

Vol. 794
No. 230



Monday
7 January 2019

PARLIAMENTARY DEBATES
(HANSARD)

HOUSE OF LORDS

OFFICIAL REPORT

ORDER OF BUSINESS

Deaths of Members.....	2013
Retirement of a Member: Lord Higgins	2013
Questions	
Transport: Freight Services.....	2013
Migration: International Students	2016
Combustible Cladding	2018
Brexit: Legislative Timetable.....	2020
Offensive Weapons Bill	
<i>Second Reading</i>	2023
EU Withdrawal Agreement	
<i>Statement</i>	2063
NHS Long-term Plan	
<i>Statement</i>	2068
Offensive Weapons Bill	
<i>Second Reading (Continued)</i>	2080
Migrant Crossings	
<i>Statement</i>	2094
Drones: Consultation Response	
<i>Statement</i>	2102

Lords wishing to be supplied with these Daily Reports should give notice to this effect to the Printed Paper Office.

No proofs of Daily Reports are provided. Corrections for the bound volume which Lords wish to suggest to the report of their speeches should be clearly indicated in a copy of the Daily Report, which, with the column numbers concerned shown on the front cover, should be sent to the Editor of Debates, House of Lords, within 14 days of the date of the Daily Report.

*This issue of the Official Report is also available on the Internet at
<https://hansard.parliament.uk/lords/2019-01-07>*

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

Abbreviation	Party/Group
CB	Cross Bench
Con	Conservative
DUP	Democratic Unionist Party
GP	Green Party
Ind Lab	Independent Labour
Ind LD	Independent Liberal Democrat
Ind SD	Independent Social Democrat
Ind UU	Independent Ulster Unionist
Lab	Labour
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

No party affiliation is given for Members serving the House in a formal capacity, the Lords spiritual, Members on leave of absence or Members who are otherwise disqualified from sitting in the House.

© Parliamentary Copyright House of Lords 2019,
*this publication may be reproduced under the terms of the Open Parliament licence,
which is published at www.parliament.uk/site-information/copyright/.*

House of Lords

Monday 7 January 2019

2.30 pm

Prayers—read by the Lord Bishop of Gloucester.

Deaths of Members

Announcement

2.37 pm

The Lord Speaker (Lord Fowler): My Lords, I regret to inform the House of the deaths of the noble Lord, Lord Ashdown of Norton-sub-Hamdon, on 22 December, and the noble Lord, Lord Foster of Bishop Auckland, on 6 January. On behalf of the House, I extend our particular condolences to the noble Lords' families and friends.

Retirement of a Member: Lord Higgins

Announcement

2.37 pm

The Lord Speaker (Lord Fowler): My Lords, I also notify the House of the retirement, with effect from 1 January, of the noble Lord, Lord Higgins, pursuant to Section 1 of the House of Lords Reform Act 2014. I thank the noble Lord—and, personally, my noble friend—for his valued service to the House.

Transport: Freight Services

Question

2.38 pm

Asked by Lord Berkeley

To ask Her Majesty's Government whether they will consider proposals by Transport for the North to include capacity and capability for freight services within their plans to electrify and upgrade the Manchester to Leeds route; if not, why not; and what alternative proposals they will make for freight services.

The Parliamentary Under-Secretary of State, Department for Transport (Baroness Sugg) (Con): My Lords, we are planning to invest £2.9 billion in the first phase of the trans-Pennine route upgrade over the next five years, with an immediate focus on improving journeys for passengers. We have taken Transport for the North's advice into account as we develop this first phase and are taking forward many of TfN's recommendations. We will continue to work with Network Rail and Transport for the North to develop future phases of the upgrade and on how best to realise potential future benefits for cross-Pennine freight flows on this line and other routes.

Lord Berkeley (Lab): My Lords, I am grateful to the Minister for that Answer, but she has not answered the second part of my Question, about alternative proposals if the Government are not going to do this. Is the Minister aware of the enormous pressure from ports

and customers in the north for rail freight to go across the Pennines? PD Ports, which runs Teesport, says that this failure to allow for freight,

"could seriously damage the economic aims of the Northern Powerhouse and would leave an overreliance on the heavily congested M62".

Perhaps the Minister is going to widen the M62 instead, which would have enormous environmental benefits. Will she give a categorical assurance that this freight upgrade will happen and that freight can start running now, even without the necessary gauge clearance?

Baroness Sugg: My Lords, there is some freight on the route already, and that will continue. I absolutely agree that rail freight plays a vital role in transporting our goods around the country and in cutting congestion on our roads. Sadly, however, taken together, all the proposals for freight and passengers exceed the amount of work we are able to do over the next five years and, indeed, the £2.9 billion we have allocated. Where we are doing electrification work, we will also ensure that it is future-proofed for freight in the future and we have enhancement works east of Huddersfield, which can provide more capacity for freight movements that use the main trans-Pennine route.

Lord Greaves (LD): My Lords, the Minister, in a Written Answer to me just before Christmas, referred to a feasibility study into the reinstatement of the Skipton-Colne rail link as part of a route for passengers and freight. This has recently been completed by the Steer group—at a cost of nearly £1 million, I believe—and submitted to the Secretary of State. She said that the Government are considering next steps and expect to make an announcement shortly. If this major new freight route across the north of England is built, it will provide a route from Liverpool docks, via Skipton-Colne, to Leeds and Yorkshire, and up the east coast main line to the Yorkshire coast and to Drax. Is this not a scheme that, at a fraction of the cost of any new major scheme in the south-east or London, could provide a major freight route across the north of England within three or four years? Will the Government make this a priority?

Baroness Sugg: The noble Lord rightly highlights the benefits that the scheme could bring but I am afraid I do not have any update to the Answer I gave him just before Christmas. We have received the feasibility study. We are looking at it carefully and we will make an announcement on it shortly.

Lord Snape (Lab): My Lords, could the Minister give us her opinion on the purpose of organisations such as Transport for the North if major strategic decisions affecting that part of the United Kingdom are to be taken by London-based Ministers and civil servants? How many extra heavy goods vehicles will be used to replace the existing freight flow across the Pennines that uses this line—a freight flow that has been intensive since the line was built—while this modernisation takes place? Will she think again and get the Secretary of State to think again and listen to the people directly involved, rather than making decisions in Whitehall?

Baroness Sugg: My Lords, we absolutely listen to Transport for the North when making these decisions. That is a vital role which it plays for us. We are carefully considering its proposals. As I said, we are not able to deliver the entire upgrade of the trans-Pennine route within five years. The existing freight lines will continue so there will not be additional trucks on the M62. We listen very carefully to Transport for the North when we make these decisions. We are prioritising passengers with these upgrades, which is the right thing to do after the disruption they have seen over the past year.

Lord Hodgson of Astley Abbotts (Con): My Lords, if we are to have a real crack at the northern powerhouse, do we not need to think about electrification from Hull to Liverpool rather than from Leeds to Manchester? Do we not also need to think about the networks within each conurbation? The problem is not just the trans-Pennine bit, but about travelling within Manchester, Leeds, Hull or Liverpool.

Baroness Sugg: My Lords, I agree with my noble friend that there is a lot of work to be done on the rail systems in the north. Transport for the North is working on its strategic outline business case, which we expect to see shortly, and we look forward to its suggestions.

Lord Bradshaw (LD): My Lords, the existing infrastructure across the Pennines, and indeed around Manchester, is being used rather wastefully at present. It appears that the timetable is very slack. I am sure that it could, with advantage, accommodate more trains than it does at present. Will the Minister agree to meet me and an expert on timetabling—not at anybody's expense—to try to create paths on the existing routes?

Baroness Sugg: The noble Lord raises an interesting point. Of course we want to maximise the capacity on our routes for both passengers and freight. As the noble Lord will be well aware, timetabling is very complex and I do not profess to be an expert in it. Network Rail leads on the technical aspects of this but I would be very happy to arrange a meeting with the noble Lord.

Lord Watts (Lab): My Lords, if the Government are to give the regions the opportunity to make these decisions, would it not be sensible to ring-fence funding for all the regions so that they can spend that money?

Baroness Sugg: My Lords, as I said, we absolutely are consulting Transport for the North on our funding, and we have committed that £2.9 billion to the trans-Pennine routes upgrade, which is the largest investment in existing railways at the moment. Obviously, the rail system is complex, crossing all parts of the country, and it is important that we co-ordinate it centrally, but we listen to the needs of people in the areas where we are making the investment.

Lord Faulkner of Worcester (Lab): My Lords, does the Minister agree that the construction of a high-speed network is critical to the provision of extra capacity

for freight on the entire rail network north of London, and not just to the Midlands but to the north-west and the north-east?

Baroness Sugg: I certainly agree with the noble Lord. Our railways are absolutely at capacity—we have seen a doubling of passengers—and we desperately need more space, which is what HS2 will deliver.

Lord Foulkes of Cumnock (Lab Co-op): My Lords, with the fiasco of Northern rail, the debacle of the phantom drones at Gatwick, and now Kent, where only half the HGVs turned up for the trial, what does it take for a Secretary of State to have to resign these days?

Baroness Sugg: My Lords, I reassure the noble Lord that the Secretary of State is absolutely across all the issues he has raised.

Migration: International Students

Question

2.45 pm

Asked by Lord Holmes of Richmond

To ask Her Majesty's Government what plans they have to remove international students from the net migration statistics.

Lord Holmes of Richmond (Con): My Lords, I beg leave to ask the Question standing in my name on the Order Paper and declare my interests as set out in the register.

The Minister of State, Home Office (Baroness Williams of Trafford) (Con): My Lords, the independent Office for National Statistics, which follows best international practice, produces the migration statistics. The Government do not seek to influence that. The Migration Advisory Committee also recommended that students should not be taken out of the net migration statistics. There is no plan to limit the number of genuine international students who can come to the UK, and university-sponsored student visa application numbers are at a record high.

Lord Holmes of Richmond: My Lords, the United States, Australia, France and Germany have all achieved greater growth in the numbers of international students. In the light of that, does my noble friend believe that we have the right strategy? What is happening across Whitehall to ensure that we really grip this issue and make sure that, when it comes to international students, we are doing everything we can to ensure that the brightest and the best—the brightest and the best—choose Britain?

Noble Lords: Oh!

Baroness Williams of Trafford: Well, my Lords, to keep abreast of the international growth figures, I think we should measure our success by the number of students applying for visas and coming here to study. There has been a 26% increase in visa applications since 2010-11, so we are certainly not deterring students from coming here to study; indeed, the UK is becoming

an increasingly popular place to come to for study. Perhaps I may quote from the MAC report. It states:

“Part of that joint action”—

in terms of improving the country’s image—

“would be to talk less about students in the net migration target as it is possible that the repeated discussions of students in the target is itself contributing”,

to the perceived problem.

Lord Bilimoria (CB): My Lords, the Minister mentioned the MAC report. That report says very clearly that the number one reason why international students do not choose Britain as their number one choice is the lack of post-study work opportunities. Does the Minister agree that we are losing out in growth rates? Should we not bring back the two-year post-graduation work visa so that we can compete with Australia, New Zealand, Canada and the United States of America, let alone the EU countries?

Baroness Williams of Trafford: The noble Lord might like to know that the number of student visas granted to students from India, a country he often asks me about, has increased by 33%, so there are certainly no problems there. Indeed, we have gone further than the MAC recommended on post-study leave to remain and increased it to six months for graduates, and we will increase it to 12 months for postgraduate students.

Lord Kennedy of Southwark (Lab Co-op): My Lords, why are the Government having such difficulty getting people to believe their position on international students?

Baroness Williams of Trafford: I have just explained that in my reply to my noble friend Lord Holmes: we whip this question up although the facts before us belie it. I simply do not believe that a 26% increase in the number of visa applications represents a country struggling.

Baroness Hamwee (LD): My Lords, the Minister mentioned India. Did she hear the fascinating series of programmes, “As Others See Us”, on Radio 4 last week? A speaker from India asked—it was a rhetorical question—how we expect India to strengthen its ties with Britain without relaxing visa restrictions. He cited the period allowed for post-study work as being too short. He said, “You cannot take from us a free trade agreement without lowering the immigration restrictions which keep us out”. Are the slight extensions to post-study leave adequate to answer that question?

