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PARLIAMENTARY DEBATES  
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# HOUSE OF LORDS

## OFFICIAL REPORT

*ORDER OF BUSINESS*

Questions	
Wheeled Goods Vehicles.....	1395
Childhood Obesity.....	1397
Brexit: Health and Social Care Workforce .....	1400
HS2.....	1402
Business of the House	
<i>Motion on Standing Orders</i> .....	1404
Business of the House	
<i>Timing of Debates</i> .....	1405
Constitutional Convention	
<i>Motion to Take Note</i> .....	1405
Disability-inclusive Development	
<i>Question for Short Debate</i> .....	1452
Young People	
<i>Motion to Take Note</i> .....	1466
Police Funding Settlement	
<i>Statement</i> .....	1497
Provisional Local Government Finance Settlement	
<i>Statement</i> .....	1506

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<b>Abbreviation</b>	<b>Party/Group</b>
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
Lab Co-op	Labour and Co-operative Party
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

Thursday 13 December 2018

11 am

Prayers—read by the Lord Bishop of St Albans.

## Wheeled Goods Vehicles Question

11.06 am

Asked by **Baroness Gardner of Parkes**

To ask Her Majesty's Government what plans they have to repeal the exemptions from the requirement for wheeled goods vehicles to be fitted with sideguards.

**Lord Young of Cookham (Con):** My Lords, under regulations made in 1986, most new heavy goods vehicles—HGVs—are required to be fitted with sideguards. There are limited historical exemptions—for example, a motor vehicle that does not exceed 15 mph, and fire engines—which were put in place for good reasons. Work is focused on amending regulations to ensure that where sideguards are required on new HGVs, these are retained and maintained. I anticipate that these proposals will be published in 2019.

**Baroness Gardner of Parkes (Con):** The Minister may be aware that the typical cases at the moment are the mixers and tippers—heavy goods lorries that are exempt. It is the front wheel that hits you if you are on a bicycle and too near, but when you get dragged under the vehicle, the back wheel is the one that kills you. It is better to abolish this exemption, particularly as companies such as CEMEX, the Mexican cement-mixing firm, have deliberately and carefully put these barriers on, although they are not required; CEMEX is trying to persuade other cement people to do it. But would it not be simpler and better for the Government to just change the regulations? Is the Minister able to tell us figures for fatalities and casualties?

**Lord Young of Cookham:** I am grateful to my noble friend. Cement mixers are not exempt under the regulations, and since 2012 all tippers have had to be fitted with sideguards. On the figures, in London over the past three years, 70% of cyclist fatalities involved HGVs, so my noble friend is quite right to draw attention to this. I speak as someone who came in on a cycle. My noble friend asks about injuries. Of the 29 cycle fatalities and life-changing injuries in two years, 25 were caused by the cyclist being knocked over by the front or side of the cab; in other words, ahead of the sideguard. Once the cyclist is knocked over, the sideguards are of no value because they are two feet above the ground. So the Government have been focusing on other measures to improve vision and cyclists' safety, as well as making sure that the existing regulations on sideguards are honoured.

**Lord Teverson (LD):** My Lords, we have an increasing number of foreign vehicles—some of them not EU ones—on our city streets these days, with drivers driving

on what is to them a strange side of the road. How confident are the Government that those foreign vehicles meet the standards and regulations that we require on sideguards?

**Lord Young of Cookham:** The standards that we follow on sideguards are international standards imposed under one of the United Nations sub-committees. So a vehicle, wherever it has been constructed, will have to meet those international standards, which cover sideguards. We are now taking extra steps to make sure that, in addition to the vehicles being fitted with sideguards when they are manufactured, the sideguards are maintained—for example, if they become damaged, quite often they are not replaced—and those are the regulations that we are looking at bringing in next year.

**Lord Berkeley (Lab):** My Lords, will the Minister explain to the House how much enforcement of these regulations takes place? I was kindly invited to a demonstration of enforcement down by the Tate Gallery a couple of years ago, where the police and VOSA were combining to enforce the regulations on tachographs and all other rules relating to trucks. They must have spent a lot of money on this around the country but they said that the main achievement was to put a board on the back of scaffold lorries to stop the poles falling off. If that is all they can do, surely we need much more enforcement of these regulations?

**Lord Young of Cookham:** As the noble Lord will know, there are regular spot checks on roads in this country where heavy goods and other vehicles are stopped and checked to make sure that they comply. I will supply the noble Lord with more information on the effectiveness of these spot checks and how often they are carried out.

**Lord Kirkhope of Harrogate (Con):** My Lords, I had direct experience when I was a Member of the European Parliament of a constituent whose daughter was killed by a lorry because the visibility from that lorry was not adequate. I think that changes have been made in relation to the requirements for extra mirrors for observation around a vehicle of that kind. But sometimes the outside mirrors are obstructed with debris or become, frankly, useless during the vehicle's use. Are we sufficiently able to move on and do things quickly when we find new ways in which we can help to protect those who are in contact with or close to heavy goods vehicles?

**Lord Young of Cookham:** My noble friend is quite right that the UK played a leading role in changing international standards. In July 2016, measures for large HGVs with improved mirrors came into effect, largely as a result of our intervention. More work is going on in what is called detection technology, which detects vulnerable road users, and measures using cameras. There will be new requirements for buses and lorries, which could come into effect in 2021 under the direct vision standards initiative.

**Baroness Jones of Moulsecoomb (GP):** My Lords, I do not really understand the Minister's reply to the noble Baroness, Lady Gardner. He said that the Government

[BARONESS JONES OF MOULSECOOMB]  
are focusing on other measures. What other measures? I do not find it acceptable if he says it is either/or, when it is in fact a simple change that the Government could make which could save lives or prevent life-changing injuries.

**Lord Young of Cookham:** I am sorry if the noble Baroness did not understand my reply. What I hope I said was that cement mixers are not exempt; in other words, they have to comply with the sideguard regulations. Since 2012, all new tippers have been fitted with sideguards and we are taking other measures. On 22 November, we published proposals to increase road safety for cyclists, pedestrians and horse riders. The Government are taking a wide range of initiatives to promote road safety. Our roads are among the safest in the world but one casualty is one too many.

**Lord Tunnicliffe (Lab):** My Lords, the death of cyclists in this scenario is a tragedy. The problem, which I think the Minister has alluded to, is that the vehicles are very heavy and the cyclists are very light. Sideguards are relatively ineffective when turning left over a prone cyclist. The modern technology available that powers alerts with radar or sensing systems and so on, including on modestly priced cars, is here and available today. It is actually on the car that I own. Is the department taking direct action to accelerate the trialling of this sort of equipment on lorries and contemplating regulations to require it to be fitted?

**Lord Young of Cookham:** We are playing our role, in this case along with the European Commission. In May 2018, direct vision for trucks was one of the safety measures included in the European Commission's review of general safety regulations. We are also supporting measures under the European Commission's third mobility package further to improve the protection of pedestrians and cyclists. The European Commission is also doing work, which we support, to reduce what it calls the "aggressiveness" of HGV fronts in the context of vulnerable road users. The noble Lord is quite right that there is a lot of work going on supported by the UK which we hope will improve safety for pedestrians and cyclists.

## Childhood Obesity

### Question

11.15 am

Asked by **Lord Brooke of Alverthorpe**

To ask Her Majesty's Government what progress has been made, if any, in discussions between the BBC and Public Health England regarding a joint strategic plan on childhood obesity.

**The Parliamentary Under-Secretary of State, Department of Health and Social Care (Lord O'Shaughnessy) (Con):** My Lords, Public Health England and the BBC are firmly committed to working together on childhood obesity. Since July, the teams have met three times for discussions and are currently working on the detail of future plans.

**Lord Brooke of Alverthorpe (Lab):** I am grateful to hear that there have been three meetings since we met in July. Unfortunately, the latest statistics on obesity in children aged from 12 to 16 show a further deterioration. It is time we really got something moving in the form of a national campaign on obesity. The BBC has an important part to play in that. Will the Minister persuade his Secretary of State to lean on the BBC and Public Health England to get a move on so that we can see programmes being introduced, and then issue chapter 3 of the obesity plan to incorporate that into it?

**Lord O'Shaughnessy:** I agree with the noble Lord about the importance of the issue and I am grateful to him for the role he has played in bringing that relationship together. He knows very well that the BBC has played a critical role over decades in many very important health campaigns, such as on HIV or the "Just Say No" campaign on drugs. The BBC is absolutely committed. Of course, it would be inappropriate for Ministers to lean on the BBC, which has editorial independence that I am sure we are all anxious to protect. However, it is committed to doing more. It is doing a number of activities through its programming, including the "Blue Peter" cooking club, various CBBC programmes and so on. I do not think anyone doubts the BBC's commitment to this, and we will see the fruits of that soon, I am sure.

**Baroness Walmsley (LD):** My Lords, is the Minister aware that food economists have calculated that, calorie for calorie, fruit, vegetables and high-quality proteins are much more expensive than foods high in carbohydrate and fat? Is it surprising that poor parents find that they have to fill up their children with those foods that eventually often lead to obesity? The structural underpinning of this problem is poverty, which goes much wider than the Minister's department. It should be a whole-government issue. What are the Government doing about that?

**Lord O'Shaughnessy:** I absolutely recognise the problem that the noble Baroness has pointed out. The prevalence of childhood obesity doubles between the least deprived and the most deprived areas. The Government are committed to reducing that deprivation gap and taking a broad range of actions to combat poverty, none more so than making sure that everybody has the chance to work, which is why we have more people in employment than has ever been the case.

**Baroness Boycott (CB):** My Lords, following that point, more than a quarter of year 6 children in the most deprived areas are now obese, compared with just 11% in our richest communities. Poorer people cannot afford the Government's Eatwell plate. What will the Government do post Brexit? Every document I have read has promised rises of between 4% and 20% in food prices and not one has said that food will get cheaper. We already know that we have a deep problem here. What are the Government doing to help, whether through Early Start, by subsidising fruit and vegetable consumption, or through doctor prescribing, to ensure

that poorer children can get the food they need to ensure that they do not become—looking at it economically—a time bomb for us later?

**Lord O'Shaughnessy:** The noble Baroness is quite right about the scale of the problem. It is worth pointing out that obesity and overweight issues cost the NHS alone £5 billion a year. There are two parts to the answer. First, the Government are making sure that plans are in place to ensure the continuity of food supply as we leave the EU, whatever the outcome of the negotiations. Secondly, there are two aspects to her key points: about £26 million is going into breakfast clubs as a result of the sugar levy, and of course free fruit and veg are available to young children in primary school.

**Baroness Jenkin of Kennington (Con):** My Lords, ITV and Veg Power are teaming up to launch a major initiative in the new year designed to appeal to children, as well as a public health initiative through ITV's programmes. Does the Minister agree that ITV and all the other broadcasters could look at similarly imaginative ways of doing this through their programmes?

**Lord O'Shaughnessy:** That is an excellent suggestion. Before this debate I looked at the Veg Power campaign, the ITV campaign to promote the eating of vegetables, which looks excellent. ITV has demonstrated its commitment and certainly shows an example to other broadcasters.

**Lord Dubs (Lab):** My Lords, the British-Irish Parliamentary Assembly produced a report some months ago on childhood obesity, covering all the jurisdictions it represents. Could the Minister take another look at that, because a number of issues came out of it—for example, the need for local authorities to take action, the need for action in schools and the need for action in the voluntary sector? Could the Minister come back when he has looked at what further action could be taken on those recommendations?

**Lord O'Shaughnessy:** I should certainly be happy to do so. It is worth pointing out that that document and others have informed chapter 2 of the Government's obesity strategy, which was published recently. Because the problem is not yet being dealt with, as we know, and we have an ambition to halve obesity, we are determined to act on things such as banning promotion of sugary foods and further restricting advertising.

**The Earl of Listowel (CB):** My Lords, is the Minister aware of the report today from BBC News which shows that, while information has been provided that 600 calories is a decent meal, fast-food providers provide 750 or so on average, but chain-food suppliers provide 1,500 calories? What will the Government do to encourage those providers to provide lower-calorie-option meals for the public and for young people?

**Lord O'Shaughnessy:** The noble Earl makes an excellent point. That is why in chapter 2 of our strategy, as I mentioned, we propose mandating consistent

calorie labelling in out-of-home settings; indeed, the consultation on that has just closed and we will be publishing our results shortly.

## **Brexit: Health and Social Care Workforce** *Question*

11.21 am

*Asked by Baroness Wheeler*

To ask Her Majesty's Government what assessment they have made of the report by the National Institute of Economic and Social Research, *Brexit and the Health & Social Care Workforce in the UK*, published on 6 November.

**The Parliamentary Under-Secretary of State, Department of Health and Social Care (Lord O'Shaughnessy) (Con):** My Lords, the Government are determined to recruit and retain the staff that the health and social care sectors need. This will include a robust domestic recruitment drive as well as ensuring that EU staff, who play such an important role in caring for and supporting patients, are able to stay in this country. That is why on Monday 3 December, we launched the EU settlement scheme pilot for the EU workforce in health and social care.

**Baroness Wheeler (Lab):** I thank the Minister for his response. The Cavendish report on the current and potential staff shortages across all the key health and social care professions makes for alarming reading and shows how dependent we are on the work and dedication of EU nationals. I want to focus on social care workers. What is the Minister's response to the Government's Migration Advisory Committee, which says that these vital staff fall into the category of "low-skilled" and therefore do not merit preferential rights here in any post-Brexit scenario? In the past he has acknowledged the skilled, caring jobs that these staff do in community services, people's homes, nursing homes and care homes. Does he agree that they are definitely not low-skilled? What is he doing to convince the MAC otherwise? What is the strategy for recruiting the 130,000 new social care workers that we need each year just to stand still, let alone to address the future demands of the service?

**Lord O'Shaughnessy:** I thank the noble Baroness for her question. First, we want to ensure that EU staff working in Britain are able to do so, and course that is why the EU settlement scheme pilot is so important. The social care workforce in this country has increased a lot, with a mixture of domestic and foreign staff. One of the ways in which we are increasing the attractiveness of that profession is by increasing the living wage, which has benefited so many staff in social care. Of course, many of them are highly skilled, and we want to ensure that we continue to be able to attract such skilled staff. We continue to discuss with the Home Office exactly what the right thresholds are for our future immigration system so that we do not lose out on these kinds of staff.

**Lord Laming (CB):** My Lords, does the Minister agree that the problem is caused primarily because of the low esteem given to social care staff? This is

[LORD LAMING]

extraordinary because most people who find themselves dependent on those staff value their contribution enormously. Would it not be helpful if the Government attached greater importance to those staff, not only through reward but through training and proper support?

**Lord O'Shaughnessy:** The noble Lord is absolutely right. The Government certainly do not hold those staff in low esteem—quite the opposite. As we know, we need increasingly to think of health and care staff as one workforce and ensure that professional paths lead through all those professions. I am sure he will be aware of the work being done by Skills for Care, which provides the overarching policy in this area, has made recommendations about pay and helped to inform our increase in the living wage, and is providing better training facilities for those staff.

**Baroness Brinton (LD):** My Lords, in addition to the report referred to, Coram has today published its annual survey confirming that there is not enough care available for older people, with only one in five local authorities reporting enough care in the area to meet demand. As a result, more than 4.3 million people aged 75 and over are living in an area with insufficient social care. The Minister talks about discussions with the Home Office, but we also see from the report that there was a big peak of EU staff leaving, and a big reduction in nurses, dentists and allied healthcare workers coming in from the EU. This is a perfect storm, so when will the Home Office understand that we need a range of staff in this country? Secondly, can the Minister confirm when the Government's paper on health and social care will be published?

**Lord O'Shaughnessy:** Of course, care needs are increasing—a fact that flows from having a growing and ageing population. I should point out that the Government have increased funding for social care by more than £9 billion over three years in recent Budgets, so we recognise the seriousness of the issue. We of course want to retain those staff—it is good that there were more EU staff in the NHS in June 2018 than in June 2016, and we want them to stay. As for the social care Green Paper, it will be issued shortly.

**The Lord Bishop of London:** My Lords, I am grateful to the Minister for the value that he places on those working in the social care and health sector, but the National Institute of Economic and Social Research identifies that the sector is under considerable pressure, even before we consider Brexit. The Royal College of Nursing states that fewer nurses started training in our universities this year. Fifteen per cent of all our nursing roles have vacancies in London. Experience tells us that recruitment is complex. Can the Minister reassure the House that in an environment that uses the language of taking back control of our borders and controlling immigration, steps are being taken to reassure not just those within the EU but outside it that they remain a valued and essential part of our diverse health and social care sector?

**Lord O'Shaughnessy:** I am grateful to the right reverend Prelate for the opportunity to say that we value every person who works in this country in those

professions. We want to ensure that they are able to stay and contribute to the health and wealth of our country. I point out we are improving both recruitment and retention not only through increases in the living wage but through changes to the Agenda for Change pay deal concluded earlier this year. It will give 1 million staff at least a 3% pay increase by the end of 2018-19, and increase the starting salary of a nurse by nearly 10% to almost £25,000 by 2021.

**Baroness Verma (Con):** My Lords, we all value the increased living wage—I speak as a provider of social care, and my interests are listed in the register. Will the Government ring fence the extra funding that they rightly put into social care, so that local authorities have to pass it on to providers? Providers have increased costs, and we cannot pass the money on to our care workers because we simply cannot afford it.

**Lord O'Shaughnessy:** I recognise the picture that my noble friend paints. It is of course incredibly important that money gets to the front line. I am sure that she is aware of this, but I would point out the operation of the Better Care Fund, which brings together local authority and NHS funding specifically to support social care provision. The amounts of money going through that have been increasing over recent years.

**Baroness Pitkeathley (Lab):** My Lords, the statistics quoted by my noble friend on the Front Bench are pretty frightening, but the knock-on effects on the 6.5 million unpaid carers upon whom our health and social care system depends are even more alarming. In a recent survey, 70% of them doubted their ability to continue caring if more support, much of which comes from these care workers, is not available to them. Will the Minister assure the House that the forthcoming Green Paper, which we know is imminent, and the NHS plan, will take full account of the needs of carers?

**Lord O'Shaughnessy:** I am grateful to the noble Baroness for raising the matter and for her persistence in doing so; she is quite right to. We were pleased to publish the action plan earlier in the year and I can tell her that the Green Paper, as I have said before at the Dispatch Box, will contain more policy on supporting carers.

## HS2 Question

11.30 am

Asked by **Lord West of Spithead**

To ask Her Majesty's Government whether they have revised their estimates of (1) the cost of, and (2) the timetable for completing, HS2 following delays and increased costs in relation to Crossrail.

**Lord Young of Cookham (Con):** My Lords, HS2 Ltd regularly reviews project plans and is currently working with its contracted suppliers to update and agree its latest cost and schedule confidence assessments for phase 1. HS2 Ltd is always examining lessons learned from major infrastructure projects, including Crossrail, to improve its understanding of the risks to delivering

on time and to budget. We will publish updated cost and schedule estimates for phase 1 as part of the full business case in 2019.

**Lord West of Spithead (Lab):** I thank the Minister for his Answer. A huge amount of money is involved. There is not much money around and things have changed. Does the Minister think that increasing capacity on the west coast main line is more important than, for example, sorting out the shambles in the civil nuclear industry and thereby safeguarding our future energy supplies for the nation? Does he think that it is more important than getting a secure GPS system to replace Galileo, from which we were so disgracefully excluded by the EU? Does he think that it is more important than resolving the funding crisis in our Armed Forces, when Russia is confronting and destabilising our nation? If so, does he not think that this is the time to pause and reconsider where this money should be spent?

**Lord Young of Cookham:** The noble Lord will know that the question of allocation of resources between a range of government departments is one taken collectively by the Cabinet and announced by the Chancellor of the Exchequer at the appropriate time. It is not for a junior Minister to comment on the allocation of public expenditure between the Ministry of Defence and a whole range of departments, including those for transport and energy. On the last part of the noble Lord's question, I think that it is right to go ahead with this project. It is expensive, but the phase 1 funding has not increased since the spending review settlement in 2015. Phase 1 is scheduled to cost £27.18 billion in 2015 prices and we are determined to keep it within that cost estimate.

**Lord Alton of Liverpool (CB):** My Lords, will the noble Lord—a much-respected and much-liked former Secretary of State, as well as a junior Minister in your Lordships' House—comment at least on the prioritisation of railway needs and demands? He will have noted, following the resignation of Sir Terry Morgan, that the Mayor of Liverpool resigned last week from the board of the Northern Powerhouse Partnership citing as his reason for doing so the lack of rail investment to service the £1 billion renaissance of Liverpool docks. Can he say where HS3 and the proposed linkage of northern cities now stands? Should not the revitalisation of the north be a much higher priority than HS2, which by comparison will contribute far less to northern regeneration?

**Lord Young of Cookham:** The noble Lord makes a powerful case for more resources for transport in addition to the money that we have already committed to HS2, in both phase 1 and phase 2. He wants additional resources to improve connectivity with Liverpool. A spending review is just starting in which I am sure the Department for Transport and those departments that have an interest in the northern powerhouse will make bids. I note his strong representations that improved connectivity for Liverpool should be a high priority.

**Lord Forsyth of Drumlean (Con):** Has the Minister had the opportunity to read the reports from the Economic Affairs Committee of this House on HS2, and can he confirm how many billions could be saved by a marginal reduction in the speed of this train?

**Lord Young of Cookham:** Can I write to my noble friend with the answer to that question? At the moment, as I indicated in my first reply, there is a dialogue between HS2 and the suppliers to ensure that the bids come in within the overall envelope that the Government have allocated. This may involve looking at some of the specifications that my noble friend has referred to. We are determined to stick within that envelope and all options will be looked at to make sure that we maintain the costs of this project.

**Baroness Randerson (LD):** My Lords, Sir John Armitt from the National Infrastructure Commission thinks that HS2 could cost an additional £43 billion. Is it not time that the Government gave us an up-to-date estimate of the true cost of this plan? Do the Government accept that the north of England needs better east-west rail connections as much as it needs HS2 going all the way to the north and not stopping at Birmingham?

**Lord Young of Cookham:** To answer the first part of the noble Baroness's question: as I said in my original reply, we will publish updated cost estimates as part of the full business case in 2019. In the second part, she reinforced the bid for more resources to go into public transport in the north; that has been noted and will be taken up in the spending review.

**Lord Adonis (Lab):** My Lords, on behalf of the whole House, I am sure, I say that we would welcome the Minister's appointment as Secretary of State for Transport so that he can take some responsibility for these issues. He might be a great improvement on the current regime. In respect of HS2 and HS3, it is vital that we improve intercity connectivity between London, the Midlands and the north. It is also vital that we improve connectivity between the northern cities. We should not have to choose between them. Does the Minister agree that the right thing to do is to proceed with HS2 and HS3, and that if we were not having to spend £39 billion on Brexit we could do both very comfortably?

**Lord Young of Cookham:** My Lords, you do not see one Transport Secretary for a long time and then two come along at once. The noble Lord is right: HS2 will directly connect eight of the 10 largest cities in the country; it is about connectivity and capacity as much as about speed. He has reinforced the strong bid I have already heard for more resources to HS3 and other connectivity within the cities of the north. That bid will be taken forward as part of the spending review. The added weight that he has just given to it will, I am sure, cut a lot of ice in the Treasury.

## Business of the House

### *Motion on Standing Orders*

11.37 am

*Moved by Baroness Evans of Bowes Park*

That Standing Order 40 (*Arrangement of the Order Paper*) be dispensed with on 19 December to enable the motions in the names of Lord Moynihan and Baroness Neville-Rolfe to be taken before the motions in the name of the Lord Bishop of Chichester.

*Motion agreed.*

## Business of the House

### *Timing of Debates*

11.37 am

*Moved by Baroness Evans of Bowes Park*

That the debate on the motion in the name of Lord Foulkes of Cumnock set down for today shall be limited to 3 hours and that in the name of Baroness Armstrong of Hill Top to 2 hours.

*Motion agreed.*

## Constitutional Convention

### *Motion to Take Note*

11.38 am

*Moved by Lord Foulkes of Cumnock*

That this House takes note of the current constitutional challenges within the United Kingdom and the case for the establishment of a United Kingdom-wide Constitutional Convention to address issues of democratic accountability and devolution, particularly in England.

**Lord Foulkes of Cumnock (Lab):** My Lords, I am particularly grateful to my noble friends in the Labour group in the House of Lords for agreeing to this topic and allowing me to speak to it. It is very important, as indicated by the number and distinguished nature of the speakers who have put their names down for the debate. I hope others will forgive me if I start by saying how pleased I am that my friend and former colleague, in the other place and in this House, the noble Lord, Lord Higgins, has agreed to make his valedictory speech in my debate. I am honoured by this; we look forward to it very much indeed. But we shall miss his wisdom when he is no longer with us.

It is encouraging that we are debating a constitutional issue that is not Brexit. Is that not a relief? This issue is a long-standing interest of mine—some might even say that it is an obsession. I was first motivated to become interested in it in the late 1960s and early 1970s by the late Professor John P Mackintosh, a Member of Parliament whom some noble Lords will remember. He was a very powerful and eloquent advocate of the need for devolution of power away from Whitehall and Westminster to the nations and regions of the United Kingdom. He was the author of the seminal book *The Devolution of Power* and a very good friend of mine. He and all of us who were concerned about devolution of power at that time saw a central metropolitan bureaucracy here in London that did not understand or take account of the different needs of the different parts of the country—not just Scotland, Wales and Northern Ireland but the regions of England.

We sought to remedy that for Scotland with the devolution of both legislative and administrative power to a Scottish assembly, as we called it at the time, and we campaigned for it. I am glad that my noble and good friend Lord McConnell of Glenscorrodale will speak today, because he and I fought shoulder to shoulder in that campaign, along with my noble friend Lord Maxton, who I am glad to see is also here, and

many others. Sometimes it seemed like a lone fight but it gathered momentum—if noble Lords will excuse that word—as we went along.

We succeeded in persuading the Labour Government to agree to a referendum, which was held in 1978, but frustratingly, although we got a majority in that referendum, it failed to achieve the 40% turnout threshold that had been forced into the legislation by opponents, led by the late George Cunningham. Sadly, 1979—a date I will never forget, as it was when I was honoured to be elected to the House of Commons—saw the return of a Tory Government, which meant that nothing was done to pick up the idea and campaign for devolution. Some felt that the opportunity had been lost for ever.

**Lord Forsyth of Drumlean (Con):** Would the noble Lord like to put it on the record that the Tories in Scotland will always be grateful to the SNP for bringing down the Labour Government on that issue and thus enabling Margaret Thatcher to become Prime Minister?

**Lord Foulkes of Cumnock:** For once, I am grateful to the noble Lord, Lord Forsyth, for intervening because he has reminded me of that, and we should keep reminding the people of Scotland that it was the SNP that helped to bring down Jim Callaghan's Government and gave us Margaret Thatcher and a Tory Government for nearly 18 years.

**Lord Wigley (PC):** Not in Wales.

**Lord Foulkes of Cumnock:** Where was I? As a result, nothing was done by that Government and some of us felt that the opportunity had been lost. However, after some reflection, the campaign was revived and, although unfortunately we were not able to persuade the Thatcher Government to act, we came up with a very novel idea, which will be the central part of my argument today. It was that the Labour Opposition should take the initiative in setting up a convention.

Therefore, Labour, with the support of the Liberal Democrats, I am glad to say, along with the Greens and the Communist Party, set up the unique Scottish Constitutional Convention, consisting of all Scottish MPs, Peers and party and union representatives, as well as the Churches—one of the Church representatives, Canon Kenyon Wright, chaired the executive of the constitutional convention—and representatives from all civil society. The purpose was to devise a plan for a Scottish Parliament. In spite of subsequent claims to the contrary, neither the SNP nor the Tory party supported the convention officially, although, to their credit, individual Tories and nationalists did.

The report of that convention became the blueprint for the Scottish Parliament—almost every detail in the report was incorporated into the Bill for setting it up—and it enabled the Labour Government elected in 1997 speedily to introduce legislation to do so. It showed what can be done if all sections of society come together early on. Rather than legislation starting from a blank sheet of paper once a Government were elected, we had that blueprint.

That Scottish Parliament, as we know, has now been operating for nearly 20 years. Together with the subsequent Welsh Assembly and the revival of the

Northern Ireland Assembly at Stormont, despite its recent suspension, it has given substantial, though variable, administrative and legislative devolution—perhaps best described as asymmetric devolution—to those three parts of the United Kingdom. But, as the House of Lords Constitution Committee rightly and wisely reported in 2016, that leaves England,

“the largest, most powerful nation in the UK ... without separate recognition and ... representation”.

It has also produced some anomalies. The late Tam Dalyell—although an opponent of devolution, he was my friend—used to argue that, as a Westminster MP, he was able to vote on education in Blackburn, Lancashire, but not in Blackburn, West Lothian, which he represented. It was useful for two towns to have the same name for him to make that comparison. That anomaly became known as the West Lothian question.

As we know, David Cameron tried to deal with the legislative democratic deficit faced by England with the unfortunately titled English votes for English laws, or EVEL—that is E-V-E-L, or maybe not—which has restricted non-English MPs from voting on purely English Bills at certain stages. However, a recent report from Queen Mary University concludes that it has not answered the West Lothian question decisively. It has instead opened up a series of new and equally intractable questions. It has been a damp squib at best, but is perhaps better described as a spectacular failure.

Only the kind of coherent and comprehensive devolution I am arguing for can resolve it. That brings me to administrative devolution, where—as my noble friend Lady Quin reminded me just yesterday—the English regions feel as alienated from Whitehall as Scotland did and does. Here there has been what might be called an à la carte menu—more like a dog’s breakfast—of different schemes with catchy titles such as northern powerhouse, metro mayors, city deals and Midlands engine. All this has resulted in a piecemeal pattern, with most of the powers still residing in Whitehall. For example, the northern powerhouse—as we heard earlier at Question Time, the mayor of Liverpool has resigned from it in protest—was described by the Institute for Public Policy Research last week as,

“a top-down agenda dominated by central government”.

Of course, much of rural England is outside this network and feels increasingly left behind. The disparity in fiscal devolution is reflected by the control of revenue. The Scottish Parliament now controls 43% of tax revenues, Wales 21% and Northern Ireland 14%, while English local authorities trail behind, collecting only 9% of their revenue.

The challenge is how to produce a more coherent and comprehensive, but not necessarily uniform—that is an important qualification—system of devolution for the whole of the United Kingdom, which addresses the English democratic deficit. Some argue in favour of an English parliament, which may be attractive for legislation but does not deal with the demand for administrative decentralisation to the regions. Various attempts to start regional devolution in England—including my noble friend Lord Prescott’s plan, which died with the failed referendum in the north-east of England—have perished because Whitehall departments

clung on to the real powers. They kept the real powers and would not allow them to go to the proposed regions. Nor, of course, does that deal with legislation.

The clue to solving this conundrum lies in looking at the example of the Scottish Constitutional Convention I described earlier, which is why I strongly support setting up a UK constitutional convention to come forward with a coherent and comprehensive plan. It could advise on how decision-making can best be devolved administratively and legislatively, where appropriate, throughout England as well as the rest of the United Kingdom.

The Labour Party is committed to setting up such a convention, but only when elected, and the Liberal Democrats support such a convention to move towards a federal or quasi-federal UK. Robert Hazell of the Constitution Unit supports a similar convention to build cross-party consensus, and advocates a high level of public engagement, which I hope we can all agree is essential. Others involved in this issue, including the Constitution Society, argue for and support the idea of a constitutional convention.

Such a structure could enable those of us—I know it is not all of us—who seek reform of the second Chamber to replace the House of Lords with an indirectly elected senate of the nations and regions. It would have some democratic legitimacy, but would not challenge the primacy of the directly elected House of Commons.

I am glad that we have one of the more flexible and powerful Ministers answering the debate today—flattery will get me everywhere, I hope, but it is true. I hope he will agree to look at setting up such a convention. I know he cannot give us an immediate answer but I hope he will take it to his colleagues. However, if the present Government refuse to set up a convention, I do not see why it cannot be done now by Labour and the other opposition parties, working together with Churches and civil society, as we did in Scotland. I have suggested this to my noble friend the Leader of the Opposition on two or three occasions now. That way, we would have a blueprint ready to implement when we return to power—as inevitably we will. It was done by an enlightened Scottish Labour Party in the 1990s. Where Scotland led, surely the UK can follow.

11.51 am

**Lord Norton of Louth (Con):** My Lords, I congratulate the noble Lord, Lord Foulkes, on introducing this important and topical subject. I understand why he makes the call he does, but I reach a different conclusion on establishing a convention, as the term is normally understood.

Over the past two decades, we have seen constitutional change on a scale that has not been seen for 300 years. We have seen major constitutional changes over those centuries, but they have tended to be specific measures which have had time to settle in before some other major change has come along. There were several constitutional changes in the period from 1911 to 1918, but that is the closest we have come to change comparable to that of recent years.

As the noble Lord touched upon, several measures of constitutional change were introduced by the Labour Government returned in 1997. Each was justified by

[LORD NORTON OF LOUTH]

its advocates on its individual merits. There was no attempt to locate these measures within an intellectually coherent approach to constitutional change; they were essentially disparate and discrete measures. In 2002, when I introduced a debate on constitutional change in your Lordships' House, the then Lord Chancellor, the noble and learned Lord, Lord Irvine of Lairg, conceded that the Government had no overarching theory. The same applies to measures introduced under the coalition Government. That was entirely predictable, given that the coalition was formed of two parties which adopt diametrically opposed views of the constitution. In this Parliament, we have seen further and fundamental change.

Throughout this period, there has been no attempt to look holistically at our constitution, at how these changes affect it and at how they relate to one another. There is no clear view of the type of constitution deemed most appropriate for the United Kingdom. Successive Governments have not been able to identify their constitutional destination.

I appreciate that this analysis leads some to argue the case for a constitutional convention. However, as I shall argue, that is to get ahead of ourselves. As Professor Robert Hazell, to whom reference has already been made, has noted, a convention may be established for one or more reasons. These include—again as has been mentioned—to build a cross-party support for further constitutional reform; to harness expert opinion to chart a way forward; and to develop a more coherent overall reform package. He lists others, but they all have a common thread: namely, to come up with proposals, essentially to generate a package of constitutional reforms.

That omits a necessary stage. We are all familiar with the phrase, "If I was going there, I would not start from here". A convention would focus on the destination—that is, where to go. My argument is that we need to step back and make sense of where we are. I have argued that we should be engaging in an exercise of constitutional cartography. For that reason, I have made the case not for a constitutional convention but for what I have termed a constitutional convocation.

Having a body to make sense of where we are has a number of advantages over a convention. It avoids—or, at least, does not raise to the same degree—issues of legitimacy that may attach to a body set up to come up with a new constitution for the United Kingdom. One can utilise expertise in a way—or at least to an extent—that may not be possible with a convention. It can also ensure that we understand where we are, rather than be under pressure to come up with some constitutional blueprint that may be either or both overly ambitious or politically contentious. Given what has happened in recent years, there may not be a popular appetite for more fundamental change. Indeed, current events reinforce the case for standing back and making sense of where we are.

If one looks at the period of our membership of the European Community and then the European Union, we regularly agreed changes but, in constitutional terms, we were always playing catch-up. We never stood back to establish clearly how our membership fitted with our constitution. Had we done so, we may not be in the situation we find ourselves in today.

Therefore there are problems with a constitutional convention. It is a problem if it seeks to produce prematurely a constitution for the United Kingdom. It is also a problem if, like the Kilbrandon commission, it ends up addressing only part of the constitution. We need to look at our constitution as a whole. That requires reflection, not rushing ahead of ourselves with a grand scheme. Hence my case for a body to put the change that has occurred within a clear and coherent constitutional framework.

Sir Sidney Low, in his short book, *The British Constitution*, published in 1928, wrote:

"In England we often do a thing first and then discover that we have done it".

