are we going to get involved?

As we have heard, according to the UN, in 2015 ODA disbursements in the water sector totalled $8.6 billion, which represents an increase of 67% in real terms since 2005. However, since then it has remained relatively constant as a proportion of total ODA disbursements, at approximately 5%. It is clear that current rates of progress and levels of financing, including by the UK, will be insufficient to achieve universal access to water and sanitation by 2030, which is the target. As we have heard, the UK Government have done extremely positive work, reaching 60 million people with clean water and sanitation between 2010 and 2015. However, currently only 1.6% of the UK's bilateral aid budget is spent on water and sanitation, compared with 10% by Japan and Korea. Are there plans to invest more than 2% of the UK's bilateral aid budget on water? Are we determined to ensure that we do not fall behind others in this area? Given the relationship between access to water and sanitation and education, health and gender equality, will the Minister set out whether water and sanitation will be included in and fully integrated into DfID's upcoming thematic vision documents on gender and education?

A lack of access to clean water has a devastating impact on people's health, in particular that of children. One of the biggest killers of children under five is a

lack of clean water, with a child dying every two minutes due to diarrhoea caused by poor water sanitation and hygiene. As the noble Lord, Lord Leigh, said, investment in access to safe drinking water and sanitation is extremely cost effective. Every £1 spent on improving access to water and sanitation has an estimated £4 return in productivity. It is also estimated that total global economic losses due to inadequate water supply and sanitation services is approximately $260 billion a year. To pick up the point that was made in the debate, ICAI has recommended that DfID adopt sustainability checks to ensure that water services installed are still working 10 years down the line, similar to USAID and the Dutch development agency. Sustainability is critical. What are the Government doing about implementing these recommendations?

As picked up by the noble Lord, Lord Cameron, very low levels of irrigation in sub-Saharan Africa—about 4% of arable land—means that the vast majority of farmers depend on rainfall to water their crops. With climate change making weather patterns in Africa more erratic, this puts them in an increasingly vulnerable position. If rain arrives too early, late or not at all, entire growing seasons can be lost. For many of the poorest smallholders not already irrigating, the first step in developing the productive use of water is improving rainwater harvesting and storage. We heard from the report of the APPG chaired by the noble Lord, Lord Cameron, how on-farm ponds and other irrigation methods, such as shallow wells and using pumps, can make a real and substantial difference.

This morning I met Save the Children, which described the rapidly deteriorating situation in Somalia, with an unprecedented fourth failed rainy season in succession. Around $1.8 billion is needed in 2018 to provide support to 5.4 million people. Around 388,000 children are already acutely malnourished. This situation calls for immediate action. Last year we narrowly avoided what could have been a full-scale famine, if it had not been for DfID's intervention and prompt action.

As we have heard in this debate, we need to build on the humanitarian infrastructure that has been put in place across health, nutrition, water and sanitation. The grim reality is that the cycle of drought, famine and poverty will continue to plague Somalia's path to stability until we change the arcane rules governing historic debt. Humanitarian financing cannot exclusively be the answer. Ensuring the well-being of Somalia's children requires long-term planning, institution building and critical investments in health, nutrition and education. I know the Minister is sympathetic to this cause. I urge him and the Government to use their influence to ensure that the World Bank exercises discretion in overlooking the country's historic, unpayable, and now irrelevant, debt. I, too, welcome the CDC's briefing for this debate. It is extremely welcome that it is now focusing on means to ensure that enterprise and farming can develop by the use of proper, sustainable support for water.

My noble friend Lady Jones of Whitchurch recently visited Aponic Ltd, which has developed a vertical soil-less growing system that uses 90% less water than traditional agriculture, runs on rain water and solar power and does not emit harmful run-off into the environment. We should be spreading these innovations across the world and helping to install them in Africa to ensure that they change things and that we have a sustainable agricultural system throughout the world. I urge the Government to support such innovation.

7.02 pm

The Minister of State, Department for International Development (Lord Bates) (Con): My Lords, I join other noble Lords in paying tribute to the noble Lord, Lord Cameron, for the way in which he introduced this fascinating and compelling debate, which has been full of insight. Many of the insights were drawn from noble Lords' experience of seeing activities and projects on the ground.