Baroness Williams of Trafford: To answer that question, look at the number of Indian students who are not just applying for but succeeding in getting student visas. How others see us, in terms of how Indian students see us, is as a country which they wish to learn from and study in. I know there is an issue about visa relaxation with India, because I was in Delhi last year, but the figures do not bear that out. Indian students are applying to universities in this country in droves.

Lord Cormack (Con): Does not my noble friend accept that if we reflected on the wisdom of the question of my noble friend Lord Holmes and the points made by the noble Lord, Lord Bilimoria, our vital statistics would certainly improve?

Baroness Williams of Trafford: I made the point that our vital statistics have improved massively in the past eight to nine years. There is no cap on the number of students who can come to study here and, as the future immigration White Paper showed, have great prospects here.

Baroness Brown of Cambridge (CB): My Lords, since 2011, the number of international students enrolled in UK universities has risen just 3%, compared to a 40% increase for the United States. It is the number of students, not just the visa applications, that is important. Given the immense economic and social benefit of international students, does not the Minister agree that the Government should take further steps to increase our global market share of international students?

Baroness Williams of Trafford: My Lords, the fact that there is no cap on student numbers is all to the good. People want to come to this country to study, they are doing so in increasing numbers and, as I pointed out just before we broke up for the Christmas Recess, the increase in post-study leave is to be welcomed and will benefit students.

Lord Lansley (Con): My Lords, my noble friend is, I believe, saying that we want to encourage international students to come to this country. The confusion arises because they feel that our net migration objectives run counter to that. Would it not be simplest to identify the students coming to and leaving this country separately in national statistics?

Baroness Williams of Trafford: My Lords, we are following the advice of the independent Migration Advisory Committee. Similarly, the ONS takes that view of migration statistics. Indeed, we are in line with many countries in the world which do the same. In fact, because there is no limit on the number of students who come here, there is no disbenefit to students being counted in those figures.

Combustible Cladding *Question*

2.53 pm

Asked by Lord Kennedy of Southwark

To ask Her Majesty’s Government how many blocks of flats in both the private and public sectors they estimate still have combustible cladding of the type that was on Grenfell Tower.

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

The Parliamentary Under-Secretary of State, Ministry of Housing, Communities and Local Government and Wales Office (Lord Bourne of Aberystwyth) (Con): My Lords, 116 social sector buildings have started or completed remediation; 44 buildings in the social sector remain, with plans and commitments in place. In the private sector, 203 buildings have plans and commitments in place, including those that have started or completed remediation. With regard to the remaining 69, the Secretary of State wrote to local authorities in December 2018 to offer them further financial assistance.

Lord Kennedy of Southwark: My Lords, does the Minister agree that it is regrettable that we are in this position, with blocks covered in unsafe cladding more than 18 months after the Grenfell Tower fire? Why is the department so slow to act on these matters?

Lord Bourne of Aberystwyth: My Lords, of course it is regrettable that we are in this position; the fire at Grenfell was also totally regrettable. As the figures indicate, we have plans in place for all buildings, other than those 69 for which the Secretary of State wrote to local authorities urging action and offering financial assistance to ensure it. The most important thing is making these buildings safe, which we are well on the way to doing.

Lord Stunell (LD): My Lords, in responding to noble Lords over the past two years, Ministers have repeatedly said that it is necessary to go at pace to show commitment and a real sense of urgency. Does the Minister share the frustration of some of us and the anger of many Grenfell Tower residents at the inquiry being postponed for nine months? What tangible steps are the Government taking to make sure that lessons are learned so that there are no tragedies of this sort in future?

Lord Bourne of Aberystwyth: My Lords, it would be unwise for me to comment on a judiciary-led inquiry. The reasons for the delay are there: it is important that we get this right. Of course we want to proceed at pace but, most importantly, we want to make sure that lessons are learned and acted on. The situation is very complex. Suffice it to say that we are in regular touch with organisations such as Grenfell United about progress, and discussions are ongoing. It is most important that no such thing happens again, as the noble Lord indicated.

Lord Naseby (Con): My Lords, can my noble friend confirm that the new cladding being installed on the buildings he mentioned meets, and is universally accepted to meet, fire protection requirements?

Lord Bourne of Aberystwyth: My Lords, my noble friend is absolutely right. He will be aware that the Secretary of State ensured a ban on combustible ACM cladding, which is being acted on, as I indicated. For other types of cladding, things will proceed in the normal way.

Baroness Liddell of Coatdyke (Lab): My Lords, what action will the Ministry of Defence take on barracks with such cladding on them? How much will that cost? I refer to my entry in the register of Members' interests.

Lord Bourne of Aberystwyth: My Lords, the noble Baroness makes a valuable point. I will write to her on its specifics. Suffice it to say that other government departments, of which the Ministry of Defence is one—the department of health is another—take these issues very seriously and are providing financial assistance. I will make sure that she gets a detailed reply, a copy of which will be placed in the Library.

Lord Campbell-Savours (Lab): My Lords, I listened very carefully to the Answer to the Question. Have all blocks in the private sector been identified nationally? Is there a list? Do any of them form part of that second group of 69, which the Minister said were referred to local authorities for support?

Lord Bourne of Aberystwyth: My Lords, as I indicated, all the buildings have been identified. The 69 buildings I referred to are private ones. The statutory position is that the ultimate responsibility for ensuring that their cladding comes off rests with local authorities, but the Secretary of State made it clear that finance will not stand in the way of that and we will provide financial assistance if needed.

Lord Porter of Spalding (Con): My Lords, I declare my interest as chairman of the Local Government Association. Can my noble friend the Minister clarify his last statement about local councils being responsible for removing and replacing cladding on private sector buildings? Councils up and down the country must operate within the law of the land, which does not allow them to go in and take cladding off of other people's buildings.

Lord Bourne of Aberystwyth: My Lords, my noble friend is right. I did not mean to imply that. I meant to say that the authority for ensuring that this happens rests with local authorities, which can require private owners to take such action. If I did not make that clear, I wish to do so now.

Brexit: Legislative Timetable Question

2.59 pm

Asked by Baroness McIntosh of Pickering

To ask Her Majesty's Government what is their proposed timetable for the passage of all remaining (1) primary, and (2) secondary legislation required for Brexit by 29 March 2019.

The Minister of State, Department for Exiting the European Union (Lord Callanan) (Con): My Lords, we have already put in place many of the legislative building blocks to deliver our exit from the EU. Five exit-related Bills have been passed and six more are now making their way through Parliament. We are also making good progress on the secondary legislation needed to ensure that we have a functioning statute book on exit day.

Baroness McIntosh of Pickering (Con): I welcome my noble friend back from his holidays, albeit for a particularly difficult and busy period for his department. Can he give the House an assurance today that the six remaining Bills before this House and the best part of 1,000 statutory instruments to prepare for Brexit will be given full and proper scrutiny in this House? Further, does he yet have a date for when directives such as the European falsified medicines directive will be scrutinised in this Chamber?

Lord Callanan: I can certainly give the noble Baroness an assurance that we will allow for proper scrutiny. Perhaps I may correct her statement on the number of SIs. As we wrote to the sifting committees just before Christmas, we now estimate that the number of SIs we will need by exit day is slightly fewer than 600, of which we have already tabled more than 300.

Lord Bassam of Brighton (Lab): My Lords, can the noble Lord assure the House that legislation in the form of Acts of Parliament to come before us will not be treated as emergency legislation because the Government are running out of time?

Lord Callanan: Discussions on the time allowed for legislation are a matter for the usual channels. Co-operation in this House has always been good, and I can assure noble Lords that that co-operation will continue with any required legislation.

Baroness Ludford (LD): My Lords, with only 30% of the time left, there remains 60% of the anticipated SIs to deal with. Meanwhile, Mr Grayling has been conducting a no-deal exercise with 89 lorries, although 10,000 of them use Dover every day. It is hard to disagree with the former Polish Deputy Prime Minister when he writes about our Prime Minister's deeply deceitful Brexit path, which has disintegrated before her eyes. When will the Government allow the people to pass judgment on this tragedy turned to farce?

Lord Callanan: I assume that the noble Baroness did not listen to the answer I gave earlier, and not for the first time the Liberal Democrats have got their figures wrong. We have already tabled more than 50% of the required statutory instruments, as we informed the two sifting committees before Christmas.

Baroness Hayter of Kentish Town (Lab): My Lords, the Government have wasted a full month by pulling the December vote and yet they are coming back with exactly the same deal. We still have seven Bills and only 600 SIs to deal with. Despite the urgency, the Prime Minister has today decided not to turn up in the House of Commons to explain what has been going on, which sounds like a Government in hiding. Can the Minister guarantee that the Government will heed the demand of 200 or more MPs, including some from his own side, to rule out no deal? Further, will he ensure that the Government will engage with business, with consumers and with the Opposition to find a way forward that is acceptable to the people of this country and to Parliament?

Lord Callanan: The Prime Minister has appeared numerous times in the House of Commons and will be doing so later this week, but she has other matters to attend to as well. In response to the question put by the noble Baroness, no, I will not rule out the fact that there could be no deal. No deal is the absence of a deal. If the Labour Party is really serious about avoiding no deal, there is a deal on the table for it to vote for.

Lord Trefgarne (Con): My Lords, as chairman of the Secondary Legislation Scrutiny Committee, perhaps I may say that we fully accept the challenge which the Government are facing in this matter and we will do our duty as required.

Lord Callanan: I thank my noble friend for his extremely constructive attitude. It allows me to come back on a point raised by the noble Baroness which I did not answer. She said that there are 600 SIs to table. That is the total that will be required, and the figure has been revised down from our original estimate of between 800 and 1,000. We have already tabled more than 50% of them. The rest will be tabled in due course to allow for proper parliamentary scrutiny using the sifting committee chaired by the noble Lord.

Lord Cunningham of Felling (Lab): My Lords, as chairman of the other scrutiny committee, let me challenge what the noble Lord has just said to the House. He said that more than 300 secondary legislative instruments have been tabled, but 300 have not yet been scrutinised.

Lord Callanan: I accept the noble Lord's clarification. We have submitted over 300 of them for the appropriate scrutiny, and the rest will be submitted for scrutiny in due course.

Baroness Butler-Sloss (CB): My Lords, if we do actually crash out on 29 March, what happens to the Northern Ireland border?

Lord Callanan: I am not sure I like the noble and learned Baroness's term "crash out". We will leave on 29 March because we had a referendum on the subject and because Parliament, both in this House and the other, has voted on two occasions—in the notification of withdrawal Act and the withdrawal Act—for the UK to leave and for the referendum Bill to be approved. We, the European Commission and the Irish Government have made it clear that there will not be a hard border on the island of Ireland.

Lord Newby (LD): My Lords, of the 600 SIs to which the noble Lord referred, how many have passed both Houses?

Lord Callanan: I do not have those figures in front of me. I will write to the noble Lord on that.

Lord Hain (Lab): My Lords, can the Minister answer the specific question put by my noble friend Lord Bassam about there being no emergency legislation before 29 March? Can he confirm that the forthcoming

[LORD HAIN]

Trade Bill, due in this House shortly, could be the last legislative vehicle to accept an amendment to rule out no deal?

Lord Callanan: As I said in the earlier answer, the progress of legislation in this House is a matter for the usual channels, in which co-operation with the opposition parties is always ongoing. I am sure the Chief Whip will want to continue that. As for ruling out no deal, no deal is what happens if you do not have a deal. We leave the EU on 29 March this year because that is the legislation that Parliament has passed on two occasions, and it is what Article 50 says. There is a mechanism to avoid no deal, and that is to vote for the only deal available.

Lord Hain: My Lords, I did not ask that question. I asked whether the Trade Bill is the last legislative vehicle to rule out no deal.

Lord Callanan: I will not advise the noble Lord and others what amendments can be acceptable. That is not my role. There are a number of pieces of primary legislation still before this House and, if we are in a no-deal situation, further pieces of primary legislation will be forthcoming.

Lord Roberts of Llandudno (LD): My Lords, is the Minister convinced that all this legislation can be carried through Parliament in the 40 working days we have left? How on earth will he manage that?

Lord Callanan: Of course, it will be a challenge, but I am sure all Members of this House want to see us leave the European Union in a smooth and orderly manner, which requires the appropriate legislation to be put in place.