Let us first of all stand back and make sense of what we have done.

11.57 am

**Lord Morris of Aberavon (Lab):** My Lords, I am grateful to my noble friend for tabling this subject for debate and I endorse his remarks about the late John Mackintosh.

This debate gives us an opportunity to turn our gaze from the subject which has been dominating politics recently. Until the Brexit proposals, the most important constitutional change in our history since the Reform Acts and electoral suffrage were the devolution proposals and their fulfilment. The first point I make is the comparison in the preparation and timescale of the two issues. EU exit proposals, a referendum, an election and the triggering of Article 50 without a plan have barely taken three years. No plan B or C, and probably no plan A either.

Devolution took much longer. The catalyst was Harold Wilson's royal commission in 1968. Ideas were maturing by the 1974 election and, when I became the Welsh Secretary, I was asked by the Prime Minister to bring forward my proposals. This was followed by the ill-fated legislation between 1974 and 1979, when I had the privilege of being one of the architects of Welsh devolution. The proposals were felled by a referendum and underlined the need for greater preparation and acceptance by the electorate. It is a lesson that we all learned.

Long before that, going back to my days as a graduate student in 1953, I had been mulling over the way forward for Wales. Some 18 years went by after the referendum, but it gave me immense pleasure as the Attorney-General to guide the Cabinet committee in 1997 on the legal implications of the legislation which substantially built on the work done in the 1970s. I am glad to have been at the coalface during both periods. Such is the degree of acceptance now that I do not know of anyone who would seriously try to put the clock back. That does not mean that the evolution of devolution has not been without its difficulties and, indeed, unintended consequences. Later Acts to further the process in Scotland and Wales prove this. As my noble friend's Motion implies, looking at the UK as a whole, the problem that remains to be cracked is legislating for the sheer size of England compared with Wales, Scotland and Northern Ireland. I think that most people would agree that there is no appetite in England for such jurisdictions to be created.

I confess that I do not know the answer, but I have noted the piecemeal reforms being made in some of our cities. What I am conscious of is that the divergence between different parts of the United Kingdom could be the cause of strains and difficulties in the future. It has been said that royal commissions have fallen out of favour. I believe that the Royal Commission on the Constitution was the last. That royal commission was set up in order to find a way forward. It and its sub-committees were made up of eminent men and women of different persuasions and experience. Not surprisingly, there were many divergences in their conclusions. The only unanimity was on the need for reform. In our case in Wales, they offered a range of solutions in a series of minority conclusions. This was not catastrophic; it offered choices to politicians. The Cabinet, after many meetings and two or three all-day sessions in Chequers, proposed limited devolution for Wales.

It was not intellectually unsustainable, as one of my noble friends described it in this House many years later. It was the considered view of a Cabinet made up of the Prime Minister and a small number of Members who wanted devolution, but with a substantial number, differing at each meeting, who wanted nothing to do with it or were simply bored with it. All you have to do to find out what happened is to look at the diaries of my noble friend Lord Donoughue. As the years have rolled by, I have been an enthusiastic supporter of further progress.

The second point I wish to make is that there has been a learning curve, and a steep one at that. I am pleased about what has happened and the work that has been done. Devolution is fundamentally about giving power to people where they are and ensuring that they are able to diverge in their actions as they think fit. The Welsh Assembly has diverged and initiated actions in anticipating the dangers of plastic and in the presumption of organ donation. I surmise that the same has happened in Scotland. Others may follow in devolution practices in health and education.

Some years ago I gave the annual political lecture in Aberystwyth where I suggested that since our devolved Governments had been in existence for more than 10 years, there was a case for inquiring how effective the devolved Government had been in each political field which had been devolved. I proposed an inquiry to be set up by each Government and assisted by eminent people.

Thirdly, are there any dangers in divergence? For example, welfare payments, university fees and free prescriptions go to the heart of people's needs but since the public purse, short of local taxation powers, is at Westminster and divergence can cause dissatisfaction—indeed envy—elsewhere, is there a limit to divergence? A constitutional commission—I would prefer to call it a royal commission—which has served us well in the past could look at what we have achieved and propose a way forward.

12.05 pm

**Baroness Janke (LD):** My Lords, I welcome the opportunity to discuss this issue. As a member of the APPG on the constitution, I also welcome the chance

to contribute to the report of the inquiry into better devolution for the whole UK chaired by the noble Lord, Lord Kerslake.

As a former leader of Bristol City Council, I want to focus on devolution at a local level, particularly in England. We see devolution as the transfer of power and funding from national to local institutions, meaning that decisions are made closer to the local people, communities and businesses that they affect. Governments have been slow to recognise the frustration suffered at a local level. Powers and funding are controlled by central government and the local authorities that people vote for are seen as little more than a means of delivering government policy at a local level.

Anyone who has knocked on doors in elections knows that the major issues raised are not decided at a local level. Investment in housing, transport, jobs and social care is not determined locally; it is controlled by the far-reaching grasp of the Treasury. French local government raises three times more of its own finance locally than English local government; in Sweden, it is 12 times as much. As we have heard, 9% of local government income in England is raised locally.

There is huge potential to increase economic growth through local devolution. We have heard today about HS2, the failure to invest in the regeneration of Liverpool and other northern cities and the shortage of investment in transport across and between the northern cities. Myriad reports from different sources—such as the City Growth Commission, the London Finance Commission and the non-metropolitan commission, which produced the *Devolution to Non-Metropolitan England* report—testified and have examined evidence to show how much can be achieved by giving more powers to local government. The issue of whether that happens at a regional level, for example through metro mayors, needs to be looked at by a constitutional convention.

The Government's response of creating combined authorities and elected mayors has improved circumstances in some cases, but compared with many international cities that raise their own long-term finance, the level of powers devolved to English cities is derisory. In a quote in the London Finance Commission report, the Mayor of London said that when he explains to the mayor of New York or Berlin that he must go, cap in hand, to the Government to seek funding for major infrastructure improvements, they are incredulous. When I was a city leader working with core cities in Europe, there was incredulity at the minimal powers that city leaders and mayors in this country have.

More devolution has been given to metro mayors but it is controlled by a web of government lawyers and civil servants. The restraints are time-consuming and extremely frustrating. As the APPG report I referred to says, devolution is not just about economic benefits. Professor Vernon Bogdanor states:

“The fundamental case for devolution is the stimulus it gives to local patriotism and pride in the development of services, a patriotism and pride which can well stimulate improvement in services”,

as well as much better public satisfaction. The possibility of a constitutional convention could be a means of enabling central government to listen and act upon the

[BARONESS JANKE]

aspirations of people in the cities and regions of our country, but it would have to be backed by resources and a commitment to real change if that is what people want. Any new constitutional settlement must start from the grass roots. A rolling programme of consultation could go some way to answering the anger and frustration we are seeing increasingly across the country. The problems are particular to different areas. The cost of living in London is unaffordable for so many people, yet jobs and investment growth are concentrated in the south-east. There are huge differences in income and the quality of services across the country.

If a new settlement is to be achieved it must be based on a contract with the people of this country, not determined centrally by Whitehall. It also has to be based on a real commitment to give power. If we are really to have devolved democracy across our country we must make sure that it is firmly rooted in the needs and circumstances of the people in the regions, cities and counties of this country. Any new settlement must be transparent so that people and groups can and will participate and, better still, hold it accountable. It also must have real powers, including fiscal devolution, that enable real investment and economic development. Without these it will continue to be no more than an outpost of central government.

12.11 pm

**Lord Owen (Ind SD):** My Lords, I strongly support the Motion and the concept behind it. We cannot go on in this country, particularly in a post-Brexit situation, without doing more to bring together all parts of the United Kingdom. Postponing this issue is one of our most serious and grave errors. I also believe that the noble Lord has made the most realistic proposition. It will not be done by this Government. Therefore, it is much more sensible for all those other parties in another place to come together now and start to have a mechanism for building a great deal more trust. Of course it will be difficult because of differences between the Labour Party and the SNP in particular. Nevertheless, the most likely next Government of this country will be another one composed of more than one party. Those parties that aspire to come together had better start learning to talk to each other.

The problem is the asymmetry of the United Kingdom. It is very hard to deal with it. The population of England accounts for 84% of the UK's population. Scotland accounts for 8%. The population of Wales is 5% and the population of Northern Ireland 3%. Therefore, we have to look at the UK as a whole and recognise this. It is a great tribute to the Conservative Party that it has started on a serious pattern of devolution for England. I welcome that.

I used to believe that it was possible to reform this place to elect it and make it a federal Chamber. The reality is that will never happen. It is not legitimate and most of us in our hearts know that a Chamber that purports to legislate has to be totally rooted in elections. This Chamber will go. I was looking back at some of Winston Churchill's speeches when he was a Liberal in 1905, going onwards for four or five years, and the vehemence with which he said that this place

had to be abolished. Unfortunately that has been dissipated by time, but it will be abolished. In the meantime, we will need to build federal structures.

I think it is important to take a completely different way over this and look at this federal mechanism as allowing elected Members at Holyrood, Cardiff Bay and Stormont, as well as devolved and decentralised government structures in England, to participate in a UK federal council. It is a very different and potentially more acceptable form of federal governance. It would involve a devolved London Assembly and the eight big cities emerging now with devolved powers in England. For the rest of the UK, it would have to rely on separate representation for county and borough councils and unitary authorities in England. These already have their mechanism for concerting their views.

It seems to me that we should be humble enough in this country to look at the one structure that actually works. It is not very far away; it is the Bundesrat in Germany and it had a lot of help from constitutional experts in this country in the aftermath of the Second World War, trying to help the German people devise a new constitution. Look at their problem: they faced the problem of asymmetry in the Bundesrat. Baden-Württemberg has a population of more than 10 million; Bavaria, more than 12 million; Berlin, 3,395,000; and then there are smaller Länder such as Bremen, with 663,000 people. This is a structure that has come together; it deals with the issue of asymmetry and the problem of elections, but they come to it from the Länder, so they were not creating another body to be elected. The House of Commons will not let this happen. Those of us in this place who have been in the House of Commons know perfectly well that they speak with forked tongues: they advocate elections for a second Chamber but they are never going to do it, because they know, quite rightly, that there will be a constitutional clash as soon as we have this.

We have to accept it, we reformers who thought we could live with this situation: it is not going to happen, there will not be an elected second Chamber. Eventually, this Chamber will be abolished and before that, slowly, we will build up a structure that creates a federal UK, and the sooner the better. Instead of waiting for the Government, I wrote to the Prime Minister as soon as she took office and asked her what she would do about this, and, basically, the answer was negative. This Government have enough on their plate. They are not going to do anything if they survive until the year 2022, when we will have a fixed-term election. In the meantime, the opposition parties should start a process of dialogue and discussion and I hope very much that it is along the lines of this. If any noble Lord wants to see the much more detailed proposals that I have put forward on this, I would be very happy to send them details of a federal UK council.

12.17 pm

**Lord Murphy of Torfaen (Lab):** My Lords, it is always a great pleasure to follow the noble Lord, Lord Owen, who has very interesting ideas.

In 1978 I was the treasurer of the Labour "No Assembly" campaign in Wales. Over 20 years I changed my mind on devolution—which was fortunate, otherwise

my future jobs as Secretary of State for Wales and for Northern Ireland would have been very uncomfortable. I did so because the people of Wales, Scotland and indeed Northern Ireland accepted that devolution was here to stay and was part of the political landscape. Things settled down. Now, of course, we are dominated as a country and a Parliament by Brexit—and Brexit will, of course, affect devolution. It will affect the powers and funding of our Assemblies and Governments. European funding, particularly for Scotland, Wales and Northern Ireland, is remarkably high and the Government have to give a promise, eventually, that if or when we leave the European Union, that level of funding will be maintained. It is there, of course, because Scotland, Wales and Northern Ireland are generally poorer places than parts of England.

The other issue which is so relevant is that over the last week the whole of our politics has been dominated by Northern Ireland, the issue of the backstop and Brexit. The idea that, suddenly, Northern Ireland has to be taken notice of has become pivotal in the debates over the last 24 or 48 hours. The sooner the Government get down to ensuring that the institutions in Northern Ireland are restored, the more significant that will be in dealing with the Brexit issue. The failure of the negotiations over Northern Ireland has led to the failure of the negotiations over the European Union. There is a huge job to be done on that. Of course, 56% of people in Northern Ireland voted to remain in the European Union; Scotland did so by a bigger majority; unfortunately, Wales did not. But these are very important issues.

If we do get Brexit, and even if we do not, there are still issues that the Government have to address regarding the present devolution settlement. Joint ministerial committees must be used a lot more. Over the last year or so they have been resurrected and have proved partially successful, but more has to be done. There has to be a greater awareness in Whitehall departments—among Ministers and civil servants—of the existence of devolution. Certainly, in the 20 years that I was involved in ministerial life, devolution was very often totally ignored by United Kingdom government departments—“Devolve and forget”, the phrase has been. Well, they cannot and they have to ensure that that is part of the political landscape as well.

My noble and learned friend Lord Morris has often talked about whether the territorial Secretaries of State for Northern Ireland, Wales and Scotland should continue. They certainly should as far as Northern Ireland is concerned, until we resolve the issue there. But there may be a case, as time goes by, for there to be a single constitutional Secretary of State, with Ministers of State for Scotland, Wales and Northern Ireland—and, indeed, England—around the Cabinet table, with non-voting rights, to ensure that we still have that link but there is an overarching Cabinet Minister as well.

The problem is England—it always was; it always will be. It is too big. Compare the 11 million people in Wales, Scotland and Northern Ireland with the huge numbers in England. How do you deal with that issue? As has been said, there has been piecemeal development in England. We have a Mayor of London—the only truly devolved part of England—and mayors in Manchester

and elsewhere. We have the northern powerhouse. None of it is the same as the proper devolved administration system in the rest of the United Kingdom. The answer is certainly not so-called English votes for English laws. That has been, is and will be a disaster. It divides Members of Parliament from each other. In this House, it does not matter where you come from—Wales, Scotland, Northern Ireland or England—your vote is the same as everybody else’s. That is no longer the case in the House of Commons. No other European country has that system, and the sooner it goes, the better.

It is a problem but we can have asymmetric devolution—of course we can. Germany has it, Spain has it; other countries have it. There is no reason in this wide world why we cannot have different forms of devolution to suit the nations and regions of our country. In so doing, I believe, we will see not only a healthier and more wholesome politics but a type of politics that will have to react to whatever happens after we have dealt with devolution.

I remind your Lordships that to ignore what happens in the devolved nations of our country—over the past 24 hours, such ignorance would have been obvious to people outside. The devolution of powers in our country is absolutely necessary to ensure that democracy thrives and that we have a uniform system, even though it is asymmetrical, throughout the United Kingdom, so that we have decentralisation of our powers and a proper democracy in our country.

12.24 pm

**Lord Higgins (Con) (Valedictory Speech):** My Lords, I congratulate the noble Lord, Lord Foulkes of Cumnock, on his speech and the Motion he has tabled. He has been fortunate to find time for it. I thank him most sincerely for his extremely kind remarks about me. They are greatly appreciated.

It has been noticeable with the relatively new practice of valedictory speeches that they are often attached to debates that have nothing whatever to do with them, but that is certainly not so in this case. I am here because of the significant constitutional change whereby it was decided that Members of the House of Lords could retire—after centuries and centuries when that was not so. I therefore find myself here today, having reached the conclusion that I ought to retire.

I should make it clear why. I am absolutely convinced, as many others have been, that the House of Lords is too large. The Lord Speaker has initiated a series of actions, including the reports from the noble Lord, Lord Burns, on how it can be reduced and that programme of reduction is now proceeding through various people retiring or by natural causes and so on. I have come to the conclusion that since I have always believed that one’s vote should follow one’s voice and that, if possible, actions should follow one’s vote, I should take action as part of the campaign that has been initiated to reduce the size of the House. That is my only reason for retiring, but I should also say that it would be quite absurd if existing Members decided that they should retire, for the reasons I have given, and we then find the numbers creeping up again. The crucial outstanding point in the report of the noble Lord, Lord Burns, is

[LORD HIGGINS]

that once we have reduced the size there should be a cap on that size, regardless of complications with regard to the royal prerogative.

I was first elected to the House of Commons as the Member for Worthing on 15 October 1964. I had not stood before and, despite the assurances of my agent, I was very worried about what the outcome would be; in the event, I was elected with a majority of 18,883. I am glad to say that while that majority somewhat declined since, my former constituency, which was split up, is now represented by two outstanding Members of Parliament: West Worthing by Sir Peter Bottomley, and East Worthing and Shoreham by Mr Tim Loughton. I am happy to say that my former constituents are very fortunate to have such good Members of Parliament and very clever to return them with what are, even now, extremely large majorities.

I served in the Commons from 1964 to 1997—33 years—and then in your Lordships' House from 1997 until now, which is 21 years. That is a total of some 54 years and one naturally looks back at some events in that period. One that stands out is the problem with Rhodesia, over which I had some difference of opinion with my constituents culminating in a public meeting of 1,200 people. I do not think that kind of thing happens nowadays but, at all events, that was one problem. Another problem was with the Ugandan Asians. I was in government at that time and we had serious trouble with Mr Idi Amin. Various solutions were proposed, such as that we might have a better relationship with him if we made him a field-marshal in the British Army. That solution was rejected but Ted Heath set up a very small Cabinet committee consisting of Robert Carr, as Home Secretary, Paul Bryan and me to make recommendations. We came out by saying very strongly that the refugees from the crisis in that country should be admitted to this country. That has had considerable economic benefit to this country and it is something of which I am rather proud.

I made my maiden speech in the other place on the plight of old age non-pensioners who had been left out of the original scheme, but nothing happened until I arrived in the Treasury, when I was able to rectify that injustice and make sure that at least they got that part of the pension not covered by national insurance contributions.

Many things in political life are transitory, so one inevitably thinks about what one has done which might pass the test of time. I notice three in particular. One is decimalisation. I was put in charge of it on arrival in the Treasury in 1970. Ian Macleod had advocated a 10 bob unit. Jim Callaghan had argued for a pound unit, on the grounds of the international prestige of the pound, but a few weeks later he devalued the pound, which rather undermined his argument, and I was left with the problem when I arrived at the Treasury. We went ahead with the situation that we inherited and I think, on the whole, it has worked pretty well. Indeed, although the latest coin is very attractive compared with the ones I introduced, the situation has been resolved quite satisfactorily.

More important was the huge taxation reform I brought in with Ian Macleod by abolishing purchase tax and selective employment tax and replacing them with VAT. That has certainly stood the test of time. The basic rate is now double, or rather more, what it was when I introduced it. We went for a single positive rate with zero-rating for essential items so that the tax would not be regressive. The problem with that was that, as I carried the reform through the House of Commons, endless amendments went down stating that this or that item should be zero-rated, but we survived that, with one exception—children's clothes and shoes. I see that some Members opposite remember that. An amendment had been put down by one of my colleagues to zero-rate it and I stood up to make my usual speech saying that it was a universal, wide-ranging scheme and so on, and then I received a note from the Whip saying, "Do you realise that everyone on this side is at the Royal Garden Party?", so I succeeded in announcing that there would be a special inquiry into this item, and as a result children's shoes and clothes are zero-rated, which they would not have been before.

I am conscious of the time. In the Lords I went straight on to the Front Bench when I left the Commons and served there for a period in opposition against Lady Hollis of Heigham, whom we all greatly miss as she recently left us. It is a huge advantage in opposition to have someone against you who knows all about the subject. Indeed, she knew more about the subject than anyone else in the world. It was a very enjoyable period in my political life. I sat on a number of committees, including the Committee on the Speakership, the Committee on the Conventions on the Relationship between the two Houses of Parliament and various other ad hoc committees, which I enjoyed. I have been particularly engaged with the Campaign for an Effective Second Chamber, which was initiated by my noble friend Lord Cormack and supported by my noble friend Lord Norton of Louth, both of whom are in their place. I think we are very grateful for the work which that all-party committee has done, which has certainly improved the constitutional changes that have been made. I hope there will be further constitutional changes in future.

I think it is true to say that your Lordships' House is probably more effective now than it has been at any time in its history. It is making an outstanding contribution, it has taken on a great deal of the legislative burden from the other place—which I do not think is fully appreciated—and, generally speaking, it operates extremely well. It is an extraordinary place. The mass of expertise and experience that your Lordships devote to business of the House is very important. It is also a quite extraordinarily friendly place, which I have greatly appreciated.

In conclusion, I thank very much all the staff of the House—the badge messengers, the staff in the catering department and so on. If I may, I will say how grateful I am for the support I have received throughout from my wife and family. That is very important; one cannot do a good job here or in the Commons without it. I thank noble Lords for the kind remarks that I have received, and I appreciate very much the opportunity to say this today.

12.36 pm

**Lord Howarth of Newport (Lab):** My Lords, it is an honour tinged with much sadness for me to follow the noble Lord's valedictory speech. He was heard today, as he has been throughout his years in Parliament, with interest, respect and affection. He has been valued in both Houses of Parliament for his good sense, his expertise, his courtesy and his evident passion for the good of the country. I have known the noble Lord since 1983 and I have always been in some awe of him. He was an Olympic athlete, a sprinter, but in politics he has been noted not only for his speed but for his stamina. As he told your Lordships, he represented and served his constituents in Worthing in the House of Commons for 33 years.

Then the noble Lord came to your Lordships' House and, as he mentioned, for part of his period in this House he took the opposition brief for work and pensions. I was very touched by what he said about my noble friend Lady Hollis. I know that she relished such a worthy opponent across the Dispatch Box, how highly she rated him and how fond she was of him.

It has been my good fortune for the 13 years past to share an office with the noble Lord. He has been a kind friend and a wise counsellor to me during that time, and he takes no responsibility for the occasional extravagance of my views. I have noticed that he has experienced, as I have, some bafflement with the parliamentary IT system. I hope it is not the arrival of the new telephones that has finally driven him out. I imagine that he is really retiring for the natural and proper reason that at his age he wants to spend more time playing golf. Whatever the reason why he has chosen to retire, we wish him well and hope that he will still come and see us often.

**Noble Lords:** Hear, hear!

**Lord Howarth of Newport:** My Lords, as my noble friend Lord Foulkes has said, constitutional challenges abound. He said that this was not to be a debate on Brexit, but Brexit is a giant constitutional issue. He would have his constitutional convention address issues of democratic accountability, but we Brexiters seek to escape the democratic deficit of the EU. My noble friend really should not be such an ardent remainer; I think he should reconsider his position and perhaps see the virtues of leaving after all.

In the process of leaving, facilitated—though that hardly seems the right word—by a referendum, we have seen the nations of the UK split asunder and we are seeing Parliament floundering as it seeks to acquit itself of its responsibilities, floundering perhaps particularly because there is a conflict between two democratic principles: the principle of direct democracy, as expressed in the referendum; and the principle of indirect democracy, which is the customary mode in our parliamentary government.

That is one colossal issue, but other great issues arise out of the disproportionate centralisation of power and economic strength in London. We have had the development of the move for Scottish independence and, as my noble friend described, the uncertain and fitful progress of devolution in England. Even more important is the atrophy of local government, which

has long seemed a profoundly important problem because, unless we have vigorous local government, our democratic culture withers at its roots.

We see the crisis of our justice system brought about by wanton austerity. I also consider to be a constitutional issue the mismatch between the needs of the media and the needs of our democracy, the trivialisation of public debate, the decline of the local press and the disintegration and—arguably—subversion of our political culture by social media. These are hugely important and hugely difficult issues. Is the right way to address them by means of a UK-wide constitutional convention?

If it were to be a convention of academics and think tanks, perhaps with the participation of Select Committees in both Houses, that would be very valuable. They would articulate the issues and help to educate the politicians who have to take decisions.

The convention as proposed is really a variant of a royal commission. Of course, there was the Kilbrandon commission, which sat for four years between 1969 and 1973. It produced 16 volumes of evidence and 10 research papers. I read an article in the *Liverpool Law Review* of October 2017, which stated:

“Largely forgotten is the work of the Kilbrandon Commission, established to consider the allocation of executive and legislative power within the UK”.

I am not persuaded that a convention would necessarily be an improvement on a royal commission, and it is my hope that the Labour Party would not repeat its manifesto pledge to set up such a convention. It would be unwise for any Government to commit themselves to a blueprint for wholesale constitutional reform. The clever and enthusiastic members of the convention would certainly get it wrong. They would be unable to foresee the developments that lay ahead.

My noble friend takes the Scottish convention as an encouraging precedent, and undoubtedly it did useful work. It is a good thing that we have a Scottish Parliament but, as his national poet wrote, the best-laid plans “Gang aft agley”. It was forecast by an eminent Labour politician that devolution would kill nationalism stone dead, but nationalism is a long time petrifying. It was not supposed to work out like this, but the SNP secured a majority in the Scottish Parliament. The independence referendum took place in 2014, generating bitter emotions, and the possibility of a second independence referendum hangs like a sword of Damocles over Scottish politics and the union.

If it was difficult in Scotland, a small country where everybody knows everybody else and where the issues are relatively contained, how much more difficult would it be to get it right if we held a constitutional convention on a UK-wide basis? The scale and the complexity of the problems would be impossible to wrestle with.

Another fear that I have is that it would be almost inevitable that such a convention would propose a written constitution. If you have had a revolution or devastation by total war, it makes sense to start again in year zero, as it were. But I devoutly hope that that is not our case, and we see that written constitutions do not always produce the satisfaction that their authors hope. The European Union was ambitious to have a written constitution, but that was turned down by

[LORD HOWARTH OF NEWPORT]  
 referendums in France and the Netherlands. None the less, a written constitution was sneaked back in in the treaty of Lisbon. I see no evidence that the existence of a written quasi-constitution has better enabled the European Union to address itself to the great intractable problems of immigration or the malfunctioning of the euro.

In this matter, I am a Burkeian. I believe that constitutional change should be organic. That wise Whig, Lord Holland, when asked by the Neapolitan revolutionaries whether he would be so good as to equip them with a draft constitution, responded, “You might as well ask me to build you a tree”. The way to approach constitutional change is incremental, by reform that is responsive to political events and pressures and that moves forward selectively and is expedient. We should develop our constitution by building on centuries of experience, by testing ideas and the structures of power, and by taking account of changes in public engagement, the varying perceptions of people across the country and their developing aspirations. Cumulatively, we should gain consent.

Preoccupation with constitutional reform is a displacement activity. Re-engineering the constitution is no substitute for good government, in which political leaders address the problems that people really care about and which produces shared prosperity and optimism about the future of the country.

12.45 pm

**Lord Greaves (LD):** My Lords, the noble Lord, Lord Higgins, is one of the nicest and most sensible Members of the House—of his party anyway—and he will be very much missed.

I will talk about the north of England. It is the second region of England after London and the south-east together, and has 15 million people—three times as many as Scotland and five times as many as Wales. It is a region that shares considerable cultural, economic and social cohesion and history, and many current problems. I speak about the north as a whole because the north should stand together as a whole.

What we have had so far is asymmetric devolution. Scotland, and to a lesser extent Wales have become increasingly fairly fully functioning units of a federal system, except there is no federal system for them to be the units of. This is not a system that is sustainable in the long run. We still have a highly centralised state, not least in England, with a number of peripheral anomalies. If I call Wales and Scotland peripheral anomalies, I do so with great admiration that they have been able to break free from the grip of London to the extent that they have. Then we have gimmicks such as EVEL.

We have people who believe that the answer is a fully federal system with an English Parliament, but the result of that would be the complete detachment of Scotland and Wales in due course and it would do nothing to change the concentration of economic and political power within England. We have had a series of feeble initiatives. There was the rather pathetic attempt of the noble Lord, Lord Prescott, when he was in the other place, to have a north-east England

assembly with no powers, which was rightly rejected. In Labour’s regional offices, civil servants from different parts sat in the same building, usually on different floors, and talked to their bosses in London rather than to each other. There was the coalition’s regional growth fund and its local enterprise partnerships—nobody has really noticed that they exist.

The north of England is being fragmented into city regions in the name of devolution, but it is not devolution: it is almost entirely the reorganisation of local government. It is the concentration of power within local government, with all power going to the big cities, but what is that except the power for those involved to carry begging bowls on the train to Whitehall and Westminster and, if they are lucky, to go home with their railway fares? In so far as power is being concentrated in big cities through city regions and mayors, the people who suffer in the north of England are those in the areas on the edges and the places in between and particularly towns, which have lost so much of their civic culture, power and society in recent years.

However, we are getting a greater recognition of the north of England as a region in its own right, not fragmented into three or four different regions, but as a unit. We also have the northern powerhouse. It was a slogan invented by George Osborne when he was Chancellor, but it has resulted in meetings, conferences, projects and all sorts of things. It has resulted in the relabelling as northern powerhouse projects of projects that would have been happening anyway, but it might have some value in the recognition it has encouraged of the north of England.

Transport for the North is far more important. Here is a devolved transport body which has real powers. It still has to go with a begging bowl to London for pretty well everything but, nevertheless, it is a body with powers, it covers the north of England, and transport is perhaps the place to start. Network Rail and NHS England both have a director for the north; we have the Northern Housing Consortium; the IPPR has set up IPPR North, a dedicated think tank for the north of England; the Northern Powerhouse Partnership has meetings and, no doubt, lots of pleasant dinners; and we are told there is Northern Powerhouse Rail, whatever that turns out to be in the long run. The Mayor of Liverpool has said he is fed up with it all because there is no power: these groups put forward good proposals to London for why things should be set up and funded, and London says, “Well, you can have a bit of it”. It is not very satisfactory. He says the Northern Powerhouse Partnership was,

“set up by a Government which isn’t prepared to listen”.

The begging-bowl mentality continues.

I believe the future lies in devolution to the north of England, with a body which, in an asymmetric system—inevitably, as the legal and other systems are different—can stand alongside Wales, Scotland and, indeed, Northern Ireland, if it can ever get its act together again. The proposal for a UK convention, or even an English convention, is worth while, but what is needed before any national convention can take place is a convention of people in the north of England. It is time for those of us in the north of England to get together, sit together across the whole of the north of England,

and work out the options for what we would like. This should be discussed by the people of the north of England; we would then come to a national convention and say, “This is what we want”. That is what Scotland did; it is what the north of England has to do. It requires a considerable change of attitude, not just by central Government but by people across the north.

12.52 pm

**Lord Hain (Lab):** My Lords, I too pay tribute to the noble Lord, Lord Higgins, for a remarkable parliamentary career. It is a pleasure to follow the noble Lord, Lord Greaves. I should reveal that, nearly 50 years ago, he was chair of the National League of Young Liberals and I was one of his very independently minded national officers, whom he had to control, mostly unsuccessfully—

**Lord Greaves:** I remind the noble Lord that he put out press releases in my name, which I had to forget about afterwards.

**Lord Hain:** That is what I meant, my Lords. I believe that, without wide-ranging constitutional reform, the very future of the United Kingdom is imperilled, not least by the strong possibility of Brexit triggering Scottish secession, and even Northern Irish secession through a referendum provided for under the Good Friday agreement.

One way to address this is through the new Act of Union Bill in the name of the noble Lord, Lord Lisvane, printed on 9 October and available in the Printed Paper Office. It offers the holistic approach advocated, I believe, by the noble Lord, Lord Norton. As Members of your Lordships’ House may be aware, it is the product of discussions in the Constitution Reform Group, a cross-party group to reform the relationship between the nations and regions of the United Kingdom, which was launched in 2015 and on which I sit.

Until now, the main pressure for reform has come from Labour, Liberals, Greens and radical constitutionalists. But the CRG was initiated by leading Conservatives and is chaired by the noble Marquess of Salisbury, the former Conservative Leader of your Lordships’ House. Also on the steering committee is the noble Lord, Lord Lisvane, former Clerk of the Commons, former parliamentary counsel Daniel Greenberg, Paul Silk, former Clerk to the Welsh Assembly and before that himself a Commons clerk, and the noble Lord, Lord Campbell of Pittenweem, representing the Liberal Democrats. Joined by me from Labour on the steering committee is Lisa Nandy MP, who is doing some very interesting work on towns and their alienation, both economic and political, in our current culture.

We have identified important areas for reform and have suggested different options. These include addressing the asymmetrical devolution that has left England with an understandable grievance—not just on the political right—as the most centralised and therefore disenfranchised part of the UK, London excepted. As has been said, the introduction of English votes for English laws procedures in the House of Commons is an unsatisfactory symptom of this.

I believe that England outside London should have a permissive form of devolution, enabling regional government or city regional government to evolve as desired. Given the opportunity, Cornwall and the north-east would almost certainly go for regional government right now, to be followed perhaps by others, maybe with Yorkshire leading the way. However, crucially, these bodies must have real power, not the Mickey Mouse powers offered in 2004, which were defeated in the north-east referendum in which I campaigned.

On the House of Lords, some on the steering committee suggest that it should be abolished and replaced by an elected English Parliament. However, representing 85% of the population, it would be so dominant that it would effectively replace the Commons as the fulcrum of Parliament, sidelining Wales, Scotland, and Northern Ireland even more and thereby promoting separatism. My own view is that a senate or House of Lords should be majority-elected on the same day as a general election, ideally by a list system of proportional representation on the same boundaries as apply to European elections. That would enable each of the nations and regions within the United Kingdom to be properly represented, helping bind us back together again in a way that both Houses of Parliament have palpably failed to do.

However, a new settlement must not be drawn up—still less imposed—from on high. There must be wide consultation, as my noble friend Lord Foulkes has argued, through a constitutional convention similar to the one that successfully preceded devolution in Scotland.

It is not simply Scottish antipathy, Northern Irish instability or English discontent that threaten the future of the United Kingdom; there is now a widespread sentiment across the great majority of our citizens that our democratic system no longer represents their interests.

The Act of Union Bill introduced by the noble Lord, Lord Lisvane, addresses the main issues at stake, from finance to security. Crucially, it proposes a bottom-up rather than the top-down arrangement that we have had until now. It turns the devolution settlement on its head by creating a new federal structure in which the constituent parts or nations voluntarily vest the sovereignty they choose at the centre—for example, for foreign, defence and security, taxation and pensions matters. Otherwise, every policy area remains with them.

Our society today is hugely polarised by bitter Brexit divisions, towns left behind as metropolitan cities forge ahead, with never-ending austerity and widening inequality. The new Act of Union Bill does not and cannot address all the issues breeding these serious divisions, but it is an important start, because the bell is otherwise tolling for the United Kingdom as it is now.

12.58 pm

**Lord McConnell of Glenscorrodale (Lab):** My Lords, in the autumn of 1987, while spending a very cold and damp day in Stirling at the annual conference of the Campaign for a Scottish Assembly, I could never have imagined that 15 years later I might be First Minister

[LORD MCCONNELL OF GLENSCORRODALE]  
of Scotland, partly because the prospect of a Scottish Parliament seemed so far away. A small group of members of the campaign were asked by the then chair of the assembly campaign, the late Jim Boyack, to convene in a bar after the conference to discuss a new idea that he had for a commission to look at the way ahead in building greater unity and a sense of purpose on the campaign for a Scottish Parliament. Shortly after that small group met and discussed the idea that day in Stirling, Sir Robert Grieve was commissioned to chair a commission to look at the drafting and the agreement of a claim of right of sovereignty for Scotland. Several months later, after much discussion and debate, Sir Robert Grieve produced his report outlining that claim of right—the sovereign right of the people of Scotland to choose their form of government—and the demand that we find a way of taking forward what was then clearly the settled will of the Scottish people and giving it greater clarity and momentum towards achieving that eventual goal.

To his great credit, the late Donald Dewar later that year accepted the idea, launched the constitutional convention and put Labour at the centre of it—contrary to many of the ways in which the party had operated for decades before—working with other parties to develop the scheme and the consensus. As leader of my local authority, Stirling District Council, I was a member of the convention from 1989, when it first met, to 1992. I was then a member of the executive committee of the convention between 1992 and 1998, when we finalised the scheme and set about turning it into a reality in the 1997 referendum. That convention had many strengths, and I will highlight three in this debate.