The noble Lord, Lord Cameron, reminded us of what a precious commodity water is and about the importance of managing it carefully and of community-based solutions. My noble friend Lord McColl stressed the importance of safe sanitation, especially for girls. The noble Earl, Lord Sandwich, talked about SDG 6 and climate change. My noble friend Lord Freeman spoke about faith organisations, particularly the Busoga Trust, and about the importance of maintaining things. The right reverend Prelate the Bishop of Derby spoke about the consideration which is given in wider infrastructure projects to the importance of the sustainability of water and of how we should engage more with small, passionate local organisations such as the one in his diocese.

My noble friend Lord Leigh spoke about the impact of water scarcity on education, particularly that of young girls. We all pay tribute to him and wish him well this Sunday as he embarks upon his half-marathon in support of WaterAid. He paid tribute to my fundraising efforts, but they were so good because he was such a good supporter. That was a very good plug to remind me that I can support him on his website, but it is also of course a great investment, because DfID will aid match the money given. We wish him well with that.

The noble Baroness, Lady Sheehan, quoted that very poignant proverb—when we drink water, we must remember the spring—and talked about sustainability. She also stressed the importance of data. The noble Lord, Lord Collins, wound up the debate by reminding us of the importance of working at a high level within international, multilateral organisations and of the work of the high-level panel.

Ensuring that everyone has safe water and sanitation is one of the most important functions of all Governments. Every day, the lack of safe water and toilets means that nearly 1,000 children aged under five die from diarrhoea, as referenced by the noble Lord, Lord Collins. Poor water and sanitation contribute to many neglected tropical diseases. It is women and girls who suffer most, as they must bear the burden of collecting water and place themselves at risk while having to find safe sanitation.

We were of course given an insight here about the passion of my noble friend Lord McColl not only in taking up the issue and supporting so many good causes but also in getting involved in direct action in Nepal and actually demanding change on the streets. The fact that he was joined by the noble Earl, Lord Sandwich, just shows that they have a better class of

[LORD BATES]
public demo in Nepal, with two Peers, including an Earl, among their number. It demonstrates the importance of the issue and their personal passion for it.

Investing in water and sanitation is good value for money, as so many noble Lords referenced. With each £1 of investment, there is a return of over £4. In many countries, the returns are even higher.

The world has made huge progress providing water and sanitation services. Between 1990 and 2015, 2.6 billion people gained access to improved water supplies, and 2.1 billion to improved sanitation. The UK played an important role in this by helping 64.5 million people gain access to these services between 2011 and 2015, as the noble Baroness, Lady Sheehan, referred to. Since 2015, we have helped nearly 30 million more people get access.

The noble Lord, Lord Cameron, spoke about the challenges the world faces in securing sufficient water to meet the needs of people, economies and the environment. The Water Resources Group in the International Finance Corporation estimates that water insecurity costs the global economy over £350 billion a year. But there is not enough investment in improving water governance and infrastructure. Indeed, it is estimated there is a shortfall of some £142 billion a year that we must address.

Through the water security programme, the UK Government are investing £51 million over six years to support improved management of water resources and are working with business to invest more to make water available for agriculture, industry and energy. The UK is also supporting a number of regional programmes to support better management of rivers that are shared by countries in Africa and Asia. For example, we are investing in the transboundary water management programme of the Southern African Development Community to help 3 million of the poorest people do more to cope with floods and drought.

Through research programmes funded by the Department for International Development and the Global Challenges Research Fund managed by the UK research councils, we are supporting ground-breaking research to improve knowledge on water resources and to improve their management. We are ensuring that our world-leading institutions such as the British Geological Survey, which the noble Lord, Lord Cameron, referred to, are providing the answers African countries need so badly. They are helping to build the capacity of those countries to address these problems in the long term.

At this point, I also pay tribute to the work of the small charities we heard of, particularly of the Busoga Trust, which my noble friend Lord Freeman referred to. As a former member of the congregation of St Michael's, Chester Square, I of course know of its work and am very impressed by it. I should say immediately that I am very happy to meet with it, not just at its reception but at any time with my noble friend in order to discuss how we can work with it more.

But more needs to be done. The noble Earl, Lord Sandwich, was right to remind us of the call in the sustainable development goals for universal access to water and sanitation by 2030. The noble Baroness, Lady Sheehan, was right to remind us of the knock-on effect that supporting that SDG has on other SDGs, be they on gender equality or education. Achieving this goal will require countries to invest much more of their own resources in water and sanitation. The UK Government will continue to work with countries to help to allocate and spend more money from their public budgets and attract finance from private investors.