Lord Rooker (Lab): How many of the statutory instruments that the Government have submitted to both Houses for scrutiny have been sent back by the sifting committees because they were put forward as negative instruments but the sifting committees think Ministers are slipping policy issues through and have recommended they be upgraded to affirmative instruments? How many are still in the queue for the Government to look whether to upgrade them to affirmative instruments? This delay is caused purely by the Government, not the sifting committees.

Lord Callanan: I never said there was any delay caused by the sifting committees. They are carrying out the proper role allocated to them by this House and by the legislation. We are accepting all their recommendations. If they think SIs should not be negative but positive, our record is that we have accepted all their recommendations so far.

Offensive Weapons Bill

Second Reading

3.08 pm

Moved by *Baroness Williams of Trafford*

That the Bill be now read a second time.

The Minister of State, Home Office (Baroness Williams of Trafford) (Con): My Lords, in the last few years we have seen a very concerning rise in the number of

serious violent crimes in the UK. This includes an ongoing rise in knife crime, as well as the emergence of acid attacks.

Such horrific crimes seem to be increasing in not only their frequency but their severity, with ever worse injuries for victims who are increasingly younger and younger. Tragically, the rise in knife crime has contributed to an increasing number of homicides, and the House will be aware of the tragic event last Friday where a father was fatally stabbed on a train from Guildford to London. I am sure the whole House will join me in offering our sympathy to the victim's family and friends.

Violent crime can have a devastating effect on communities and can blight the lives of young people. In 2018, 134 homicides were recorded in the Metropolitan Police area, 79 of which involved knives. The Offensive Weapons Bill is born out of the necessity to tackle this serious issue. Violent crime must be reduced and its perpetrators brought to justice. Tackling serious violence will require a united approach from the Government, working with key partners on the ground, be they police officers, parents, teachers or charities. That collaborative approach is at the heart of the Government's *Serious Violence Strategy*, which was published in April 2018. The strategy sets out a comprehensive programme of action and looks to multiagency working to deliver real results on our streets and in our communities. A crucial part is its focus on early intervention and prevention to stop young people getting involved in violent crime in the first place. We have established a serious violence task force to oversee this work, which consists of members of the police and community groups, the Mayor of London and government departments.

The Bill is a key part of the Government's response to serious violent crime and will create new offences as well as provide additional powers for the police. Legislation alone can never be the complete answer to such complex problems, but it is an important component of the wider government response to serious violent crime. The Bill covers three main areas: acid attacks, knife crime and the risks posed by firearms. On all of these areas we have engaged widely through consultation and close collaboration with the police and other interested parties, to make sure that we are providing the powers that they need. The measures contained in the Bill aim to stop under-18s getting hold of particularly dangerous acids and purchasing knives online, and will give the police the powers they need to take action when people are in possession of dangerous weapons in private.

Acid attacks have life-altering consequences and there are no reasons why industrial strength corrosives should be sold to under-18s. The Bill will ban the sale of highly corrosive products to under-18s, both in stores and online. It will also make it an offence to possess a corrosive substance in public without a good reason, which will enable the police to directly tackle the issue on the streets, extending their powers to perform stop and search for the confiscation of corrosives.

The sale of knives to under-18s is already illegal, but too often knives are still finding their way into the hands of young people, with tragic consequences. In particular, it is too easy for under-18s to acquire

knives from online retailers, including those operating overseas. The Bill will mean that online sellers in the UK need to meet certain conditions when they sell knives online. It will also prohibit the delivery of bladed products to a residential premise or locker. We are making it an offence for a delivery company in the UK to knowingly deliver knives to a person under the age of 18 where these have been bought online from a seller overseas.

The Bill makes it an offence to possess certain offensive weapons in private. This will mean that police can act on intelligence concerning people possessing shocking weapons such as zombie knives and knuckledusters, designed only for violent purposes. It also extends to further education premises the current ban on possession and threatening with bladed articles and offensive weapons in schools, and makes it an offence to threaten with an offensive weapon in private.

Turning to firearms, the Bill bans the possession of rapid-firing firearms, as well as bump stocks, which have been specifically designed to circumvent existing prohibitions and are often marketed as such. Due to their higher rate of fire, these weapons pose a heightened risk to the public if they were to fall into the wrong hands.

There has been much debate in the progress of this Bill on the prohibition of high-power rifles. This has been shown to be a particularly complex issue requiring further consideration before we proceed with legislation. It is for this reason that the House of Commons removed from the Bill the clause prohibiting such weapons. However, the Government are committed to further public consultation on this issue, including with the law enforcement agencies and the target-shooting community. I am sure that noble Lords will also want to debate this issue and I welcome the contribution that they will bring to our further consideration of the appropriate regulation for these weapons.

The public want violent crime to be dealt with now, and rightly so. This Bill will help to do that—I therefore commend it to the House.

3.14 pm

Lord Tunnicliffe (Lab): My Lords, after repeated delays in the other place, I am pleased that today we have the opportunity to debate this much needed legislation at Second Reading. My Front-Bench colleagues in the other place have made it clear that efforts to tackle the sale and possession of acid and the growing knife crime epidemic would be welcomed by these Benches so, although lacking in some areas, the Bill and its limited measures have the support of the Opposition. Needless to say, we will seek to amend the Bill at later stages, but with our support for the legislation assured, I hope the Minister will engage constructively with our efforts to improve it.

We should not underestimate the challenges ahead in making our communities safer. In the 12 months leading to March 2018, England and Wales saw a 16% increase in knife crime. In total, there were 40,000 offences—the highest number since 2011. That rise is backed up by NHS hospitals in England, which recorded a 7% increase in admissions for assault by a sharp object, while the Office for National Statistics confirmed

that this represents a “real change” in incident numbers. While some communities have been worse impacted than others, the issue of county lines is seeing gang violence and serious crime find a way into towns across the UK.

The issue is not isolated, nor is it contained. With surging crime and falling charge rates, the Bill is a missed opportunity to address the wider issues leading to this surge. If we are to turn back the tide and guarantee safer communities, we must begin by equipping the police to best offer their protection. Aside from Lithuania, Bulgaria and Iceland, this Government have cut police numbers more than any other developed country. We have lost 21,000 police officers, over 18,000 police staff, and around 7,000 community support officers. If the Government are to put the police on the front foot to tackle violent crime, they must first build the front line back up.

In addressing the factors behind serious crime, the Government should also consider the need for greater early intervention, which the Bill fails to tackle. Time and again, the precursors to articles in the press about violent crime are the same tragic stories of vulnerability, abandonment and exploitation. The reduction in youth workers, the neglect of children leaving care and the cutting of local government funding used to provide support have only spurred on the problem. As public services are stripped back by cuts, the same patterns emerge of individuals in need of help instead turning to crime. The Government must do more to protect the most vulnerable in society, and it is disappointing that the Bill has not been used to meet calls to tackle these root causes.

In the past, we have heard reassuring comments by the Secretary of State recognising the importance of early intervention, but that has not been reflected in the actions of the Home Office; nor has it been reflected further across Whitehall. The reality is that spending on crime prevention by local authorities has been cut in half since 2010. In real terms, £1 billion has been taken from children’s services since 2012 and £2.7 billion from school budgets since 2015. There can be no doubt that this has contributed to wider societal problems, which have fuelled violence and crime. The Government must commit to greater social cohesion and early intervention, and it is a shame that the Bill has not been used to do so.

The Government also need to make more concerted efforts specifically to overcome gang violence, and the omission of steps to do so in the Bill is disappointing. It has been estimated by the Children’s Commissioner that around 70,000 of those aged under 25 are involved in gang networks, yet the fund for ending gang violence and exploitation has been given only £300,000 as part of the Government’s flagship strategy. We also need to see further efforts to combat county lines—an issue which has seen greater prominence since the introduction of the Bill. I am concerned that the Government do not understand the urgency with which the public want to see this issue sorted. Repeated concerns have been raised over the lack of prosecutions despite significant media attention. In October, I was pleased to see an announcement of the first county lines prosecutions under the Modern Slavery Act. I hope this House can

[LORD TUNNICLIFFE]

explore whether further measures can be introduced at later stages best to equip police forces to put an end to the misery caused.

I am further disappointed that for the victims of crime, again the Bill offers little. In the Conservative Party manifestos of 2015 and 2017, pledges were made to legislate for the rights of victims, who are too often left in the dark by the criminal justice system. There is no sign of this in the Bill or across the Government's wider agenda. We have heard calls for safer staffing levels in the ambulance service and the NHS to protect those who become victims of the weapons the Bill hopes to tackle, yet there is no sign of provisions to improve the situation, either in the Bill or across the Government's wider agenda. In legislating for safer communities and to tackle violent crime, the voices of victims must be front and centre, yet those voices have again been ignored by this Government.

Moving on from what is omitted from the Bill to how measures can be strengthened, I am sure noble Lords will recognise that firearms regulations in the UK are among the world's strongest, and the provisions in the Bill to complement and strengthen them will, I hope, be welcomed across this House. However, as restrictions have developed and extended in recent decades, we must recognise how criminals have adapted to restricted supplies, including by repurposing obsolete firearms and through the increasing trend of legally held firearms being stolen from certificate holders. These loopholes allowing gun ownership are, in the word of some of the most senior counterterrorism officers in the UK, "glaring". Of course, we must also be alert to the threat of higher-calibre weapons, and it is greatly disappointing that, despite overwhelming evidence of the danger, supported by the police, the Government have succumbed to their own Back-Benchers and removed these provisions. The police have made clear that they have no known protection against these rifles. There can be no justification for any individual owning one. We will confront this issue in the later stages of the Bill, and I hope the Minister will recognise the strength of feeling across both Houses, not just from a narrow wing of her party.

The measures relating to corrosives are, again, welcome but do not go far enough. The disturbing trend of individuals using these substances to cause harm has created great concern following high-profile incidents across the UK, and it is right that the Government are seeking to restrict their possession. Unfortunately, the Bill falls short of fully recognising the danger they can cause and leaves their restriction on a lesser pedestal than other weapons. The Bill also fails to acknowledge the spate of so-called fake acid attacks where individuals have been threatened with a non-corrosive substance in a manner which gives cause to believe it is indeed a corrosive substance. We cannot allow individuals to capitalise on fear without consequences. We must tackle this threat head on with the severity it deserves.

Finally, I come to knife crime and the Bill's provisions relating to bladed weapons. The measures relating to remote sales are particularly welcome, as are those for residential premises but, as I mentioned, we must adapt to changing threats and consider the other ways in which weapons are obtained for violent crime.

There are different purchasing platforms and different weapons that we must understand, and I look forward to the House considering measures to confront them. There are also questions to be asked about why higher education premises have not been recognised on the same level as further education premises in the prohibition of possession, and there is cause to believe that these have not been fully answered in the other House.

I will touch briefly on an issue that USDAW, the shop workers' union, has campaigned on extensively. As the House will be aware, the Bill creates a number of statutory duties for shop workers who sell objects that can be used as weapons. We can expect those performing these duties in shops to encounter individuals who choose to threaten or, worse, attack them for acting responsibly. We must ensure that shop workers have the utmost protection under the law, and I hope the House will consider how this can be provided for in the Bill. Unfortunately, efforts to amend the Bill to reflect such protection were resisted by the Government during the Bill's passage through the Commons, and I hope Ministers will be prepared to better engage on this issue during its passage through this House.

Earlier, I told the House that the Opposition will not stand in the way of the passage of this legislation. Our issues with the Bill are largely to do with what has been omitted rather than what has been included, and I urge the House to look beyond the narrow measures currently contained in the Bill and to consider the greater causes behind serious violent crime. The spike in incidents that we have seen in recent years will not be cancelled out until we look beyond the face of the crime and consider how front-line police cuts, the neglect of youth services and the abandonment of early intervention have contributed to a melting pot that has allowed violent crime to emerge as an epidemic.

In finishing, I briefly remind the House and the Government of the UK's restrictions on the availability of weapons, which are among the most respected in the world and testify to cross-party efforts under Governments of all colours. Therefore, I sincerely hope that, as the Bill progresses through the House, the Government will take heed of precedent and reflect concerns raised by both sides of this House.

3.26 pm

Lord Paddick (LD): My Lords, the Minister mentioned the tragic stabbing to death of a father on a suburban train last week, and of course our thoughts are with all those affected by such a tragedy. However, the fact is that young people in our inner cities are dying from knife crime almost every day of the week, and that is the real tragedy that the Government should be highlighting.