The first is that the convention had democratic legitimacy. It was not a collection of interested individuals, a gathering of civic Scotland or a campaign. There were one or two observers, but the full members of the convention were either Members of Parliament or leaders of local authorities. Those were the people who signed the claim of right and made the decisions. That gave the convention democratic legitimacy.

The second thing is that the convention had a sense of purpose. It was pulled together, through the signing of the claim of right, to design a scheme and to try to turn it into reality. The clarity of that sense of purpose was very important to its eventual success.

The third thing—this is critical for this debate in your Lordships' House—is that the convention reflected the settled will of the people of Scotland. The discussions in 1987, 1988 and 1989 resulted from a 1987 election in which the settled and expressed democratic will of the people of Scotland—for example, on the poll tax or community charge—was so radically ignored by the Government of the day here in Westminster. That challenge to the legitimacy of Westminster to govern in Scotland required a solution, and the convention helped provide that. The settled will was for a democratically elected Parliament in Scotland as part of the United Kingdom.

So I thank my noble friend Lord Foulkes not just for initiating this debate here but for the work he has done on this issue over many years and his relentless

campaigning over many decades to improve the governance of this country. I also welcome the intervention by the noble Lord, Lord Norton, who has campaigned long and hard for a convocation, as an alternative to a convention. While I absolutely agree with Members of your Lordships' House who have expressed concern about the current state of governance in the United Kingdom, I think we should be cautious on this proposal and ensure that whatever steps we take are effective. There is no doubt that one of the many missed opportunities of Brexit over the last three years has been the absence of the initiation of a debate on what returning sovereignty to the United Kingdom might mean for improving the governance of the United Kingdom. That opportunity is perhaps now gone, but it does not mean we do not rise to the challenge.

Your Lordships' Chamber cannot exist for many more years. We need to find an alternative solution that is better representative and reflective of our country. But we also need, 20 years on, to look at the relationship between the devolved Administrations, Governments and Parliaments and Whitehall, Westminster and the UK Government. In my view, it is ridiculous that we still have territorial Secretaries of State. They should have gone when Tony Blair first proposed that in 2003, but 15 years on we still have them sitting around the Cabinet table. It is a dysfunctional system that needs to go. We need to ensure that a whole number of other changes take place as well, and it has been rightly raised that local government has been messed around with by Governments of all parties over the years and has never had a proper, concrete, long-term solution that enhances our democracy or the provision of services.

If we are going to bring people together, either in a democratically legitimate convention that is representative, authoritative and purposeful or a convocation that might be a more open-ended discussion, we need to be clear about the purpose of that body, why it has been established, who its members will be and what the outcome might or might not be. If we do that, perhaps over the next 20 years we can take steps towards sorting out some of the problems in UK governance that were at least partly solved in Scotland 20 years ago next year.

1.06 pm

**Lord Cormack (Con):** My Lords, I am sorry that I cannot agree with everything the noble Lord said, although he did make some extremely pertinent and very important points. Not for the first time, I am grateful to my friend, the noble Lord, Lord Foulkes, who has been friend, colleague, sparring partner and sometimes fellow campaigner both in the other place and this one. I did not know about this debate until yesterday. I came out of hospital to lead a debate last night on the Royal Academy—a totally uncontroversial subject—and, sitting next to my noble friend Lord Higgins earlier in the day, I learned of this debate and that he was going to make his valedictory speech. That is why I put my name down. I went through a slight wobble this morning and am grateful to the noble Baroness, Lady Bryan, for allowing me to come back in to the debate after I had scratched.

Listening to my noble friend Lord Higgins, I felt that I must say how much I have valued his wise, counsel and long friendship since 1970, when I entered the other place as a new and very raw MP. I owe a great deal to my noble friend, who began his public life as a spectacular sprinter but has become the long-distance runner of British politics. He has been an invaluable Member of both Houses of Parliament. In the Commons, one always looked to him for sound sagacity. He was absolutely dedicated to the parliamentary ideal and—we did slightly conspire together, although we were not successful—would have made a wonderful Speaker of the other place. He has been a very successful Member of your Lordships' House, on both the Front and Back Benches. I am grateful for what he said about the campaign for an elected second Chamber, which many of your Lordships present are supporters of and which the noble Lord, Lord Norton, and I have attempted to steer for some 18 years now. Among the most regular attenders and those who have made a real contribution are the noble Lord, Lord Howarth, who spoke so movingly about my noble friend Lord Higgins, the late Lord Howe of Aberavon and my noble friend Lord Higgins.

I believe we are debating an important subject today. I am more in favour of the convocation than the convention, but I believe it is crucial to engage public interest in the democratic process and democratic institutions. We see now, in the aftermath of a bitterly divisive referendum, widespread disillusionment with the parliamentary practice and process that has made our country what it is. If we are to keep faith with people such as my noble friend Lord Higgins, we have to latch on to that and do something about it.

I believe, as does my noble friend Lord Higgins, that there is a continuing place for this Chamber. But it is important that its size be reduced, and that we recognise that we are not as effective as we should be because of our size. However, an assembly of those who do not in any sense challenge the unambiguous democratic authority of the other place has a continuing role to play in our democratic process. Yes, it should be more representative of the country as a whole, and yes, its numbers should be contained, but I believe it has a real and continuing role.

Following this debate—although it will not be immediate—I would like to see an appointment of a royal commission, as advocated by the noble and learned Lord, Lord Morris of Aberavon. That should be followed by a convocation that takes evidence from around the country in a judicious and balanced way, always recognising the danger implicit in 85% of the population of the United Kingdom being in England, a point made splendidly by the noble Lord, Lord Hain. Such a convocation must take a long, balanced look at what our democracy should look like and what the relationship between the two Houses of Parliament should be as we move through the 21st century.

The noble Lord, Lord Foulkes, has done us a service by bringing the subject before us today. My noble friend Lord Higgins has adorned the debate with his wit and wisdom in a way that will make it memorable. I hope it will also lead to something in the years ahead.

1.12 pm

**Baroness Bryan of Partick (Lab):** My Lords, I join others in thanking my noble friend Lord Foulkes for initiating this debate. For me, it is an honour to take part in a debate with so many experienced and knowledgeable contributors. One thing is certain: after the past few days, no one could argue that constitutional issues are dull. But unfortunately, if we took the idea of a constitutional convention to the wider world, it would probably be met with a large yawn.

If we are trying to persuade people to think about constitutional issues, it makes sense to start not with the structures but with how best the state can provide for its citizens, and, following on from that, the best means of delivery. Regardless of what parliamentarians and the national media may think, for many people the most important political institution is their local council. In our system, however, local government is treated as the least important. But if we genuinely believe in subsidiarity, and that power should reside at the closest level to the people affected by it, we need to turn that idea on its head.

Councils should not be at the mercy of the next tier of government for limits on their powers or funding. In Scotland, we see creeping centralisation within a devolved parliamentary system that is becoming increasingly centralised, diminishing the responsibilities of local authorities. To stop this, I argue that the role and powers of local government need to be regulated by the constitution. It is not sufficient to have political democracy; we should aspire also to economic democracy. Billions of pounds of local funding goes to the private sector, yet councils are restricted from using the procurement process to ensure that that money comes back into the local economy. They should have the powers to insist on local recruitment, payment of the real living wage, setting up apprenticeship schemes and using local businesses in their supply chain—or, if they choose to, to bring those projects in-house.

The second tier of government should bring local authority areas together in meaningful geographical combinations, where the needs of the different communities can be dealt with co-operatively and not competitively. Scotland, Wales and Northern Ireland have structures that already enable this; but then there is the “English question”. Rather than the “strongman” metro mayors—and they are men—fighting each other for resources and investment, we need a fair distribution of resources based on need. All regions have within them areas of wealth and poverty, and the aim should be to equalise the life chances of everyone. I argue that this can be done through a system of regional assemblies exercising devolved powers. The third level of government would then have responsibility for external matters, such as cross-territorial regulations, trade deals, international relations, human rights issues, defence and macroeconomic decisions.

To ensure equalisation between the regions and nations, a simple three-level state with a bottom-up rather than top-down approach allows for common standards where needed but also for diversity within those common standards. I believe that we are looking at a federal arrangement, and this will require a

[BARONESS BRYAN OF PARTICK]

constitution to match. By necessity, it would have to be a written constitution, to guarantee the rights of the different tiers.

We can all agree that our piecemeal approach to constitutional change has left us with inconsistencies and contradictions, which will be further exposed outside the EU. That brings an element of urgency to resolving the situation, in particular the cross-territorial issues that will arise. Personally, I do not think that intergovernmental committees are an acceptable approach. The devolved parliaments and assemblies, and those in the regions, should be involved through whatever mechanism, rather than replicating some of the ways the EU has dealt with matters—with a lack of transparency and accountability. I argue very strongly that there is an urgent need to bring together people from the regions, assemblies and parliaments, not just their Governments.

I hope this House agrees that, if we are to have a constitutional convention, it needs to be carried out quickly and in a focused way. It might not solve all the issues in one go but it could tackle those that are urgent. As my noble friend Lord Foulkes explained, the Scottish Constitutional Convention brought together political parties, trade unions, business representatives, the voluntary sector and local government. Such a convention would be a starting point to discuss the principles that should govern any new arrangement. Once we agree—as I hope we would—that we start with the principle of subsidiarity and then include accountability and transparency, we will have formed the groundwork for building a new constitution.

1.19 pm

**The Earl of Listowel (CB):** My Lords, I also thank the noble Lord, Lord Foulkes, for securing this important and timely debate. I declare my interests as a trustee of a mental health service for children and adolescents, and as a trustee of the Michael Sieff Foundation, a child welfare charity. For those of us working in that area, particularly, the system is not delivering geographically nor to the most vulnerable.

I do not refer to any particular Government. In our experience we have seen disjunction and discontinuity between successive Governments in areas such as housing policy and the development of apprenticeships. We have recognised these problems for many years but we have not got to grips with them. There is a lack of continuity in governance—a short democratic horizon—in this country. I hope that whatever facility is used to reflect on our constitution, and perhaps improve it, we will look across the world at the countries which seem to be doing best and learn from them.

My noble friend Lord Owen, who is in his place, referred to the Bundesrat and the German experience and practice. I am a member of the All-Party Parliamentary Group for Germany, with which I visited the Bundestag last spring. I was struck by the fact that Germany seems to have a successful, prosperous economy and a good, healthy social contract. In contrast to the housing concerns here—130,000 children living in bed-and-breakfast or hostel accommodation this Christmas

—in Germany, where they certainly have their issues, there is a more secure private sector and social housing set-up. In so many ways, one could see failures on our part where Germany has been successful.

A German journalist to whom I was speaking a while ago had visited Blackpool for a week to talk to families there. She said, “I am afraid it seems that your social contract is broken. In our country, Germany, it is more secure”. I hope that as part of this process we will look abroad and consider what has been successful.

In preparing for the visit to the Bundestag, I was struck by the continuities in German governance—in the leadership of Kohl and Merkel, and in the parties. Its multiparty system allows certain parties to continue through several Administrations so that there is continuity in fiscal policy and foreign policy, and that has benefited Germany. So I hope we will look at Germany and other nations when we consider this matter.

Turning to another important issue, there is a sense—I may have misunderstood this—that the membership of Parliament is becoming increasingly middle class and that the connection with people at the very bottom is being lost. I may be mistaken, but I wonder whether we can consider how to facilitate connecting Members of both Houses with the dispossessed.

We have an armed services facility to make it easy for Members to work in the Army, the Royal Navy and so on. We have the Industry and Parliament Trust to make it easy for Members of both Houses to get experience of industry. We do not have a social protection trust, which would make it easy for Members of both Houses to spend time with social workers and to live on a housing estate for a while. Clement Attlee—a middle-class/upper middle-class man and a barrister—went to live and work in Toynbee Hall as a youth worker. He got to know and have affection for young people living in poverty. It was a tremendous experience in his life.

There are various ways in which politicians who wish to can learn about how those at the nether end of society are living. Yesterday we heard from the head of security in both Houses of Parliament. He referred to a push system, a default position under which parliamentarians would be provided with information about security. What about some kind of push system to make it easy for parliamentarians to have that kind of experience?

Edward Timpson, who grew up with fostered and adopted brothers and sisters and used that experience in Parliament, told me that it was quite normal for parliamentarians to visit fire services and ambulance services, but quite rare for them to go out on calls with health visitors or to visit with social workers on the front line. If that became more normal, it might make a huge difference to the quality of policy and legislation.

The noble Lord, Lord Hain, emphasised what is at stake. In recent years we have not delivered as we might have done for the British people. I am reminded of a German 19th-century poem about a child and his father riding through a German forest. The child said, “My father, my father: I am being pursued by some terrible demon”. The father said, “No, no, you will be fine. You will be home in a minute”. The child keeps complaining and the father keeps saying, “No, no,

it's okay". We cannot afford to be complacent. Our constitution has not been delivering for some time and I hope that the proposals brought forward by the noble Lord, Lord Foulkes, will be enacted in one way or another.

1.25 pm

**Lord Adonis (Lab):** My Lords, I strongly support the proposal of my noble friend Lord Foulkes for a constitutional convention. I am not instinctively in favour of royal commission-type arrangements. I tend to take the view of Harold Wilson that royal commissions take minutes and last years. However, on something as profound as major constitutional change—including the replacement of this House with a federal senate on the lines set out by the noble Lord, Lord Owen, of an equivalent to the Bundesrat, which I agree could be a model for the reform of this House and the wider reform of the United Kingdom—I do not think it will be possible to get to that kind of arrangement without a constitutional convention.

I pay tribute to my noble friend and the many others who made a success of the Scottish Constitutional Convention in the 1990s. This, without doubt, paved the way for the Scottish and Welsh devolution settlements and rescued us from the bitterly divisive and partisan state that the devolution debate had got into in the 1970s and 1980s. It created a consensus and, although it did not at the time include the Conservative Party, as my noble friend said, many Conservatives were sympathetic. Indeed, historically, the Conservative Party got to devolution in Scotland first with Alec Douglas-Home and his commission going back to the 1970s. It created a consensus which meant that the new Scottish Parliament arrangements bedded down quickly. So I am sympathetic to it.

I absolutely agree that the position of the Labour Party in opposition gives us a golden opportunity to take the lead while the Government obsess over Brexit. I believe that Brexit will no longer happen—that we will have a referendum and it will be ended. However, whether or not that is the case, we will have to move on to the reform of the constitution of the United Kingdom—not least because of the issues that Brexit has raised and which, to some extent, led to Brexit—because of the great sense of alienation in the Midlands and the north of England, which have not benefited from substantial devolution.

I wish to make two comments on the work of the convention and the form its proposals might take. My noble friend and others said that there has not been substantial devolution in England, but that is not true of London. The four great constitutional reforms affecting the United Kingdom which the Labour Government, of which we were proud to be members, carried through were the Northern Ireland Good Friday agreement, the National Assembly of Wales, the Parliament of Scotland and, crucially, the establishment of the Mayor and the Assembly for London. In their own way, all four of those reforms have been successful—not least the creation of the Mayor and the Assembly for London. The test of any institution is: if it did not exist, would you recreate it? If your Lordships' House did not exist, I am not sure that anyone would recreate it, but I am absolutely sure that if there was not a

Mayor of London, we would definitely seek to put one in place, together with accountability arrangements such as the Assembly. The other test of a machine is the work that it does. If one looks at what has been accomplished by the three Mayors of London since the office was established in 2000, it has been an outstanding success. I take a particular interest in infrastructure and I emphasise that the renovation of London's transport infrastructure would not have taken place with anything like the degree of investment and efficiency if it were not for the Mayor of London.

Earlier at Question Time we debated the regrettable cost overruns of Crossrail. Crossrail will open and will represent a dramatic transformation of London's public transport capacity, but it would not exist at all but for the Mayor of London. It is not just about the political authority of the mayor but also, crucially, the mayor's tax-raising powers, including the ability to raise a supplementary business rate which two successive mayors, Ken Livingstone and Boris Johnson, persuaded the London business community to sign up to because they were so desperate to have a credible scheme for improving London's public transport capacity. The mayor put forward a plan for which he managed to gain consent from the Labour Government and then the subsequent coalition Government. There was a strong belief on the part of the London business community that the project would be delivered that led to it being advanced. The same is true of the congestion charge in London, which would not conceivably have happened without a mayor, and the doubling of the rate of investment in London's public transport.

I have always adopted the Chinese adage that R&D stands for "rob and duplicate". We need to see that when you have institutions that work well, the job of effective policymakers is to rob and duplicate them. What we now need is arrangements such as those that apply in London with the mayor and the Assembly in all the major metropolitan parts of England. It is starting to happen with the metro mayors, but they have nothing like the power or the resources of the Mayor of London. The task I strongly encourage the Government to undertake, because they are sympathetic to business and have taken steps forward with mayoralities outside London, is to significantly enhance those mayors' powers, including tax-raising powers, and their accountability arrangements. That can and should happen now. It should be a key part of what is happening in this thing called the northern powerhouse, which at the moment is largely vacuous. If that happened, it would provide the building blocks for the establishment of a federal second Chamber based in England on the major cities and city regions. You would then need to bring counties together with similar arrangements in those parts of England not covered.

I strongly welcome what my noble friend said. I note that there is a broad consensus across the House in support of his recommendations. It is not total because we have constitutional conservatives who essentially do not like any change and provide elegant reasons for why no change should happen, but the consensus seems to extend to most parts of the House and we need to build on that.

[LORD ADONIS]

In conclusion, the noble Lord, Lord Owen, cited Churchill's once radical views on reform of the House of Lords, which he described as,

"one-sided, hereditary, unpurged, unrepresentative, irresponsible, absentee" —

he was never given to understatement. He also said that to abuse the Government was,

"an inalienable right of every British citizen".

That is certainly true, but we hold the Minister in very great esteem and we do not abuse him. We look forward to his constructive response to my noble friend's proposal.

1.32 pm

**Baroness Jones of Moulsecoomb (GP):** My Lords, I congratulate the noble Lord, Lord Foulkes, on bringing forward this debate. It is obviously very timely and we all have strong opinions about it. It feels slightly odd to be following the noble Lord, Lord Adonis. I have a slight grudge against him because he is one of only two politicians to have blocked me on Twitter, the other being Donald Trump, the President of the United States.

**Lord Adonis:** My Lords, I would willingly unblock the noble Baroness. It must have been some particularly insulting remark she made in respect of me, but I am sure she regrets it and I regret blocking her.

**Baroness Jones of Moulsecoomb:** I am afraid that I cannot promise not to be insulting again; that is how Twitter works.

The noble Lord, Lord Higgins, was absolutely fascinating about all the issues that he has worked on. It means that I now know where to go with any complaints on those matters, so I hope that he will not be leaving us too soon.

At the moment we are in the awful throes of what to do about Brexit. Whether or not we leave the European Union, we have to grapple with something that other noble Lords have touched on: how to heal the divisions within our deeply divided country. Anger, frustration and mistrust is endemic in parts of society. We need a complete overhaul of the so-called British constitution, which could begin with a constitutional convention.

Many people were surprised and confused when proceedings in the other place on Monday night came to a halt because someone had picked up the Mace. A lot of foreigners were expressing their confusion on Twitter and wanted to know why it mattered. The explanation illustrates an incredibly important point, which is that the Mace represents the authority of the monarch. Parliament sits only under the authority of the monarch and when the Mace is removed, Parliament has no authority. I was deeply saddened to disagree so strongly with my friend the noble Lord, Lord Howarth of Newport. He, I and the noble Lord, Lord Grocott, have a little leaver block-sympathy going on on this side of the House, so I was sad to disagree with him. I do so because the British constitution is not a democracy in any sense of the word. We have a feudal monarchy

with a few bits of democracy bolted on to it. It is difficult to identify a single development in the British constitution which has not been the result of a compromise between the ruling elite and some sort of opposing force that threatened its power. A little bit of power is ceded by the most powerful people in order to keep the greater amount of their power intact. Most of the rights and freedoms that exist in our country have come about through these little compromises. It has never been about doing the right thing for its own sake.

For example, we celebrate the Magna Carta as the "Great Charter of the Liberties", but it was actually a very small step in reducing the power of the king. The English Bill of Rights was another deal where the rich men in Parliament obtained a guarantee of their rights and freedoms in exchange for granting the throne to William and Mary. The Representation of the People Act and the Parliament Acts have all been compromises that have allowed us to call ourselves a democracy when in truth we are not. Each of these developments has its unique historical and factual quirks, but the overall narrative is one of a power struggle resulting in a compromise to maintain as far as possible the status quo.

As another noble Lord has mentioned, almost every other country in the world has a written constitution. These have normally come about after some massive historical event such as a civil war or a revolution. We have never got to that stage. It means that we have something which is wholly unfit for a country that wants to call itself a 21st-century democracy.

Now we have Brexit. As has been said, in a sense it is a symptom of people feeling excluded and alienated by a system that was only ever devised to protect the rich—the ruling elite. The intense frustration directed at Brussels is made up of a sense that politics is something done to us, rather than something we are active participants in. This is just as true of our local, regional and national politics as it is at the EU level. The Green Party policy is very much about devolving power down to the most appropriate level. An example of that failing utterly is up in Lancashire, when the Government overruled every level of local government and imposed fracking on a community that did not want it. Democracy has failed utterly in that case because the Government were not the best part of our system to decide what to do.

Leaving the EU will not resolve that intense frustration and anger. People will feel just as disfranchised by our electoral system and our politicians. Equally, if the tide turns and we end up remaining in the EU, people will be just as frustrated because neither option on its own provides a viable way forward. I would therefore argue that a constitutional overhaul is the only solution. I have a lot of questions that I would like to put privately to the noble Lord, Lord Foulkes, about how he sees this going forward, and perhaps I will contribute in various ways. Organic change, as has been suggested, is simply not enough. There has to be an overhaul.

We in this House have tried to discuss changes that will make us more relevant. I brought forward a Bill on reforming the House of Lords to the point where it would be abolished completely. I almost did not get it

through its First Reading because of the grumbles from all around the House. It did in fact get a Second Reading, and I will be tabling it again. I look forward to hearing from noble Lords who have said in this debate that they would like to see reform. Reform of this place is inevitable, and I look forward to their supporting the Bill when I bring it back.

I would also argue that first past the post has absolutely failed to supply strong and stable government in the way we have always supposed it would, so it is time to consider proportional representation. I have been elected under first past the post and under proportional representation. They are both perfectly valid ways of being a voice for people who would otherwise go unheard. I spent four years on Southwark Council as one of 63 councillors, which was very hard, and then I served for some years on the London Assembly combating Boris Johnson, which was much worse. The only way forward now is to rethink our democracy, and this convention would be a good way forward.

1.40 pm

**Lord Dykes (CB):** My Lords, I agreed with every single line of what was said by the noble Baroness, Lady Jones, but is it not a pity that I could not persuade her to be in favour of the European Union? That is the one thing lacking in her panoply of subjects and issues. I thank both her and the noble Earl, Lord Listowel, whom I have never known make anything other than a very wise speech. I agreed with everything he said, too.

I particularly want to thank the noble Lord, Lord Adonis, for his remarks. I will embarrass him deliberately by congratulating him on his speech yesterday evening, alongside Timothy Garton Ash, about the future and what we will give up if we foolishly leave the European Union. He spoke about the history of Europe and what it means to everybody. That applies to us, too. Why do people think we are an exception, talking about “wicked foreigners”? We are not like that. I will annoy everybody by mentioning Brexit; I do not know whether anybody else has; I was out of the Chamber for a while.

I will also annoy everybody by saying that although I congratulate the noble Lord, Lord Foulkes, on his interesting suggestion, which I support, none of these attempts will work until we agree to have a written constitution for the United Kingdom. I am glad somebody mentioned that earlier, as I think the noble Baroness, Lady Jones, said. I do not know who it was as I was out with visitors; I shall read the *Official Report* with interest. People still shy away at the mention of a constitution, saying, “Oh no, that’s a foreign invention. We don’t like that”. The middle paragraph of the excellent committee memo says that there is no movement forward because we cannot get it. It is always in the knapsack of the unruly party-political game. Scotland has been a success because it was removed from that, to some extent, but I will be careful about what I say because I do not want to annoy anyone.

We must think about what leaving Europe means, particularly for younger voters. They, and people travelling and working in other European countries, will lose the

European citizenship rights courageously brought in by John Major in the Lisbon treaty. If that treaty is abandoned and we lose those European citizenship rights, as well as pride in our national sovereignty, we are doomed to a foolish system where no one will agree. There is no agreement on party funding, which we have been discussing for years. There is no agreement on changing the voting system; again, I agree with previous remarks. The first-past-the-post system is ludicrous and must be changed, but that cannot be done through politicians. The public will shy away from an agreement to have politicians round the table trying to set things up, so enormous is the hatred of and mistrust towards politicians after what has happened in the past few years.

We need an official body in charge to look at these things dispassionately, not in the way of party politicians fighting their corner, furthering their own interests and not agreeing on anything. We have seen the terrible experience of a paralysed country in the past few years. I did not get on very well with Mrs Thatcher when I was a Conservative MP; I think I was the most left-wing one. Somebody said, “You’re almost as left-wing as Harold Macmillan”. I replied, “That’s impossible”. I remember trying to tell her a joke once, which was a disastrous mistake. I had come from a visit to Germany, where I had seen the Bundestag in action; they were working on privatisation after we had done the same. The coalition government spokesman in the Bundestag said, “We’re going to do three very careful privatisations, after six months of discussions with all parties to get an agreement”. In the Division Lobby, I foolishly told Mrs Thatcher this. She said, “What a mistake. They’re so weak”. The joke was the idea of her agreeing with anyone else, although I suppose the Northern Ireland agreement, for which history will thank her, was the exception in the end.

The voting system must be changed and a written constitution introduced. That must be done through a super-high commission of officials and experts—people from universities and so on—to make sure that the politicians are kept under control and not allowed to rampage around with their prejudices and foolish ideas. Why have we not had agreement on party funding after so many years? Cameron said that we would have a £5,000 maximum. Why has that not been done? The crux of what other European member states say when we go to see them is: why are we paralysed? I also live in France, which has a written constitution. That makes its system much more democratic than ours; I am sorry to say it but that is the reality. The more we go on with our pride in our past and our historical empire analogies, the more doomed we will be.

1.45 pm

**Lord Lipsey (Non-Aff):** My Lords, I strongly support the proposal of the noble Lord, Lord Foulkes, for a constitutional convention. This is as well, because I will not say a single word after now with which he will not vehemently disagree. I hope he will forgive me.

As the last two speakers have done, I want to speak briefly about electoral reform. I know that AV was decisively rejected in the 2011 referendum. As a campaigner for electoral reform, that came as no

[LORD LIPSEY]  
surprise to me. It was a rushed, botched referendum where the pros were destroyed by the serial misjudgments of Nick Clegg, the then Liberal Democrat leader, and the treachery of David Cameron. However, as we are fast learning, no referendum result is for ever. When the facts change, the British people are entitled to change their view, and I think the facts have changed on electoral reform.

What facts on electoral reform have changed? Most significantly, since 2011, the traditional main argument of first-past-the-post supporters—that it provides strong and stable Governments—has been left in ruins. In truth, the system has always been liable not to produce such Governments, but between 1979 and 2010 a series of flukes led to majority Governments: under Labour because the Tories were unelectable and under the Tories because Labour was becoming unelectable. It remains the case that we are now mostly getting Parliaments in which another party holds the balance of power. Currently, it is the DUP; we can all see where that is getting us.

A sharp decline in marginal seats is spotted less often in this country, although it is commonly remarked on in the United States. Even since 2010, the number of marginal seats has fallen from 85 to 74, so the chances of a huge swing leading to an influx from a different party that then enjoys an overall majority have declined greatly. It is harder than ever for a big party to build up a lead in seats big enough to outnumber the MPs who do not belong to either main party. The reality is that, except in unusual circumstances, strong and stable Governments have gone—and that defence of first past the post with them.

The change in the nature of the two parties, partly caused by first past the post, is equally important. When I was being brought up in politics, I was taught that the main aim was to attract the centre ground; if you did not, you would not get into office. Of course, it is now possible to become a successful party by appealing to just a third of the electorate, as was said to be the strategy of Mr Ed Miliband in 2015. That strategy makes sense. At the same time, perhaps more crucially, the danger of the growth of a new party to the existing two big parties has been virtually removed by first past the post. The SDP nearly did it, under peculiar circumstances, but anyone who starts a new party now would not, I think, be optimistic about their chances of success.

So we have a terrible distortion in our democracy: two monopoly parties, each aiming at a smallish section of the electorate, each ever more a prisoner of their activist members. Arthur Balfour famously said of the Conservative Party that he would rather take advice from his valet. Nowadays, the activists in each party are in charge and call the shots, so we see the Brexiters forcing the Prime Minister into the situation we saw yesterday, with many Conservative MPs cowering for fear of their local associations, and we see what we see in the Labour Party. There is no threat to the big parties' monopolies because it is nearly impossible to establish a new party. I am not saying that we should do so; I would like the two big parties to behave differently and start to appeal to the centre ground

again, but they will not while the situation is like that. The two big parties have not just a monopoly, but a protected monopoly.

I am not a supporter of pure proportional representation on, say, the Israeli model. I sat on the commission chaired by Lord Jenkins, which came up with the attractive, if a trifle complicated, solution of AV+. Times move on and today I would be content if a referendum approved AV tout simple, but the indefensibility of first past the post is clearer than ever. A constitutional convention is the best way to start a national debate on whether it should be replaced and by what.

Before I sit down, I shall pay my own tribute to the noble Lord, Lord Higgins, of whom I was a friend before either he or I were in this place. He is the greatest Speaker that the House of Commons never had. We shall miss him terribly.

1.51 pm

**Lord Grocott (Lab):** My Lords, I am really grateful to my noble friend Lord Foulkes for his characteristically entertaining speech, though I did not particularly like his trip down memory lane to 1979, which, as he said, was one of the happiest days in his political life. It was one of the grimmest in mine, when the people of Lichfield and Tamworth decided that I should spend more time with my family.

I echo everything that has been said about the contribution that the noble Lord, Lord Higgins, has made over the years. How I envy the way the House clearly empathises with him, the tributes being paid to him and the warmth felt towards him, which so contrast with my experience when I involuntarily retired in 1979, when, I am sad to record, at the count there was much rejoicing in my departure. Those are two speeches that I shall not forget.

There is time for me to address only two issues relating to the debate. One is the state of English regional and local government, which my noble friend Lord Foulkes referred to as a dog's breakfast. That is not a bad description. I also want to say a word or two about the dreaded issue of referendums, which have been an integral part of the various constitutional changes that have been made in Scotland, Wales and the north-east of England.

First, my noble friend said that the structure of local and regional government in England is a dog's breakfast. There is such a variety of provision, with challenging and different powers and methods of election that are unintelligible to anyone without a degree in local government. How on earth are people expected to travel from one part to another in a unitary state and understand the completely different systems of local government to which they must turn for planning, housing, education, social services or any of the rest of it? It simply is not a defensible system.

Repeated constitutional experiments have led to this. The only thing they have in common is that most of them have not resulted in exultation and acclaim by the public. I remind Members of the House that we have mayors, metro mayors and police commissioners. We still have the unitary authorities. We have two-tier

systems all over the country, but with this common factor: the failure of these new systems to engage the public.

To remind the House, the turnout at the 2016 police commissioner elections was consistently in the low 20s. The much-heralded mayoral elections in 2017 had a 21% turnout in Tees Valley, 26% in the West Midlands and 29%—the highest turnout—in Greater Manchester. This is no criticism of the people who fill these positions, as many splendid people have been elected as mayors, but that is hardly in any way validatory for those who said that this would bring a new drama and dynamism to local government. We know that the referendums in 2012 as to whether the city mayoral elections should be established resulted in nine noes and one yes. Public support is a pretty good basis for introducing any new system. We need a convention on English local and regional government before we move on to my noble friend's convention.

Secondly, referendums have come and gone throughout the devolution process. There were two referendums in Scotland and Wales, and the north-east devolution referendum in 2004 in England. We can learn a bit from these referendums. They are relevant to our present dilemmas.

One thing I would say is: do not have any system of referendum that has any kind of fancy or problematical component to it, as the first referendum in Scotland did, where the winner was not the winner. That is not a good system. Keep it simple, binary and straightforward. Also, there has been a sea change since the referendums I referred to in Scotland, Wales and the north-east. For all of those the results were accepted, despite them being wafer thin, particularly in Wales, as referred to. In that referendum there was less than 1% difference between establishing devolution or not. At least those referendums were accepted.

What has characterised the two most recent referendums—the Scottish referendum on independence in 2014 and the EU referendum in 2016—is that almost from the day the results were declared campaigns began to reverse them. I do not for a moment argue that it is not possible to review matters and to have second referendums, as happened in Scotland and Wales. I acknowledge that parliamentary elections are once every five years. But the idea that you can reverse a referendum result in two or two and a half years makes a joke of the whole referendum process.

At the very least, I hope these kinds of basic decisions about the conduct and operation of referendums can be considered in any convention. I suggest as an opening gambit that it should not be permissible for a referendum to be held with the same question in less than a 10-year period. I am being generous; we had to wait 40 years between the 1975 referendum and the one we held in 2016. There certainly should be a minimal period before you insult the public by asking them the same question twice.

I cannot help but remind the House that some care should be taken about expenditure in referendums. We know that there have been various challenges about the expenditure in the 2016 one, but the hugely well-financed campaign for a so-called people's vote should also come into focus. I do not know how transparent

all the figures are about where the money is coming from and how long it will be available for, but glossy brochures and opinion polls are quite common and familiar all around the country. We need a bit more transparency there too.

I support very much what my noble friend Lord Foulkes said in respect of ultimately having a convention, but in the meantime we want one on English local government. We also ought to tighten the rules on referendums.

1.59 pm

**Lord Bruce of Bennachie (LD):** My Lords, this has been a very interesting debate about our very complicated constitution, with a disparate range of views, not all of which are going to be easy to reconcile: that in a sense makes the case for having a convention. I join the tributes to the noble Lord, Lord Higgins, who has had a very distinguished career, both in this House and in the other place. He and I were reminiscing just a few weeks ago about a visit we made to Zimbabwe—he mentioned Rhodesia in his speech—at a time when we hoped we might be able to help Zimbabwe in a more positive direction than it turned out. We tried very hard; unfortunately, not enough people listened. He recounted to the House the wide range of activities he has been involved in, as a Minister and as a Member of both Houses, and the House has demonstrated how much it appreciates him and wishes him well in his retirement.

I also congratulate the noble Lord, Lord Foulkes, on securing this debate: I absolutely support the objective behind it of having a constitutional convention. A number of points have been made, but I reflected on what happened yesterday. It brought home to me just how dysfunctional and medieval our political system is. A dispute in a minority party at the other end of the House, which nobody but 317 people were involved in, was supposed to keep us all on the edge of our seats about the destiny of our nation. If that is British democracy, it is a shameful humiliation that it has been brought down to that. The reality is, as the noble Lord, Lord Lipsey, says, that in fact our British political system is at the mercy of the minorities who control the two largest parties—which are in themselves minorities—and we have the nerve to call that a democracy. I agree with the noble Baroness, Lady Jones, on that. We have some very fundamental thinking to do, because people are angry, disengaged and alienated. If we do not do something about it, I actually think we have to worry about civil disorder and unrest when people do not find any democratic outlets for securing the things that matter to them.

I pick on the big picture—the more focused picture. The dimension of England is always the problem for those of us who believe that some form of federal United Kingdom is the only way we can resolve the piecemeal reforms that we have initiated. The argument is that England is too big, so we can do nothing about it, but my noble friend Lord Greaves and others have made some suggestions. For example, my noble friend Lady Janke said we could look at how local government was secured in other countries, and mentioned Sweden and Germany. One of the problems with local government is that it just does not have its powers or financial

[LORD BRUCE OF BENNACHIE]

resources secured: these should be constitutional rights enshrined in the law, and not subject to the will of some passing Secretary of State to start changing the powers or the allocation of how money is distributed, if he needs to please the *Daily Mail* on a given day for a headline.