My noble friend Lord Leigh asked about the allocation of the UK's aid budget to water and sanitation. DfID supports water and sanitation projects in 29 countries in Africa, Asia and the Middle East, spending nearly £185 million in the year 2015-16. We allocate the resources that are required to meet the results that we aim to achieve. As we know, many of these countries, such as South Sudan and the Democratic Republic of the Congo, are suffering from ongoing conflict. Our support will help to ensure sustained access to services by building the capability of Governments, businesses and charities, including faith-based organisations, to ensure that services can be sustained.

Several noble Lords, including my noble friend Lord Leigh, the noble Lord, Lord Collins, the noble Baroness, Lady Sheehan, and the noble Earl, Lord Sandwich, asked how DfID will implement the recommendations of the Independent Commission on Aid Impact's review. I am pleased to say that DfID is fully addressing the recommendations of the ICAI review of DfID's results in water and sanitation, and we will be responding to that fully.

On a point made by the noble Baroness, Lady Sheehan, we are collecting more data on the sustainability of services, and we will be commissioning an analysis to determine how many of the 64.5 million people whom we helped to get access have maintained it since 2015. We are collecting more data on the value for money of our programmes, working closely with all our partners to get better and more comprehensive figures. The UK Government also support programmes to improve the management of water services for agriculture, industry and cities. Our support is helping countries to make good decisions about developing and protecting their water resources, including ensuring that water services are resilient to climate change, which the noble Earl, Lord Sandwich, referred to.

We know that new challenges are emerging. As the climate changes, so services are at greater risk of disruption and damage from floods and droughts. DfID has recently started a new £27 million programme to support the development of more resilient water and sanitation services in Africa and Asia, including through better catchment management and upgrading infrastructure—a point to which the noble Lord, Lord Cameron, referred us.

I shall address some of the specific questions that were put to me. The right reverend Prelate the Bishop of Derby asked about the long-term provision of functional infrastructure. DfID is working with partners and the private sector on strategies such as smart hand pumps and solar pumping stations to maximise the functionality of water points. DfID supports community-led total sanitation to ensure that the toilets that are built will last, with support from private sector improvements—for example, the Toilet Board Coalition. Community ownerships ensure that project management reflects cultural priorities.

The noble Earl asked about the involvement of church organisations and faith groups, and we heard of many examples during the debate. Faith groups make a very important contribution not just in raising funds but in delivering on the ground. DfID supports more than 25 faith groups, including more than 20 Christian-based faith groups. I have referred to the Busoga Trust, which I am happy to meet. The noble Baroness, Lady Sheehan, asked about CDC. It is working on a new water and sanitation strategy, and DfID is engaging with it on this. The noble Baroness referred to leaving no one behind, and the data results methodology sets out clear requirements for DfID programmes to disaggregate on the people's groups that are served by it, including by disability and gender.

The noble Lord, Lord McColl, asked about sanitation in Nepal. DfID's programme in Nepal includes £19 million for rural and water sanitation for the poor, and it has funded work on reducing the risks of violence against women and girls related to poor sanitation and water access. The right reverend Prelate the Bishop of Derby asked about partnerships with business, and DfID considers the diverse range of business from individual entrepreneurs to multinationals. For example, as I have mentioned already, we engaged closely with the Toilet Board Coalition—a global business-like coalition to accelerate the scale-up of innovative solutions to sanitation.

The noble Lord, Lord Collins, talked of the importance of promoting water in multinationals and internationally. DfID supports the sanitation and water for all initiative, which aims to improve the targeting of financial aid and human resources for water and sanitation provided by donors and developing countries. Being able to drink water and have a private and sanitary toilet are surely among some of the most basic needs that we take for granted.

I hope that the debate will demonstrate not only the importance of the issue but that Her Majesty's Government, DfID and the UK taxpayer are working hard with our international partners in this area to ensure that we meet our international obligations through the SDGs to which we have referred, and continue to provide leadership and, as the noble Lord, Lord Collins, said, ambition on an international stage to ensure that we get greater access and greater investments, and by doing so, we help to save lives and build livelihoods.

Telecommunications Infrastructure (Relief from Non-Domestic Rates) Bill

Returned from the Commons

The Bill was returned from the Commons with the amendments agreed to.

House adjourned at 7.16 pm.