This Bill has a familiar ring to it. Again, the Government, wanting to be seen to be responding to the crisis of violence on our streets, resort to legislation and imprisonment rather than investing to tackle violent crime, investing to bring about long-term changes in behaviour, and taking immediate steps to save young people's lives by properly investing in policing. And the reason? To avoid raising the taxes of those who can most afford to make a contribution.

I agree with the noble Lord, Lord Tunnicliffe. Violence stems from inequality and poverty, from failing to invest in children and young people, from creating a vacuum that used to be occupied by community policing and youth services and has now been filled by criminal gangs. The Government's serious violence plan—it does not deserve the title “strategy”—is in fact a patchwork of unco-ordinated and underfunded initiatives, however well intentioned, that lack the real money and real leadership that could really make a difference, and this legislation is yet another piece of that inadequate and ineffective patchwork.

A very good piece of legislation that deals with offensive weapons is already on the statute book. The Prevention of Crime Act 1953 states:

“Any person who without lawful authority or reasonable excuse, the proof whereof shall lie on him, has with him in any public place any offensive weapon shall be guilty of an offence”.

This was the staple of my days as a constable on the beat. There were two types of offensive weapon. There were items such as daggers that were made to cause injury to people—made offensive weapons—but the majority had more than one use; for example, a kitchen knife which, when carried to a fight, was an intended offensive weapon. It was therefore straightforward. The chef on his way to work did not commit an offence when carrying a kitchen knife, whereas the gang member on his way to confront a rival gang did.

In 1988, Section 139 of the Criminal Justice Act shifted the burden against the innocent, introducing an offence of having in a public place any article which has a blade or is sharply pointed. From what I can see, this is the origin of the shift that we discussed at some length in the Counter-Terrorism and Border Security Bill: a shift away from whether someone commits an offence, subject to whether they have lawful authority or reasonable excuse, to an absolute offence where,

“it shall be a defence for a person charged with an offence to prove that he had good reason or lawful authority”.

This Bill creates new offences of, for example: selling a corrosive product to a person under the age of 18, having a corrosive substance in a public place and delivering a bladed product to residential premises or a locker—no matter whether every precaution has been taken to ensure dangerous items do not get into the hands of children. It is a defence for someone charged with any of these offences to prove that they took all reasonable steps to avoid this happening. However, unlike the Counter-Terrorism and Border Security Bill, there is no reference to Section 118 of the Terrorism Act, which noble Lords will recall places the burden of proof on the prosecution and says:

“If the person adduces evidence which is sufficient to raise an issue with respect to the matter, the court or jury shall assume that the defence is satisfied unless the prosecution proves beyond reasonable doubt that it is not”.

Presumably, this means that the man carrying his drain-unblocking fluid home from the supermarket commits an offence, for which he has a defence if charged; it is only then that he will have the opportunity to prove beyond reasonable doubt that he has a blocked drain at home. I do not want to get into arguments at this stage of the Bill around necessity and proportionality when the police use their powers of arrest. Suffice to say that I will again challenge this type of approach,

particularly when we are confronted with cases such as that of the couple arrested over the recent drone incident at Gatwick Airport. Legislation should be worded so that, if someone has lawful authority or reasonable excuse, as in the 1953 Act, they do not commit an offence—not that they have a defence once they have been charged.

I understand that Acid Survivors Trust International blames lack of tight controls on acid sales or, “legislation specific to acid attacks”,

for the rise in the number of attacks, but this needs to be put into perspective. Acid attacks have increased from 228 recorded crimes in 2012 to 601 attacks in 2016. In 2017 there were 39,598 offences involving a knife or pointed instrument; the number of acid-related offences is tiny. Corrosive substances carried with the intention of causing injury, for example in a spray or a squeezable washing-up liquid bottle, are offensive weapons under the 1953 Act and causing an injury using acid is clearly a serious assault. Notwithstanding ASTI's concerns, one has to ask whether the Government are doing something that will be effective by introducing this legislation, or whether they just want to be seen to be doing something. In many other areas, the Government claim that self-regulation is preferable, that legislation is unnecessary, and one has to ask these questions here.

The Bill potentially puts further strain on an overcrowded and therefore ineffective prison service. Underage selling of corrosive products potentially carries a sentence of 51 weeks in prison, possession in a public place carries up to 12 months on a first offence and a compulsory four-month or six-month sentence for a second offence, removing the discretion of judges once again. There is only one thing worse than unnecessarily adding to an overcrowded prison system and that is short sentences that destroy social ties, take away people's jobs and are not long enough to allow education, training and rehabilitation.

What happened in the other place? The only change, under pressure from Conservative Back-Benchers, was that the Government went against the advice of the police and caved in to the wealthy and privileged who wanted to keep their high-powered rifles.

We acknowledge that criminalising the sale of corrosive substances, making it a specific offence to carry corrosive substances in public and restricting online sales of knives sends a message, but messaging is the argument that the Government usually use to oppose the creation of new offences, not to create them. We on these Benches need a lot of convincing that this legislation as drafted has a useful part to play in containing the epidemic of violence on our streets. As the noble Lord, Lord Tunnicliffe, has said, the Bill is a missed opportunity.

3.35 pm

The Earl of Caithness (Con): My Lords, we enter a new year with another firearms Bill. We have had 35 pieces of primary legislation dealing with firearms since the Firearms Act 1968, which I think shows the seriousness of this subject and the continuing need of every Government to take action on a fairly regular basis as criminals adapt to whatever new laws are proposed.

[THE EARL OF CAITHNESS]

As a result of all these pieces of legislation, let alone the secondary legislation, we have some of the toughest firearms laws in the world. I support my Government in their efforts to continue the combat against violent crime. It is good to note that firearms offences last year were actually down by 5%, and I hope my noble friend will be able to continue that trend. The problem is of course not the law-abiding citizen; it is, as noble Lords have already said, the small minority of criminals who abuse firearms, knives and corrosive substances.

Regarding the Bill, I am glad that the Government withdrew the legislation on the .50 calibre rifle and have gone for further consultation, because the position is much more complicated than was originally put forward and the Government believed. For my part, I support what was put forward in the other place by my honourable friend Sir Geoffrey Clifton-Brown when he suggested that the bolt and the firing mechanism should be kept separate from the rest of the rifle. That seems to me a totally logical position and, for what it is worth, that will be my little contribution towards the consultation.

Bump stocks, the device used in the Las Vegas shootings in 2017, have absolutely no place in a law-abiding person's armoury. I therefore totally support the Government in their proposed prohibition of bump stocks.

We all want legislation to work, and we all want to be able to respect the police and the NHS. My noble friend on the Front Bench will guess that I am referring now to the 2016 Act and the question of the medical background checks that are needed. Sadly, that Act is not working. It is leading to dislike of the legislation because it is not working and to resentment of the police and the NHS, who are abusing the situation within the Act. I ask my noble friend whether in order to make that Act work better—if the Act works better then there will naturally be greater control of firearms, which is what we all seek—she will seek to implement, at the earliest opportunity, the suggestion put forward by the All-Party Parliamentary Group on Shooting and Conservation and supported by the British Shooting Sports Council.

The package put forward by the APPG to try to make the Act work better consists of five points. The first is a compulsory and once-only medical records check by a GP in response to a police inquiry about the physical and mental health of the applicant. The second suggestion is an enduring marker to be placed by the GP on the patient's medical record noting that he may be in possession of a firearm or shotgun, to ensure that thereafter the GP is reminded to draw to the police's attention any future adverse change in the patient's health that may have a bearing on his ability safely to possess a firearm or shotgun. The third is an agreed reasonable fee for the GP's initial medical records check and placing the enduring marker. On that, the Home Office has said that there should not be a fee for the initial check but, quite clearly, there is evidence that GPs are already charging a fee. The fourth suggestion is an extension of the life of firearms and shotgun certificates from five to 10 years, which will reduce pressure on licensing departments. The fifth

and very important point is that there should be a protection on the confidentiality of applicants and certificate holders' data.

If my noble friend could encourage her department to take forward a package on those lines, she would find much more support than she has had for some of the bits of legislation. If existing laws worked better, we would all be encouraged to follow new legislation more carefully and in the same spirit.

3.40 pm

Lord Ramsbotham (CB): My Lords, I shall concentrate in my contribution on the possible impact of the Bill on children under the age of 18, an aspect that received less than full attention during its passage through the other place. However, I exclude Sir Ed Davey MP from any criticism for that, a number of whose resisted amendments I shall support if they are tabled by his party. However, before making that contribution, I thank Russell Taylor for his extremely comprehensive and helpful Library Briefing.

I submit to the Minister that, despite the Bill generally receiving cross-party support in the other place, there are two reasons why this House should not be invited to undertake any further stages beyond Second Reading until they have been resolved. First, I have never before come across a Bill about which the two members of the Cabinet most affected appear to be at odds over one of its main provisions. In an interview published in the *Times* on 26 May 2018, the Secretary of State for Justice, David Gauke, expressed his desire for there to be a limitation on the use of short prison sentences of less than 12 months, because of their ineffectiveness in reducing reoffending. As he knows better than anyone, our overcrowded and understaffed prison system finds it difficult enough to occupy longer-term prisoners, let alone being able to do anything with and for short-term ones, and the youth justice system is in particularly dire straits—the Chief Inspector of Prisons reported in 2017 that none of the institutions in which young offenders were held was safe. Yet the Home Secretary, Sajid Javid, is proposing mandatory sentences of less than 12 months for a number of additional offences created by his Bill.

Why does this matter? It matters for two separate reasons. First, some argue that harsher punishments such as mandatory minimum custodial sentences will deter people, particularly children, from committing crime. There is no evidence to support this contention. Indeed, in support of the Justice Secretary's desire, the quarterly criminal justice statistics from the Ministry of Justice, published in June 2018, show that the number of children convicted of possession or threatening offences involving knives or offensive weapons has risen since the introduction of mandatory minimum custodial sentences in 2015. A number also argue that locking up those who carry out crimes will reduce the level of crime on the streets. Home Office research proves the expensive unreality of this argument, showing that a 15% increase in child custody numbers is needed to obtain a 1% decrease in crime.

Secondly, mandatory sentences remove judicial discretion. The UN Convention on the Rights of the Child states that custody should only be used as a last resort.

The Sentencing Council's guidelines emphasise the need to look closely at a child's particular circumstances when sentencing, taking into consideration their background circumstances, vulnerability and developmental age, as well as their chronological one. Removing judicial discretion works against these guidelines. I respectfully suggest to the Minister that this issue must be sorted out before the House is asked to make further progress on the Bill.

The second reason why further progress should be postponed is that the Government announced on Report in the other place that they had decided that a consultation on firearms proposals was needed. That has not taken place. In her opening statement, the Minister gave us no details of when it will be launched. Like other noble Lords, I have been lobbied by a number of firearms specialists on various points of dispute with the Bill's terms, but in view of the promised consultation I do not propose to consider the firearms clauses, nor should the House be asked to.

No Government responsible for the protection of the public can afford to ignore the mounting public concern about the rise in knife crime and the recent spate of acid attacks in some inner-city areas, but they should be careful that, in their populist rush to be seen to take a hard line with offenders, they do not create problems by not thinking through the implications of what they are proposing. In this connection, I am reminded of the words of Archbishop William Temple, who said in 1934 that the essence of punishment is that it is the reaction of the community against a constituent member. This community has three interests to consider: the maintenance of its own life and order, upon which the welfare of all its members depends; the interests of individual members generally; and the interests of the offending member. Wrong is done if any of these three is neglected.

In their *Serious Violence Strategy*, launched in April 2018, the Government emphasised the importance of tackling violent crime through a variety of measures, including law enforcement, but also partnerships across a number of sectors such as education, health, social services, housing, youth and victim services—an approach widely welcomed by those working at the coalface.

Like other noble Lords, I am grateful to the Standing Committee for Youth Justice and the Prison Reform Trust for their very helpful and relevant briefings, on which I shall, unashamedly, draw. I am also grateful for a detailed briefing from Junior Smart, a former offender and winner of the Longford Prize, who works with gangs in the East End of London for the St Giles Trust. As he did, I shall discuss knives first.