Yet this is how our country is being run and has been run and there is very little that people can do. People in local government are asked to do more and more with less and less and as a result people say, “You are no use, you can’t do anything, you are not actually delivering for us”. We need a radical rethink, from top to bottom and side to side, but I suggest that before we have a federal constitution for the United Kingdom we absolutely have to address proper, effective, accountable devolution for England. However, I say in passing that that one of the bad consequences of the Scottish devolution settlement and the creation of a majority SNP Government is that it has been the victim of exactly the same paranoia that has been characteristic, in England, of taking control away from local government and centralising it under the control of a few Ministers. In Edinburgh we have lost control of the police, the fire service and many aspects of planning. We have lost control of our ability to actually fund the services that the Government expect us to provide.

We need, therefore, to start thinking about how we can draw people together, analyse the dysfunctionality that is characteristic of the way we run ourselves and, yes, learn from other countries. The interesting thing about Europe, never mind over 50 years but over the last 20 or 30 years, with the collapse of the Soviet Union, is that when countries had the opportunity to look at the kind of democracy they wanted to be, none of them looked at the United Kingdom as the model to follow. They looked at countries that had proper constitutions and proper arrangements. My noble friend Lord Steel once famously said, “The British constitution is not worth the paper it isn’t written on”. Nobody quite knows what it is: it is there to be manipulated at will by minorities who happen to be in control at any given time.

I was a member of the Scottish Constitutional Convention and was very proud to be part of it. To be fair to the noble Lord, Lord Foulkes, he acknowledged that while we naturally and unsurprisingly give the Labour Party credit—which it deserves because it had had a bloodied nose and needed to learn from it, and did learn from it—the convention was an offshoot of the Campaign for a Scottish Assembly, which was cross-party and non-party, which is really important. When we established the convention, we wanted to be sure that it was as representative and as legitimate as possible, so every elected Member of Parliament and of the European Parliament from Scotland was invited, ex officio, to be a member. Every council in Scotland was invited to send representations and it was supplemented by representatives of trade unions, business organisations, churches, women’s groups and a whole variety of civic society, to enable them to participate and be involved in it. It was not official; the Government of the day treated it with a degree of dismissive contempt and the SNP turned up only to walk out—with the intention of walking out, I think it would be fair to say.

That was unfortunate because there was plenty of room for building consensus, and we did. Indeed, I remember an occasion on which the noble Lord, Lord Foulkes, and I were on the opposite sides of the argument about the voting system. He claimed that I had a gun to his head and the chair of the Labour Party at the time said that the gun was loaded. It was not loaded by me; it was loaded just as much by the Labour movement and other members of the Labour Party, because they recognised that if you were going to secure a Parliament in Scotland commanding the support of the people of Scotland, it had to be genuinely representative of all parts of Scotland—I think that the noble Lord, Lord Foulkes, will understand that—not just the Glasgow Labour Party, which was what people feared. I give credit to Donald Dewar and other leaders for acknowledging that that was necessary. As a result of that, we moved from having an assembly to having a Parliament, to having more than the powers of the Scottish Office and to being elected by a proportional system.

That takes us on to issues such as referendums. If anything has been a constitutional outrage and abuse, it has been the use of referendums in this country. We have no constitutional basis for a referendum. We have a representative system of government, which the people boast about and celebrate, and then we suddenly throw into it the whim of a referendum, which is nearly always to meet the needs of a particular party in a mess. The net result of that political party in a mess has made the country a mess. What a disgraceful piece of leadership that turned out to be. The Scottish independence referendum was possibly the only way to address an issue: if a nationalist party wins a majority and says, “We have a mandate to try for independence”, a referendum is the way to test it. However, I do not agree with the noble Lord, Lord Grocott, that a simple question and a simple majority is the answer. Something as fundamental as constitutional change has to carry a very substantial majority for it to stick. If not, we have exactly the situation we have now; a country split down the middle, incapable of resolving its differences by any proper mechanism.

I am personally not very keen on the idea of a second referendum. I support a people’s vote only as a default mechanism because there does not seem to be any other way of resolving the dilemma. If Parliament can find a majority for a system that is genuinely uniting, I would support that, but the reality is that that does not look likely so it seems to me that we have to consult the people.

Fundamentally, I suggest that a constitutional convention needs to look from the bottom up. It needs to consult as widely as possible. It needs to include politicians: I do not think we can exclude them because in the end it will be politicians who have to implement it. The people making suggestions and having ideas who do not have political antennae need to be informed by that, but I agree that the politicians should not be the drivers. It should be a collective decision that draws from all opinions and especially from the grass roots up.

It has been done in other countries. The founding fathers of the United States built their system on it. Talking about the United States perhaps builds in one

particular factor, which is that the lack of a written constitution and of real guarantees means that we have a lack of checks and balances built into our constitutional system. To those who say that we should just do everything gradually, bit by bit, I say that doing it that way is how we have got to this state. We have failed to do anything fundamental by analysing what we need to do. Some say that having gone down the road we have, with a Northern Ireland Assembly, a Scottish Parliament, a Welsh Assembly, a London Assembly and the demand now for much more local and regional government in England, we are well on the way to creating a quasi, if not actual, federal United Kingdom. It is not possible to have a federal constitution that is not written down. By definition, you have to define where the powers lie and how disputes are resolved and the mechanisms for doing so. The whole point about a federal constitution is that power is divided according to the appropriate body for delivering it, and the powers and resources for that body are secured by the constitution, not by the Government of the day or the political minority that happens to be in control.

That would be a fundamental, radical change to the way we do things in this country. It is a citizens' contract that has never been built. To the extent that we have acquiesced in the way that the country has been run, it is now breaking down to the point where it threatens our ability to make the country governable. The Motion of the noble Lord, Lord Foulkes, is very timely. I point out to him that my noble friend Lord Purvis suggested a Bill three or four years ago. Indeed, there is a fairly proud history of doing that. But the reality is that we need to move and to recognise that this constitution does not work.

2.10 pm

**Lord Kennedy of Southwark (Lab Co-op):** My Lords, I thank my noble friend Lord Foulkes of Cumnock for tabling this Motion for debate today. I join other noble Lords in paying tribute to the noble Lord, Lord Higgins, for his diligent and exemplary service in both Houses, totalling 54 years. I have had the privilege of benefiting from the noble Lord's wise counsel during my eight years as a Member of your Lordships' House. I agree with other noble Lords that he will be much missed on all sides of the House.

Despite what else is going on in the political sphere—or perhaps because of it—it is good to have this debate today. Since 1997 in particular there has been considerable constitutional change in the United Kingdom. Most of it has been very welcome and needed and has made our country better. The devolution settlements in Scotland, Wales and Northern Ireland were long overdue. It is a tragedy that the Northern Ireland Assembly is presently suspended and, like other noble Lords, I hope that an agreement can be reached to get it up and running again soon.

The establishment of the Greater London Authority, the Mayor of London and the London Assembly has been very welcome. I agree with my noble friend Lord Adonis about the success of the office of the Mayor of London and the London Assembly. I pay tribute to the members of the London Assembly. They do a very good job holding the mayor—of whatever political

persuasion—to account each and every day. The establishment of the Supreme Court and the incorporation of the European Convention on Human Rights into domestic law were also welcome initiatives.

Not so welcome, in my opinion, have been the Fixed-term Parliaments Act and the English votes for English laws procedure in the House of Commons, which my noble friend Lord Foulkes also referred to. I agree with the noble Lord, Lord Norton of Louth, that there has to be a holistic approach to constitutional reform and the fact that there has not been has helped create the problems we face today. The decision in 2015 to have English votes for English laws highlights that we have not completed the constitutional changes needed and have left ourselves with a particular problem in England. Most noble Lords who spoke accepted that there is an issue there. So this debate is very welcome in that context.

My noble friend Lord Foulkes spoke about the need for a constitutional convention and he makes a very powerful case. Whether it is a convention or a convocation, as suggested by the noble Lord, Lord Norton of Louth, I do not really mind. We have to accept that we have a serious problem and we need to deal with it.

Our present Brexit crisis means that the Government are doing little else. That is a problem for us all. From what I can see, there is no strategic thinking about what changes are needed in the governance of the United Kingdom, no analysis of the problems, and no looking at how we can meet the challenges that we face and how we can do things in a better way that gives our citizens better engagement, understanding and ownership, and a feeling that that their views matter.

Nowhere is that more of a problem than in the present arrangements in England. I agree with my noble friend Lord Murphy about devolution in England—the lack of it, the problems that has caused and the urgent need for this to be readdressed. Many noble Lords made comments about the derisory powers of city leaders and mayors in comparison with those of their European counterparts. Boris Johnson is not a man I often agree with, but even he made the case for the additional devolution of fiscal powers to London during his term of office many years ago, although of course even he was unsuccessful in achieving that.

I also contend that the failure to deal with the issues in England has created much greater pressure on the union. I very much agree with the Constitution Committee of your Lordships' House, which observed that while there had been devolution of power elsewhere in the United Kingdom, England was a centralised unit, and:

“As a result, there is dissatisfaction within England with the current territorial constitution”.

I believe that a lot of our problems can be tracked back to one central issue. My noble friend Lord Foulkes of Cumnock referred to the comments made by the Mayor of Liverpool about this being a top-down agenda. We have heard that he has left the board of the Northern Powerhouse Partnership. When George Osborne was Chancellor of the Exchequer, he looked at the whole question of where power is and created

[LORD KENNEDY OF SOUTHWARK]

the northern powerhouse initiative. He sought to devolve powers—we can argue whether he was right or wrong—and to reorganise governance arrangements. I did not agree with all this but today, with his departure from government and now from the House of Commons, it has stalled. There appears to be no reforming zeal anywhere in government. There is no interest in the Treasury. There is no interest in the Ministry of Housing, Communities and Local Government to move this forward. There is definitely no interest in Downing Street for this agenda. The combined authority/metro mayor model is flawed and confused and now lacks a champion in government.

I remember a contribution to a previous debate by the noble Lord, Lord Lansley—he is not in his place today—in which he told us that where he lives in Cambridgeshire, there are actually five tiers of local government: the metro mayor and the combined authority, the police and crime commissioner, the county council, the district council and the parish council. That is no way to deliver services and to be accountable to the local electorate.

To be fair, there is not much thinking in my own party on this at the moment. We need to look at these things. One of the benefits of being in opposition—there are not many—is that you can look at these matters, do some thinking, bring something forward and challenge ideas. That is important and we need to do that. The Member for Oldham West and Royton in the other place, Mr Jim McMahon MP, has begun some important work looking at the devolution settlement for England. As an Opposition we need to be coming forward with ideas to meet the challenges of governance that we face today. I agree with my noble friend Lord Hain's comments about devolution in England and how we need to develop things. He also referred to the Member for Wigan in the other place, Lisa Nandy MP, and the important work she is doing looking at towns and how they can feel isolated and not engaged.

There is also a big job to be done by think tanks and organisations such as the Fabian Society, a much-respected organisation on the left of British politics, which has been affiliated to the Labour Party since its formation. If you look at our 1997 manifesto, the society had great influence on the issues we fought and won that election on. I should also make it clear that I have been a member of the society for 30 years and serve on its executive committee.

Thinking in other political parties is important as well. We need to make sure that political parties and organisations aligned with them also think about these things. No one party or organisation is the source of all good ideas. In the 2017 general election the Labour Party supported a constitutional convention as a way forward. Getting some sort of body together to consider these very important issues is a very welcome idea. It should comprise representatives of political parties, civil society and academia. We may need a number of different organisations to consider these questions urgently, because it cannot be just a body or a group of people who are seen to be detached. The issue of real citizen engagement has to be central to the work that any convention or convocation does.

The Library briefing was very helpful. I was interested to read about the work of Professor Hazell and Dr Renwick and agree with them that,

“genuine, well-grounded deliberation does not take place spontaneously”.

To go down this route would take considerable planning but could produce recommendations that are reasoned and coherent and, most importantly, address the issues that need addressing. Their *Blueprint for a UK Constitutional Convention* is a good piece of work and could form the basis of how we move forward, notwithstanding the points made by the noble Lord, Lord Norton of Louth, and my noble friend Lord Howarth of Newport about how we deliver constitutional change in our country. As I said earlier, however, there also needs to be thinking within the political parties and I suspect—unless the noble Lord, Lord Young of Cookham, surprises us all when he responds—that the Government are at present not persuaded as to the merits of these proposals from my noble friend Lord Foulkes. There is plenty of time for us in the political parties to consider these issues carefully and maybe to persuade the Government at a later date.

I thank my noble friend Lord Foulkes of Cumnock for bringing his Motion forward today. It has been a very useful debate and I look forward to the response from the noble Lord, Lord Young of Cookham.

2.20 pm

**Lord Young of Cookham (Con):** My Lords, I commend the noble Lord, Lord Foulkes, on his choice of subject and its timing, this debate coming as it does in a month when a number of important constitutional issues have captured the headlines. I join all noble Lords in paying tribute to my noble friend Lord Higgins. I first heard him speak from my party's Front Bench in 1974, when he was part of Ted Heath's opposition team, and have followed his career ever since. I remember him in particular chairing the Treasury Select Committee in the 1990s. The debates here will be the poorer without him. I hope that he does not entirely absent himself from political discourse, but uses other platforms. I was touched by his genuine tribute to his successors, the fact that he has done 54 years in public service and the way that he stuck up for his beliefs at a time when they were unpopular. The children of this country are for ever grateful to him for the rebate of VAT on children's shoes.

It has been a real pleasure for me to listen to this debate, well informed and topical as it has been, as I have a long-standing interest in constitutional issues. I was my party's spokesman in another place on the subject at the turn of the century, when we debated what became the Political Parties, Elections and Referendums Act, along with Lords reform. I served on a democracy taskforce, chaired by Ken Clarke, with fellow members including the noble Lords, Lord Butler and Lord Tyrie, which promoted the policy of English votes for English laws. I shall come back to that in a moment. As the leader of the House in another place, I promoted some reforms in the coalition Government to give back to Parliament some of the powers the Executive had taken away. I have also done some time on the council of the Hansard Society and worked with my noble friend Lord Norton, when he

was commissioned by the then leader of my party, now my noble friend Lord Hague, to work up his report on strengthening Parliament.

However, the pleasure of listening to and learning from this debate has been moderated by the knowledge that I am expected to wind it up. Noble Lords have given me a long frontier to patrol and while I will try to address some of the key issues raised, my remarks will mostly be a contribution to the debate rather than a summation. The wide-ranging nature of this debate highlights one of the problems with a constitutional convention—a point raised by the noble Lord, Lord Howarth. Noble Lords have raised so many issues that any convention looking into them would take years to do them justice. When I got the brief from the Cabinet Office for this debate, it was over 100 pages long and covered over 25 topics that could come under such a convention. Noble Lords have raised many others.

I am not averse to independent conventions looking at certain constitutional issues. Indeed, there have been many successful examples which we have heard of during this debate. We have had the report of the noble Lord, Lord Burns, on reforms to this House; there were the Silk and Smith commissions on devolved powers; recent commissions, such as that of the UCL Constitution Unit on referendums, have added greatly to the debate and knowledge in this area. The noble Lords, Lord Foulkes and Lord McConnell, reminded us that they were both part of the Scottish Constitutional Convention and I applaud the success of that convention in producing two reports prior to the devolution changes in 1997. I also applaud the work of the noble Lords, Lord Lisvane and Lord Hain, on the Act of Union Bill, which I understand we will now be debating early next year. But the point about all these conventions is that they were narrowly focused, rather than the wide-ranging agenda proposed by the noble Lord. The noble Lord, Lord Howarth, reminded us of the fate of the Kilbrandon commission.

The helpful Library briefing note for this debate referenced the work undertaken by Professor Robert Hazell and Dr Alan Renwick, referred to by the noble Lord, Lord Kennedy, on their *Blueprint for A UK Constitutional Convention*. However, the quote that he used was not this one. The summary to the report said:

“While some activists would like to see an overarching constitutional review, there is good reason to think this would be too complex and controversial to yield useful results. Limiting the convention to one aspect of the constitution is likely to be better”.

As this suggests, it would be worth considering how such a large topic could be disaggregated and prioritised, with the key issues being more clearly defined.

The Motion of the noble Lord, Lord Foulkes, helpfully does not stipulate that the Government should initiate such a convention; indeed, he implied in his opening remarks that this was something the Opposition should do. Anticipating a government response the noble Lord, Lord Owen, said that there was no way that the Government would agree to this. What struck me during the discussion about the nature of such a convention was what the noble Lord, Lord McConnell, said when he spoke of the convention on which he served: that it was successful because it reflected the settled will of the people of Scotland. That convention had a purpose and that was why it succeeded. The

whole argument behind this convention is, because there is no settled will or purpose, there is clear disagreement. Some noble Lords want a written constitution, including the noble Lords, Lord Bruce and Lord Dykes; others who have taken part in this debate would be firmly against a written constitution. The suggestion by the noble Baroness, Lady Bryan, that we should do this quickly and urgently is not an optimistic prognosis, given the difficulties it would have to cover.

While our debate has been wide-ranging, it has not covered everything that affects democratic accountability. For example, I regret the recent erosion of collective responsibility in government and the selective briefing of exchanges in Cabinet, both of which I believe hinder good government. Another issue central to democratic accountability in this country is the role of our political parties, hardly mentioned in this debate. Half of all voters think that British politics is broken. Only one in seven thinks that the Tories and Labour represent the views of the public—I will come to the Liberal Democrats in a moment. The noble Earl, Lord Listowel, rightly spoke of those who feel disfranchised and dispossessed. The noble Lords, Lord Bruce and Lord Adonis, and the noble Baroness, Lady Jones, spoke of alienation.

Half of those who spoke in this debate served in the other place. As the noble Lord, Lord Lipsey, pointed out, as party membership declines, as has happened in my party, with its centre of gravity shifting to the right, or is swollen by supporters with a particular ideology, as has happened to the Labour Party in its shifts to the left, it may become more difficult for candidates in the centre of the political spectrum to get selected. Putting aside our age, how many of us who have spoken in this debate—predominantly remainers or Blairites—would be selected today?

Meanwhile, what has happened to the Liberal Democrats? For all my political life, when a Conservative Government have faced difficulties, whether that be under Macmillan in the 1960s, Heath in the 1970s, Thatcher in the early 1980s or Major in the 1990s, the third party has been a safety valve and has won by-elections, particularly when the Opposition party have also been unpopular. There was Orpington, Berwick, Crosby, Hillhead, Newbury and Christchurch among a long list, which brings back painful memories. Today, with a Government who are facing unprecedented difficulties and visibly divided, and a Labour Party led by its most left-wing leader in history—without Michael Foot’s gift of oratory and Cabinet experience—where is our third party? It is languishing in single figures. I make this point not to provoke but to underline the central importance of our parties to democratic accountability and the risk of their being seen as not relevant to voters. I reinforce the point made during this debate about the broad terms of reference of any convention on democratic accountability.

No one, except I think the noble Lord, Lord Howarth, mentioned the role of social media in our democracy. Last Saturday a former head of GCHQ said that Facebook poses a threat to democracy without tougher regulation. As I have said before, usually in response to the noble Lord, Lord Kennedy, we have an analogue

[LORD YOUNG OF COOKHAM]  
 regulatory system for our elections in a digital age. During the last three decades, the internet has revolutionised not only the way we interact with each other but the way we do politics. The digital landscape poses challenges for our democratic accountability that we cannot afford to shy away from addressing, so it is incumbent on this Government to keep pace with the changes to technology. We are determined to have a system that is fit for purpose, and we will be introducing reforms once relevant court cases have been disposed of and the relevant Select Committee and Electoral Commission reports are available to achieve that objective.

As others have outlined during this debate, constitutional conventions can work in some circumstances, but it depends on the situation. Other countries which have tried have found the process challenging. The recommendations of the conventions in British Columbia and Ontario were rejected when they were put to the public in referendums. In Ireland, of the 18 recommendations made by the Irish constitutional convention, only two were put to referendum and only one passed. In Iceland, where a more wide-ranging constitutional convention was undertaken, all six of the proposals of the constitutional council were passed following a referendum. However, they have not been taken forward by subsequent Governments. That highlights one of our key concerns with proposals for a constitutional convention: that they often fail to deliver the intended result.

I shall try to touch on some of the points that were raised during the debate. The noble Lord, Lord Lipsey, and the noble Baroness, Lady Jones, touched on AV and criticised first past the post. I say to the noble Lord, Lord Lipsey, that he has seen the hurdles facing those who want a second vote on the referendum where the result was 52% to 48%. What hurdles will confront those who want a second referendum on the result of the referendum we had on AV, when the vote was 67.9% to 32.1%, particularly against a background of the comment made by the noble Lord, Lord Grocott, that we should not repeat referendums too often?

A number of noble Lords made a valid point about the potential tension between government by referendum and government by representative democracy. What would have happened 40 years ago if any of us had stood for Parliament and been elected making it quite clear that we were opposed to capital punishment but there had been a referendum and the people decided that they wanted it? Would MPs have had to respect the result of the referendum and go against what they had said in their election address? There is a potential tension there which was rightly brought out in a number of comments.

English votes for English laws came in for a little bit of criticism from one or two noble Lords. I remember sitting in another place on a Standing Committee considering the Labour Government's proposal to ban smoking in public places. In Standing Committee, there was an amendment to extend the ban to pubs, which was opposed by the Minister in the Standing Committee. There were enough people on the Standing Committee to demand a vote and the Government were saved by a Member of Parliament from Scotland,

where smoking had already been banned in pubs, voting not to ban smoking in pubs in England. From that moment I became a strong advocate of English votes for English laws. Contrary to what a number of noble Lords have said, I think it has embedded fairness and balance into Parliament's law-making process. I think it has strengthened England's voice, just as devolution strengthened the voices of Scotland, Wales and Northern Ireland within our union. I think it is right that elected Members of the House of Commons who represent constituencies in England have the opportunity to give their consent on domestic legislation that affects only them, simply mirroring the position in Scotland.

On the case for an English Parliament, the noble and learned Lord, Lord Morris, cast some doubts as to whether it would work, and the noble Lord, Lord Owen, pointed out the asymmetry in the United Kingdom with such a large component of it being accounted for by one unit. If one looks at Andrew Blick's pamphlet *Federalism: The UK's Future?*, he makes the point that an English Parliament would not deliver the benefits of decentralisation associated with devolution. I think there is no consensus that an English Parliament is the way forward. I believe that English votes for English laws delivers a coherent constitutional response without the upheaval of an English Parliament.

Rather than work up the case for an English Parliament, we prefer to strengthen communities and regions within England through, in particular, the northern powerhouse and the Midlands engine and by developing a devolution framework for England, providing clarity for all English authorities about the future of English devolution. I was interested in what the noble Lord, Lord Owen, said about the German Länder, but it seems to me that we do not have the building blocks that they have in Germany to create the structure that they have there.

A number of noble Lords mentioned regional assemblies. This was piloted in the north-west by the noble Lord, Lord Prescott, and did not find favour, so since the Cities and Local Government Devolution Act 2016 came into force we have taken major steps to decentralise governance in England through devolution deals and combined authorities headed by elected mayors in seven city regions, with an eighth mayor in North of Tyne to be elected in May. A number of noble Lords said that this is asymmetrical and a muddle—I think that was the expression used—but it has happened only when it was what local authorities asked the Government to do. Combined authorities are created when that is what local authorities have decided to do. Likewise, if they want elected mayors rather than the traditional local authority settlement, that is what they can have.

I was interested in what the noble Lord, Lord Adonis, said about building on the success of elected mayors. Looking not just at London but at Manchester, we have arranged for particular combined authorities to assume the delivery of central government programmes such as the work and health programme and the life chances fund, and to help to develop new and innovative ways of working with local public services such as health and justice. I agree that this is a model we

should build on. I think my noble friend Lord Heseltine can claim to be the champion of mayors in advance of anyone else who may make that claim.

I think elected mayors have been one of the successes in the British constitution. They chair their combined authorities and ensure strong and strategic leadership across a clear economic geography as a recognised leader who is accountable to voters in their region. They can act nationally and internationally as an ambassador for their region, boosting the area's profile and helping to attract inward investment. Mayors also have soft powers, such as the ability to convene a range of stakeholders to tackle complex issues such as homelessness, and I applaud what Andy Burnham is doing on Manchester on that point. I think the introduction of strong mayors has been one of the most important constitutional changes in past years.

With two minutes left, I am not going to be able to do justice to the issues that were raised about Brexit and the impact on devolution, but I was struck by what two noble Lords said about having a single constitutional member in the Cabinet or, as I think was suggested by the noble Lord, Lord McConnell, getting rid of the Secretaries of State for Scotland and Wales altogether. As an English MP, I would have been worried about the potential impact on sentiment in Scotland if it no longer had a voice in a UK Cabinet but if he—

**Lord McConnell of Glenscorrodale:** My Lords—

**Lord Young of Cookham:** It comes out of injury time.

**Lord McConnell of Glenscorrodale:** I said to your Lordships' House that I would support the proposal that was put by my noble friend because of course you would have to replace the Secretaries of State with another post in Cabinet that could reflect those national interests throughout the UK.

**Lord Young of Cookham:** Right.

Perhaps I may say in conclusion that I was struck by what the noble Lord, Lord Howarth, said towards the end of his remarks, that rather than go for this all-singing, all-dancing convention we should stand back. I was also struck by what my noble friend Lord Norton said about, instead of having this convention, starting off by having a good look at exactly where we are. I conclude conscious that I have not responded to the debate, but I thank all noble Lords who have taken part—and leave the noble Lord, Lord Foulkes, a second or two in which to sum up.

2.38 pm

**Lord Foulkes of Cumnock:** My Lords, this has been an exceptional debate. It has gone a bit wider than I expected, but who am I to complain about that? It has been notable that the reply was clearly a ministerial reply, not a reading of a Civil Service brief. It was very welcome. I would like to tackle many of the points that have been raised but I do not have the time to do that. I finish by saying that I hope we will see the noble

Lord, Lord Higgins, back again, and, if I am allowed to do so, I think we should dedicate this exceptional debate in his honour.

*Motion agreed.*

## Disability-inclusive Development

### *Question for Short Debate*

2.39 pm

*Asked by Baroness Anelay of St Johns*

To ask Her Majesty's Government what assessment they have made of the role of their *Strategy for Disability Inclusive Development*, published on 3 December, towards meeting the United Kingdom's commitments given at the Global Disability Summit in July.

**Baroness Anelay of St Johns (Con):** My Lords, the Global Disability Summit in July was co-hosted in London by DfID, the Kenyan Government and the International Disability Alliance. It marked the first time that the humanitarian and development sectors had come together formally to plan action on making aid more inclusive of people living with disabilities. More than 800 delegates from Governments, civil society and the private sector attended and discussed four broad themes: addressing stigma; supporting inclusive education; promoting economic empowerment; and the importance of the effective use of technology and the reasons for providing better access to it. Of course the summit was important, but we can judge how important it was only when we consider the global challenge faced by people with disabilities and how effective the results of the summit prove to be.

On Monday last week, DfID again showed welcome leadership on the issue by taking the further step of publishing *DfID's Strategy for Disability Inclusive Development 2018-23* to establish the ground rules for the UK's fulfilment of pledges made at the summit. It sets out a renewed vision of disability-inclusive development. My right honourable friend Penny Mordaunt, the Secretary of State, made clear the scale of the challenge when she said:

"One billion of the world's population have a disability, with an estimated 80% of people with disabilities living in developing countries".

They are one of the hardest groups to reach. They often face exclusion by their communities or even their families, which limits their voice, choice and control over their own lives. Too often, international aid does not reach them. Too often, they are not involved in decision-making processes about the delivery of policies that should assist them.

Penny Mordaunt recognised that the UK and the world as a whole have made far too little progress in tackling the root causes of the stigma, discrimination and abuse that hold back those who live with disabilities. She committed the UK to raise our efforts and be more accountable for them. The new disability strategy therefore focuses on four strategic pillars of action: social protection, routes to economic empowerment, humanitarian action to strengthen inclusive humanitarian approaches and inclusive education.

[BARONESS ANELAY OF ST JOHNS]

I have a few questions for the Minister that follow on both from DfID's commitments made at the summit and the publication of the strategy last week. At the summit, DfID said the UK would set up, fund and lead the new inclusive education initiative that is to become operational next year. What progress has been made on that? Is the Minister still optimistic that tangible results should be delivered before 2021? More substantively, when will DfID set out clearly how it will implement the strategy for disability-inclusive development in the long term? The importance will be in that detail.

How will DfID measure change in the lives of people with disabilities, and by when? Will the strategy encompass a whole-of-government effort? For example, has DfID had discussions with the Foreign and Commonwealth Office about the principles underlying the strategy and the implications for FCO procedures in awarding its grants to NGOs for overseas projects?

I have witnessed the delivery of outstanding work by projects overseas funded by both DfID and the FCO in my travels as a Minister and as a Back-Bencher, and I admire the work of our diplomats and DfID officials, often in areas where the security environment is highly challenging—countries such as the Democratic Republic of Congo, Iraq or South Sudan. However, I am all too aware that there is often an assumption in government, here and around the world, that development policies and programmes targeting extreme poverty will automatically include people with disabilities. It is becoming clear that this is not always the case. They can be routinely excluded from development and its benefits. Too often, disabled people are invisible from official statistics, left out and, as a consequence, disempowered in society.

I am one of the co-chairs of the All-Party Parliamentary Group on Street Children and therefore have a particular concern for street-connected children living with disabilities. They are visible on the streets but usually invisible from official statistics. They have increased vulnerability to violence, abuse and exploitation; more difficulty in overcoming the barriers to accessing services for their welfare and protection; and are more vulnerable to the harms that can be caused by institutionalisation. How will DfID ensure that its strategy addresses the needs of street-connected children with disabilities?

I appreciate that unless data is disaggregated it is difficult to learn how best to target resources and ensure that people with disabilities are not overlooked. This issue was raised frequently at the Commission on the Status of Women, which I attended in New York earlier this year. I therefore welcome the UK's commitment, in section E of DfID's form for submitting pledges at the summit, published online on 23 July, that,

“DFID's Inclusive Data Charter Action Plan will be finalised and launched in autumn 2018”.

On rather a chilly day in December, I ask my noble friend: what progress has been made and what lessons have been learned in preparation for that? I also welcome DfID's commitment, published on 3 August this year on its website as part of the summary of commitments made at the summit:

“Working alongside our co-host, the International Disability Alliance (IDA), we will soon be publishing a new global tracker on the IDA website to ensure we all deliver on the promises made”.

What progress has been made on that matter?

I am grateful to those who have provided briefing for this short debate: Sightsavers, our redoubtable House of Lords Library and the Conservative Friends of International Development, whose founder, my noble friend Lady Jenkin, is taking part in our debate today. I very much look forward to hearing the contributions of all noble Lords around the House. It is only by working together that we can make sure that people living with disabilities around the world see positive changes in their lives.

I welcome the leadership that has been so clearly shown by DfID. The strategy is an important symbolic step, but symbols need to be turned into reality. We must ensure that the global political movement created by the summit is not lost if we are to meet the goals of the SDGs. As my right honourable friend Penny Mordaunt said, now is the time to turn those ideas into action—and how.

2.47 pm

**Lord McConnell of Glenscorrodale (Lab):** The whole House should be grateful to the noble Baroness, Lady Anelay, for initiating this debate today, at the end of a year that has been incredibly productive for the Secretary of State and her department in this area of policy. We should give credit to the Secretary of State for the way in which she has managed to put this issue on the agenda in less than 12 months in her position, at a time when almost every other member of the Cabinet seems to be preoccupied with another topic. She deserves credit for that. It shows two things: first, that it is possible to make progress on policy and strategy in a department, even in the current times, if you are clear enough about your objectives; and, secondly, that it is not just, or even, about money—it is about strategy, priority and effectiveness. I therefore welcome both the summit earlier this year and the specific departmental strategy that was launched in the autumn.

In the brief time available to me today, I wish to make three points. The first is in relation to the global goals. One of the things that I like about the new Secretary of State is that she mentioned the global goals. She wears the badge and champions the goals at home and abroad, unlike her predecessor. Unfortunately, however, the global goals do not run through the strategy. They are mentioned in the charter that was published at the time of the summit and are mentioned upfront in the first sentence of her introduction, but I believe the department could integrate the global goals and the strategic priorities and actions more effectively in this kind of policy and strategy document.

If the Minister takes only one thing away from today, perhaps it could be that although global goal 10 refers to inequality, “leave no one behind” runs right through the global goals. Although there are many categories of people to whom the objective of leaving no one behind refers, in my experience, in country after country, community after community, those with disabilities are definitely left behind. Therefore, closer

integration of our strategy on the global goals and the disability strategy would be welcome, particularly leading up to the voluntary national review, which the UK will publish in 2019.

My second point is a question for the Minister. This may be a fault of mine and many others, but instinctively, even today, after these many years of progress, we are still talking about disability rather than ability—which a contestant on “Strictly Come Dancing” reminded us last weekend is a much better way to look at things. We think about physical disability. I hope that the strategy also covers what might be described as learning disabilities and other forms of disability and that the Government will have that in mind, particularly in the education and employment programmes that they support around the world.

My third and final point relates to capacity. It would be a tragedy if all this great work, commitment and strategic approach resulted in the addition of a few programmes to our work internationally. It would make the biggest difference in country after country if we could assist those countries to develop their own strategies and programmes, properly integrating work and opportunities for people with disabilities into their education and health systems, local economies, professions and so on. It will be critical that we adopt an approach that is not just about the projects we support or the ways in which we can tweak our programmes. If we can use some of the skills that we have developed to improve legislation, regulation and opportunity in this country to build capacity for regulation and legislation elsewhere, that will make the biggest difference in the longer term.

2.52 pm

**Lord Holmes of Richmond (Con):** My Lords, it is always a pleasure to follow the noble Lord, Lord McConnell, not least because to hear “Strictly” mentioned in your Lordships’ House is always a bonus on a Thursday afternoon. I congratulate my noble friend Lady Anelay on securing this most timely debate, with the strategy being published only on 3 December. I also declare my interest, as set out in the register.

I salute the Minister for all his work in this area. He is a Minister who not only grips his brief perfectly but puts it into action. The work and commitment of the Secretary of State have already been mentioned. She has not only pushed this from day one of taking office but, at the disability summit earlier in the summer, when she made her opening keynote speech, she took the time to learn BSL to sign the first half of her presentation. That was impressive and demonstrated true commitment to inclusion.

I shall limit my comments to the area of technology and the global disability innovation hub. The fourth industrial revolution offers such potential, such tools for intelligence: machine learning, AI, the internet of things and so on. They are fabulous opportunities for all of us. Why do I believe that disabled people globally have so much more to gain through a fully deployed fourth industrial revolution? I believe it because disabled people globally have all too often been on the wrong end of policy, strategy and approaches that have not only not included but actively excluded them from almost every element of the public and civic space.

I was lucky enough to participate in the Global Disability Summit in July. It was held in the Queen Elizabeth Olympic Park for one simple reason: it is as good a blueprint as we have on planet Earth for what inclusive design can look, feel and be like when operating such an event. It was an extraordinary event—not only a unique conversation but one that led to real, solid and achievable commitments. The Olympic and Paralympic Park was the right place to host the summit.

We located the Global Disability Innovation Hub in the same park for the same reason. What is the GDI hub? It has tremendous support from DfID and is a legacy programme from the London 2012 Paralympic Games. Many people know—not least because of my endeavours—about the inclusive nature of the 2012 Paralympic Games. What is perhaps less known is that the Olympic Games 2012 were also the most inclusive ever staged, so it was the perfect place to host an innovation hub to reach out right around the globe, to form a movement to accelerate disability innovation for a fairer world, not least through collaboration and co-creation. It considers issues of inclusive design much broader than the physical environment: assistive technology, participation, partnership, human-computer interactivity and, of course, sport, art and culture.

More than half the world’s disabled people live in situations of conflict or disaster. The mission is in no sense easy, but if it is possible to get inclusive assistance to disabled people in enemy-held Syria, and to construct refugee centres predicated on inclusive design, that golden thread of possibility can and must run through everything we do in international development. As I said, the mission is massive, but as my noble friend knows, even a marathon starts with a first step. The strategy set out on 3 December is a fantastic more than first step on this journey. Ultimately, it boils down to a pretty simple mission—as is so often the case for disabled people globally—of addressing that fundamental blight: around the world, talent is everywhere but, currently, opportunity is not.

2.57 pm

**Baroness Thomas of Winchester (LD):** My Lords, I salute the noble Baroness, Lady Anelay, for securing this short debate on a very important subject which I fear has not made the headlines that it deserves—in this country, anyway. However, those of us who live in the disability landscape are used to comparative invisibility. It is very good for us here to lift our eyes from our travails for once to look outwards to the wider world, where we see millions of disabled people far worse off than we are.

I also pay tribute to the Secretary of State for this ground-breaking initiative. Formerly, she was Minister of State for Disabled People, a role that meant our paths often crossed. I am sure her experience in that department influenced her thinking on the global stage.

The strategy is right to emphasise the importance of access to education, particularly that of women and girls, which is not seen as important everywhere, even if a woman is not disabled. I spoke to Noshila in Pakistan on Sunday, who told me that women’s education, particularly in rural areas, could not be taken for granted, meaning that those who are widows or disabled struggled

[BARONESS THOMAS OF WINCHESTER]

to earn any money. Because all disabled people find it so difficult to get jobs, some questioned why they should go to school, let alone university. She said that the whole mindset had to change.

I also had an interesting conversation with Rabia in Pakistan, who is almost blind. She is 25 and has a degree in international relations, but is finding it very difficult to get a job. Getting about is obviously a challenge for her. Dogs, even guide dogs for blind people, are not looked on favourably in Pakistan and I am told that even walking down the street with a white stick is sometimes ridiculed. I asked Rabia if she ever saw people using wheelchairs; she replied that this was uncommon. In any case, there is an acute shortage of wheelchairs in Pakistan, and many roads are too rutted for them. Interestingly, there is a jobs quota for companies in Pakistan to employ disabled people, which has recently been raised from 2% to 3%, but it is not enforced. We here know all about the question of no enforcement.

Turning briefly to the humanitarian context, this will be particularly important in war-torn countries such as Somalia. Perhaps the Minister might write to me about that, particularly the Garasbaley Community Development Organization, a self-help group in Mogadishu, which is doing great work. There must be hundreds of young people with disabilities as a result of the conflict there.

It is absolutely crucial that disabled people themselves must be involved at every stage. “Nothing about us without us” will not sound so poetic in other languages, but the sentiment should always be attempted and we must not think that we have all the answers. We should be eager to learn from other countries, where disabled people have to be far more creative in finding ways to live with a disability that we have to be, simply because there is no alternative.

As a newcomer to DfID, I am struck by its soaring rhetoric, although I am not sure about the image conjured up by “taking concrete leaps forward”. I see that there is to be DfID-wide disability inclusion delivery board and I make a plea that disabled people should not just be represented on it, but will be members of it.

3.02 pm

**Lord Shinkwin (Con):** My Lords, I also welcome this strategy and thank my noble friend Lady Anelay for securing this important debate. I also thank the Secretary of State, Penny Mordaunt, for her leadership on this issue, her ministerial team, DfID itself, NGO partners such as Sightsavers and, of course, our partners in the developing world for the way in which they have come together to make the Global Disability Summit happen and now to develop the strategy.

Although there are a few aspects of the strategy that I would query, I welcome it. It may not extend to anything like 585 pages, but it has substance. Is it not refreshing, noble Lords, to read a document that neither fudges nor says one thing while meaning the opposite? How exciting to read a strategy with a clear sense of purpose and urgency, which recognises that bringing people together in some of the most challenging parts of the world requires clarity, transparency and trust.

The strategy is clear in both its vision and its priorities. With an estimated 1 billion people with disabilities globally, an estimated 80% of whom live in developing countries, the challenge is huge. So the strategy’s vision is bold and ambitious and is worth repeating: a world where all people with disabilities, in all stages of their lives, are engaged, empowered and able to exercise and enjoy their rights on an equal basis with others, contributing to poverty reduction, peace and stability. Its four priorities or “essential outcomes”, as they are described in the strategy, make sense.

I also largely agree with the four strategic pillars for action particularly, as others have mentioned, the focus on inclusive education, given that more than half of the 65 million children with disabilities in low and middle-income countries are not in school. Although my own experience of being excluded from mainstream state schools as a child because of my disability pales into insignificance, I can relate very much to the importance of accessing inclusive and equitable quality education.

In conclusion, I just highlight one other distinctive feature of this document—its confident tone, which its commitment to transparency and visible accountability reflects. That confidence both informs its vision and inspires trust in an ability to deliver. At a time when Parliament has seldom been more divided, on Brexit, this strategy surely reminds us all that transparency, clarity and projecting fact-based confidence are fundamental to bringing people together. For if we do not believe in ourselves, how can we expect anyone else to take us seriously? To its credit, this strategy shows that people should do exactly that.

3.06 pm

**Lord McColl of Dulwich (Con):** My Lords, I too join in thanking my noble friend Lady Anelay for initiating this debate. But before we start advising other countries what they should do to improve services for disabled people, perhaps it would be wise to examine our own recent past and how we failed even in the 1970s and 1980s to provide adequate services for disabled people. In particular, I shall illustrate this by describing the pitfalls in providing services for those who need artificial limbs and wheelchairs.

Prime Minister Thatcher realised that something was radically wrong with these services, so I was asked to chair a national inquiry to find out exactly what it was. Our committee found that there was no shortage of money in the provision of this service but the management was deplorable. First, the attitude to disabled people showed arrogance and a lack of respect, as well as incompetence. The artificial legs with which disabled people were fitted very often simply did not fit, were painful to walk on and were hopelessly out of date in design. The commercial firms were given cost-plus contracts with no system for controlling the cost. The plus should have been limited to 4% but in some cases was as high as 16%. But we were told that it was all above board and that the contracts went out to tender. When we attended these tendering occasions for wheelchairs, one company tender was £119, another was £120 and a third was £121. Does that not sound suspiciously like a cartel?

I was fortunate in having on our committee outstanding members including the late Lord Hussey and the noble Lord, Lord Griffiths of Fforestfach, but the trouble was that we were outnumbered by civil servants, who tried to block almost every idea we put forward. We called them the congenital snag hunters. We therefore sacked them and went on to produce a report that was critical of the civil servants who had run the service for many years.

When it was presented to the senior civil servant, a knight of the realm, no less, and Permanent Secretary, he was very angry—in fact, he was white with rage. He told me that my report would be buried. He went on to say, “Most of the reports done by people like you we put on the shelf and they collect the dust”. I replied, “Never mind my report, though I spent a lot of time doing it; what are you going to do about disabled people?”. He shrugged; that was my signal to go to Prime Minister Thatcher and tell her exactly what was going on. You can imagine what she said: “What are the names of these people?”. When I told her, she was surprised. It is a regular feature that senior bullies and abusers are deferential to those above but abuse those below. Our report was implemented and improved services for several million disabled people.

What advice could one give to developing countries seeking to offer a good service for disabled people? The person at the top—the senior person in charge—must have the right attitude; they must be competent, free of arrogance and understand the meaning of “service”. It goes without saying that corruption must be eliminated because that undermines government departments and services all round. In the end, our report was a success story but we had to fight tooth and nail to get it implemented. I have illustrated all these problems so that developing countries may be able to avoid them. They should have senior people at the top who believe in service and are neither arrogant nor incompetent.

3.11 pm

**Baroness Jenkin of Kennington (Con):** My Lords, I too thank my noble friend Lady Anelay for introducing this debate so ably, as always, and I thank other noble Lords who have made inspirational speeches. The noble Lord, Lord McColl, and I share a room and talk about these matters often; it is always a great pleasure to follow him.

DfID is clearly delivering on its promise to work towards a fairer world where no one is left behind. I am sorry to have left my global goals badge behind this morning; I would otherwise be wearing it with pride. The current Secretary of State has continued the work of her predecessor, Priti Patel, in making disability a key focus. Her first speech in November 2017 reinforced this commitment and, notably, the Secretary of State was also the first Minister to use sign language at the Dispatch Box when discussing this summer’s Global Disability Conference.

I welcome the substantive action taken by DfID and the Secretary of State to meet the commitments made at that summit. The recent release of the *Strategy for Disability Inclusive Development* demonstrates its seriousness in making society inclusive for all those who live with a disability, setting out in some detail

how it will achieve those goals. It is worth reminding ourselves that we still have challenges with our own disabilities policy in this country, as raised by my noble friends Lord McColl and Lord Holmes. As a member of the 2016-17 Select Committee on the Equality Act 2010 and Disability, chaired so ably by the noble Baroness, Lady Deech, I am only too well aware that we do not get everything right and still have much to do in this country.

The 1 billion people worldwide with disabilities are often trapped in a cycle of poverty, unable to access key social services; they face exclusion and stigma. Nineteen million children have no access to education and many face unequal health outcomes due to little or no access to services and treatments. As my noble friend Lady Anelay mentioned, the strategy has been welcomed by organisations such as Sightsavers, which by happy coincidence has had its exhibition, “Cast Your Vote”, in the Upper Waiting Hall this week. It has focused on how, for people with disabilities living in developing countries, there can be multiple barriers to participation, which prevent their taking part in decisions that affect their lives. The pledge of £250,000 to cover disability-related expenses will help resolve problems that people might face when seeking elected office. These are all clear indicators of DfID’s commitment to tackling barriers to democratic participation.

DfID has a record of achievement to be proud of. It is championing female education, with 46,000 disabled girls given access to schooling through the Girls’ Education Challenge. The construction of accessible toilet facilities in Mozambique and trained health workers in Ghana are further examples of support. Others include the funding of education programmes in opposition-held areas of Syria—pioneering the use of new assessment tools to help meet the needs of children with disabilities—and a young boy of 11, himself with a disability, teaching coding to people with autism and Tourette’s in Bangladesh.

By centering the strategy on inclusive education, social protection, economic empowerment and humanitarian action, DfID is committing to empowering disabled people and enabling them to exercise their rights and freedoms. Practical initiatives are what will make a difference: ideas such as improving access to financial services and digital technology, with best practice sought from countries that do this well. The department itself has pledged to increase the number of disabled people in its workforce, with minimum standards on inclusion to be implemented by the end of 2019. Like my noble friend Lady Anelay, I look forward to hearing more from the Minister, with details of how DfID intends to implement the strategy, how it will measure change and by when.

3.15 pm

**Lord Bruce of Bennachie (LD):** My Lords, I too welcome this debate and the publication of the Government’s strategy following the disability summit in the summer. I am particularly pleased that the initiation of disability as a priority, which started effectively with the International Development Committee’s investigation into aid and disability, initiated in 2012 and reporting in 2014, has been maintained. There is always the fear of a response but no follow-through;

[LORD BRUCE OF BENNACHIE]

there has been follow-through and that is very welcome. I commend my noble friend Lady Featherstone, the first Minister with that specific brief, who formulated the disability framework, which was taken forward.

I also commend Penny Mordaunt as Secretary of State for the big focus she has given to disability and her determination to make it a mainstream part of delivering development assistance in DfID. We all recognise that this is the kind of thing that, fortunately, unites politicians who want to see action, rather than divides us. I have some questions for the Minister, but they are all in the spirit of ensuring that we get positive action. We have here a declaration of commitment and objectives that the Government are signing themselves up to, but we really need to see it followed through in detail and in specific action.

I declare my interests, particularly in disability relating to deafness. I am an honorary vice-chairman of the National Deaf Children's Society and of Action on Hearing Loss. I am also president of DeafKidz International, which, I am glad to say, is carrying out work in Pakistan on deaf-screening, funded by DfID—a specific example of the kind of programme that is possible. I agree with the noble Lord, Lord McConnell. We are trying to build awareness about disability, end stigma and help countries to address the problems themselves, while giving them practical and financial support to do so.

My questions arise from ICAI's evaluation of the strategy, which the Government say they have taken on board. I hope the Minister, either in his answer or in writing, will be able to give me some answers. First, on ensuring that there are more visibly disabled people in DfID helping to deliver these programmes, those who are there say that they do not believe DfID is doing enough and they are looking for more action. DfID needs to recruit people with disabilities rather than just find disabilities that already exist within the department. What is being done about that?

There is also a need to involve disabled people directly in the formulation of policies and programmes in-country, to consult them and ensure that what is done takes proper account of their needs. ICAI suggests that country managers should be required to look at all the programmes they are implementing, to ensure that the disability element is specifically addressed and, if not, to ask why not. In some cases there will be a need for specific programmes that target specific disabilities without compromising the fact that disability should feature in every programme and be built into the mainstream. There are also practical requirements that poor countries and poor people have for disability aids, whether hearing aids, prosthetics or wheelchairs. These should not just be rejects and failed ones, but ones that meet their needs and are suitable to the circumstances in which they are operating, so that they can be supported and maintained, and are practical and useful. I should be grateful if the Minister would take those questions away.

I also suggest that the department produces an annual audit on disability, not only on the aspirations and objectives but on the practicalities regarding how many disabled people it has reached, specific examples

of where it has helped disabled people and how they have been built into the programme. I absolutely believe that the Government intend to do that—that is what the objectives are about—but I hope that the Minister and the House will understand that in the end people want to see very positive outcomes that will make a difference. We have made a very good start and I have complete confidence in the Minister's and Penny Mordaunt's commitment to this but we want to see it turned into practical action and practical results.

3.19 pm

**Lord Collins of Highbury (Lab):** My Lords, I too thank the noble Baroness, Lady Anelay, for initiating this incredibly timely debate. My noble friend Lord McConnell referenced the UN's 2030 agenda. Disability is referenced specifically in the SDGs relating to education, growth and employment, inequality, and accessibility of human settlements, and that is key to delivering this strategy. Education is fundamental to ending the poverty, discrimination and exclusion faced by disabled people in developing countries, yet it is estimated that in most countries disabled children are more likely to be out of school than any other group of children.

Nor should we forget the older population. In developing countries, people over 60 account for at least 43% of the population living with disabilities, compared with 38% globally. Raising awareness of the experience and rights of older people with disability requires data and evidence about what happens throughout a person's life course. Can the Minister tell us how DfID is backing the work of the new UN Statistical Commission Titchfield City Group on Ageing, which is developing standardised tools and methods for producing data disaggregated by age and ageing-related data?

The 2018 disability strategy, which has recently been published, recognises the economic potential that can be unlocked by tackling discrimination and exclusion. Of the 1 billion people with disabilities, 80% live in developing countries. Economic growth has the potential to be the engine to drive change, but growth without jobs, inclusion, healthcare, education and human rights simply will not deliver on the SDGs or, for that matter, see the implementation of the UN Convention on the Rights of Persons with Disabilities.

As the noble Baroness, Lady Anelay, said, the strategy is an action point from the first Global Disability Summit held in July. I was very pleased to participate in a very small way in that summit, and I thank the Minister for facilitating that. It brought together not just Governments but civil society and the private sector, and of course it was co-hosted by Kenya. We should not forget the important role of civil society. It is not just a question of raising awareness among Governments; faith groups and trade unions also have an important role. Certainly, following on from the Rana Plaza disaster, trade unions played a key role in trying to help the injured and disabled, who were facing really terrible conditions, back into work.

However, as the noble Baroness said, to be effective and deliver lasting change for people with disabilities, DfID needs to set out clearly how it will implement the strategy long term and how it will measure change

in the lives of people with disabilities, and by when. Can the Minister tell us how often DfID will update its delivery plan, which accompanies the strategy? We need to ensure—I hope that he will be able to reassure us on this point—that adequate human and financial resources are in place to implement all of the commitments set out in the strategy. That is key. However, I very much welcome the Government's commitment and the Minister's involvement in this initiative.

3.24 pm

**The Minister of State, Department for International Development (Lord Bates) (Con):** My Lords, I thank all who have taken part in this debate, which has very much brought us together. My noble friend Lady Anelay led it in her characteristic style, with great expertise and knowledge drawn from being a distinguished Minister in the Foreign Office and the Department for International Development. Her ongoing passion has been expressed through the All-Party Parliamentary Group on Street Children. She spoke about people with disabilities being invisible and in the form of statistics.

The noble Lord, Lord McConnell, focused his contribution on the sustainable development goals and the need to make sure that, although there might be explicit references in only five of the 17 goals, there are, through No One Left Behind, implicit references in all of them. My noble friend Lord Holmes reminded us of that great parliamentary moment, which I think will go down in history, when Secretary of State Penny Mordaunt was the first to announce the disability summit in British Sign Language at the Dispatch Box. He also spoke about how technology, far from creating barriers, can remove barriers and create great inclusion. The noble Baroness, Lady Thomas, spoke about access to education by women and girls, particularly in conflict situations. My noble friend Lord Shinkwin talked about the disability strategy having a clear sense of purpose and urgency, bringing people together.

My noble friend Lord McColl reminded us to approach all our dealings, strategies and actions with a sense of humility. He reminded us of the struggles that we went through to provide a decent service for people with disabilities as recently as the 1980s. My first job in government was in 1993 when I was appointed Parliamentary Private Secretary to the then Minister for Disabled Persons, Nicholas Scott. Some of the work that we did then paved the way for the Disability Discrimination Act, which was ground-breaking legislation. On a personal note, that Act and the Modern Slavery Act are probably the two pieces of legislation that I am most proud of being associated with.

My noble friend Lady Jenkin, who has done extensive work in promoting female involvement in our democratic processes, reminded us of the Voice & Vote exhibition in the Upper Waiting Hall organised by Sightsavers. In democracies, exercising a vote and standing for election are very powerful ways in which people can become visible and ensure that their needs are addressed fully.

The noble Lord, Lord Bruce, made a very profound point, saying that it was important to get better at involving people with disabilities in driving forward

these changes, both in DfID operations and in programme delivery in-country. The noble Lord, Lord Collins, talked about how education was critical in giving people a pathway out of poverty. However, people with disabilities are the most excluded of all groups from that important right, and that needs to be addressed.

My challenge in the remaining eight minutes is to respond to 22 questions and to read the speech that has been prepared. I should say to my noble friend Lord McColl that since the 1980s the nature of the Civil Service has changed dramatically, particularly in the Department for International Development. They are very much focused on the "service" part of their title.

There are an estimated 1 billion people with a disability worldwide—that is, 15% of the global population—yet people with disabilities and their families are still poorer than people without disabilities in every social and economic area. My noble friend Lady Anelay reminded us that during the UK Government's first ever Global Disability Summit in July 2018, which the noble Lord, Lord Collins, and many others were party to, the world promised to do more for disabilities. The Secretary of State for International Development—the former Minister for Disabled Persons and currently the Minister for Women and Equalities across government—said that the UK will take a lead in working towards a fairer world in which no one is left behind. At DfID we have been working diligently on this and have already met a significant number of the commitments that we made at the summit. Over 170 Governments made commitments, and civil society and private sector organisations made new global and national commitments at the summit, with over 320 organisations signing our Charter for Change.

The noble Lord, Lord Collins, mentioned the importance of civil society, particularly trade unions, in raising the issue of increased access for those with disabilities. We must work together with our partners and hold each other to account and, as the noble Baronesses, Lady Anelay and Lady Thomas, reminded us, learn from one another. Alone, we cannot achieve our vision of a world where all people with disabilities are engaged, empowered and able to access and enjoy their rights on an equal basis, but, together, we can. Unless all truly put disability inclusion at the heart of everything they do, we will not eradicate poverty and deliver on the sustainable development goals, as the noble Lord, Lord McColl, mentioned, or uphold and implement the UN Convention on the Rights of Persons with Disabilities, referenced by the noble Lord, Lord Collins, and others. That is why the new disability inclusion strategy, which my noble friend Lord Shinkwin referred to, lays out how we can raise our ambition beyond the summit and build on our achievements to date.

The strategy identifies four thematic areas where DfID can make a significant difference and where we will focus our work. The first is ensuring that all children with disabilities can access high-quality education—my noble friend Lord Shinkwin gave some powerful personal testimonies as to how things were in this country not so long ago, while the noble Baroness, Lady Thomas, urged us to take more action in that regard. The second area is working with other

[LORD BATES]

Governments to ensure that social protection systems, referred to by my noble friend Lady Jenkin, are inclusive of people with disabilities and their families. Thirdly, we should ensure that people with disabilities have access to economic opportunities, as the noble Lord, Lord Collins, mentioned. Finally, we must promote a fully inclusive humanitarian response in conflict situations, as mentioned by the noble Baroness, Lady Thomas.

The strategy highlights three cross-cutting themes that will run through our work. The first is tackling stigma—the noble Baroness, Lady Thomas, gave testimony in relation to Pakistan, and the noble Lord, Lord Bruce, spoke of his personal experience in his work with DeafKidz International, an organisation that I have visited and am enormously impressed by. The second theme is empowering women and girls and, the third, enabling access to life-changing technology, of which my noble friend Lord Holmes reminded us. I pay tribute to the work of my noble friend through the Global Disability Innovation Hub and share his pride at the worldwide legacy of the London Olympic and Paralympic Games. We have also committed to step up our efforts on mental health and psychosocial disabilities, an area that has been seriously neglected by the international community for too long.

Let me try to answer as many of the specific questions asked in the debate as possible. My noble friend Lord Shinkwin asked about education. We will support millions of children with disabilities out of school and are delivering targeted interventions to improve learning outcomes. The noble Baroness, Lady Thomas, asked about conflict situations in Somalia. Our office in Somalia is developing an action plan on disability inclusion. It will do more to get reliable and comparable data on disability and push its partners to prioritise the issue. The noble Baroness talked also about women's and girls' access to education. We are committed to supporting women and girls with disabilities who are marginalised both for their gender and their disability. The Girls' Education Challenge has supported 40,000 girls with disability into education and we will continue that work.

My noble friend Lord Holmes asked how we could make greater use of technology. Access to appropriate assistive technologies such as wheelchairs, prosthetics, hearing aids and glasses—mentioned also by my noble friend Lord McColl—is a key enabler and can be transformative. We have now launched with the Global Disability Hub the AT 2030 programme, which we hope will take action towards that end. The noble Lord, Lord McConnell, asked whether we could assist countries to integrate the disability strategy into their own policies. Across the department, every country team will be expected to meet a set of standards by the end of 2019, including standards on leadership, engagement with disabled people's organisations, influencing programmes on collecting data and shaping systemic reform.

My noble friend Lady Anelay asked what progress had been made on the global tracker on the International Disability Alliance website. A database of all commitments made at the summit is being developed on the IDA website, to be launched early next year. The "one year on" report is looking at initial progress made against

the commitments and will be published later in 2019. My noble friend asked about progress on disaggregation of data. Key international partners made commitments at the summit to collect and use disaggregated data. For instance, the World Bank committed to include the Washington Group's short set of questions for disability aggregation in at least 12 countries, with the upcoming household surveys reporting back to the bank by 2020. My noble friend asked what measures we were taking to ensure that the strategy addressed the needs of street children. Street children are among the most vulnerable people in the world. We have said that we will intensify our commitments to protect them. Our support around the world helps us develop systems, services and policies to that end.

The noble Lord, Lord Bruce, asked how many disabled people were employed by DfID. As part of the disability strategy, we have committed to increasing the attraction, retention and career progression of people with disabilities within DfID. One of our aims is to ensure that our workforce reflects the proportion of disabled people within the wider UK population. It is not compulsory for staff to declare that they have a disability. In September 2018, about 9% of staff within DfID confirmed to us that they had a disability. Our aim is to reach 12% in the next few years.

My noble friend Lord McColl asked how we were leading the way as an example to developing countries. We have some of the strongest equalities legislation in the world, including the Equality Act 2010, which my noble friend Lady Jenkin also referred to. The Government do not limit themselves to upholding the rights of disabled people in the UK; they champion disability rights across the world.

With my 12 minutes up, I thank again my noble friend Lady Anelay for leading a powerful and persuasive debate which, in this week of all weeks, has brought all sides of this House and all persons in it together.

## Young People *Motion to Take Note*

3.36 pm

*Moved by Baroness Armstrong of Hill Top*

That this House takes note of the challenges facing young people.

**Baroness Armstrong of Hill Top (Lab):** My Lords, it is a great honour for me to be able to introduce this debate on the challenges facing young people. I have deliberately made it a wide-ranging debate. There are therefore topics that I will not cover, partly because I know that many of my colleagues intend so to do. I look forward to hearing from them. I want before I continue to thank all those organisations that have briefed me and, I am sure, other Members. It is a topic that has encouraged a lot of organisations to let us know what they are doing and to challenge us on how we are working with young people.

We have all been young, even if some of us have almost forgotten what it was like. Sometimes, this means that we think that we know what it is like for

young people growing up in the UK today. The reality is very different. Some stories are good. Far fewer young people today smoke; they spend more money on mobile phones than on drink; they are not using as many drugs as did a previous generation; many more will get qualifications at school and go on to university, and there are fewer teenage pregnancies than we have ever recorded before. I am quite pleased about the latter because I was in charge of that policy when I was a Minister.

However, there are significant challenges for young people today. Social media has opened up incredible opportunities for young people: they can self-publish poems and books; they can stream their own music; they can communicate with friends and family around the world, but they can also be bullied and be subject to grooming, exploitation and to a different form of loneliness laced with insecurity and lack of self-worth.

The Prince's Trust has produced the Macquarie Youth Index for the past nine years. This year's reveals that young people's happiness and confidence are at their lowest since they started to be measured. The number of young people who do not feel in control of their lives has increased by one-third year on year.

We know from a range of evidence that mental health challenges have really increased in recent years. The Royal College of Paediatrics and Child Health reports that in 2017 one in eight five to 19 year-olds had a diagnosed mental health disorder; that one in 20 had more than one; and that half of adults' mental health problems start before the age of 14 and 75% before the age of 24. These are diagnosed problems. All the organisations contacting us tell stories of the additional problems that young people face—from academic pressure, where exams have become the norm in a way that was never imagined when I was young, but also from social media.

But there are positives. Young people are just as likely as adults to volunteer. Noble Lords who know me well will not wonder that I talk about this. I have had the privilege of being involved with Voluntary Service Overseas in different ways over the last 50 years, twice as a volunteer. My first volunteering experience was in Kenya for two years. VSO has been the lead charity running International Citizen Service, a programme for 18 to 25 year-olds initiated by the coalition Government in 2011. A diverse range of young people go to a developing country in small groups and work for three months with a group of young people from the host country, who are also volunteering, on a project. They are all expected to contribute some volunteering in their own community when they return. I have met lots of ICS volunteers, here and when I have visited the developing world, and it is the most inspirational activity. Many of them will be the leaders of tomorrow, here and abroad. All of them are clear about their learning, what matters and what contribution young people can make. I just hope the Government can sort out the procurement quickly and make sure the programme can continue. The uncertainty has been going on for quite a long time.

We have to face the reality that young people today are part of a generation that is deeply divided in its opportunities. We know about intergenerational inequality,

with benefits for my generation not having been reduced by the Government when for young people they have been. Layer rising inequality between young people and families on top of that and there is an even bigger problem. It matters more than ever what sort of family you are born into; not just how much money they have—of course, that does matter—but where you live, what value the family puts on education, and the stability within the family in this very unstable world. For young people coming from families where they experience trauma from domestic abuse and so on, the challenges are even greater. We know all too well that the number of children and young people ending up in care has risen to very difficult and challenging levels. We also know the problems that too many young people and children face and experience in the care system. Too many of them end up in the criminal justice system or in exploitive relationships when they try to move on.

The rise in knife crime has also shown us how vulnerable some young people are, particularly in poorer neighbourhoods, to exploitation by gang leaders and drug traffickers, with the perpetrators often also being victims.

The rise in homelessness is having severe consequences for some young people, who are moved with their families miles from where they were living, meaning that they have to move schools, work out a new set of friends and get to know a new area, which all add to their vulnerability. Too many are sofa-surfing, which puts them at risk, and hidden from services. Too many young women end up being asked for sexual favours to get a room for the night. The New Policy Institute found that, in 2015, 30% of 14 to 24 year-olds were living in poverty. A survey this year found that 40% of local authorities had experienced a rise in youth homelessness. The lack of affordable housing is a real problem for young people. There has been a substantial rise in the number living in the private rented sector, with home ownership among 16 to 24 year-olds falling substantially.

Young people from disadvantaged backgrounds are losing out in education and are less likely to have power in their communities or in politics. If you have a degree, you are three times more likely to engage in civic life, although many reject traditional institutions—they may be deeply political in what they think about, but they are certainly not joining political parties. Only 50% of young people believe parliamentary institutions are essential for democracy. I suspect that number is greater at the end of this week. Maybe that is another reason why young people generally support a second vote on Brexit. Young people want to remain in the European Union—another area where my generation is totally out of touch with young people's ambitions—by seven to one.

There are lots of other challenges, but all this is happening in a context of diminishing opportunities to find support. Young people are being left on their own, with no one to share ideas with and to help them work out how to shape their future. Since 2010, youth services spending has declined by 64%. Having been a youth and community worker when I was a lot younger, and having trained many youth and community workers,

[BARONESS ARMSTRONG OF HILL TOP]

I know the opportunities that good youth work can open up for young people, and the safe spaces it provides for them to work things out and challenge themselves. How short-sighted we are to lose these opportunities.

Young people have ambition: they want a better world, decent homes and decent jobs. But we are building so many barriers for them. We need to listen to them, and to recognise that there need to be new ways of communicating and of enabling them to make a contribution. They need to be safe too. The Government cannot provide the whole answer but they set the context. They can close down opportunities or help to open them up. My problem is that there seems little chance at the moment of the Government recognising this, let alone engaging effectively to do it. Young people have something important and powerful to say about the future—theirs and ours—and we should listen to them.

**Viscount Younger of Leckie (Con):** My Lords, the maths for this debate rather stretches the definition of tight timing. I ask that noble Lords start winding up their speeches as the clock reaches four minutes, otherwise the Front-Bench speeches may have to be foreshortened.

3.48 pm

**Baroness Bottomley of Nettlestone (Con):** My Lords, I warmly congratulate the noble Baroness on introducing this debate. She has created an appalling dilemma for us all, because there are so many points to which each of us wants to respond—particularly as I find myself in agreement with a huge number of her points. It is a paradox that, at a time of greater prosperity, physical health and opportunity, we have young people who are anxious and uncertain. Maybe that is partly because we live in a time of such change.

Before moving on to more substantive matters, I want to comment on the wretched fetish of social media, to which so many young people are addicted. It feeds them false facts and a false reality, but they are obsessed with Instagram, Twitter, Snapchat or Facebook—I cannot remember them all. It portrays all their friends as having a deliriously happy time while they are the only ones feeling lonely and isolated. It encourages them to compare themselves with their peers and causes problems around body image. The situation is extraordinarily serious: it causes bullying and much else besides. It is enormously important for us to do all that we can to create shared opportunities and purposeful activities in settings where young people feel part of a larger whole. Dangerous material can also come through on social media, and the NSPCC's Wild West Web campaign tackles the sexually inappropriate and violent material that young people see.

The noble Baroness mentioned Dame Martina Milburn of the Prince's Trust, who has now gone on to chair the Social Mobility Foundation. Dame Martina said:

"The single most important thing we can do to empower these young people is to help them into a job, an education course or on to a training programme".

On all these counts, the Government deserve credit. Despite all the problems, it is the case that youth unemployment in the UK is at 11.5%. In France it is

almost double that, at 20%; in Italy it is 30%; in Greece it is 43%; and the EU average is 15.1%. Whatever one thinks about the types of jobs or zero-hours contracts, they are an opportunity for meaningful activity, and the Government deserve credit.

It was Disraeli who wisely commented:

"Upon the education of the people of this country the fate of this country depends".

The House will know that the Government have been relentless in their attack on inadequate schools. I know only too well, from my work in Camberwell, Brixton and Peckham, long ago in the 1970s and 1980s, about the inadequate education and the lack of expectations and rigour. Through UTCs, free schools and academies, the Government have been determined to raise standards. The Minister himself is a wonderful exemplar, as chairman of the Inspiration Trust, which has 14 academy schools in East Anglia. Will he tell me how many children previously in a failing local authority school are now in academies rated good or outstanding?

Only last week, at Battersea power station, the Secretary of State talked about the key need for skills. Further education and technical paths must be of equal esteem and effectiveness to revered universities. The CBI estimates that the greatest growth in jobs will be in management, professional and technical roles, all of which will require specialist skills that higher technical training courses could provide. This is an issue that unites the House, but we have to make real progress.

I move now to young people's mental health, which the noble Baroness also mentioned. The increase in the figures is, I am sure, in part because people feel alienated and confused. We live in a diverse society, but in some ways that creates greater anxiety. David Goodhart's book is about "anywhere" and "somewhere", and the "somewhere" model gives more people a sense of space and belonging.

It has become more acceptable to talk about mental health problems, and I pay tribute to celebrities such as Jo Brand and Stephen Fry who have made mental illness an acceptable form of distress that can be discussed. I pay special tribute to the Charlie Waller Memorial Trust. Charlie Waller took his own life in 1997. His parents, Mark and Rachel Waller, set up a pioneering charity which has been an exemplar for best practice by equipping young people to look after their mental well-being, helping people recognise the signs of depression and ensuring that expert and evidence-based help is available.

My particular preoccupation when Secretary of State all those years ago was to achieve proper recognition and understanding of mental health and in particular to insist that it was part of the health of the nation strategy. I welcome the transforming programme being set out to assist young people with mental health problems, with a partnership between the NSPCC and schools. The Prime Minister said that every school should have someone who knows about mental health. Nelson Mandela said:

"There can be no keener revelation of society's soul than the way in which it treats its children".

I agree, and we have more to do.

3.54 pm

**Lord Adonis (Lab):** My Lords, it is a privilege to follow the passionate speeches of the noble Baroness, Lady Bottomley, and my noble friend Lady Armstrong.

I have always regarded policy on education and youth as, in principle, straightforward—the principle having been set out by the great philosopher RH Tawney:

“What the wise parent would wish for their children, so the state must wish for all its children”.

If the principle is straightforward, the problem is that what the wise parent would wish for their child is emphatically not delivered by the state for all children at the moment. I know that the Minister shares the great sense of urgency about the change and improvement needed. In the short time I have, I wish to raise three issues where I believe the state is not remotely living up to the expectations of the wise parent.

The first is exclusions from school. We face a crisis at the moment in the rising number of exclusions from schools, which lead directly to serious social disaffection and, in many cases, to the youth and adult justice systems. The figures are alarming. Permanent exclusions from school have gone up in each of the past five years. There were 4,630 in 2012, 4,950 in 2013, 5,795 in 2014 and 6,685 in 2015. Then, last year, there were 7,720. That is a rise from 4,600 to 7,700 in only four years—a totally unacceptable situation.

Fixed-period exclusions, which tend to escalate to permanent exclusions, have risen by just as much. I will not go through the figures for every year but there were 268,000 in 2012 and 381,000 in 2016. As a percentage of the pupil cohort, that is a rise of 3.5% to 4.8%. If you extrapolate from that, you get a social crisis that is truly alarming.

Edward Timpson, a former Children’s Minister, has been looking at this issue for some months. It needs intensive and urgent examination and we await his report with keen interest. I hope the Minister will be able to tell us something about it.

There is also the problem of off-rolling—of large numbers of pupils simply being taken off the rolls of schools. This practice is not properly policed and is becoming a rising problem on top of the figures I have already set out to the House.