The sad fact, as reported by Junior and his fellow workers, is that the main reason why young people carry weapons is for fear of being killed. Living in areas affected by serious violence can feel like growing up in a conflict zone, and a fact that needs to be appreciated and understood is that many young people freely admit that they would much rather be caught by the police while carrying a weapon than by their rivals or enemies without one. In other words, they feel like victims as well as perpetrators. Criminalising already disadvantaged young people further can have disturbing consequences, among which are: the risk of driving further inequalities and bias, damaging already fragile

community relations; and driving a further rift between disadvantaged young people and authority, when many people, such as the Mayor of London and charities such as the St Giles Trust, are focused on building bridges between the two.

Short prison sentences disrupt a young person's life in terms of housing, employment and family relationships, while not providing them with meaningful access to rehabilitation support, as all the evidence shows. A criminal record will affect a young person's life prospects. Here I must declare an interest, in that I have been trying, without success, to persuade the Government to amend the Rehabilitation of Offenders Act 1974 through a Private Member's Bill. At present, progress is stalled until the Supreme Court gives a judgment on a government appeal following defeats in the High Court and Appeals Court. Criminal records have been an issue for far too long.

The Mayor of London is leading a public health approach to tackling the complex causes of serious violence in London. In September last year, he announced the setting up of a violence reduction unit, bringing together police, health, criminal justice and local government. His knife crime strategy uses this approach to strengthen and empower communities to help them make a difference, working with schools, Ofsted and mental health providers—including major trauma centres—and making use of social media outlets, to address the root causes of the problem. Junior Smart, welcoming this approach, advocates the use of more individuals like him, with first-hand experience of the problem, in delivering solutions. Young people already entrenched in serious violence need patient, persistent and understanding help to enable them to overcome barriers and realise positive change. Legislation including mandatory short prison sentences will not help a generation of young people growing up in a culture of fear.

Moving on to corrosive substances, Clause 6 creates a new offence of possessing a corrosive substance in a public place, for which Clause 8 imposes an "appropriate custodial sentence" of less than 12 months—for both adults and children—for two or more possession offences. A corrosive substance is merely defined as a substance, "capable of burning human skin by corrosion", and nowhere is there a comprehensive list of what these substances are. Many household products, such as bleach, contain low levels of harmful corrosive substances. The Bill creates a situation where a child could legally be sent to buy a household product without realising that it is illegal for them to possess it in public. Furthermore, the Federation of Small Businesses, which supports the aims of the legislation, points out that the way in which Schedule 1 is worded leaves small businesses in doubt as to what products are or are not subject to the Bill, including such items as car batteries. The federation has asked the Home Office whether the administrative burdens brought about by age verification requirements can be mitigated. Will the Minister please tell the House what is being done about this?

The impact of the Bill on black and minority ethnic young people cannot be ignored, not least because they are more often subject to stop and search procedures that are already the cause of strained relations between BAME children and the police.

[LORD RAMSBOTHAM]

To conclude, violent crime is clearly a serious problem and violent behaviour needs to be prevented and stopped, but as far as children are concerned many are the victims of violence, and the creation of new offences and sanctions is unlikely to alter this view. The law currently mandates minimum sentences of four-month detention and training orders on 16 and 17-year olds who are convicted of two or more possession offences, or one of threatening a person in public. This conviction threshold should remain until there is sufficient evidence that lowering it will be effective in tackling violent crime, or until the public health approach, advocated both by the Government in their *Serious Violence Strategy* and by the Mayor of London and others, has been properly resourced and tested throughout the country. Until then, I think that further processing of the Bill should be suspended.

3.54 pm

Baroness Newlove (Con): My Lords, I first pay my respects to the family of Mr Pomeroy and to his young son, who witnessed his father's murder. I welcome the Government's commitment to tackling violent crime, both legislatively, via the Offensive Weapons Bill, and with the preventive measures outlined in the *Serious Violence Strategy* published in June last year. None the less, while its provisions are to be applauded, I fear that the Bill may be a missed opportunity in focusing so narrowly on the weapons themselves, rather than on the symptoms of why individuals are drawn to carry them in the very first place. For instance, surely this legislation would be an apt vehicle for introducing a specific offence of inducing a child or vulnerable person to carry out such a criminal activity.

I have spoken previously about the scourge of vulnerable children being groomed to carry drugs around the country—"county lines", as it is known in police language. Sadly, we know all too well that violent gangs' funds are capitalised by these acts, and the gangs really like the vulnerability of these young people. Children are certainly not doing this off their own bat, yet their vulnerabilities are the enablers for these violent gangs, who use a promise of money beyond their wildest dreams to induce young people to deal these drugs and carry offensive, lethal weapons, in the sadly mistaken belief that this will shield them from any harm. Other than the high bar of evidence set by the Modern Slavery Act, this coercion and intimidation will be considered as an aggravating factor only at the point of sentencing. In my many conversations with police and agencies working in communities up and down our country to divert children from criminal activity, this is pointed to as a very real gap in our statutory provisions. We should surely use the opportunity presented by the Bill to plug that vital gap.

I am also troubled by the lack of action against those who turn a blind eye to the glamorising of serious violence and criminal lifestyles. I include in this the tech companies behind social media, as well as the radio stations that host and play tracks, aimed at teenagers, which speak carelessly about the carrying of these lethal weapons as a status symbol or badge of honour. I have worked with agencies that inform me that their intelligence has to keep constantly on top

of this. The weapons are cool and essential accessories; before leaving the house the teenager thinks, "Phone, wallet ... oh, blade". Yet their weapon may be the one that takes away their life or that of somebody else where they live. It is hard not to think that we are fighting a losing battle if we are trying to ban the carrying of ninja stars on our streets, yet any self-respecting six year-old knows that a ninja star is the weapon of choice of their favourite Lego Ninjago character, Zane. Have we not just had family celebrations for Christmas?

As a mother myself, I know full well what gang violence looks and feels like. I ask noble Lords to type "gravity knife" into Google. The second YouTube video that comes up is entitled "Cool Gravity Knives". This is not an Xbox or PlayStation game; this is the everyday reality that we face. Offensive weapons are in our homes. Worse, I fear, is that they are being normalised and people are becoming desensitised; they are nothing to be feared. I hold my hands up and am the first to admit that such weapons are not my area of expertise. Yet, sadly, they have an impact on many families up and down the country. As noble Lords would expect, as Victims' Commissioner it is for me to remind your Lordships that behind the rising numbers in homicides, knife crime, robbery and gun crime are individual people and families, left bereft and taken to the edge by their grief and unbearable loss. This loss also causes rival gangs to go out and get revenge. The reality is that going through our criminal justice system becomes as traumatic as the crime itself.

My noble friend the Minister can correct me if I am wrong, but I believe there was an attempt in the other place to introduce an amendment creating an independent advocate for victims of incidents involving offensive weapons. Such a person would be professionally trained and could explain the process, as well as the true meaning of sentencing. The advocate could refer victims to those able to provide practical support and make sure that they have the assistance they need and, what is more, are entitled to expect. More importantly, they could prevent these victims feeling as though they are on a criminal justice conveyor belt, being passed from one agency to another, having to repeat their traumatic story as they meet another usually well-meaning but unacquainted face. Independent advocates can provide a victim-centric service, providing support that will pay vast dividends in helping those bereaved families to rebuild their lives and move forward—to cope and recover.

I want to see the Bill providing for victims. They are not just a crime statistic; they are human beings and families suffering unbearable pain and loss. They must be given better emotional support and guidance to steer them through every step of the justice system so that they can recover from the crime and live their normal lives. Victims constantly tell me that they feel their status in the criminal justice system is not comparable to that of the offender. I look forward to working with the Minister as the Bill progresses. I will continue to push the Government to ensure that victims, whose lives may be devastatingly transformed by the crime committed against them, are afforded the rights they so justly deserve. It saddens me to stand here today knowing that it is 12 years since I lost my husband to gang crime. They had no weapons but hands and feet,

yet we are discussing the corrupt and vicious goings-on in communities and it saddens me that we are not helping young people aspire to better things. Money is one thing. Respect is one thing. But taking a life and a family losing a child is hard to bear every day and into the future.

4 pm

Lord Robertson of Port Ellen (Lab): It is a great privilege to follow the noble Baroness, Lady Newlove. She speaks with authority and personal passion and we should listen with great care to what she says. I listened to her a few weeks ago at the annual Livia Awards, a remarkable institution created by the parents of a young woman who was killed in a road traffic accident to recognise in the Metropolitan Police those who expend extra effort and trouble to bring perpetrators to justice—but, again, focused on the victims of crime. I did the guest of honour speech last year and the noble Baroness did it this year. It is a remarkable organisation, to which I pay tribute.

It is one of the tragedies of the way in which Brexit has sucked the oxygen and energy out of political discourse that issues such as this, which are of huge importance to people in their daily lives, have been sidelined and have not been given anything like the attention they deserve. Therefore it is right that the Government should expect detailed consideration of this Bill and that we should spend a little time on it. It raises a whole host of major issues, which have come out already, even at this early stage.

There are deep social problems in our society today, some of which are manifesting themselves in the violence that is affecting so many parts of the country. We in this House are a million miles away from a lot of those social problems and find it difficult to understand them, let alone find remedies that will be applicable to the areas which they deeply affect. I took part in a programme recently and the very senior presenter, a prominent person in public life, told me on the sidelines of the interview that his son had been stabbed in an incident in London. He had been an inch away from ending his life—a young man now completely traumatised and whose personality has been changed. The presenter said, “It’s like the wild west out there”. For somebody to say that about our country and our capital city highlights something very serious, which merits our concern.

I come from Scotland. In Glasgow the problem manifested itself a number of years ago. All the agencies came together in the violence reduction unit that was created at that time, and a radical difference has been made in the situation there. I am glad that the Mayor of London, Sadiq Khan, has taken on board the lessons of that and that a violence reduction unit has been created in London. I know that Ministers and the Government are also paying attention to the success of something that has worked. Of course, all this is highlighted by the terrible incident that took place on a train last week, and I am sure that all of us here feel profoundly for the Pomeroy family, and especially for their young 14 year-old son.

I will concentrate on only one aspect of the Bill, firearms. I have a degree of knowledge and expertise in this area as I was Defence Secretary of this country

and then Secretary-General of NATO, and it was perhaps part of the armoury of military forces to know a lot about these instruments. But I am also a resident of the town of Dunblane. At the time of the 1996 incident, I was the shadow Secretary of State for Scotland and I lived in the town. The noble Lord, Lord Forsyth of Drumlean, was the Secretary of State for Scotland, and although we were political combatants at the time, we were welded together in the wake of the evil perpetrated by a criminal who both of us knew. I played a part in the legislation that was passed when we came to power in 1997 to abolish the private ownership of handguns in this country, legislation which has had a major influence on gun crime in this country as a whole.

That background gives me a deep concern about the progress of the Bill, in particular the fact that .50 calibre high-powered rifles have now been taken out of the legislation after the initial plan to keep them in. The term “.50 calibre rifle” does not mean an awful lot to the ordinary person, but they are colloquially known as “sniper rifles”. That is a technical expression used in the military to describe guns that kill people at long distance, and that is effectively what they are. If you look them up on the internet you will find that .50 calibre rifles are also known as sniper rifles. The Government’s impact assessment—an interesting document on the subject of .50 calibre rifles—states:

“There is concern about the availability of .50 calibre and rapid-fire Manually Actuated Release System (MARS) rifles being available to some civilian firearms licence holders. The range and penetrative power of 0.50 calibre rifles makes them more dangerous than other common firearms and were they to be used in criminal or terrorist activities would present a serious threat to the public and would be uniquely difficult for the police to control. Due to the rate of discharge MARS rifles pose a comparable risk to the public and police as other self-loading weapons already banned in the UK. The Government need to intervene to ensure the purchase, ownership or possession is illegal”.

That was the opening statement of the Government’s own impact assessment, which went on to go through all the other effects. In the Second Reading debate in the Commons, the Home Secretary, Sajid Javid, said:

“We based those measures on evidence that we received from intelligence sources, police and other security experts”.

He was challenged throughout the whole of that Second Reading debate by a concerted group of Conservative Back-Bench MPs who are part of the All-Party Group on Shooting and Conservation, and he went on to say:

“According to the information that we have, weapons of this type have, sadly, been used in the troubles in Northern Ireland, and, according to intelligence provided by police and security services, have been possessed by criminals who have clearly intended to use them”.—[*Official Report, Commons, 27/6/18; cols. 918-19.*]

Those are not my words or the words of gun campaigners but the words of Her Majesty’s principal Secretary of State for Home Affairs, speaking in the House of Commons.