My second issue is apprenticeships. The wise parent would wish for their child to have equality of opportunity whether they go on to university or a non-university course. We in this House and beyond have been going on about this issue now for at least a generation. The problem is that there is not equality of opportunity at the moment. The quality of provision and the amount of state investment are, out of all proportion, greater for pupils and young people going on to higher education than for those taking non-higher education routes.

I applaud the Government’s introduction of the apprenticeship levy in principle—it started two years ago—but it has not been properly managed. The number of youth apprenticeships on offer is declining, not rising, even as the apprenticeship levy has been introduced. The levels of youth unemployment, youth underemployment and inadequate training for young people are alarming, particularly in the more deprived

communities, which also, as the Minister knows only too well, suffer from poor-quality schools. This also generates disaffection.

The third issue, touched on by my noble friend Lady Armstrong, is citizen engagement and how we train our young people for citizenship. I use the word “trained” deliberately because, like all social skills, it can and should be taught. I hugely regret that this Government have dismantled the citizenship education provision put in place by the last Government, but the issue is now becoming urgent because of Brexit. There is massive interest among young people in the Brexit process. I address meetings up and down the country on Brexit at the moment and I have never known larger meetings of young people. To put it bluntly, young people do not want to be excluded from the citizenship of Europe and they are expressing their views in numbers that I have never seen before in politics. To come to the nub of the issue, if we are to have a referendum next year, 16 and 17 year-olds should have the vote, there should be a ballot box and a polling station in every school, college and university in the country, and 16 and 17 year-olds should be automatically registered so that they do not have to go through the labyrinthine process of individual registration, which is keeping a large proportion of young people off the roll.

We face big and urgent issues and I have able to highlight only three. However, I would be grateful for the Minister’s comments on them at the end of the debate.

4 pm

**Lord Addington (LD):** My Lords, when we talk about young people in a debate, we tend to go in one of two ways. One is, “It were tough when I were a lad. They don’t know what anything is about nowadays”, and the other is all gloom and dreadfulness. The answer is always somewhere in the middle. We are facing a world that is changing faster than anything anyone in this Chamber has experienced. Through the digital revolution, everything is happening more quickly. I think that the best thing the various bits of government could do is look at how we tell people what is out there and what the opportunities are.

At the moment, we have an entire society that seems to be going through something similar to the familiar story we hear in this Chamber from people who have held office about the red box with the one piece of relevant information tucked away at the bottom. You do not know where it is and you cannot find it. If you understand the systems you are dealing with, you will get the best out of society because the variety of information will come through in waves. If you do not know where to look, you will not. If you have guidance from family, friends and so on, it will help you to get the best out of society. It has always been the case that if you know what you are looking for, you will find it.

At the moment, the huge opportunities of the modern world are often missed because the people we are talking about have no one to show them where to look. There is a changing variety of opportunities in the types of work available in the creative industries, but we are not training people to tell young people how at least to get their foot in the door. If you do not

[LORD ADDINGTON]

get that sort of information, you stand very little chance of being in a position to exploit what will happen tomorrow. We must at least react to what is going on today.

In my experience, democratic government is at its best when it reacts quickly to what is happening now. Future-gazing has a bad record of getting things horribly wrong, but if we react to what is happening today, we tend to get better results. At the moment, we are not getting the best out of the environment around us because not enough people know how to get into it or access it properly. We need to accept that the old structure of careers guidance and advice, which asks young people what they want to do next, has to be better.

We may well have to provide better structures for lifelong learning in this rapidly changing world, but unless someone tells a young person what is available now and helps them to think about their jumping-off point, they will miss out. If we continue to underinvest in the knowledge of what is out there and the guidance to take people through, the groups with the least input from those around them in the form of family and close-knit support structures will continue to underperform on a massive scale. Unless people are at least informed about what is available, we will not get the best out of them.

I could go on for longer on this subject and one or two others, but I will leave it by referring to a debate from a few days ago. We found ourselves talking about another problem we face today: people going to the gym, pumping themselves up and taking drugs. I could not find anyone who could tell me exactly what these drugs do to you and why they are bad for you. I know that they are bad, but I could not find out how exactly. If that can happen to someone reasonably well-informed, heaven help a 17 year-old who has not been told anything about the subject.

4.04 pm

**The Earl of Listowel (CB):** My Lords, I also thank the noble Baroness, Lady Armstrong, for calling this timely and important debate and laying out the context so helpfully. If I may say so, feeding her experience as a community and youth worker into political discussion and policies in this area benefits the House greatly.

I declare my interest in the register as a trustee of an adolescent mental health service, the Brent Centre, which grew out of the Anna Freud Centre 50 years ago—I am sorry; it is rather difficult for me to concentrate while the noble Lord, Lord Baker, is speaking. Anna Freud's last work on adolescence was entitled *Adolescence as a Developmental Disturbance*; I see the noble Baroness, Lady Armstrong, laughing. Adolescence is an extremely challenging time. Freud highlights physiognomic changes and, particularly importantly, the fact that this is the time when a child makes his or her transition from dependence on the mother or father and moves towards adulthood.

During that difficult period, the peer group becomes extremely important, which is why youth workers and community police officers are so important for young people then. They need positive role models in younger

adults who they can identify with. If one wants to understand why gangs are such an issue, one needs to recognise that children moving towards adolescence who lack guidance, good role models and support from youth workers may be excluded from school and left to their own devices. It is not hard then to see why gangs exist, according to Freud's developmental model.

I want to talk in particular about adolescents in children's homes. They are often the most traumatised young people because not only have they been traumatised in their family home, but they have been removed from their families—a traumatic experience. Often, they are placed in the children's home only after several placements in a foster care environment. They have had multiple losses. I welcome the efforts and interest of successive Governments in improving the experience of children and young people in residential care. According to Anna Freud's model, residential care and children's homes are absolutely appropriate for adolescents. The peer group can be a very good tool in working on these issues. It is no wonder that boarding schools can be an excellent place for many adolescents to grow up in.

However, the level of need in our country was identified some time ago—in 2004, I think—by the Office for National Statistics, which found that 69% of children and young people in such homes have a mental disorder of some kind and 45% of them have a conduct disorder. Those high levels of trauma are typically being managed by people with low qualification levels; if you are fortunate, the residential childcare worker may have an A-level and the manager may have a degree. There have been some improvements in that direction.

There is a variety of young people in such homes. Some of them do not have those kinds of issues, but many of them do. One needs to ensure that those staff are well supported; that is a cause for concern, especially regarding this level of need. Will the Minister look at forming a working group to ensure that staff and managers in children's homes have the support of a clinical psychologist or a child and adolescent psychotherapist on an ongoing basis? They could then form the healthy and strong relationships with these challenging young people that will prevent them entering the criminal justice—as they do too often—and being sexually exploited, instead going on to have careers, have families of their own and avoid having their children taken into care at a later date.

4.09 pm

**The Lord Bishop of London:** My Lords, I also thank the noble Baroness for securing this debate. It has been said that young people are our future. They are not; they are our present. They hold the potential to reimagine the world to see possibilities, not obstacles. They are a transformative presence today, while shaping their and our future. But, as we have heard, life is complex for them. As the noble Lord, Lord Addington, commented, the world is changing fast for them. Yet I recognise more than anything else, as the noble Baroness, Lady Armstrong, commented, that their concerns are over identity and belonging.

In October, BBC Radio 4 announced the results of the “Loneliness Experiment”—a nationwide survey conducted by BBC Radio 4’s “All In The Mind”, in collaboration with the Wellcome Collection. The survey results indicated that 16 to 24 year-olds experience loneliness more often and more intensely than any other age group. Some 40% of respondents aged 16 to 24 reported feeling lonely often or very often, while only 27% of people aged over 75 said the same.

The young are also disproportionately affected by violent crime. This is true for those from black and minority-ethnic or disadvantaged backgrounds. Last month, 250 churches across London gathered with youth workers, the police, those in education and young people to ask what we can do together. As part of their place in the local community, churches made a commitment to work in partnership with other organisations to build on the existing work of schools, after-school clubs and youth projects to make their communities places where young people could find their identity, and feel they belong and are safe. However, one of the greatest challenges is how we fund, recruit and retain good youth workers—people who will remain in the community as young people grow up. As we have heard, role models are highly important for us psychologically. They help to guide us through life during our development. They teach us to make the important decisions that affect the outcome of our lives.

I also know from my previous life as a nurse that the only way to tackle these problems is through a whole-system approach, which I understand is now the consensus view. Funding is central to this, and I welcome the £250 million allocated by the Mayor of London to establish a violence reduction unit. But, as the commission on youth violence has spoken of, funding is often given in silos, with youth clubs regularly competing against one another for narrow funding streams.

As others have, I pay particular testament to the vital youth work going on, particularly what is happening in places of worship in community halls across this country. In part of my diocese, in the London Borough of Camden—according to the End Child Poverty coalition, 40% of children there live in poverty—the youth workers of St Mary’s, Primrose Hill, mentor more than 20 young people a week, undertaking multiple prison visits a month. The likes of St Mary’s are working hard to give our young people the hope that they deserve.

One of the wonderful characteristics of London is its diversity. It is multifaith and multiracial. At the same time we have seen growth in young people feeling marginalised, but I believe that we have more in common than divides us. I end my remarks by reminding noble Lords that there is reason to be hopeful. Earlier this year I attended a youth Iftar—an opportunity for young people across different religions to celebrate their diversity and to discover new things about each other. Our conversations planted seeds that will build community bonds and friendships. It also helped us to learn to value each other, to help build the peaceful and just society that all our religions seek. I reflected that this type of grand vision begins by us taking simple steps towards each other, but at times we need to help each other to do that.

4.14 pm

**Lord Chadlington (Con):** My Lords, I join others in thanking the noble Baroness, Lady Armstrong, for initiating this important debate. In the United Kingdom 90% of 16 to 24 year-olds own or have access to a smartphone and more than one-third spend more than 40 hours a week online. Teaching and learning moderation and constructive use of technology during formative years is essential for healthy young minds and bodies. Already, young people relate to each other differently. In just 15 years the number of teenagers who see their friends daily has halved. There is also evidence that young people in social situations are finding it harder to read the implications of facial expressions and body language. However, it is their behaviour online that indicates real trouble ahead, and I will talk about one of those behaviours—namely, youth gambling.

In the United Kingdom there are now 55,000 problem gamblers aged 11 to 16—a 400% increase in just two years—and a further 70,000 young people are at risk. As noble Lords will know, I have campaigned for years to at least reduce gambling advertising on and offline. I therefore welcome the industry’s decision to ban gambling advertising before the 9 pm watershed, during televised sporting events and for five minutes before and after the whistle. But let me be clear: this can only be the beginning of a long road to reform. Australia, which introduced the whistle-to-whistle rules originally, has now decided that these do not work effectively and is now banning gambling advertising between 5 am and 8.30 pm. Spain is considering bans from 6 am until 10 pm, and in January Italy is banning all gambling advertising on and offline. Avoiding a gambling epidemic among today’s young people also requires addressing gambling advertising online, where the industry spends five times what it spends on television.

The mental health issues to which this gives rise are considerable. Combined with the excitement of gambling is the release of dopamine in the brain, causing increased impulsivity and impaired decision-making. Addiction specialists indicate that those with these heightened levels of impulsivity are more vulnerable to risk-taking and to becoming addicted, meaning that young people are more at risk than adults. This is a key contributing factor to gambling-related suicide. What can be done? The DCMS and the Department of Health are already taking important initial steps, but more is needed and it is not all down to government. First, the normalisation of gambling through advertising on and offline must be addressed, and that should be the duty of the gambling industry, including organisations such as the Football Association.

Secondly, research that I independently commissioned suggests that parents, GPs and others do not know what to do to help young people manage their time on technological devices. They need education, guidelines and support. Thirdly, we need a 1% gambling industry levy to fund treatment, education and research into gambling-related harm, the latter being essential to widen the current evidence base upon which any legislation may be based. Finally, we need the age verification systems being introduced for porn under the Digital Economy Act 2017 to be extended to gambling websites.

[LORD CHADLINGTON]

Some argue that all these initiatives should be taken by the Government. I do not agree. Although I accept that some do require government assistance and support, the gambling industry must accept responsibility for moderating gambling-related harm among the young. They have a moral and social responsibility. I hope that the recent steps taken over television advertising are the beginning of a new and enlightened era in which the industry will voluntarily accept its moral responsibility in this area and help young people to grow up healthy in mind and body.

4.19 pm

**Lord Haskel (Lab):** My Lords, in her excellent introduction my noble friend spoke of many issues. But when you ask young people what is the biggest challenge they face, at the top of virtually every list is the lack of employment opportunities. There is a paradox here. The noble Baroness, Lady Bottomley, sees a country at work. However, young people looking at the job market see 10% of the workforce under-employed, 5 million underutilised and 5.8 million earning less than the living wage. They see a growing insecurity at work, with zero-hours contracts and work on IT platforms. At the same time there is a strong demand for skilled labour. That is what young people see.

I am sure the Minister will remind us of the Government's efforts to deal with this. But manifestly they are not working. Let us take apprenticeships. We have been promised 3 million by 2020 but we know we are not going to reach that target. The noble Lord, Lord Adonis, told us why. Some levy payers have been accused of spending the levy refund on training their own managers while importing workers. The Institute for Apprenticeships has tried to get more balance but studies show that poor management skills are partly responsible for our low productivity. We certainly need young people to be in management training but in addition to, not instead of, good apprenticeships.

Some employers rely on FE colleges for skills training. We have debated many times in this House how the funding for FE colleges has decreased, considerably reducing the opportunities for young people to earn and learn. Of course, the FE sector is where the young underemployed who want a second chance to train can go to learn.

Yes, the Department for Education has a skills budget and much of this work is subcontracted to the private sector. But like most public service companies, the training companies are in financial difficulties. We had a Question about this yesterday. The culture of financial survival has become more important than the culture of training young people. No wonder many of the companies that remain are graded poor by Ofsted—yet another hazard to be faced by young people.

Of course, a major contributor to this uncertainty are zero-hours contracts and platform work. By employing people outside the legal definition of “worker”, companies absolve themselves of any responsibility for training, developing skills or welfare. Eighteen months ago the Taylor report called for action on this very point; 18 months later there has been little movement. Does the Minister have any news on this?

Perhaps the Government think the answer lies in technology. Yes, online courses—or MOOCs—are well developed. I have done a couple myself and they are excellent for providing background learning, but they work far less well when you get down to the particular. It is much the same with artificial intelligence. Our own Select Committee tells us that it augments, rather than replaces, our intelligence. So we still need the computer science, maths and engineering skills, together with the creative skills. What steps are the Government taking to implement this in their future plans for young people's transition into work?

We have to do a lot better at providing the means, the opportunities, the chances and the encouragement for young people to become good economic citizens. Indeed, this has to be central to a successful industrial strategy. I hope Ministers are working on it.

4.24 pm

**Lord Ramsbotham (CB):** My Lords, after thanking the noble Baroness, Lady Armstrong of Hill Top, for tabling this timely debate, I shall confine my contribution to the challenges facing those at the bottom of the pack, namely those young people who become involved with the criminal justice system. I also thank Edward Scott for his very helpful Library briefing.

To begin with numbers, as of June 2018 there were 894 children under the age of 18 in custody. This is a fall of more than 70% over the last 10 years, for which the Youth Justice Board must take much of the credit. Forty-seven of these were aged 14 or under and held in local authority secure children's homes. Meanwhile 14,077 prisoners, or 17.5% of the total prison population, were classified as young adults in the age group 18 to 24. Young offenders used to be held in separate institutions which were for those aged from 15 to 18, or 18 to 21, or contained both age groups. However, in recent years too many young adults have been held in adult prisons on the grounds that they might grow up more quickly if held with adults, which I believe to be dangerous nonsense. All too frequently, adult prisons have no staff trained to look after or suitable facilities to cater for the educational, work training, social or medical needs of young adults, among whom were many “vulnerable and troubled”, as inspectors reported.

Moving on to the challenge that the YMCA believes causes most harm to young people, when released from custody only 27% of them had a job to go to. In 1991, in his seminal report on the prison riots in 1990, my noble and learned friend Lord Woolf identified the three things most likely to prevent a person reoffending: a home, a job, and a stable or family relationship, all of which were put at risk by the way that imprisonment was conducted. In 2017-18, inspectors gave only 43% of the prisons a positive rating for providing positive activity, finding that much of that provided was mundane, repetitive and rarely linked to resettlement objectives. I have always favoured the regionalisation of prisons, again recommended by my noble and learned friend in 1991, the impact of which I can best illustrate by describing an incident that I saw in a young offender institution which the noble Baroness, Lady Armstrong, knows well.

At Deerbolt in Barnard Castle, to help solve local skill shortages the local chamber of commerce brought in an aptitude test to see whether any of the young offenders had the potential to fill jobs. I shall never forget the grin that lit up the face of one young man, whose potential had been identified, when he was told that he could be trained in that skill while in prison so that, on release, he had a job to go to with a future. I believe that this could be repeated in every region in the country, thus helping to ameliorate skills shortages and the reoffending problem.

In addition to the 30% of people aged 14 to 21 in the United Kingdom who are living in poverty, 38% of those in secure training centres and 42% of those in young offender institutions have been in care. Forty-six per cent have been excluded from school and at least 70% are suffering from one or more personality disorders, about which virtually nothing is being done. In 1998, when the Office for National Statistics first disclosed this figure, it also found that the type of household they were living in,

“poor intellectual functioning and a history of sexual abuse or of bullying, were the factors most strongly associated with evidence of psychotic disorder”.

All this is on top of too many being locked up in their cells for 23 hours a day, with only limited access to the gym and almost none to playing fields, only 14 hours’ access to education per week, and their exposure to drugs and alcohol. Small wonder that 69% reoffend within a year.

What is to be done about all this? The only raw material that every nation has in common is its people. Woe betide it if it does not do everything possible to identify, nurture and develop the talents of its people—all its people—because unless it does, it has only itself to blame if it becomes a failed nation. I fear that on the evidence of the way that the criminal justice system is failing to respond to the challenges facing young people, that is where this great country of ours may be heading.

4.30 pm

**The Lord Bishop of St Albans:** My Lords, I would like to say a few words building on the excellent speech by the noble Lord, Lord Chadlington, on the extraordinary effect that gambling is having on young people today.

The Gambling Commission’s report *Young People & Gambling 2018* revealed the extraordinary scale of the problem. After years of progress, gambling participation is up with 14% of 11 to 16 year-olds having spent their own money on gambling. That is more than those who have drunk alcohol, smoked or taken illegal drugs. As we have already heard, the report estimated that 55,000 young people are now classed as problem gamblers.

It is extraordinary that some companies seem to encourage gambling. For example, the “Victoria Derbyshire” programme did an exposé on a casino company running a student poker league and offering student discounts and free drinks. I think of the children who are encouraged to gamble by associating it with celebrities. Recently, Logan Paul, made famous on YouTube, participated in a boxing bout watched around the world by young people. It was sponsored

by a gambling firm. It is exactly this kind of event that attracts children and socialises them into believing that gambling is normal and—this is the key thing—an integral part of sport.

For many of us it is sport where gambling’s most malign influence becomes apparent, whether it is the wall of gambling advertisements on the TV, often by former stars of the sport, or the pitch-side adverts. I too welcome the whistle-to-whistle ban proposed by sections of the gambling industry, although it does not deal with pitch-side adverts, online targeted advertisements and football shirts bearing the logos of gambling firms. It was this relationship between football and gambling that prompted Simon Stevens, the head of NHS England, to designate gambling addiction as one of the “new threats” facing our health service, yet despite nine Premier League teams being sponsored by betting companies and the estimated gross gambling yield of £13.9 billion last year, the situation remains that the gambling industry has privatised profits and nationalised social costs.

Children love sport, and so they should, but why should they be bombarded without any choice with endless adverts? They see on average 3.8 gambling adverts a day and 66% of children have seen gambling adverts on television. In response, the charity BeGambleAware has started a campaign called “Can we have our ball back?” It is aimed at taking back sport from the gambling industry. If it does not succeed, we will create a generation who know the enjoyment of sport only through the prism of betting.

My third point is about the changing nature of gambling. The digital natives of the younger generation are wonderfully adept at using the internet and smartphones and are most at risk from the switch by gambling firms to online methods such as running adverts on social media, creating accounts followed by people with no age-verification necessary, and infecting game apps—even educational ones—with a constant barrage of betting adverts. Yet, more than that, the very nature of gambling is changing. No longer are people young or old limited by how long a bookie’s shop stays open and no longer are people easily prevented from gambling if they are underage, which is why we urgently need age verification. Phones with apps promoted by television personalities and games with in-app gambling facilities mark the change in the nature of gambling since 2005 when the Gambling Act was passed. Back then, no one had heard of loot boxes and skins, which is why countries such as Belgium have designated them as forms of gambling.

This debate is centred on the challenges facing young people and I have no doubt that one of them is the huge rise in gambling, which is why I hope we may have a special inquiry committee to investigate the social and economic impacts of gambling today.

4.34 pm

**Lord Norton of Louth (Con):** My Lords, I too congratulate the noble Baroness on raising this important issue. Despite the speed and ease of communication that we have heard about today, there is a danger that people may feel distant from those taking decisions that affect them. There is a problem especially for

[LORD NORTON OF LOUTH]

young people, who face challenges not faced by their parents. I wish to focus on the challenge that they face in making sense of who makes decisions affecting their lives and the means by which those decisions are made. A real danger is a sense of detachment from our political system.

The challenge faced by young people is making sense of the political community of which they are a part but to which they may not necessarily feel that they belong. The danger is that we shall have a population characterised by political apathy and distrust. That is to no one's benefit. It is a threat to the health of the British political system. If young people have a sense that they can affect the decisions that shape their lives, the more likely we are to have an active and stable polity. We benefit from having an informed and engaged citizenry.

As Dr Avril Keating told the Select Committee on Citizenship and Civic Engagement,

“research studies from other countries ... have shown that civic participation during adolescence can have a wide range of benefits, both for individuals and for societies. In particular, these studies have found that participation in civic activities can have a positive effect on young people's civic dispositions such as tolerance, trust, civic knowledge, political activism, political efficacy, sense of commitment to the community, and self-esteem”.

Society benefits from civic participation. It is thus a public good to ensure that young people have an awareness of our political system and how they can engage with it. I make no apology for returning to the theme that I developed in the recent debate on the report of the Select Committee on Citizenship and Civic Engagement. The report made a powerful case for enhancing citizenship education in our schools and it is particularly appropriate to return to that case today, not least given that it is my noble friend Lord Agnew who is to reply to the debate.

In the debate on the Select Committee report, I argued that for citizenship education to be taught effectively three conditions must be met: the subject must be taught by qualified teachers; it has to be distinctive and not combined with other subjects such as PSHE; and it needs to be taken seriously by schools. There is no real incentive for schools to invest resources in teaching citizenship. Given school budgets, the opportunity cost is too great.

On the first point, I remind my noble friend of his Answer to my Written Question in May when I asked him about the number of qualified teachers of citizenship in secondary schools. He revealed that in November 2016, of 4,800 teachers in state-funded secondary schools teaching citizenship, only 8.7% had a relevant post A-level qualification in the subject. A further 10.6% had a post A-level qualification in history. Even with those included, we are left with a situation where eight out of 10 teachers of citizenship lack a relevant post-A-level qualification. One could argue that it is better to be taught than not to be taught at all, but I would question that. Teaching citizenship badly can cause more harm than if it is not taught at all.

I therefore have three questions for the Minister. First, does he agree that the teaching of citizenship to young people is vital to the health of our democracy? Secondly, does he agree with the conditions that I have

advanced as necessary for citizenship to be taught effectively? Thirdly, if he does, what steps are the Government taking to ensure that those conditions are met?

4.39 pm

**Lord Brooke of Alverthorpe (Lab):** My Lords, I, too, am very grateful to my noble friend Lady Armstrong of Hill Top for introducing this excellent debate with such an outstanding speech, and I am grateful to other speakers. I shall speak about obesity and its relationship with mental health. Tackling childhood obesity is one of the biggest challenges that face us and, in turn, young people.

The Royal College of Paediatrics and Child Health cites obesity as one of the top three challenges facing young people. The statistics are startling. Data from the national weighing programme shows that children aged 10 to 11 are now the heaviest they have been since recording started. Government figures also show that almost one in five children are obese when they start primary school, which rises to one in three by the time they start secondary school at age 11. These figures come from the national child measurement programme, which measures children's height and weight at the ages of four and 11. Between the ages of 12 and 15, the statistics are not as strong but seem to indicate that, if we extrapolate, they are probably even heavier. The most recent return from the national health survey shows a spike among those aged between 12 and 16, which is very worrying.

We are all aware of the risks from obesity—chronic, life-limiting conditions such as diabetes—but healthcare professionals are also seeing an increase in bullying, low self-esteem and mental health issues among overweight and obese children. That should be of grave concern to us. Mental health is a big issue, as others have described, and I shall not recite or repeat the statistics given to us so far. An emerging point that we need to address which we are aware of based on evidence is that half of adult mental health problems start before the age of 14.

This brings me to the three recommendations made in the Green Paper on child and adolescent mental health published in December 2017. The first was to, “identify a Designated Senior Lead for Mental Health to oversee the approach to mental health and wellbeing”, in schools. The recommendation went on:

“This link will provide rapid advice, consultation and signposting”.

The second was to,

“fund new Mental Health Support Teams, supervised by NHS children and young people's mental health staff, to provide specific extra capacity for early intervention and ongoing help”,

in schools. The suggestion in the Green Paper was that this would be rolled out by 2025, stating that all areas would get training to help identify and train a designated senior lead for mental health. I should like to know whether the senior lead for mental health will assist in the campaign to fight childhood obesity. Will they be given specific training in this area? Will they be able to signpost children and their families to appropriate resources? Given the increasing problems we have with mental health, will the Government consider increasing the programme with a faster rollout aiming for an earlier date in 2025?

I recognise that these issues cross departmental boundaries and I normally speak on health topics, but increasingly we find that schools have been drawn into this and hear from teaching professionals that they are unhappy that they are required to carry additional burdens which they believe go beyond their remit. I should welcome a comment from the Minister on that, given that he now has substantial responsibilities. Recently, I read the report from the Chief Inspector of Schools, who felt that the balance was going way beyond what should be expected of professionals in school, and that it should revert to where it should properly be dealt with: with parents. Can he give a view on what she had to say and how we can resolve the issue, as the chief inspector believes that responsibility should not rest in schools?

4.43 pm

**Lord Russell of Liverpool (CB):** My Lords, I, too, thank the noble Baroness, Lady Armstrong, for initiating this debate. I declare my interest as a governor of Coram, the children's charity. Part of Coram, Coram Voice, delivers on behalf of the Department for Education the national advocacy safety net and advice service for looked-after children and care leavers, which goes under the name Always Heard. Our role is to attempt, as best we can, to voice the needs, concerns and experiences of the children and young people who are not represented here in person and who, in most instances, do not yet qualify to have their voices heard through exercising their right to vote.

The Prime Minister, yesterday morning, in what was perhaps even by her standards a rather busy day, said that she wants,

"a thriving economy with nowhere and nobody left behind; a stronger society where everyone can make the most of their talents".

Those are laudable aims, but Brexit is, and has been, so all-consuming and reactive that it has allowed far less focus on those in danger of being left behind than they deserve. Debates such as this remind us of other pressing priorities. Surely, helping children and young people who are in many instances being left behind is a priority in which we all have a personal stake.

I will focus first on the issue of providing adequate independent advocacy for the more than 70,000 children and young people in England who are reliant on the state for their care and well-being because their families cannot safely care for them or they have suffered abuse or neglect. The complexities of and inconsistencies in the system mean that many children and young people are unaware of their rights and unsure where to turn for help, and they struggle to access the support to which they are legally entitled. An independent advocate could ensure that children's views and wishes are communicated clearly and are taken into account—a point made clearly by the noble Lord, Lord Addington.

A 2016 report from the Children's Commissioner for England indicated that half of local authorities were supporting less than 8% of the children they considered eligible for advocacy. Less than 10% of children in care and care leavers accessed a service in half of local authorities.

Secondly, I want to highlight the concern that many local authorities are struggling to provide timely or effective support to children who present as homeless or at risk of homelessness. The charity Centrepoin estimates that 103,000 young people in the UK presented to their council in 2017-18 as homeless or at risk, and less than half received effective support. And this is nearly 10 years since the Government issued clear joint guidance to children's services and local housing authorities about their duties to secure or provide accommodation for homeless 16 and 17 year-olds—guidance that has recently been reinforced as a result of the Homelessness Reduction Act 2017. An important part of that Act is a new data-collection initiative, H-CLIC, which has the potential at last to create a central uniform hub of information that can be used to inform wider policy. What progress has been made on implementing the H-CLIC software and putting in place the necessary staff training programmes?

I suggest four ideas to the Minister for the Government's consideration. The first is a duty on local authorities to provide an active offer of advocacy support. The second is the right to an independent advocate, enshrined in law, for all children and young people receiving or seeking care or support from the state, including those leaving care to adoption. Thirdly, there should be a requirement for local authorities to ensure provision of independent advocacy support and its active promotion to any child approaching local authority children's or housing services. Fourthly, there should be a requirement to collate data on children presenting as homeless, including how many receive support under Section 17 of the Children Act 1989, how many receive support under Section 20 and how many were refused support.

Data is king; without it one is flying blind. It is difficult to identify trends, good or bad, in a timely fashion without it. It is essential in helping to identify best practices, and without reliable data it is impossible to establish appropriate key performance indicators, which create an easily intelligible shorthand to understand and analyse the extent to which we are succeeding in our legal and moral duty to help these children and young people.

4.49 pm

**Lord Sawyer (Lab):** My Lords, I add my thanks to the noble Baroness, Lady Armstrong, for initiating this debate. I will focus on forgotten young workers; in so doing I refer to a report, *The Forgotten Workers*, which highlights the plight of young workers in our economy. Launched a couple of weeks ago, it captures research by Dr Jo McBride of Durham University and Dr Andrew Smith of Bradford University. It examines an emerging social phenomenon of low-paid workers who have no choice but to work in multiple jobs in order to make ends meet.

The beauty of this report is that it is dominated by the evidence of the workers, not the opinions of academics. These young workers cannot get enough pay or hours; they do not get sufficient opportunities to acquire decent full-time work. They are trapped in a cycle of multiple low-paid jobs because of the lack of secure, full-time, better-paid work. The report is not solely

[LORD SAWYER]

about young people but they form a large part of the sample. Most are overqualified for the work they are involved in; despite having A-levels, degrees and even master's degrees, they feel pressurised into taking any job—anything available—regardless of their qualifications.

The young workers studied often had two, three, four or even five different jobs at once. One had five, as he could not get one decent full-time job with a reasonable salary to support his young family—and he had a master's degree. McBride and Smith class these workers as “the underemployed” as they are low paid, cannot acquire sufficient working hours to make ends meet and yet are overqualified for the jobs they do. They also heard from older workers explaining how their sons and daughters were still living at home as they could not afford to leave. They were referred to as “boomerang kids”, as they could not afford rents or mortgages, given their low-wage employment.

The report brings to our attention that the rise in insecure, precarious work in the UK is reducing the chances of many people to attain decent, secure, better-paid work. The rapid growth of temporary, agency, casual, term-time only, seasonal and zero-hour contracts is reducing opportunities for our younger workforce to get full-time, secure jobs. These types of contracts are becoming more and more accepted as the norm; this needs to be addressed as it affects many of our people and has the potential to harm more young workers in the future. We all know that young people are finding it difficult to buy property. When they cannot get a full-time job, they also cannot get a part-time mortgage, rent, council tax, water rates or whatever.

The report recommends, among other things, that employment protection and policies need to be updated to address the changes that work and the wider labour market are undergoing. It also argues that there needs to be better regulation of wages and working time, with guaranteed hours and pay premiums restored for working non-standard hours. There also need to be more opportunities for young people to attain full-time, secure and better-paid work to make work pay. I will send a copy of the report to the Minister and place a copy in the Library for Members who would like to look at it.

On 20 November, I attended a meeting organised by the noble Lord, Lord Bird, to listen to Sophie Howe, the Future Generations Commissioner in Wales. She spoke of her role as the guardian for future generations to meet their needs, and how she was engaging with and encouraging public bodies to take action to meet the needs of future generations. I was inspired, pleased, surprised and encouraged by this encounter; the British Parliament ought to have a look at the important work being done in Wales. If we do so, and if we look at the future with an objective eye instead of stumbling from crisis to crisis, we might be able to get the kind of future that is not set out in the report.

It is heartening to hear that we have our own Select Committee, which I was not absolutely aware of, chaired by the noble Lord, Lord True, looking at intergenerational issues. I am sure this will produce some helpful suggestions

on matters covered in this debate. I wish the Minister good luck with reading the report. We look forward to hearing back from him and to debating it in the House.

4.53 pm

**Baroness Massey of Darwen (Lab):** My Lords, I thank my noble friend Lady Armstrong for initiating this debate and for introducing it so powerfully. Coming last of the Back-Bench speakers is not enviable, and less so after a debate of such variety, covering so many important aspects. Noble Lords have spelled out eloquently many of the challenges facing young people. I shall not repeat their wise words.

The challenges facing young people are often diverse, complex and not of their own making. It is important both to protect young people and to empower them; these are basic human rights. I believe it is also important to involve young people in defining their own needs and to respond to their concerns with positive and appropriate interventions. That means asking young people and involving their energies in solving the problems. I thoroughly agree with the noble Lord, Lord Norton of Louth, about citizenship education and involving young people in education.

We can begin to have an impact on the challenges facing young people only if we listen to them and take their views seriously. Sometimes the biggest challenge for young people is being listened to. I want to give a couple of examples of the way that this might work. Last year, I was involved in a seminar in Portcullis House on child mental health and child-friendly justice, organised and funded by the Council of Europe and the UK Parliament. “Children” means those up to the age of 18. Half the participants were children and some older young people; the other half were European parliamentarians, NGOs and the police. Discussion took place in small groups, feeding back to plenary sessions. The young people were vocal about the challenges that they faced. They were totally involved and the seminar received some moving statements and suggestions for improving services. I will give noble Lords a flavour of what they said.

One said, “We are experts by experience. Policies are often good but badly implemented. There are problems of access, of waiting lists. There are not enough counsellors in schools and not enough mental health services for young people where they are treated in a child-centred way. Early diagnosis is important, otherwise the challenge of mental health gets bigger and bigger. We need key workers who follow the progress of the young person step by step”. I think that noble Lords will appreciate how sensible that advice is.

I shall now relate a few of the comments on child-friendly justice. I am pleased to see that the noble Lord, Lord Ramsbotham, is here, as he has always supported child-friendly justice. The young people said that the training of professionals needs to make systems more child-friendly; that there are passionate and committed people in the workforce but they need support and funding; that children get passed around and that is not helpful; and that multi-agency work is needed. They said that some children have particular

challenges—BME young men, refugees, and lesbian and gay young people, for example; that the justice system is designed for adults but too often applied to children; that the system should be built around the needs of the child and should rehabilitate rather than punish; that a child should be encouraged to grow out of crime; and that the age of responsibility—10 in England—should be raised.

Due to these young people expressing their feelings, a report involving them was produced last November, with follow-up round tables with Ministers—Jackie Doyle-Price and Ed Argar, in particular. The young people's movement has grown and become more determined. Peer support and self-help are also growing. Can the Minister say how the Government are encouraging the voice of the child to be heard, in line with the UN Convention on the Rights of the Child? Can his department perhaps provide examples of good practice? I believe that listening to young children and taking on board what they say is supremely important.

4.58 pm

**Lord Storey (LD):** My Lords, I too thank the noble Baroness, Lady Armstrong, for initiating this debate. I have very many happy memories of her time as Secretary of State for Local Government, when we had a vibrant youth service throughout the UK.