Why on earth were the Government persuaded to take out the clause in the Bill that would have removed those weapons from legal ownership? I appreciate that the Minister and the Government have said that they are now open to consultation on the matter, but they have not even included some of the safeguards that the gun lobby was recommending, as outlined by the noble Earl, Lord Caithness, to separate out

[LORD ROBERTSON OF PORT ELLEN]

these elements. At the moment, there is nothing: there is no restriction on these weapons. These are weapons that can immobilise a truck—or a human being—more than a mile away from the person handling the rifle. We are talking about a serious weapon with enormous potential. If the Home Secretary of this country believes that they are in the hands of those who may use them, the call for action was all the more important. The police, the intelligence authorities and the National Crime Agency have all come to the same conclusion.

As I read the debate in *Hansard* and the background documents, the echoes came back of the arguments we had after Dunblane from the shooting lobby, who said that these guns were only for recreation and were in the hands of people who were properly licensed, et cetera. But the evil criminal who perpetrated what happened in Dunblane and the one who perpetrated what happened in Hungerford were holding legally obtainable guns at the time. It is right and proper that assessments be made and that we listen to the people who know. As I said, if the Home Secretary of this country believed that there is the potential for these weapons to be used, action should have been taken.

I hope that during the course of the debate in this House, we will return to this subject and perhaps go down the road that the Home Secretary was deliberately on before he was derailed.

4.11 pm

Lord Lucas (Con): My Lords, my objective in participating in debate on the Bill will be to improve what I think is basically a good Bill and a good direction to go in. I declare an interest as the possessor of various forms of caustic liquids and a large number of knives and other blades. I have owned rifles and shotguns and I am captain of the House of Lords target rifle team.

Here we are looking at the balance between the possession of articles which we may all hope or wish to own at one time or another and the danger which those articles can cause our fellow citizens. It is a matter of balance, examining the detail, taking our time, making a fair judgment and looking at the reality of the risks that some claim, the effectiveness of the measures that others propose and dealing with issues at a level of detail that makes the whole outcome fair and effective, not just arbitrary, so that we arrive in this area of interface between ordinary life and danger at a reasonable set of conclusions.

I very much support what the noble Lord, Lord Tunnicliffe, said at the instigation of USDAW. In the Bill, we are putting immense obligations on individual shop workers—often not well-paid or trained people. At the moment, they have similar obligations in relation to alcohol and cigarettes but, frankly, if a kid gets away with a bottle of vodka, the chances of serious harm are quite small. You can rely on ordinary, day-to-day systems: “Yes, I saw their ID and believed it”. Will we be satisfied with that level of protection and practice when it comes to knives? If I turn up as a courier at someone’s gate and accept the identification stating that the person I am handing the package over to is 18, will the courts and the police really be happy if I just say, “I saw it”, or will some kind of process and record

be required? The Government owe a serious duty to couriers and shop workers to lay out exactly what procedures they expect their bosses to put in place, so that they can know as they go about their perfectly ordinary business what level of protection they will have if they behave in a specified way.

It is merely a case, I hope, of taking our thinking forward a little and making sure that we encourage the Minister to make statements during Committee on what the Government consider proper practice in these cases so that shop workers and others are protected properly. There are also arguments for making attempting to buy a knife while underage an offence. We have such an offence for alcohol; why has it not reappeared for knives? We need to look at the protection of the people we expect to enforce the Bill effectively. During Committee, or in conversations before then, I also hope that we will get a good deal more detail on what kinds of offences are committed with knives, including what knives are used and where they come from.

The same goes for firearms, on which a useful report was produced. Rifles make up less than 1% of firearm crime at the moment. We talk about regulating them further in the Bill but what kinds of rifles are we talking about, and in what circumstances? Are we dealing with sporting rifles used in domestic arguments or with criminals using rifles obtained from communities that hold rifles legally? Are we dealing with people importing rifles of different specifications? Frankly, trying to use a bolt-action rifle in a crime is a pretty daffy thing to do: it is extremely hard to aim them straight and they are hard to manoeuvre in close quarters. If you were going to use a gun of that size, you would use a shotgun, at least for effect if you do not aim straight. We need a real understanding of what is going on out there: where the dangers lie, where they are concentrated and where we should concentrate preventive measures. At the moment, we do not have the data we should to understand whether the Government’s measures will be effective.

We ought to examine the definitions in the Bill too. As the noble Lord, Lord Ramsbotham, said, Clause 6 defines a corrosive substance as something, “capable of burning human skin”.

Ice, fertiliser, cement, laundry detergent—all sorts of things—can burn human skin if you leave them on for long enough. The definition ought to include duration, for example if a substance burns the skin within a minute or some other relatively short timescale. Otherwise, people will not know what they are allowed to carry in public under the extent of the Bill.

Schedule 1 contains a list of corrosives, but it is a very short one. Where are bromic acid, iodic acid, perchloric acid, triflic acid, lime, hydrogen peroxide and the numerous hydroxides, all of which are available caustic chemicals? Why this shortlist, which does not even contain the obvious examples? For example, hydrogen peroxide is easy to come by, even in relatively high concentrations. The list does not seem right to me. It is easy to have a more extensive list. People cannot invent new examples of these chemicals, by and large. It is an established list, mostly of inorganic chemicals. Let us get the full list in the Bill so that we do not have eternally to come back and extend it.

When it comes to knives, the established definition of a “bladed product”—with which I am comfortable, by and large—is used earlier in the Bill. However, a different definition appears in Clause 19. A bladed product means an article that,

“is or has a blade, and ... is capable of causing a serious injury to a person which involves cutting that person’s skin”.

That could apply to a safety razor. The established definition of a blade specifically excludes safety razors in a careful sort of way. You are allowed to wander about with a safety razor as long as it falls within certain specifications, but this definition includes safety razors. It also includes lawnmowers, food processors, scissors and an awful lot of other things that you would expect to have such as steak knives and saws. It covers any kind of steel blade for which there are innumerable reasons for people to want to order over the internet. You are producing quite a wide and undefined definition that will require many people to think carefully about where the boundaries of the law actually lie in terms of labelling their products and the processes they use to get them out to the public. We ought to be clear about where the boundaries are in this area.

Why is a stiletto not included in this definition, although it is under the existing definition? That talks explicitly about pointed objects that are designed to stick into people but here the Bill talks just about bladed objects. It is not clear to my mind that we have got the definition right. This is something that a lot of people are going to have to interact with, so it should be absolutely clear and fair.

I am quite comforted by what is set out but I would like to go into further detail about how we are going to deal with knives ordered from foreign websites and what mechanisms will be put in place to deal with something that appears in a brown paper parcel saying that the contents are worth less than £19.95. It can simply wander in. How are we going to pick these packages up? I can see that we can catch Amazon and eBay—or at least Amazon—but are we really dealing with the myriad suppliers who on the internet or are we just taking the online trade in knives and shoving it offshore to no benefit to ourselves?

I turn to rifles—again, this is a matter of going into the detail. The noble Lord, Lord Robertson, has a great deal of experience in this area while my experience is merely practical. It is very hard to use a lever-action rifle to achieve rapid fire and you would have to practise a lot. I am not referring to MARS rifles. If you are practising a lot, presumably you will be part of a registered gun club and thus within the controls over ownership, so that becomes important. Suggestions have been made about storing these things separately and there are concerns about whether we are implementing properly the 2016 Act. All of these issues need to be looked at over the course of the Bill’s passage so that we draw the right line between firearms that we are happy for people to possess under particular circumstances and those which we think no one should possess. There is no absolute line on these things so it has to be drawn with care and consideration. More time and more information would be welcome. My personal suggestion is that since we are considering what to do with high-powered rifles, we should include MARS

and lever-action rifles and take one consistent decision across the whole of the blurred line we have at the moment for what is acceptable.

I look forward very much to the debates on this Bill and I hope that we will end up improving it. I am absolutely delighted that the noble Lord, Lord Paddick, has shown such liberal principles in his defence of the rights of people when faced with charges under this legislation. I shall be behind him if he presses amendments on that theme. We are criminalising people who we have no business criminalising and there is no justification for pushing the burden of proof that far in so many circumstances—and certainly not when it amounts, as the noble Lord illustrates, to children carrying a can of detergent home. That is not the sort of thing where the burden of proof should be tilted against the citizen.

4.25 pm

The Earl of Listowel (CB): My Lords, I am grateful to the Minister for emphasising, in her presentation of the Bill, that this is just one small part of a whole gamut of approaches that the Government are taking to this huge problem of violence in our society. Listening to this debate, I think of a recent visit to Feltham young offender institution. I heard from the director the huge problem it faced with gangs, with maybe 15 young men attacking two or three others. When I used to visit 15 or 17 years ago, it would be two or three young men attacking another boy. This is a sea-change in our society. It is a huge challenge.

Knife crime is perhaps the most important of the many important elements to this Bill. I know it has touched several Members of your Lordships’ House, and there was a terrible recent incident. It is terrible to think of loved ones being removed from this life prematurely in such an awful way. I think about 30 years ago when I worked with young people on housing estates in this country, in London. I thank heaven that at that time there was not this issue of knives or gangs; it was challenging enough as it was. I am grateful to the Minister for emphasising that this is just one part of a larger strategy.

Referring back to visiting prisons, which I do fairly often, I share the concern about criminalising more young people when that might be avoided and introducing short sentences, which are ineffective and put a greater burden on prisons. Our prisons are already vastly overburdened. I am grateful for the new money injected into prisons. At the last prison I visited, an officer had been attacked during the night. It was very demoralising for the whole workforce, but more demoralising still was the sense that over several years their funding had been cut. The promise of new money gave them some hope. I will listen with great interest and I expect I will want to support those concerns about criminalisation and short sentences.

I will try, as several of your Lordships have done, to look at the Bill from the perspective of the welfare of young people. I will emphasise how crucial it is to secure a long-term and robust government commitment to youth work. Can measures in the Bill be extended to the age of 21? This seems much more developmentally appropriate than cutting them off at the age of 18. I declare my interest as a trustee of the Brent Centre for

[THE EARL OF LISTOWEL]

Young People, a mental health service for adolescents, and of the child welfare charity the Michael Sieff Foundation, both of which are in the register.

While the factors contributing to the use of dangerous weapons by young people are complicated, it is always useful to first consider the need for security in young people's lives—security of relationships to people, places and institutions. Young people carrying knives because they are fearful was mentioned earlier. If you are fearful of walking to school because a gang of boys might attack you, it does not seem too far-fetched to think of carrying a knife—as unwise and risky as that is. It is no surprise that young people who have experienced local authority care are so overrepresented in the criminal justice system when one considers the multiple losses that many of them have experienced. Many will have had their relationship with their parents, their family home and their school broken. Within local authority care, they may face changes in foster carers, further changes in school and then early removal into independent living. It was very troubling to read this weekend of the increasing numbers of young people leaving care at the ages of 16 and 17 and being placed in bed and breakfast and hostel accommodation. Many years ago, I talked to a young woman who had been placed in hostel accommodation. She had no proper lock for her door and was the only woman among several men, some of whom were dealing with drug addiction.

I understand that local authorities do not have sufficient funding to deliver the services that they should, and I thank the noble Lord, Lord Tunnicliffe, for referring to that. It is particularly sad because there has been good progress in improving the quality of condition for care leavers. However, while thinking of young people who are frightened, we should remember that care leavers are the most isolated, and possibly the most frightened, young people.

The purpose of this Bill is to protect the public from dangerous weapons, but what goes on outwith the Bill is also important. I therefore welcome the Government's serious violence strategy, the additional investment in youth support and the recruitment of the Redthread agency to intervene when young people are most likely to be amenable to change. However, I hope the Government recognise that, strategically, it is immensely important to secure a sound base for the future of youth work. The Minister will be aware of the sad history of youth work in this country. It is a story of boom and bust: investment is made and then removed. What parent would encourage their child to enter a profession that is guaranteed to have the plug pulled in the next financial downturn? Youth work is a challenging profession, as has been highlighted on the front page of newspapers for the past two years. Think of Damilola Taylor, the growth of youth gangs and the ever-growing availability of hard drugs. We have to give our firmest commitments to the profession of youth work.

Will the Minister therefore tell us what progress has been made in strengthening the duty on local authorities to provide youth services? Does she recognise that the weakness of this duty has contributed to the dearth of youth services and the impoverishment of youth work?