What are the challenges? They include jobs and unemployment, poverty and homelessness, a lack of affordable homes, physical health, education disparity, growing up too quickly and bullying. I suppose that those challenges have always been there but today we have some 21st-century challenges, which many of your Lordships have mentioned: the pressure of materialism, negative stereotyping, the pressures of 24-hour social networking, issues related to body image, eating disabilities or emotional difficulties with food, obesity and knife crime.

What we have heard is a sad catalogue of young people challenged in many ways. Jobs and unemployment continue to be an issue. Poverty and homelessness go hand in hand, and the number of young people living on our streets should be a matter of shame. Sadder still is that a significant minority of our young people tick several boxes on the list. Someone who is unemployed is also likely to be living in poverty. This same group of young people is unlikely to be in good health. Some of them will end up in the criminal justice system, often for petty crimes.

Of course, these issues have always been with us to a greater or lesser extent, certainly for as long as any of us can remember, but some things have improved. There are now more educational opportunities for young people, with most young people staying on until 18 and half of them moving into higher education—the noble Baroness, Lady Bottomley, is not here, but I should say that maintained schools are now outperforming academies. Job opportunities for young people are available, although many of the new jobs that this Government have created are zero-hours contracts which do not help them plan for their future.

Only yesterday, we heard the Prime Minister in Downing Street restate her determination to improve things in Britain. We first heard it on 13 July 2016,

when she spoke so passionately about “burning injustice”. Unfortunately, this Government have done little to reduce such burning injustices in the past two years, largely because much of their energy has been spent on trying to get us out of Europe, with the rest spent on trying to sort out internal disagreements in the Conservative Party.

I want to focus on a range of 21st-century pressures which the Government have failed to take action on or been slow to react to—they are pressures that nobody in this Chamber will have experienced as a young person. The noble Baronesses, Lady Armstrong and Lady Bottomley, and a number of other noble Lords mentioned the internet. While the internet is not the root of all evil and has many good and valuable features, the failure of Governments, including ours, to establish any proper regulatory control over content and over how social media are used is totally unacceptable. Such lack of regulation—I do not pretend that regulation is easy—means that young people are exposed to many unwelcome influences.

Many of the profits of the big internet providers come, directly and indirectly, from pornography. It is legal somewhere in the world for almost any sexual activity to take place between two or more adults. All such activities, and some that border on the illegal, can easily be found on the internet by entering two words in Google or other search engine and clicking once on the top entry. There is immediate free access to more than 10 million hardcore videos. Thank goodness the British Board of Film Classification is now taking action following an initiative from the Government, but we must not be complacent; we must be really strict about what we do.

A major concern of young men and young women is body image, where a standard of perfection is made to seem the norm. Websites used by young people are populated by what we might call the “Love Island” generation, with perfect bodies. Even on the *Mail Online*, the front page is always half full of beautiful people, with women who all seem to be size 8 and men who must spend all their time in the gym.

Social media are a recent phenomenon, but the majority of young people now use them daily on their mobile phone, iPad and computer. While they are a great communications tool if used wisely, misuse is also significant in a number of ways.

Age verification has been the subject of frequent discussions between government and internet providers. In 2015, the *Independent* carried a story about the age limit for Facebook being raised to 16. Nearly four years later, it remains at 13 but seems very easy to circumvent, with figures showing that nearly four out of five young people under 13 have social media accounts. I remember at my school children as young as seven and eight having Facebook accounts. It is now clear that we cannot put the internet genie back in the bottle, so we must make sure that children and young people are resilient enough to cope as best they can with these 24/7 pressures—perhaps Mr Clegg could help us on that score.

I was going to talk about gambling, but the noble Lord, Lord Chadlington and the right reverent Prelate the Bishop of St Albans gave us a tour de force on that subject. There is something perverse about seven and

[LORD STOREY]

eight year-olds going to the souvenir shop of their football club and coming away with a football shirt with an advert on the back for internet betting. It cannot be right that over half our Premier League football clubs are sponsored by betting companies.

Most of these problems have led to a huge increase in mental health problems. I will not repeat the figures given at the beginning by the noble Baroness, Lady Armstrong. I will give only the two alarming and terrifying figures that frighten me most: of those 11 to 16 year-olds with mental health issues, 25.5% have self-harmed or attempted suicide at some point. Currently, 65% of children and young people with mental health problems do not have access to mental health provision. What are the Government doing about it? Let me give you something good. I came across a young girl who suffered from severe depression, which was picked up at her school by CAMHS. She had to wait a while for CAMHS to be involved, but it referred her immediately to her doctor, who gave her medication, sent her to a counsellor and gave her an app to use. That was fantastic and almost immediate. This sort of reaction should be available to every young person with a mental health problem, which sadly is not the case.

The Government have set up seven trail-blazers. Great. These trail-blazers will do the work and report, but what are we doing with other schools in the meantime? I am concerned that our mental health initiatives are more health-based than school-based. I want to see not just a mental health awareness champion but quick access to mental health experts in every school. CAMHS—child and adolescent mental health services—was good but was reduced to a shadow of its former self by local government cuts. As I said in an Oral Question, we have a fantastic psychological service in the local authorities, which could be the solution to many of these issues. We should look at what is happening in Wales, where in most schools there is access to counsellors. The solution is not about just putting some money in and setting up trail-blazers but about seeing that young people do not slip through the net.

The noble Lord, Lord Adonis, raised two issues. I agree with him entirely about school exclusions. It is rather interesting that at one end there are huge numbers of school exclusions—something like 45 schools have excluded 20% of their pupils—and at the other end a huge and increasing number of young people are in home education. Schools are off-rolling their pupils to private companies, which they pay so that those children are not in school. That cannot be what our education service is about.

Finally, how successful are we in engaging young people to decide their own future? It is alarming that the number of young people who vote in local or national elections is pitifully low. If we could encourage them to register to vote, Governments of all political persuasions would take notice and do something about their issues and concerns.

5.08 pm

**Lord Griffiths of Burry Port (Lab):** My Lords, it is a privilege to speak in a debate of this kind. I just wish that the levels of passion with which we began the

week and with which a few of us at the fag end of the week are obliged to debate this important issue had been in inverse proportion—that we could be truly full and passionate now and that just a few people had been worried about Europe at the beginning of the week. Would that not have been a wonderful and proper reflection of our priorities?

**Noble Lords:** Hear, hear.

**Lord Griffiths of Burry Port:** It is so marvellous to see the Government Front Bench giving me a hearty “hear, hear” on that—I mention it so that it will go into *Hansard*. How wonderful, too, to speak in a debate initiated by my noble friend—she was a noble friend before she was ennobled and became a Member of this House—who has not only led and shaped policy that was humane and reached parts that are not normally reached from government levels, but has also done it on the streets and in the communities, which gave authority to what she said.

I have made a patchwork of notes of the speeches that have been made. It would be invidious to mention people by name but it is worth me trying to describe the pattern. The subjects fixed on by various Members were duplicated by others. More than one person spoke on each of these subjects and they all reflect the list in the very helpful Library briefing: mental health, loneliness and identity, employment, citizenship, obesity and mental health, care and gambling—which got a special mention. Members have felt it important to emphasise each other’s points, as we reach out to give an adequate response to the challenge implicit in the debate. I am happy about that.

I have been thinking more generically. I am the president of the Boys’ Brigade and that gives me access to lots of young people across the countries of the United Kingdom. I spent quite a lot of the summer on leadership training courses in Belfast and Edinburgh, and at the Boys’ Brigade headquarters here in England. My work in schools and communities has gone on and on, particularly through my church work, and if there is a voice that I want to presume to have heard, it is that of the young black boys and girls with whom I have had extraordinary opportunities for conversation and development. I will come back to that in a moment.

Thinking back over the past 18 months or so and the debates in which I have taken part, I note that those debates were about obesity, mental health, children’s use of the internet and safeguarding them from its worst aspects, gambling and children, and bullying, knife crime and the criminal justice system. I think of those five subjects and wonder why we cannot see that, instead of separate debates that compartmentalise them, a gravitas and critical mass is beginning to be built up that might lead us—as in the 1980s with the Children Act 1989—to look at the place of children generically, from all angles, to see whether we should not find a more creative way forward. I think too of the headline topics in the briefing from the Library: unemployment, poverty, homelessness, crime and prison, and suicide and mental health. Again, we have five different tags.

I am interested in the number of subjects being five. At the moment, I am doing a bit of work on the Beveridge report. When it went through this very

Parliament there was a Division in that war-time debate—a time when nobody wanted to divide the House. It was initiated from this side of the House by my own hero, Jim Griffiths, the Member of Parliament for Llanelli. In the end, it led to a commitment on the part of the Labour Party to implement the Beveridge report instantly as soon as it got into office. I believe that that was a major factor in the election victory of July 1945. Beveridge identified five evils: squalor, illness, ignorance, disease and want. Instead of looking at those in a compartmentalised way, through his report he looked at creating a welfare state that would stretch into areas of need in a more generic way.

I spoke to an 18 year-old black man whose mother was worried that, with his splendid A-levels, he did not want to go to university. I sat him down and asked him to tell me why. He said, “I know you’re going to tell me that I could be the Prime Minister, a journalist, a barrister, a teacher or a social worker. But on the street, we all know that those things take too long and we have too many obstacles as black people to get into the professions where we might scintillate and develop a career”. I said, “Well, if you are not going to go into those, what are you going to go into?” “Five things”, he said—there you are, five again. He said, “Quick money is to be made in one of these: crime, drugs, fame, music and football”. Each one of them, of course, is a lottery, with about the same chances as you have in the National Lottery to make it and the kind of money that they fantasise about. At the same time, it made me aware of what extra obstacles young black people are faced by in a world that is inimical to them.

I have two or three minutes left. The following is for illustrative purposes, and my experiences are necessarily anecdotal. I do not have a command of statistics and I am not a professor of sociology, but I have worked with kids.

A 16 year-old Muslim boy was expelled from school for carrying a knife. His parents were worried. I found a room for him to sit his GCSEs and he did rather well. However, he went on carrying a knife and selling drugs and was imprisoned. We had a great fear that he might be radicalised while in prison.

In a girls’ school for which I have responsibility in east London—it is just half a mile from another girls’ school from which three girls went off to Syria—we worry about how to implement a Prevent programme that balances compassion, care and vigilance without it being a police-state type of authoritarian programme.

Louis, a young man they tried to kill on the streets not far from where I was living, is now rehabilitating young black offenders himself in an institution to do that. He is a wonderful young man who has learned from experience and wants to do better for his contemporaries and younger people.

Another young man had an opportunity to go to Oxford. Boy oh boy, getting black people into Oxford and Cambridge is still the worst thing in the world. However, when he became the first black president of the junior common room and got his splendid degree in PPE, he went on to serve in public life. The noble Lord, Lord Adonis, and I have taken an interest in this young man and we believe that he could become Prime Minister—and why not?

I was arguing with the vice-chancellor of Cambridge University and asking why a young black woman could not get into Cambridge even though she had all the necessary qualifications. There were admissions tutors in colleges who swore that they were egalitarian but whose entry procedures seemed to prohibit a fair way of looking at people like her. She was not admitted but she achieved a first-class honours degree. We got her into a commercial law firm and the next barrier will be whether she can become a partner when the time is right. Getting women partners is one thing; black women partners is another. Young black people have problems beyond other people’s problems. However, I must not dilate.

The note I have made from what I have heard today is that listening to young people is a primordial responsibility which lies upon us all—not in a patronising or paternalistic way, but from wanting to hear the wisdom they have, the ordinary things that would make them happier than they are, and to see and welcome the great things that some of them are doing despite all the obstacles. I am pleased to have taken part in this debate and, once more, I thank noble Lords for making it possible.

5.18 pm

**The Parliamentary Under-Secretary of State, Department for Education (Lord Agnew of Oulton) (Con):** My Lords, I congratulate the noble Baroness, Lady Armstrong of Hill Top, on securing this important debate. Many questions have been raised by noble Lords and I shall endeavour to answer as many as I can. It always seems to fall to me to cover questions for 10 different government departments.

I can reassure the noble Baroness, Lady Armstrong, that we are adamant that all young people deserve and have the right to world-class education regardless of their background or where they live. We have shown that giving high-performance school leaders and teachers freedom and autonomy can deliver this through free schools and academies. Eighty-six per cent of schools inspected in England are rated good or outstanding and 1.9 million more children are now in those schools. This represents 84%, compared to 66% in 2010. Multi-academy trusts illustrate how good practice is no longer limited to individual schools. Regardless of geography or the level of diversity in their intake, many consistently achieve exceptional results. To answer the question asked by my noble friend Lady Bottomley, more than 500,000 children who were previously in failing local authority schools are now in good or outstanding schools.

To address the concerns of the noble Lord, Lord Addington, about careers guidance, our careers strategy commits investment of more than £70 million each year until 2020. It ensures that all schools and colleges will have a dedicated careers adviser to support and encourage young people to find the right path for them, be that into work, continuing academic study or a vocational qualification. I agree completely with him that this is an extremely important priority.

The noble Lord, Lord Haskel, asked about youth employment. We recognise that the academic path is not suitable for everyone. We will be investing more

[LORD AGNEW OF OULTON]

than £0.5 billion per year to deliver a world-leading technical education system. The new T-levels will have real labour market value, credibility with employers and help young people to achieve their potential. We have recently announced that T-levels will contribute to UCAS points to underline their value. The number of 16 and 17 year-olds in education or work-based learning is at the highest level since consistent records began, at 90.5%. For those aged 16 to 24, only 10.9% are not in education or employment, the lowest figure on record.

I take on board the comments of several noble Lords. Some of this work may not be initially of the highest quality, but my first job was a zero-hours contract at 20 pence an hour and I was laid off when it rained. However, it was a start.

**Lord Griffiths of Burry Port:** Does the noble Lord not still have the same job?

**Lord Agnew of Oulton:** That would need a longer answer.

Research has shown that children with higher levels of emotional, behavioural and social well-being have, on average, higher levels of academic achievement. We are prioritising resources in 12 opportunity areas. We are bringing together local and national partners to improve outcomes for the most disadvantaged. Through the work of this Government, 18 year-olds from disadvantaged backgrounds are over 50% more likely to enter full-time higher education in 2018 than they were in 2009.

I share the concern of the noble Lord, Lord Griffiths, about the opportunities for young black people. We have succeeded in narrowing the attainment gap by 10% through the pupil premium, spending more than £13 billion since 2011. It is now in the interests of good and outstanding schools actively to recruit pupils from disadvantaged backgrounds.

We also recognise the specific challenges for children with special educational needs and disabilities. We have transformed the support available for young people and their families. We have invested £390 million since 2014 to support local areas in implementing reforms and we continue to fund parent-carer forums.

The noble Lords, Lord Adonis and Lord Haskel, asked about apprenticeships. We have reformed the system in the most fundamental way since the war but we accept that it is still evolving. We are working closely with employers and have already made changes in response to feedback. I am not sure that the noble Lord, Lord Adonis, is listening to these specific points. He indicates that he is and I thank him. We will increase the amount of funds that levy-paying employers can transfer to other employers from 10% to 25% from April next year and will reduce the amount that smaller employers pay for training from 10% to 5% next year. By 2020, we will be investing nearly £2.5 billion in apprenticeships per year to increase the number of high-quality opportunities.

The noble Lords, Lord Adonis and Lord Storey, asked about exclusions. I share their concern about this issue. When I ran my own academy trust, I required

any head teacher to ring me personally when a permanent exclusion was under consideration and I always told them that I regarded it as a professional failure on their part. We are working with Edward Timpson, and I am meeting him next week as a prelude, we hope, to his report going out early next year. Last week I met a director of children's services in Leeds who told me about an innovative idea of providing funding to a mainstream school where a child is at risk of exclusion to enable that child to spend some time in specialist provision, while leaving accountability for that child's educational outcome with the school at which he or she is registered. I believe that such innovations can better align the interests of the system, which does not happen sufficiently at the moment. We are delivering a manifesto commitment to review why children identified as in need of help and protection have such poor outcomes and make an assessment to improve them.

A child's home learning environment is one of the biggest influences on their vocabulary, but socioeconomic factors can affect the quality of those environments. We are committed to supporting parents to improve the quality and quantity of adult-child interactions, unlocking the power of learning in the home. Some 92% of three year-olds and 95% of four year-olds now access 15 hours of free early education per week. The early years pupil premium provides more than £300 per eligible child to support better outcomes for disadvantaged three and four year-olds. The Secretary of State has set out his ambition to halve by 2028 the number of children finishing their reception year without the communication and reading skills they need.

One in four adults and one in 10 children will experience mental illness, which is why we are working with colleagues across government to improve mental health and well-being in young people. Our Green Paper, *Transforming Children and Young People's Mental Health Provision*, sets out ambitious proposals and confirms our commitment to providing support to schools. That includes the implementation of a trained designated senior lead in all schools and funding for new mental health support teams. The noble Earl, Lord Listowel, mentioned looked-after children specifically. We recently revised our statutory guidance to place greater emphasis on children's mental health needs. Virtual mental health leads were among a number of recommendations made by the DfE and DHSC working group on the mental health of children in care.

Every child's experience at school should be a happy one. However, at times, young people face the challenges of bullying and harassment, which is never acceptable. My department remains committed to keeping all children safe, which is why we further strengthened the statutory guidance, *Keeping Children Safe in Education*. We have also produced guidance for schools and teachers on how to prevent bullying and support those who experience it. My noble friends Lady Bottomley and Lord Chadlington and the noble Lord, Lord Storey, are right about the huge changes and pressures faced by children in today's society, particularly through electronic and social media.

Today, bullying can come in many forms, not just in a classroom or social atmosphere but from a much wider group of peers. We have seen a rise in young people reaching out for help with their mental health,

but we must ask ourselves why we are seeing such a rise in those asking for help. I for one do not believe that it is down to just exam stress, a troubled home life or “regular” peer pressure. In many cases, the potential dangers of social media become realities. We need to encourage our young people to take time away from screens. The noble Baroness, Lady Armstrong, referred to happiness levels in children—an area that deserves much more focus.

The noble Lord, Lord Adonis, and my noble friend Lord Norton stressed the importance of citizenship. I agree entirely. Findings have shown that participation in extra-curricular activities promotes positive well-being among young people. For example, schools with cadet forces see improvements in attendance, behaviour and attainment. We are on track to achieve our target of 500 cadet units in schools by April 2020, developing qualities such as respect, self-confidence, teamwork and resilience in young people. Since the National Citizen Service was launched in 2011, nearly 500,000 young people have taken part in this life-changing opportunity. We continue to support the NCS and are investing £80 million through the Youth Investment Fund to increase opportunities for young people to develop skills and participate in their communities. My noble friend Lord Norton asked whether I agreed with his prognosis on the teaching of citizenship. I do not agree entirely. Of course an A-level in citizenship or history is helpful, but other qualifications could equally suffice.

A child’s early emotional and social development, educational attainment and, later, employability can all be put at risk by problems such as homelessness, referred to by the noble Baroness, Lady Armstrong, and the noble Lord, Lord Russell. In particular, the Homelessness Reduction Act is the most ambitious legislative reform in this area in decades. We have allocated £1.2 billion through to 2020 to reduce homelessness. I will have to write to the noble Lord on the progress of H-CLIC.

The right reverend Prelate the Bishop of London and the noble Baroness, Lady Armstrong, asked about child poverty and workless households. We repealed the income-based measures set out in the Child Poverty Act 2010 and replaced them with new statutory measures of parental worklessness and educational attainment—the two areas that we know can make the biggest difference. Children living in workless households are five times more likely to be in poverty than those where all adults work. Our welfare reforms are making good progress to prevent this happening. There are now 630,000 fewer children living in workless households than in 2010. There are also 300,000 fewer children living in absolute poverty on a before housing cost basis than in 2010.

Children in care deserve a stable home environment. Some 61% of children enter care as a result of abuse or neglect. That is why the Children and Social Work Act 2017 sets out corporate parenting principles. Local authorities need to take this into account as they take on the role of parent to looked-after children, extending to those leaving care. The Autumn Budget announced an additional £410 million in 2019-20 for local authorities to invest in adult and children’s social services. This is on top of the £200 billion going forward to 2020 made available in the 2015 spending review.

I share the concerns of the noble Lord, Lord Storey, and the noble Baroness, Lady Massey, over mental health. We recognise that mental health needs can have a significant impact on young people, in particular looked-after and previously looked-after children. This is why we have recently revised statutory guidance for designated teachers, placing greater emphasis on children’s mental health needs. The Government have made £1.4 billion available to transform and improve access to children and young people’s mental health services from 2015-16 to 2020-21. We have set an ambition for at least 70,000 additional children and young people each year to access high-quality NHS mental health care by 2021.

The noble Lord, Lord Ramsbotham, raised the issue of youth offenders. We know that children who offend are some of the most vulnerable in society and we are committed to preventing children entering the youth justice system. Education should be at the heart of youth custody. We are investing more than £2 million over the next two years to increase the range of educational, vocational and enrichment activities, including sports and physical activity. As part of the agreed funding of the youth justice reform programme, we are making £0.8 million available in 2018-19 and £1.8 million in 2019-20 to increase the range of educational and enrichment activities in the youth custody system.

The Government have also announced a £200 million youth endowment fund to build the evidence base for action. This fund will support young people most at risk of serious violence, underpinning our commitment to address the recent increase in knife and gun crime. We will be launching a consultation later this month on new school security guidance. This will include references to knife crime.

Some young people are at risk from extremism and radicalisation, be this through online channels or grooming by members of terrorist or extremist groups. We are working with schools to tackle extremism and radicalisation through our Prevent initiative and a strengthening of the Ofsted inspection framework. We want all young people to understand the shared values that underpin our society, and in particular the values of respect for and tolerance of those from different backgrounds.

The noble Lords, Lord Griffiths and Lord Brooke, raised obesity. We are making progress on this since the publication of our childhood obesity plan in 2016, including the reformulation of products that our children eat and drink, for example through the soft drinks levy. The next stage will include restricting promotion deals on fatty and sugary products and ending the sale of energy drinks to children.

The noble Lords, Lord Haskel and Lord Sawyer, asked about zero-hours contracts. There are 780,000 people on zero-hours contracts. This is down from 883,000 in the same period of 2017. This is a small proportion of the workforce—about 2.4%—because this is the kind of contract that suits that small proportion, giving them the flexibility they desire so that they can, for instance, study alongside working. Noble Lords will also be aware that we have very much tightened up on such things as unpaid internships, which are absolute exploitation.

[LORD AGNEW OF OULTON]

The right reverend Prelate the Bishop of St Albans, the noble Lord, Lord Storey, and my noble friend Lord Chadlington raised the important issue of youth gambling. There are strict controls to prevent underage gambling in licensed premises or online. GambleAware is working to provide resources for teachers and to support parents to have conversations. The Government published a review of gambling machines and social responsibility in May of this year. Key measures included reducing the maximum stake on fixed odds betting terminals from £20 to £2, a major responsible gambling advertising campaign and a plan of action by the Gambling Commission to strengthen player protections online.

I am running out of time so I shall finish by saying that the Motion asks that we take note of the challenges facing young people. I firmly believe that a good education is vital to help them meet these challenges, and we are steadily improving the education system to ensure that this happens. Children represent the future of our country: few endeavours are more important.

5.35 pm

**Baroness Armstrong of Hill Top:** My Lords, I thank everyone enormously. It was a very rich and wide-ranging debate from which I think we have all learned a little. Challenges can be things that we learn from and learn to move forward from. For too many children and young people they are limiting, and stop them being able to live full and contributing lives in the way they want to. I look forward to working with noble Lords across the Floor on just that.

*Motion agreed.*

## Police Funding Settlement

### *Statement*

5.36 pm

**The Minister of State, Home Office (Baroness Williams of Trafford) (Con):** My Lords, with the leave of the House I shall repeat a Statement made in the other place by my right honourable friend the Policing Minister. The Statement is as follows:

“Mr Speaker, I would like to propose to the House a provisional police funding settlement for 2019-20. I do so at a time of real pressure on our police system, with demand rising and becoming increasingly complex and response-intensive. Across the country, police officers and staff are working exceptionally hard in very demanding and often risky conditions. They have, I know, the respect and thanks of this House, but they need more than that: they need additional support to help them do the job.

Last year, Parliament approved a funding settlement that resulted in £460 million of additional public investment in policing. That included £50 million more for counterterrorism and £280 million more for local forces from the precept. This meant that every force's funding was protected in real terms this year, and overall public investment in policing this year is more than £1 billion higher than three years ago.

As a result of last year's settlement, most police and crime commissioners set out plans to either protect or enhance front-line policing. I also indicated last year

that our intention was to provide a similar settlement in 2019-20, subject to improved efficiency, productivity and financial transparency. I am very pleased to confirm that the police have met those conditions. There is an agreed plan to deliver £120 million in commercial and back-office savings by 2020-21. Forces are developing digital plans, including deploying mobile technology more ambitiously to use police time more productively, and every PCC has published a financial reserves strategy. However, the Government recognise that two things have changed since I stood at the Dispatch Box a year ago.

First, cost pressures have risen. Public sector inflation has increased and the police are facing challenges in meeting new costs, such as forensics and increased employer contributions to safeguard public pensions. More significantly, demand pressures have risen. There has been a major increase in the reporting of high-harm, previously hidden crimes such as child sexual exploitation. The challenge from serious and organised crime networks is growing. Through the serious violence strategy, we are bearing down on the worst spike in serious violence and knife crime that we have seen in this country in a decade. Digitally enabled and online crime is a major challenge for our police. Meanwhile, as we are all aware, the threat from terrorism has escalated and evolved.

The first role of government is to protect the public. As crime changes, so must the police. We are determined to make sure that the police have the powers and resources they need to respond to changing demand. So the Home Secretary and I would like to go further than I indicated last year. As the Home Secretary has signalled over the course of the year, police funding is his number one priority, so he and I have been working closely with our colleagues across government to agree a comprehensive settlement. We are proposing today a settlement that could see public investment in policing rise by up to £970 million in 2019-20, depending on the actions of police and crime commissioners.

Let me break down that very large number for the House. First, instead of the flat cash grant that I indicated last year, we want to increase government grants to police and crime commissioners by £161 million. Every police and crime commissioner will see their government grant funding protected in real terms. This package includes £14 million to recognise the specific extra costs and financial challenges of policing London. On top of this, we will allocate additional grant funding of more than £150 million specifically to help the police to manage unexpected increases in their contributions to public pensions costs since the 2016 Budget.

We have also listened to requests from PCCs for more flexibility around the levels of police precept. So this settlement empowers PCCs to raise council tax contributions for local policing by £2 a month—£24 a year—for a typical household. If this flexibility is fully utilised, the result will be just over £500 million of additional local investment in local policing. We do not take that decision lightly because we know that money is tight for many people. The decision to raise local tax will be up to locally elected PCCs, and they will have to make a case to their electorate and be accountable for the delivery of a return on that public investment.

On top of the proposed increase in the core grant and a doubling of local precept flexibility, we propose investing more in the fight to protect our constituents against terrorism and serious organised crime. As my right honourable friend the Chancellor announced at the Budget, funding for counterterrorism policing will increase by £59 million next year to £816 million—£160 million more than we planned at the last spending review. We also intend to match the new serious and organised crime strategy with £90 million of much-needed resources to tackle threats including economic crime, child sexual exploitation, fraud and cybercrime.

This settlement combines increased central funding with increased local contributions to local policing. It enables the biggest investment in front-line policing since 2010 and the start of the journey to get this country back to living within our means. It will allow PCCs to manage their costs while maintaining their plans to recruit and fill capability gaps, not least with regard to detectives. It will strengthen our capabilities in the fight against serious organised crime and terrorism.

Alongside this increased investment in the front line against crime, we will also maintain our existing level of public investment in building national police capabilities and upgrading police technology for the benefit of local forces. We will invest £175 million in the Police Transformation Fund next year, supporting the police to make the most of the digital opportunity to improve contact with the public and use police time more effectively. We are also developing the first national programme to support stretched front-line officers. We will also support Police Now, which is recruiting fresh talent into policing and detective roles.

Alongside the Police Transformation Fund, we will invest £495 million in technology programmes that will upgrade critical infrastructure such as police databases and the emergency service communications network.

Taking everything together, this settlement means that, as a country, we will invest next year up to almost £14 billion in our police system if all PCCs use full precept flexibility. That would represent increased public investment of about £2 billion compared to 2015-16. With increased public investment comes an increased responsibility to improve efficiency and effectiveness and show the public what difference their investment is making in greater deterrence to criminals, better outcomes for victims and safer communities.

To make the most of the new investment we are announcing today, we will work with the police on four key areas next year to drive efficiency and effectiveness: delivering on the police's ambition to procure efficiently and share back-office services; working more productively, including through digital mobile working; filling the major capability gaps that the independent inspectorate has identified in detectives and investigations; and making sure there is greater co-operation in the work to tackle serious and organised crime. Of course, support for our police is not all about spending taxpayers' money. We are also supporting the police through new powers and working on a cross-party basis to strengthen legislation on offensive weapons, just as we worked on that basis to strengthen protections for emergency services workers.

Let me be clear: our commitment to supporting the police to deliver for the public is for the long term. Come the forthcoming comprehensive spending review, the Government will be prepared to invest appropriately in police capacity, capability and professional confidence, but this must come with greater local accountability of directly elected PCCs and a commitment to accelerate the pace of change that is needed to make sure that British policing remains the best in the world. As we have indicated, this settlement is the last before the next spending review, which will set long-term police budgets and address the issue of how resources are allocated fairly across police forces—I know that is of great interest to many Members across the House.

This Government's priority is the safety of the public. We understand that our police are facing increased demands. We are determined to respond to the threats from terrorism, organised crime and serious violence. We are today announcing a major investment in the capabilities that the police need to respond, and rightly challenging the police to spend that money well and continue on the path of reform and modernisation. I wish to end by expressing my gratitude to our police forces around the country for their exceptional attitude, hard work and bravery. I commend this Statement to the House".

5.48 pm

**Lord Kennedy of Southwark (Lab Co-op):** My Lords, I thank the Minister for repeating the Statement to the House this afternoon. Despite the recognition of the real pressure on our police service in the Statement—it was good to see that—it is disappointing that we have no recognition from the Minister of the Government's part in creating that demand and pressure on our police and the crisis in public safety. At this stage, I place on record my thanks to the police throughout the United Kingdom for the work that they do 24 hours a day, with great skill, to keep us safe. We are all grateful for that and we very much appreciate it.

No Government in post-war history have ever slashed resources by the amount that this Government have done—by 30%. They have cut officers in each and every year. I recall a debate a few weeks ago when the noble Lord, Lord Blair, who is not in his place, was not challenged by the Minister when he made it absolutely clear to the House that when he was commissioner—we now have Cressida Dick as commissioner—he had many hundreds of millions of pounds more to spend. He could not say how the commissioner today could deliver, given that real cut in resources, compared to what he used to enjoy when he was the commissioner. That was not disputed by the Government.

We have a record level of violent crime. Knife crime has never been as high as it is today. The number of arrests has halved in a decade. Unsolved crimes stand at more than 2 million cases and 93% of domestic violence offences go unprosecuted. It is important that noble Lords see this funding settlement in that context.

The Government have today delivered a ninth consecutive year of real-terms government cuts to the police. In September, the Government announced that changes to the police pension valuation would mean an additional £165 million cost to forces in 2019-20, increasing to £417 million in 2021. Today's settlement

[LORD KENNEDY OF SOUTHWARK] will cover the cost of that pension bill for 2019-20, which is welcome, but provides no certainty for years beyond that. This was dropped on forces at the last minute. Some had started drafting emergency budgets. It was a completely inappropriate way to handle this event, of which the Government must have been well aware. I cannot see how a Government can operate on that basis. So can the Minister commit today to funding the complete pension bill for 2019-20 and 2020-21?

The Government today are once again confirming their intention to pass the entirety of the increase in this settlement on to local council tax payers to fund the police. That is fundamentally unfair. Council tax is a regressive tax, taking no account of income. Despite the fact that every band D or above household will be asked to pay the same amount in additional tax, different force areas will be able to raise different amounts of resources. The forces that have already been cut the most will be able to raise the least. How can the Minister justify that? This is a postcode lottery that means that those communities that are already seeing higher crime will receive much less funding. That cannot be right.

Finally, £160 million has been announced for counterterrorism policing. Can the Minister confirm that it actually amounts to a £59 million increase this year? If the Minister can answer those questions, that would be great but, if she cannot, I will be happy to receive a response in writing.

**Lord Paddick (LD):** My Lords, I thank the Minister for repeating the Statement. I should declare an interest as, having been a police officer for more than 30 years, I am a police pensioner.

As the noble Lord, Lord Kennedy of Southwark, asked, can the Minister confirm that the Treasury has increased the amount that police forces have to contribute to police pensions? According to the Association of Police and Crime Commissioners and the National Police Chiefs Council, that will amount to £165 million in 2019-20 and £417 million in 2020-21. The Government are providing £153 million to assist with increased pension costs, which is a shortfall of £12 million in the next financial year, and there is nothing in this settlement for the year after. How are police forces expected to plan ahead when they will potentially have to give back an additional £430 million to the Treasury for police pensions?

In a letter today from the Home Secretary and the Minister of State for Policing and the Fire Service, the Government say that they are increasing the government grant to PCCs, which is,

“the first real terms increase in the Government grant funding since 2010”.

Yet the Statement that the Minister has just repeated says:

“Every police and crime commissioner will see their government grant funding protected in real terms”.

Which is it: protected or increased? If it is the latter, by what percentage in real terms is it being increased? Can the Minister confirm that since 2010 central government funding for the police service has fallen by 30% in real terms, according to the National Audit Office, with overall funding down 19% in real terms, taking into account the police precept?

The Statement says that this year every force’s funding was protected in real terms. A more accurate picture can be given by looking at the picture since 2015. The number of police officers has fallen a further 4%, the number of community support officers has fallen by 18% and the number of special constables has fallen by 27%. Partly as a result of public spaces now being devoid of uniformed officers, knife crime is up 62%, firearms offences are up 30% and homicides are up 33% over the same period. Demand is rising and becoming increasingly complex, as the Government admit. There are crucial capability gaps, particularly in detectives and investigations, and the government response to this crisis is woefully inadequate.

Instead of making real progress in reversing the devastating cuts that this Government have imposed on the police service, they push responsibility for any meaningful increase in police funding on to police and crime commissioners and council tax payers. They say:

“The decision to raise local tax will be up to locally elected PCCs and they will have to make the case to their electorate and be accountable for delivery of a return on that public investment”.

In other words, the Home Office is saying, “Don’t blame us for increases in council tax and don’t blame us if you don’t notice any difference”.

Meanwhile, the Government are wasting millions of pounds propping up the existing out-of-date emergency service communications network while a new network, which relies totally on a commercial mobile phone network, is years behind its planned implementation. What would have happened to our emergency services if the new communication system had been in place by now, as planned, and had been based on the O2 network, which lost all 2G, 3G and 4G connectivity last week?

The police service and the brave officers who put their lives on the line every day to protect us are at breaking point. When will the Government realise that the police service needs a substantial real-terms increase in central government funding and a guarantee to cover all unexpected increases in pension costs in order to avert a crisis?

**Baroness Williams of Trafford:** I thank both noble Lords for the points that they have made. The noble Lord, Lord Kennedy, talked about the Government’s own part in this situation—that is, the funding position that we find ourselves in—and the noble Lord, Lord Paddick, made the very similar point that we had caused a crisis in public safety. I have to say to both noble Lords that 2010 saw the advent of the new coalition Government of the Conservatives and the Lib Dems after one of the worst economic crashes that I have known in my lifetime. Any responsible Government would have had to have taken measures to take that in hand and control it. Both noble Lords are right that funding has been tough, but I could not say that the blame should all be laid at this Government’s door. We have tried to live within our means as opposed to overspending and ultimately creating problems for the next generations through public debt and the deficit.