What timetable is there for improvement in the regulation? Does she accept that the new duty must be fully funded by central government? The Minister has indicated in the past that some progress is being made in this area, so I would very much appreciate an update. High-quality youth work is just part of the response to the current crisis but it is, surely, a crucial part. After all the broken relationships that many of the young people who might choose to acquire dangerous weapons have experienced, it is vital to offer them a steady and long-term relationship with a caring, thoughtful and effective youth worker. My noble friend Lord Ramsbotham helpfully highlighted this when he spoke of Junior Smart, the youth worker.

I see that in Committee in the other place attempts were made to raise the age at which suppliers could be sanctioned for supplying young people with dangerous weapons from 18 to 21. Such a move would be wholly developmentally appropriate. The science points to adolescence drawing to a close at about 21. During adolescence, a young person can often be in turmoil; in particular, she or he may have great difficulty in managing their impulses. I hope the Minister and the House will support a raising of the age, and I was glad to hear it mentioned by noble Lords who spoke previously.

In implementing this Bill, we will of course want to think about stop and search, which will have to be made use of to make it work. However, there is a risk of alienating young people if it is done injudiciously, particularly those from a BAME background. I know that the police give very careful thought to how this is used, and clearly they need to be adequately resourced. It is crucial that we have enough community support officers and beat officers with relationships with these young people, so that they do not feel intimidated and so that, when stop and search has to be used, it is used sensitively.

I look forward to the Minister's response and to working on the details of the Bill with her and your Lordships in Committee and on Report.

4.34 pm

Lord Robathan (Con): My Lords, I broadly welcome this Bill, and we have already heard about some of the ways in which it could perhaps be improved. I welcome it on the ground that, apart from anything else, it is the Government's responsibility to protect the public, and the Bill is about improving public safety—and who would not wish to see that happen?

I am not an expert on the rise in knife crime. The noble Lord, Lord Robertson, raised the issue. I have not seen much of it, but in some communities in this country there has been a huge rise in knife crime. If we read the *Evening Standard*, which I try not to do, we discover that there appears to be an explosion in some kinds of knife crime, especially in the capital. That must worry us all. We have all heard about the ghastly murder on the train at Clendon at the weekend. I had never really heard about acid attacks until the last few years and they seem to be on the rise as well—so I commend the Government and certainly support moves, which I hope will be successful, to combat those crimes.

I will focus on firearms alone. I absolutely agreed with the noble Lord, Lord Tunnicliffe, who said that our firearms legislation UK is “among the world's

strongest”— and quite rightly so. We have very little firearms crime in this country compared with, for instance, somewhere such as the USA. Frankly, the USA’s record on gun crime is abominable. Even as someone who owns a shotgun, I say that the way in which people can get hold of weapons and firearms in the USA is a grave worry. The gun lobby seems to be ill judged in that which it is protecting. I declare an interest in that I own a shotgun. I go game shooting and have used, and occasionally still use, a rifle. I was in the Army for many years and used a great many weapons, for obvious reasons. Before we ban something that perhaps we do not wish to do, we should look at the evidence to see what the impact would be. Noble Lords mentioned .50 calibre rifles in particular, so I will home in on that issue.

A long time ago I used a .50 calibre machine-gun. I understand that there are only 137 .50 calibre rifles licensed in this country. For those who do not know, it is a big, unwieldy heavy piece of kit—so it is pretty difficult to use in a hold-up, for instance, as my noble friend Lord Lucas just mentioned. A terrorist in Northern Ireland used to snipe at security forces with a .50 calibre rifle. I do not know whether he is on one of those letters of comfort that were issued after the Good Friday agreement. I do not know whether he was ever caught. I do not know whether he is alive or dead. But the point about the rifle is that it was illegally imported, and of course its use was illegal. I think that it was part of the three or four shipments that Gaddafi sent from Libya to the IRA. The last one was seized by the French Navy in 1987. The MV Eksund had 120 tonnes of armaments—weapons and ammunition—on board. That is the sort of scale that one is looking at. So if we are talking about banning illegally held .50 rifles, there are 137 in this country. So we should bring this into perspective.

I am sorry that the noble Lord, Lord Robertson, is no longer in his place. As he said, he was closely involved in the Dunblane massacre—the appalling incident when Thomas Hamilton murdered 17 children and teachers in a classroom. Noble Lords may remember the Cullen report that followed, in which Lord Justice Cullen—the noble and learned Lord, Lord Cullen—found failings in the police’s registering of the weapons that Hamilton had, and also failings in general public services such as mental health services, because issues were raised back in 1991 about Hamilton’s mental suitability to have firearms. Those were not taken up.

Cullen did not recommend the banning of pistols. Now I am not a pistol shooter, so the ban did not affect me in any way. I am not arguing on my own behalf. But one has to ask what effect it had on crime using handguns or pistols. I dug out the statistics. Of course, Hamilton had legally held pistols. This point was made by the noble Lord, Lord Robertson, who I thought argued very well—so I am not criticising him. But in 1996, the year before the legislation came in, there were 3,347 handgun-linked instances of crime reported. In 2001-02 that had gone up to 5,874. It has since come down again. In the last year for which we have statistics it was 2,675. Almost all these weapons—and I would say now all these weapons—have never been legally held. So by banning people spending their weekends firing pistols, which I did not and most people did not, we have not particularly contributed

to a reduction in firearms crime because you can buy pistols. The noble Lord, Lord Paddick, will stop me if I am wrong, but I suspect that there are pubs in London where you can buy a pistol—if you know the right pub, which I do not.

While I support the Bill, we should not go into the business of interfering with people’s lives where it is not necessary. If it is necessary, we should. On that note, I commend the Bill to the House in general terms.

4.40 pm

Lord Storey (LD): My Lords, this is, quite rightly, a sombre Second Reading debate. I followed the passage of the Bill through the other place with interest and I share the sadness of many speakers so far that we need this legislation.

Sometimes we need to take a step back and understand why things happen and the causes of actions. Sometimes a knee-jerk reaction saying “We need to ban something” is not always the right approach. Let us be quite clear: today in our country many women, particularly young women, walk out at night with their car keys acting as knuckle-dusters in case they are attacked. It is a natural reaction to be fearful. If our communities were safer, if there were more police on the beat and if there were community policing, perhaps people would feel safer and would not feel the necessity to arm themselves. That is not to say that stabbing somebody to death or throwing acid in somebody’s face is acceptable. In my view, in most cases it is downright evil.

I cannot imagine anything worse than a police officer appearing at the door and telling you that your son or daughter has been stabbed or shot to death or being told that your daughter or son had been charged with a stabbing or shooting offence. It is sad that legislation is needed, but we must keep our communities safe and protect the most vulnerable. Only a few days ago in my city a knife-wielding gang ran amok in daytime in the city centre terrifying tourists and residents alike. I was shocked when my noble friend Lord Paddick said that every day in the UK somebody is stabbed to death. Many of us have mentioned Mr Pomeroy, who was stabbed nine times. Our hearts and thoughts go out to all the people who have been caught up in these awful events

In the Government’s *Serious Violence Strategy*, published in April 2018, we learned that:

“We want to make clear that our approach is not solely focused on law enforcement, very important as that is, but depends on partnerships across a number of sectors such as education, health, social services, housing, youth services, and victim services”.

The four strands of that strategy are:

“tackling county lines and misuse of drugs, early intervention and prevention, supporting communities and partnerships, and an effective law enforcement and criminal justice response”.

When I read the strategy, I was very pleased that the second strand was early intervention and prevention. I have an interest in children and young people. While the Bill is focused on the fourth of these strands—the effective law enforcement and criminal justice response—I think that in this debate we need to place on the record the importance of early intervention and prevention, which is a much more significant and positive approach than those which the Bill proposes.

[LORD STOREY]

Chapter 4 of the *Serious Violence Strategy*, published in April 2018, deals with early intervention and prevention, and there is a list of what the Government call “Key actions and commitments”. The chapter opens with the following:

“We must prevent people from committing serious violence by developing resilience, and supporting positive alternatives and timely interventions. Prevention and early intervention are at the heart of our approach to tackling serious violence”.

It goes on to say:

“A universal intervention builds resilience in young people through supporting positive choices, improving critical thinking skills, providing healthy, stable and supportive frameworks whether in the home or school”.

The strategy talks about further work to support schools and,

“plans to deliver face-to-face support for parents of children with mental health problems and improve early interventions with young people with mental health issues”.

I am tired of hearing about intentions to improve mental health provision for children and young people. We all know which road is paved with good intentions. The record of recent Governments on mental health in general and child mental health in particular is, quite frankly, not good enough.

Today, the Prime Minister launched the *NHS Long Term Plan*, with yet more promises about child mental health. The Government seem proud of the fact that, “in 2017/18, around 30.5% of children and young people then estimated to have a mental health condition were able to benefit from treatment and support, up from an estimated 25% two years earlier”,

and they seem satisfied that:

“Over the next five years the NHS will fund new Mental Health Support Teams working in schools and colleges, building on the support already available, which will be rolled out to between one-fifth and a quarter of the country by the end of 2023”.

The intention to roll out support to 25% of schools and colleges by 2023 will be of no comfort to the 18,000 schools that do not make the cut. And to read that:

“The NHS work with schools, parents and local councils will reveal whether more upstream preventative support, including better information sharing and the use of digital interventions, helps moderate the need for specialist child and adolescent mental health services”,

is, quite simply, ridiculous.

Developing resilience is another major element of the preventive strategy. I am all in favour of developing resilience and promoting character-building in children and young people, but the Government still cannot agree to make PSHE a statutory part of the national curriculum or agree on what would be included in that provision. This is surely the subject in which resilience can be developed. Our children and young people are tested endlessly on a content-based curriculum, with school leaders and teachers’ futures dependent on performance tables. This focus on SATs and EBacc results has squeezed out many of the curricular and extra-curricular activities that help children and young people develop resilience and build character.

I was not going to mention social media, but the noble Baroness, Lady Newlove, in her quite emotional speech, did. I do not think that we have understood the significant impact that social media can have on

the minds of young people. To see teenage gangs glorifying knives and other weapons and being allowed to run these things on social media for days and sometimes weeks on end is, quite frankly, not good enough. Similarly, we have not completely understood the whole issue of video games. I think that they have a serious effect on young people. When children can get hold of video games that glorify violence, that must be something for us to think about, and perhaps this will be an opportunity for us to do so.

I shall give another example. In our rush to get better results, we now “off-roll” pupils. To get rid of difficult pupils and difficult problems, many schools will off-roll pupils to the street corner, where they become easy prey for violent teenage gangs and, in some cases, drug dealers. In terms of diverting young people away from violent activities, it is unfortunate, to say the least, that, as the noble Earl, Lord Listowel, rightly said, we have seen youth services cut to the bone, with the voluntary sector often the only providers of these services. Detached youth workers would seek out disaffected young people, whether they gathered near the bus shelter, on the street corner or in the park, and would talk to them, help and advise them. They no longer exist. There is no longer any support for those young people.

I am sure that we do not want to adopt the American response to violence which, with the full support of the President, is to give more people guns. The commission investigating the high-school massacre in Parkland, Florida, unanimously approved a report which included the recommendation that teachers should be able to carry guns—my goodness. Fighting fire with fire is not a solution for the UK. The answer is building up young people’s resilience, dealing with mental health problems immediately and effectively, and providing support in communities.

I support this Bill while regretting the necessity for it; however, I deplore the fact that austerity has been used an excuse to deprive young people of so many positive alternatives to carrying a knife or worse. Let us reflect on the fact that it costs £40,000 per year to keep a young person in prison—twice the cost of a youth worker.

4.51 pm

Baroness Couttie (Con): My Lords, I begin by reminding the House of my interest as a deputy chairman of the Local Government Association.

No local authority leader will ever forget the first death from a knife attack on their patch, while they were in charge. Early in my leadership of Westminster City Council, I was deeply affected by the murder of a 16 year-old boy who was hacked to death with machetes by a gang of youths on a busy Pimlico street at 4 o’clock in the afternoon. This horrific crime was part of a dispute relating to drug-dealing territories; the police swiftly found the perpetrators and brought them to justice along with those who attempted to hide them. This was about seven years ago; as we all know in this Chamber, knife crime, along with serious violence involving guns and corrosive substances, has continued to rise and it is our young people, often

from deprived areas, who are in the front line. For this reason, I welcome the Bill and its approach to tackling violence on our streets.