The noble Lord, Lord Kennedy, talked about how the noble Lord, Lord Hogan-Howe—

**Lord Kennedy of Southwark:** Lord Blair.

**Baroness Williams of Trafford:** I apologise, it was the noble Lord, Lord Blair, who explained how he had a lot more money. Yes, he did; 2010 saw the start of reductions in public spending to try to get our spending under control. It was the noble Lord, Lord Hogan-Howe, who eloquently explained to us how from 2011 to 2013 knife crime actually went down, as did stop and search—and as did his budget. He talked about how police forces can work together, take a much more local approach and engage with communities to understand the problems. He explained that it was not all about funding, although we had got to a point—as I, the Home Secretary and the Policing Minister acknowledged—where funding was becoming tight and demands on the police were rising, particularly in the past one to two years, with some of the unprecedented pressures arising from things such as terrorism.

The noble Lords, Lord Kennedy and Lord Paddick, asked about the pensions position. Yes, it will rise to £160 million in 2019-20. The noble Lord, Lord Kennedy, asked whether the increase was £59 million in relation to counterterrorism funding. I can confirm that. It rose by £59 million to £816 million, which was £116 million more than announced at the previous spending review. It is complicated and I apologise to noble Lords for that, but that is the position.

Both noble Lords asked about certainty beyond that: the eternal question, which I was always frustrated about as a local authority leader. Of course, we cannot give any certainty beyond the next spending review, but the Home Secretary and the Policing Minister have said on a number of occasions that police funding will be an absolute priority, so I can give that certainty to noble Lords.

The noble Lord, Lord Paddick, asked the very good question: is the protected funding just protected or increasing? I can tell him that for 2019-20, government grant funding for all PCCs will be protected in real terms compared to 2018-19 but, separately, the total funding increase of up to £970 million across the policing system is the largest increase in funding since 2010.

Both noble Lords talked about local taxpayers and the impact that this will have on them. I must say that this Government—and, indeed, the coalition Government—have taken a record number of people out of tax altogether, with the basic allowance starting at a much higher level. I think that we have taken 1.74 million people out of tax altogether because of the £12,500 personal allowance, and the national living wage is now £8.21 an hour, which will benefit 2.4 million workers in total. There has been a cut in income tax for 32 million people. I appreciate that local taxpayers will have to pay this increase, but of course their local taxes will go to local services and the tax situation for so many millions of people has been much improved.

The noble Lord, Lord Kennedy, asked about the pension costs in 2019, 2020 and 2021. Obviously, we are providing a comprehensive funding settlement for 2019-20, but the revised total pension pressure is £330 million, and this settlement provides up to £970 million of funding to cover pressures and provide investment. As I said, 2020-21 will be covered as part of the next comprehensive spending review, which we expect next year.

The noble Lord, Lord Paddick, asked me about the comms system. He made a very good point about when O<sub>2</sub> was down. I cannot give a definitive answer about precisely when the new comms system will be on board, but I totally get his point—it is a much more efficient system—and, if I may, I shall write to him with any updated position about it.

6.04 pm

**Baroness Neville-Rolfe (Con):** My Lords, I congratulate my noble friend on this welcome investment in policing at strategic and local level, because both are important. I very much endorse her words of gratitude at this Christmas season for brave police men and women in our country.

I have two questions. Does my noble friend agree that better use can be made of digital techniques and information sharing in the fight against crime and in improving value for money in policing? Good digital methods can help to make money go further. Secondly, can she accelerate the cross-party work that she mentioned on offensive weapons, given the appalling incidence of knife crime that we see up and down the country and in the newspapers far too often?

**Baroness Williams of Trafford:** I thank my noble friend for those questions. Her first point was about better use of digital techniques. In all the efficiency discussions that we have had with the police, that is one of the most important things. The advent of new technology means that the police can spend more time out on the streets fighting crime. As more efficient police services engage with this type of technology, we will see that realised in more police time.

My noble friend makes a good point about a cross-party approach to the Offensive Weapons Bill, which I look forward to discussing across the House. I know that we will have a constructive discussion about that before we debate the Bill and I look forward to hearing from her at Second Reading and beyond, and to her engagement in the process.

**Baroness Pinnock (LD):** My Lords, I thank the Minister for what she said about the rise in the policing precept. She seems to admit that, on the one hand, the Government are giving by reducing income tax levels for people, on the other, passing on the cost of policing to local residents. One is based on ability to pay, but council tax, with the policing precept, is a very regressive tax, so there is an inherent unfairness in that system. I raise the particular consequences for West Yorkshire residents and those in my own borough of Kirklees, and I draw attention to my entry in the register of interests. In Kirklees last year there was a 7.9% rise in the policing precept, and the rise this year is predicted to be 14.7%. That is a 24% rise over two years, not based on anybody's ability to pay. Will the Minister reflect on whether that is a fair way to raise taxation to pay for policing?

Secondly, police and crime commissioners are supposedly accountable to local people, yet there is no direct way of creating that accountability. I have a suggestion. Currently, the policing precept is an add-on at the bottom of the council tax bill issued by local

[BARONESS PINNOCK]

authorities. Local people obviously just look at the bottom line of what they have to pay. To increase accountability, can the policing precept be billed separately, albeit within the same envelope or digitised method, so that it is clear to residents how much they are paying for policing and how much the Government require them to pay in addition?

**Baroness Williams of Trafford:** I thank the noble Baroness for that question. She mentioned giving with one hand and taking with the other. I talked about general taxation and people being taken out of tax—32 million people are paying less tax—but there is also the government grant to PCCs, which will be £161 million. I reject her idea that costs are passed on to local people. We all pay tax. I for one am happy to pay local tax, knowing that it will go to my local police in Greater Manchester. She asked about the police precept being billed separately; I put it to her that she would then pass the cost of additional billing on to local people. Different areas can decide how to do things in their own way but an extra bill, even if put in the same envelope, will incur additional costs.

**Lord Greaves (LD):** My Lords, in the Statement she repeated, the Minister made it sound as though the sunlit uplands have come into view. That is not the way we see it where I live. The Statement says:

“As a result of last year’s settlement, most police and crime commissioners set out plans to either protect or enhance front-line policing”.

In Colne, the town I come from, the people I represent on the local council ask me, “Why are we paying more for the police when we are having our local police taken away?” Lancashire was in the forefront of developing neighbourhood policing 20 or 25 years ago, and Pendle and east Lancashire generally were in the forefront in Lancashire. We were pioneers. This year, half the community beat managers—the constables who are the actual neighbourhood police officers—are being removed. There are still some PCSOs, but half the police officers on the beat, in the ward and on the street, are being removed. The Minister referred to police officers on the street getting more technological devices and being more efficient; that is no use if they have gone.

What do I say to people when they ask me, “Who is to blame if not you?” I tell them I am not to blame, so they ask me, “Is it the Government, the police commissioner, the police constable?” Who is it? There is no local accountability at all.

**Baroness Williams of Trafford:** I thank the noble Lord for that. The investment in front-line police—whether in neighbourhood or any other kind of policing—is up to the local force. He made the point that technology is no use if the police are gone; he is not incorrect in that, but the savings made from investing in technology can be invested in front-line policing. I hope the settlement, which I think is very generous, means that the police will have more scope to invest in the areas they want to invest in while still looking at efficiencies in procurement and technology.

**Lord Lexden (Con):** Since our police and crime commissioners vary so greatly in quality and efficiency, how can the Government be sure that they will use

their significant additional resources effectively or provide the greater accountability for which the Statement explicitly calls? In particular, can they have confidence in Cleveland, where Mike Veale, discredited by Operation Conifer in Wiltshire, is now chief constable? Can they have confidence in the Wiltshire PCC, with whom they are at odds over an inquiry into Operation Conifer?

**Baroness Williams of Trafford:** Regarding accountability, particularly for efficiency and effectiveness, HMICFRS tests that across police forces and, ultimately, the public test their PCCs at the ballot box.

**Lord Kennedy of Southwark:** Before we move on, I should of course have mentioned in my previous intervention that, like the noble Baroness, Lady Pinnock, I am a vice-president of the Local Government Association. I normally remind the House repeatedly, but in this instance I completely forgot.

## Provisional Local Government Finance Settlement

### Statement

6.14 pm

**The Parliamentary Under-Secretary of State, Ministry of Housing, Communities and Local Government and Wales Office (Lord Bourne of Aberystwyth) (Con):** My Lords, with the leave of the House I will repeat a Statement made earlier today in the other place by my right honourable friend the Secretary of State for Housing, Communities and Local Government on the provisional local government finance settlement 2019.

“With permission, Mr Speaker, I wish to make a Statement on funding for local authorities in England next year.

Every day, these councils and the many hard-working, dedicated people who work for them do their communities proud, delivering the essential services on which we all depend and making a difference to every life they touch. It is a privilege to be working with and representing these communities. In doing so, I am determined to ensure that they get the resources and support to rise to new opportunities and challenges, to grow their economies and to ensure that there is opportunity for all, with no one left behind.

The draft local government finance settlement being published today is an important step towards this. Provisional local authority funding allocations will be subject to further review before final settlement, in line with my department’s usual processes. This provisional settlement confirms that core spending power is forecast to increase from £45.1 billion in 2018-19 to £46.4 billion in 2019-20—a cash increase of 2.8% and a real-terms increase in resources available to local authorities.

I am in no doubt about how challenging it has been for councils to drive efficiencies as they contributed to helping rebuild our economy and tackle the deficit we inherited from Labour. That is why I am delighted that the Budget committed around £1 billion of extra funding for local services, with a strong focus on supporting some of our most vulnerable groups. This includes

£650 million for adults' and children's social care in 2019-20. Of this, £240 million will go towards easing winter pressures, with the flexibility to use the remainder—£410 million—for either adults' or children's services and, where necessary, to relieve demand on the NHS. This is on top of the £240 million announced in October to address winter pressures this year.

In addition, the Budget pledged an extra £84 million over the next five years to expand our children's social care programmes to support more councils with high or rising numbers of children in care. This builds on the good work that my department is already doing through the troubled families programme to improve all services for families with complex problems.

The Budget also provided a very welcome boost for our high streets via a £1.5 billion package of support, including a business rates discount worth almost £900 million and a £675 million future high streets fund to help them adapt and thrive in changing times. In addition, there is a further £420 million to repair and improve our roads this year.

I know and recognise the pressures of social care. I have been working with the Health and Social Care Secretary to take this forward, and the Government will soon be publishing a Green Paper on the future of social care. This is a complex issue and we are working with local authorities, drawing on their front-line insight and intelligence to ensure that we get this right. We have taken this approach across the board, listening carefully to what councils of all shapes and sizes across the country are telling us, and responding.

I express thanks to my Ministers—especially the Minister for Local Government, my honourable friend the Member for Richmond—for all their work on this. As a result, I can confirm that I will increase the rural services delivery grant by £16 million in 2019-20 to maintain it at last year's level. This recognises the extra cost of providing services in these communities. In addition, I am keen to provide continuity and stability, where this makes sense, by committing up to £20 million to maintain the new homes bonus baseline at 0.4% in 2019-20 to ensure that we continue to reward councils for delivering the homes we need.

There will also be no change to the council tax referendum limits set for local authorities in 2018-19, aside from further flexibility offered on the police precept level. Authorities will have the flexibility to increase their core council tax requirement by up to 3% and can draw, as needed, on the adult social care precept to meet demand for services. But local residents will continue to be protected and will be able to approve or veto any excessive rises in a referendum. Measures that I have agreed with the Home Secretary to allow police and crime commissioners to increase the police precept to £24 will also help them tackle the changing demands they face.

I am also conscious that so-called “negative RSG” remains an issue in certain areas. Having consulted on options for addressing this, I am pleased to announce that we intend directly to eliminate the £152.9 million of negative RSG in 2019-20, using foregone business rates. This will prevent any local authority being subject to a downward adjustment to its business rate tariffs and top-ups that could act as a disincentive for growth.

We committed to finding a fair and affordable way of resolving this issue and I am confident that this approach delivers on that.

So we have been listening and acting on what we hear. Nowhere is this more true than when it comes to answering calls from councils, over many years, for more control over the money they raise. Our plans to increase business rates retention to 75% from 2020 does that and more, giving local authorities powerful incentives to grow their local economy.

Under the current scheme, councils estimate that they will receive around £2.4 billion in business rates growth in 2018-19—a significant revenue stream on top of the core settlement funding that I am unveiling today. It is therefore no wonder that councils are queuing up to get involved in the pilots that we have been running to test the new approach. I am delighted to announce that, in 2019-20, 15 new pilots will get under way in Berkshire, Buckinghamshire, East Sussex, Hertfordshire, Lancashire, Leicestershire, Norfolk, Northamptonshire, North and West Yorkshire, North of Tyne, Solent authorities, Somerset, Staffordshire and Stoke, West Sussex and Worcestershire. We will also be piloting 75% rates retention in London and continuing existing pilots in devolution deal areas.

I am also pleased to announce that every authority in England stands to reap the rewards of increased growth in business rates income, which has generated a surplus in the business rates levy account in 2018-19. We are proposing to distribute £180 million of levy surplus to all councils, based on need.

I am aware of a few authorities which continue to undertake significant borrowing for commercial purposes. I share the concern of CIPFA and others about the risks to which these local authorities are exposing themselves and local taxpayers. We are considering with HM Treasury what further interventions may be required.

We are also launching today two further consultations on reforms to the business rates retention system and on the new approach to distributing funding through the review of relative needs and resources. There is little doubt that the current funding formula needs fixing and replacing with a robust, straightforward approach where the link between local circumstances and resources allocated is clear. With these consultations, we are making important progress towards this and towards a stronger, more sustainable system of local government.

Mr Speaker, 2019 is shaping up to be a big moment for local government, drawing together our plans for a new approach to distributing funding and increased business rates retention, as well as the upcoming spending review. No one knows their local area like the councils that are at the heart of their communities. We are supporting them to harness that vast local knowledge and those networks not only to make the best of available resources and increase efficiency but to innovate and improve the way they deliver services.

We are working with local authorities and departments across government to gain a better understanding of how best to promote efficiency. Using this, we will develop a package of support to help councils become more efficient and get better service outcomes. We will

[LORD BOURNE OF ABERYSTWYTH]

launch a continuous improvement tool in spring 2019 and are championing authorities that put communities at the heart of service delivery. The smarter use of technology is clearly pivotal to this and has the potential to be genuinely transformative. That is why the digital declaration launched by my honourable friend the Minister for Local Government to share and spread best practice in this area is so important. It is backed by a £7.5 million local digital innovation fund. I am delighted to say that the first successful bids were announced last week to kick-start projects, led by councils, to promote service transformation.

There is so much excellent, inspiring work under way in our local communities, and it is right that we get behind it and have faith in the authorities which, day in, day out, always deliver. This settlement and the extra funding announced in the Budget reaffirm that faith, delivering a cash-terms increase of 2.8% and a real-terms increase in spending for local authorities in 2019-20; delivering extra support for the vulnerable, for quality public services, for our high streets and for local economic growth; and paving the way for a fairer, more self-sufficient, more resilient future for local government and a brighter future for the people and places it serves. As such, I commend this settlement to the House”.

6.25 pm

**Lord Kennedy of Southwark (Lab Co-op):** My Lords, I first thank the noble Lord, Lord Bourne of Aberystwyth, for repeating the Statement given by his right honourable friend the Secretary of State in the other place earlier today. I draw the House’s attention to the fact that I am a vice-president of the Local Government Association.

This is our ninth year of austerity, and services in most areas of local government are at crisis point. We should be very grateful to all the people who work in local government, and I pay tribute to all they do—grappling to help people in crisis, and trying to deliver services while coping with unprecedented reductions in the finance available to them to deliver those services. I also pay tribute to local councillors of all political parties and none for the work they do delivering for their local communities. We thank them very much for that.

The underresourcing of local government has seen the sector lose 60p in every pound of central government funding. Those are not my figures but those of the Local Government Association. What puzzles me with this and with previous local funding settlements is that areas with the greatest deprivation and poverty, and consequently the greatest demand for services, have often seen the heaviest cuts. That is continuing with this settlement.

The Government’s approach, as we have heard from the Minister again here today, is to shift the burden on to council tax. As I said earlier, this is a regressive tax. I do not believe it is fit for purpose, and it is in desperate need of reform. Areas with the greatest need just do not have the ability to raise as much money as wealthier areas, and there is just no value in collecting the money from this most unfair and unsuitable tax. Can the Minister confirm how

much of the 2.8% he has announced will actually be raised through council tax rather than from central government funding? Does he agree that this is a less than satisfactory situation, placing further burdens on residents when they can ill afford another tax rise? How will the Minister address this?

The Minister is well aware that councils deliver much more than the bare legal minimum, and any suggestion that they should deliver only statutory services is completely ludicrous. Perhaps he could help local government outline which services local authorities should stop providing, as has been suggested. Can the Minister confirm how much of what he has announced today was already announced in the Chancellor’s Budget? Could he highlight for the House what is actually new here?

On business rates, it is absolutely clear that the Minister and his department are presiding over the destruction of the high street. Nothing he said today is going to help us on that. The noble Lord, Lord Naseby, is not in his place, but I know that if he were here today he would be supportive on this, because he has said many times, as we know, that something has to be done about business rates. The Government have to address the issue; they are destroying the high street, and something must be done.

On adult social care, the Local Government Association says it needs £1.3 billion next year and £2 billion for children’s services, yet the Secretary of State has re-announced £650 million for both—not only that, but it may be shared with the NHS. Can the Minister clarify how this is going to be split between services for adults, children’s services and the NHS?

The Secretary of State says he is working with the Health and Social Care Secretary to publish a Green Paper on social care. Given the pressures that councils face and the real heartbreak and misery experienced by service users, can he tell us when this can be expected? The fact that social care is in crisis, and that the promised Green Paper has been delayed four times, is a matter of much concern. If I am right, the paper is now more than a year late.

On public health, we have seen this week that health inequalities are widening, with life expectancy going backwards in the poorest areas of our country after several million pounds of cuts to public health budgets and more cuts to come next year, all falling disproportionately on the poorest areas. Two years ago, on the steps of Downing Street, and again last night, the Prime Minister promised to build a country that works for everyone. But the reality is that food bank use has increased to the highest rate on record and child homelessness has increased to the highest levels in recent years, with 130,000 children in temporary accommodation this Christmas. The UN special rapporteur on extreme poverty and human rights warned that local authorities have been gutted by a series of government policies. This is a very disappointing Statement from the noble Lord.

I would be delighted to hear a response from the Minister from the Dispatch Box, but I am conscious that I have asked a number of questions. I would therefore be happy to receive a response in writing.

**Baroness Pinnock (LD):** My Lords, I remind the House of my interests as a vice-chair of the Local Government Association and a councillor in Kirklees. I thank the Minister for repeating the Statement on the local government settlement. I am not, however, able to thank him for its content.

The Statement includes the phrase:

“I am determined to ensure that they get the resources and support to rise to new opportunities and challenges ... with no one left behind”.

Hmm. The National Audit Office report of March this year gave these stark figures of the cuts in local government spending: a 49.1% real-terms reduction in government funding, and a 28.6% real-terms reduction in local authorities’ spending power. Can the Minister say how a 0.4% increase above inflation, which fails to include considerable rises in demand—for example, for children’s services—is in line with providing the resources needed by local government? In a report this year by the New Policy Institute, researchers estimated that:

“97% of total cuts in spending in areas like adult social care, child social care and housing have fallen on the poorest 20% of councils. This is despite those areas also having a higher number of people in need”.

Will the Minister explain, in the light of this research, how no one is being left behind?

There is universal agreement that there is a crisis in social care funding. The Local Government Association estimates a £3.5 billion gap in funding for adult social care by 2025. Just how this huge gap will be filled is yet to be decided, as the Green Paper on the funding of social care that was first promised in 2017 has yet to be published. Meanwhile, adults are not getting the care they need. What is particularly galling is the Government’s announcement of £650 million, given that the vast majority of it is destined to support NHS budgets.

The Statement makes no reference to one of the largest financial pressures on councils’ budgets: the national pressure on education, health and care plans and statements. From 2014, there has been a 45% rise in the number of young people requiring an EHC plan. As an example, in my own authority of Kirklees, in 2014 there were 1,900 EHC plans or statements. Based on current trends, this is expected to rise to 3,300 by 2022—a 70% increase—while funding for these young people will rise by an estimated 12%.

I welcome business-rate support for town-centre retailers, but I have to point out that this is a sticking-plaster approach when a more radical reform of business rates is desperately needed.

I also welcome the additional allocation of £420 million for pothole repairs. The national estimate of what is needed is £9.3 billion. However, what is really needed is a significant increase in capital funding, as a government-funded grant, so that councils cannot just fill and pack but use funding more effectively by completely resurfacing crumbling roads.

On council tax rises, we no longer hear government Ministers standing up for the “hard-pressed council tax payer”. The reason is clear: the Government have adopted a policy of pushing the costs of local spending on to the council tax payer. In the past three years this will have resulted in a 14% rise, which is obviously well

above both inflation and average income rises. Council tax is regressive. It is not linked to ability to pay so the consequence of these successive, well-above-inflation rises is that those least able to pay are seeing a rapidly rising tax demand coupled with rapidly decreasing local services. Perhaps the Minister will be able to assure me that the Government recognise that this is the case and that they once again want to help the hard-pressed council tax payer.

**Lord Bourne of Aberystwyth:** My Lords, I thank the noble Lord, Lord Kennedy, and the noble Baroness, Lady Pinnock, for their contributions from the Front Benches. I shall deal with their contributions and, in so far as I miss anything or I am unable to answer, I will certainly write to them and place a copy in the Library.

I agree with the noble Lord, Lord Kennedy, about the challenging scenario—that is undoubtedly true—and I join him in the tribute that he paid to the local authority workers up and down the country. As he rightly said, they do a terrific job, as do the councils of all parties and no party. They are essential to the democracy and the system that we operate in the United Kingdom.

The noble Lord referred to deprivation. In the Statement that I repeated, I made the point that the surplus in the business rates levy account is going to councils based on need. It is a point worth making that it is explicit that it is based on need. We operate a system of equalisation and that is inherent to the system so, although it is a regressive system, a corrective mechanism applies, as I am sure noble Lords will in fairness note.

Both the noble Lord, Lord Kennedy, and the noble Baroness, Lady Pinnock, made notes about the importance of the council tax contribution, which I fully recognise and acknowledge, but they should recall that there is a referendum limit and that an excessive increase has to be put to the electorate. As far as I can recall, this has not happened recently but it is open to councils if they want to do so; the effect otherwise is to keep council tax levels down.

The noble Lord referred to statutory services. Local authorities provide them par excellence, but it is worth noting that they go beyond that. We all know from our own and local authorities up and down the country what a great job they do. He also referred to the need for help for the high street within the system. Again, I mentioned that a £1.5 billion package of support for the high street has been announced and is within the system. The noble Baroness acknowledged some of the help that is going there. I recognise that it is a challenge but it has been taken up by the Budget and within this Statement on the local government settlement for the next year. I appreciate that some of this has already been announced but it is a requirement that we do this so that councils up and down the country know expressly what they have got to finance services for the next year.

Both the noble Lord, Lord Kennedy, and the noble Baroness, Lady Pinnock, referred to the existing social care and NHS challenge and the £650 million that has been committed for the next year. It is a significant

[LORD BOURNE OF ABERYSTWYTH]

sum and, yes, some of it will go to the health service. The reason for that is that it is far more expensive to supply an NHS bed than a place in a social care residence. Therefore, it is desirable that we do that. That is why it is important that our social care review is not just about the financing but the modelling. It is important that we can see the interaction between the two. We all clearly understand it and it is not necessarily easy to deal with, but that is something with which we must grapple.

Although this point was not made expressly by either noble Lords, your Lordships should be aware that the business rate retention applies throughout London and thus in the noble Lord's area. We have pilot schemes running at 75%, and in Kirklees—North and West Yorkshire has a pilot scheme operating as well. In North and West Yorkshire, if the pilot pool achieves the same level of growth in 2019-20 as happened last year, the area could expect to see an additional £83.2 million compared with the baseline funding level, of which £26.4 million would be as a result of the 75% pilot. It is worth acknowledging these additional factors.

Yes, there are challenges and there are areas where we wish we could do more, road repairs being one, but that is not a problem which has suddenly arisen. Successive Governments have struggled to keep up with the costs. However, in the round, this is a good settlement. It is a real-terms increase across the board, not just a cash increase, and there is much good news in the Statement.

6.40 pm

**Lord Porter of Spalding (Con):** My Lords, I declare my interests as set out in the register: I am the leader of South Holland District Council and chairman of the Local Government Association. I am sure that my noble friend the Minister is probably not keen on me standing up to speak, but for once I will say that this is a good settlement. I have been dealing with these settlements for eight years, and this is the first time that most of our members are complaining that the size of the increase is not enough. In the previous seven years, they all moaned about the size of the cuts. It would be churlish not to acknowledge that at least this is the start of a move in the right direction. The Government should be commended for recognising that we are at the bottom of where we can be.

It is not inefficiencies that are driving additional costs in local government, it is the extra demands being made on services. Some 1,000 extra children a day are being looked at, and there are 5,000 requests for adult social services a day. These are huge costs. However, if we do not get the social services stuff right, all of those costs then fall on the health service. The Minister has already acknowledged that a social services bed is much cheaper than a national health bed. So it makes sense from the taxpayer's point of view to ensure that we invest as much as possible in preventive social care, rather than in acute care to fix whatever has been broken. It might be a good idea if someone figured out how much of the extra £20 billion that the health service is getting would be better directed towards adult social care, in order to prevent the health service having to take that on. Both Secretaries of State appear to be looking at this.

Will the Minister agree to go back to the department and get his colleagues to lobby every other spending department that gives small sums of money to local government? Let us not let those departments think that they can freeze those sums, and make sure that they are increased at least in line with inflation, because that will put additional funding into the hands of local government.

**Lord Bourne of Aberystwyth:** My Lords, I thank my noble friend and he is right to say that on occasion, my heart is in my mouth when he gets up to speak, but I always recognise the fairness with which he addresses the issues. I also understand that he speaks from the front line. I recognise, as we all do, the pressures that are on local government. As I say, we really commend the work being done by councillors up and down the country. I think he is being fair when he says that this is a good settlement. I also think he is being fair when he says that we have had some challenges in the past. Perhaps this has to be set against the background of what will be a significant year, because of the business rate retention scheme coming on line, fair funding being looked at and the spending review—outside of what the Chancellor has said is the end of austerity. Given that, we should expect things to ease.

It would be absolutely right to accede to the request of the noble Lord. It is beyond my pay grade to speak to Secretaries of State on an equal basis, but I will certainly pass on to my right honourable friend the Secretary of State his view that other spending departments should be encouraged to look at what they can do because of the demands being made on local government.

The noble Lord, Lord Porter, said that the challenges are due to increased demand rather than inefficiencies. I accept that, which is why the digital declaration in the Statement is particularly important, as is the announced £7.5 million local digital innovation fund, which provides transformation funding for the town planning system in Southwark—the area of birth of the noble Lord, Lord Kennedy. Other similar announcements were made in Birmingham, to look at the way in which Amazon's Alexa or Apple's Siri can help with the delivery of some services. We have to think outside the box in innovative ways to make the most of digital services. That point was made in relation to the earlier Statement on police funding.

**Lord McKenzie of Luton (Lab):** My Lords, despite the Minister's warm words, is it not the case that by 2020, there will have been a reduction in core funding for local authorities of some £16 billion over the previous decade? Is it not the case that local authorities currently house 79,000 people in temporary accommodation, including 120,000—perhaps even 130,000—children, that they deal with almost 5,000 social requests every day and that 8,000 are being affected by the withdrawal or closure of care homes? Is this not austerity writ large? How would the Minister describe the life chances of young people caught up in this?

**Lord Bourne of Aberystwyth:** My Lords, the noble Lord paints a gloomy picture that does not take account of the current year which, as I said, is a good settlement.

I am sure that the noble Lord would acknowledge that. I spoke about the tough decisions and challenges of the past decade, which have coincided almost entirely with the period of austerity that followed the deficit we inherited. We can debate who was responsible for that, but in fairness the noble Lord must acknowledge that massive challenges had to be faced. At last we are coming out of that.

I know that there are housing challenges; in the department, we are seeking to meet them with some imaginative proposals on affordable and social housing, certainly in relation to rough sleeping. Social care is a challenge, which is why we committed the £650 million referenced in the Statement. I recognise that we have to do more for the life chances of people up and down the country who deserve a good start in life. That is why local authorities are to be commended on their massive job throughout what has been a difficult period. However, the period has come to an end and we are coming out of it with today's Statement.

**Lord Storey (LD):** My Lords, the Statement says that a few authorities will undertake a,

“significant amount of borrowing for commercial purposes”.

It also states that there is concern from,

“CIPFA and others about the risks that these local authorities are exposing themselves and local taxpayers to”.

Could the Minister write to me, telling me which authorities those are? Could he also tell me what further interventions might be considered? I should declare my interest as a vice-president of the Local Government Association.

**Lord Bourne of Aberystwyth:** My Lords, I thank the noble Lord for that valuable point. I asked questions about that when I saw the draft Statement. First, I should reassure noble Lords that I do not think that there is any cause for concern at this stage. As I understand it, there are proposals on behalf of some local authorities and one can understand that, where this involves borrowing, it might cause concern because it would be unfair to place this on local authorities and council tax payers if it were to turn south. As the noble Lord—quite understandably—requested more clarification, I will write to him and place a copy in the Library.

**Baroness Neville-Rolfe (Con):** My Lords, I declare my shareholdings as in the register. As it happens, they are in both retail and digital. I also welcome the overall settlement and the real-terms cash increase of 2.8% announced by my noble friend, particularly at a time of growing demands and a growing population. But, to be blunt, I am not happy with the Budget settlement on business rates and on high streets—and I suspect that my noble friend might share some of my concerns. Large companies such as Debenhams at the heart of my local town of Salisbury need help with their physical outlets, given the ever-growing vibrancy of digital sales and the digital economy.

Better transport is also important to our towns and cities, and indeed to productivity. Could my noble friend give me some examples of towns where the £420 million that the noble Baroness, Lady Pinnock, mentioned will make a difference—and not just to potholes?

**Lord Bourne of Aberystwyth:** My Lords, I thank my noble friend for the points that she makes and the general welcome she gives to the settlement, which is fair and right. I acknowledge the challenge faced by the high streets. I am sure she would acknowledge the help announced in the Statement relating to them. Part of this is because of the changing nature of the high street. We cannot, Canute-like, stand in the way of that. What we can do is look at the position relating to the taxation of digital and online sales. My right honourable friend the Chancellor has announced that he is looking at this. I will not name the companies; we all know them. This is a way to deal with that. It is not inherent to the Statement on local government because that does not relate to general taxation policy.

On money for roads, it is for local authorities to determine how they can repair and improve their roads. There will be more detail on that spending and how that money will be distributed to local authorities in an additional Statement that I hope will supply the information my noble friend needs.

Lastly, my noble friend rightly mentioned Salisbury as an important town affected by policy on the high street. It is remarkable how resilient Salisbury has been throughout the difficult period after the Novichok incidents. The Government have given support to Salisbury to help it through, and I have been in touch with the cathedral on a fairly regular basis to see how the community is faring.

**Lord Greaves (LD):** My Lords, I remind the House that I am an elected district councillor. Although I am not as excited by the settlement as other noble Lords, my council benefits from a bit of Maundy money above what it thought it would get.

Does the Minister understand that when people talk about the council, look at their council tax bill and say, “What do I get for it?”, a lot of the things that impinge on them directly are provided by local district councils in two-tier areas? I have a huge list here that I will not read out, but it is basically recreation and leisure services, street-level services and community-based problem-solving—town centre problems that directly affect people. A lot of ordinary district councils up and down this country are in dire straits. I would love the statistics that were read out for the average or aggregate cuts to government funding and local authority spending to be the case for the district councils in east Lancashire. They are in a much worse position.

Does the Minister accept that, while there is a bit of sugar on the pill this year, we are in the middle of a three-year settlement where councils all had to sign on the dotted line to say that they agree to it, while it is really asking them whether they want to lose a leg or two arms? The Government have provided a little bag of sweets this time by saying, “Okay, we're not going to refuse them”, but unless they tackle these basic-level services that do not fit into the high priorities of social care, health and so on, vital though they are, local government as people know it will collapse in quite a few parts of the country within two or three years.

**Lord Bourne of Aberystwyth:** My Lords, I acknowledge the great role that the noble Lord plays in his local authority district in Pendle and I recognise the great

[LORD BOURNE OF ABERYSTWYTH]

work done by local districts up and down the country. He will appreciate, however, that there are a lot of areas that are unitary, where there is not this two-tier system. A lot of what I have talked about, in answering questions and in the Statement itself, relates to the county councils, but much of this will benefit the district councils, where they exist, such as the business rate retention system. Again, Lancashire is a beneficiary of this and it is worth recognising that as well. I recognise the challenges that exist and I know that many local authorities struggle with the financial position. That said, we need to see how costs may be contained and where some back-office costs can be shared. That need not necessarily be via unitisation; it could be done by sharing some of the costs and back-office functions.

I should also say, on the multi-year settlements that the noble Lord referred to, that many councils—perhaps most councils, most councillors and most people offering services—would recognise their importance and desirability, because it gives a guarantee of how payments and settlements will be made into the future.

**Lord Campbell-Savours (Lab):** My Lords, despite what the Minister said, there must be a connection between internet sales, tax raising and commercial rates. Will the Minister explain what is going on in that area? Who is involved in this work? Is it the Treasury or is it his department assessing what can be done with internet sales, because of the implications for local government finance? Are hearings planned? Are vast numbers of civil servants involved? Is a process of consultation going on? This is an extremely important area and we should be told a lot more about what is a subject of conversation all over the country. People are worried about the high street and they think that internet sales should be paying more. It would be interesting to know what is going on.

**Lord Bourne of Aberystwyth:** My Lords, I do not disagree with the noble Lord on the importance of the task, but I disagree with him about the forum. This is a Treasury issue. I will write to him, and copy the letter to other noble Lords, to give as much detail as I can on what is happening, but this is a broader issue. I do not disagree with him about the interaction between commercial rates in the high street and the issue about digital and online taxation, but I stress the point I made earlier: there is a movement away from the high street and noble Lords will be aware of that. I am sure

we have all used digital services. Yes, there is an issue of fairness and an issue about where the taxation should lie, but I think that gives the answer to the noble Lord that it is the Treasury that is leading on that. I will certainly write to him with more details.

**Lord Lexden (Con):** Both my noble friends Lady Neville-Rolfe and the Minister referred to Salisbury. Can the Minister give a little more detailed information about the extent of the assistance and support the Government are providing and, most importantly, the results flowing from it?

**Lord Bourne of Aberystwyth:** My Lords, first, my role as Minister for Faith has been mostly pastoral—just to see what attendances at the cathedral and at churches in Salisbury have been like. There was quite a dip after the second Novichok incident, if I can call it that, and there has been some recovery from that. I do not have details of the precise financial assistance in front of me but I will cover those details in the letter that I will send to noble Lords.

**Lord McKenzie of Luton:** Can the Minister help me on a specific point not touched upon to date, which has to do with the introduction of universal credit and the managed migration? As proposed, the timing of that looks likely to mean that people will stay on legacy benefits, including housing benefit, for longer than would otherwise have been the case. To what extent, if at all, was that reflected in the Statement?

**Lord Bourne of Aberystwyth:** My Lords, I confess that I did not come steeped in the issues of universal credit, but the noble Lord is right about legacy benefits and the delay in some of this, including housing benefit still being relevant. If I may, I will write to him with full details of that, because I do not have it to hand.

## Courts and Tribunals (Judiciary and Functions of Staff) Bill [HL]

*Returned from the Commons*

*The Bill was returned from the Commons with a privilege amendment. The amendment was considered and agreed to.*

*House adjourned at 6.59 pm.*



**Volume 794**  
**No. 224**

**Thursday**  
**13 December 2018**

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**CONTENTS**

**Thursday 13 December 2018**

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