The Offensive Weapons Bill will give police greater powers to tackle the growing problems we face but, more importantly, it is part of the Government's *Serious Violence Strategy* launched in April last year. This strategy advocates a partnership approach between the police, local government, charities and local people; in my experience, it sets out the collaborative working needed not only to deter potential offenders, through swift and strong justice, but to divert those at risk of becoming victims or perpetrators from becoming part of the culture—often linked to gangs—that is so prevalent in some of our most deprived areas.

In the interests of time, and basing my words on my own experience, I will speak about the work that London Councils has undertaken to combat this growing problem in our capital and to illustrate how the *Serious Violence Strategy* can work in practice. All 32 boroughs plus the City of London work collaboratively across London; they do so not only as boroughs, but by bringing in many other relevant providers in sectors such as health, schools, the voluntary sector, the GLA and local residents, as well as, of course, co-ordinating with the police. Within London boroughs many, such as Westminster, take a cross-departmental approach, bringing in expertise from housing, social services, planning, culture and children's services.

London is a very diverse city; it is therefore important that each borough develops approaches that suit its local needs and can be co-ordinated across boroughs. Boroughs have developed different approaches to best fit their circumstances, and this allows cross-borough experimentation and learning. London Councils has established a repository of practice on serious youth violence, which has useful links to data sources and other resources and makes available to boroughs the knife crime action plans of community safety partnerships. These set out the core elements that would appear effective in a local knife crime plan so that boroughs developing plans do not have to reinvent approaches.

In order to facilitate this collaborative approach, some boroughs have established integrated gangs or anti-violence units. Some have collocated staff from different departments and other bodies while others use virtual collocation; both strategies seem to be working well. Westminster has one of the highest volumes of weapon-enabled crime in London, as a result of the concentration seen predominantly in the West End area and linked to the night-time economy. The council has used the multiagency approach to tackling this issue to great effect. It begins with a grass-roots approach, which challenges the belief that carrying a knife keeps you safe and that selling drugs has no victims. It is an online platform that uses a series of films to portray the full impact of drug dealing and carrying knives. The films are made by young people from Westminster, Kensington and Chelsea, and Hammersmith and Fulham.

Westminster's integrated gangs unit is a multiagency team launched in 2011 in response to the rising rates of gang violence and aims to intervene and divert young people away from gangs and criminality. In 2018

Westminster established a task group to look at the changing nature of violence and weapons use and ways that council departments and other agencies can further work together to greater effect. The youth offending team not only works with those who have committed a crime but delivers a range of preventive interventions targeted at young people and parents. Community weapons sweeps aid the removal of offensive weapons from our streets, while anonymous reporting gives the council and local police valuable intelligence to help the fight against violence. The Westminster trading standards team is also working with local businesses to create a partnership to stop the sale of corrosive substances to young people.

Several boroughs have taken a public health approach, focusing on harm reduction, primary prevention and early years. This approach is focused on analysing the underlying causes of serious youth violence and tackling those issues before they develop into a serious problem. Similarly, other boroughs such as Lewisham use a trauma-informed health approach, the key principles of which are to develop a local understanding of the adverse impact of childhood experiences on the prevalence of violent crime. They endeavour to ensure that schools are a place of safety for young and vulnerable people and offer a space to address adverse childhood experience early, aiming to develop resilience and emotional intelligence in children so that they understand how to live a safe and healthy life.

One particularly effective technique used by many schools and youth groups is talks by ex-gang members about the dangers of the lifestyle that they have left behind them. The speakers are usually young men who the children can relate to, who look cool and could be seen as role models. But it is not just about trying to put young people off involvement; alternative activities need to be available as well, which is where youth clubs and programmes have such an important role to play. Boxing clubs, football clubs and centres that offer facilities with teachers for young people to compose or play music, or for other creative activities, are vital for ensuring that young people are engaged in positive activities in a social environment instead of on the streets with little to do, where they are easy prey for those wishing to pull them into the gang lifestyle.

There is still much to learn and much to do to reverse the frightening trend of increasing serious youth violence and its use of offensive weapons. The Bill will help the police to target and punish those who are already intent on inflicting or threatening injury and those who assist them, and I support it. It is clear, however, that to really have an impact, prevention needs to be at the heart of any approach. Diverting those who are at risk of being sucked into gangs or feel vulnerable if they are not armed must be at the centre of what we do, and I sincerely hope that the Government's serious violence strategy is backed up with sufficient resources, not just for the police but for those other bodies on the front line of dealing with this problem.

4.57 pm

Lord Bilimoria (CB): My Lords, I was brought up in India with my late father, Lieutenant-General Bilimoria, who served as an army officer and rose to become

[LORD BILIMORIA]

commander-in-chief of the central army. From a young age we were exposed to firearms. I was exposed to live shelling at a very young age. Throughout this, my father always imposed on my brother and me how dangerous firearms are. In fact, when he gave me my first airgun he said, “Son, even an airgun can be lethal”. When he gave me my first Swiss army knife, he said, “This is a dangerous weapon”, and sure enough, a few days later, I cut my hand when closing the knife. All guns and knives can be offensive weapons.

The Bill concerns the increasing number of violent offences that we see coming out every day. The statistics show that this is the case, and I thank the House of Lords Library briefing team and Russell Taylor for their excellent briefing. The intention of the Bill is to strengthen the law to help to tackle violent crimes, particularly those involving knives, firearms and corrosive substances such as acid. The statistics show that the number of police-recorded offences involving knives and sharp instruments are going up, as is the number of admissions to hospitals in England for assaults involving sharp instruments. The number of homicides has increased, following a long decline.

I commend a lot of the measures in the Bill, including the area dealing with the sale and delivery of corrosive products and the possession of corrosive substances. It talks about the sale and delivery of bladed weapons. The Minister spoke about the online sale of knives. Clauses 17 to 19 would make a remote sale an offence in certain circumstances. The Explanatory Notes to the Bill state that, for the purposes of this offence, a bladed product is defined as,

“articles which have a blade and which are capable of causing serious injury to a person’s skin by cutting”—

like my penknife. There are 400 million knives in the UK; virtually every one of them is capable of causing injury. Where does one draw the line between knives used violently and knives for everyday use in kitchens and by chefs for cooking? Of course, the Bill talks about the prohibition of certain firearms; when it was first introduced, rifles,

“from which a shot, bullet or other missile, with kinetic energy of more than 13,600 joules at the muzzle of the weapon, can be discharged”,

were to be prohibited—this included .50 calibre rifles. This has now been removed because of a government amendment.

On Second Reading, Sajid Javid said:

“The Bill will help to make all our communities safer by helping to get dangerous weapons off our streets. As Home Secretary, I will be relentless in ensuring that our streets remain safe”.—[*Official Report*, Commons, 27/6/18; col. 927.]

As Home Secretary, he is rightly making the security of the country’s citizens the Government’s number one priority. In the Labour response, the shadow Minister for Policing, Louise Haigh, brought up the issue of police numbers and the cuts in spending, believing these issues were significantly contributing factors in the growth of violent crime—I will come to that later.

Then, Sir Geoffrey Clifton-Brown, the Conservative MP who chairs the All-Party Parliamentary Group on Shooting and Conservation, argued that, instead of

focusing on banning such firearms, rules should be tightened regarding their storage, with licence decisions potentially contingent on police approval of secure storage arrangements. He stressed that this would be better for public safety than the “disproportionate” measures set out in the Bill, and said:

“They target some of the most law-abiding people in the country and they will not make this country any safer, because the criminal will use a different weapon of choice”.—[*Official Report*, Commons, 27/6/18; cols. 951-52.]

Of course, the government amendment means that these weapons have been taken out of the prohibited list.

In his excellent speech, the noble Lord, Lord Robertson, spoke from his great experience as a former Secretary of State for Defence and Secretary-General of NATO, and as somebody who lived in Dunblane. He spoke about the use of .50 calibre weapons as sniper rifles, and gave his view. The other view was given by Jonathan Djanogly, the Conservative MP who is chairman of the British Shooting Sports Council or BSSC. He thanked the Government for listening, and stressed that he wants to engage with them. He explained:

“The proposal in the Bill to ban firearms with a muzzle velocity of more than 13,600 J, including .50 calibre guns, was not, under any interpretation of the facts, going to help the fight against crime. The guns are very expensive, costing around £20,000 each. There are therefore very few in number, with only 150 or so in private hands. They are extremely bulky, heavy at 30 lb and slow to load, with large, hand-loaded ammunition. In fact, one could hardly find a firearm less likely to be used in a crime. They are simply too big. That is probably why they have never been used in a crime in this jurisdiction”,

with the exception that the noble Lord, Lord Robertson, spoke about. Other firearms are equally dangerous and, as Jonathan Djanogly said, .50 calibre rifles could be adapted to avoid the prohibition. He said:

“The irony is that .50 calibre firearms could have their barrels shortened, thus taking them beneath the maximum velocity. The 13,600 J limit is entirely arbitrary, and many owners and manufacturers could simply adapt their guns down to the new limit. The NCA refers to recent seizures of guns, including fully automatic weapons, as showing that crime groups are seeking more powerful weapons, but the .50 calibre is not automatic and there is no evidence of crime gangs ever having wanted to use it”.—[*Official Report*, Commons, 28/11/18; cols. 283-84.]

He also said that people should have the right to engage in shooting sports.

The Minister spoke of the risks posed by firearms and target shooting. In its briefing, the BASC talks about the confusion in advice to Ministers; there is confusion about calibre, and machine guns are confused with rifles. It talks about maximum range versus effective range. It cites an example:

“There is no relationship between .50 calibre rifles and the 2017 shootings in Las Vegas. The rifles used in the Las Vegas shootings were .223 and .308, smaller than .50 calibre and not covered by the Offensive Weapons Bill. They were semi-automatics, illegal in the UK, turned into virtually automatic rifles by the use of a ‘bump stock’”,

which we are banning. The BASC continues:

“There is no evidence that bump stocks have been used in the UK and the Offensive Weapons Bill seeks to ban them—with the support of the shooting associations”.

Then there is the issue of lever release rifles and manually actuated release systems—LR and MARS. One has to bear in mind the effect that the proposed

ban on this type of rifle will have on sports shooters who have disabilities and injuries, who are unable to operate the other rifle actions, such as bolt action or straight pull. Lever release rifles are very inclusive and enable disabled and injured shooters to carry on with their sport and hobby. Statistically, firearm owners are the most law-abiding citizens in the UK. No crime has ever been committed with a lever release rifle. The criminals' weapon of choice is an illegally obtained shotgun or handgun. Handgun crime has risen to the point that the Bill has come forward, even though handguns are already legal.

The noble Lord, Lord Lucas, is my captain as captain of the House of Lords shooting team, of which I have been a member for years. We shoot in the Vizianagram trophy at Bisley. What Wimbledon is to tennis and Lord's is to cricket, Bisley is the headquarters of world shooting. When we have our match against the other place, the Oxford and Cambridge annual varsity match also takes place.

There has been concern from the shooting community about this Bill. Shooting is a global, Olympic sport. As things stand, shooting has not been included in the Commonwealth Games in Birmingham in 2022. Is the Minister aware of this? I brought this up with Matt Hancock, the current Health Secretary, who was at that time Secretary of State for Culture, Media and Sport. He assured me that the Government were very supportive of shooting being included in the Birmingham 2022 Commonwealth Games. I have had representations from the president of the National Rifle Association of India, who is now also vice-president of the International Shooting Sport Federation, his Highness Raninder Singh, expressing his concerns. India and Britain win many medals in shooting in the Commonwealth Games. It is an inclusive sport for all ages—people shoot over the age of 50—competed by small countries in the Commonwealth. The Falkland Islands put forward a big shooting team. Will the Minister assure us that the Government are making every effort to include shooting in the Birmingham Commonwealth Games in 2022?

At Third Reading the Home Secretary, Sajid Javid, acknowledged that the Bill had raised some difficult issues regarding proportionality, but stressed his belief that the right balance had been struck. He said:

“We recognise, for instance, that knives, corrosives and firearms are not in themselves offensive weapons, and that they have many lawful and legitimate uses in people's everyday lives. That means that a balance needs to be struck between protecting the public and ensuring that legitimate activities are in no way unduly affected. I believe that the Bill strikes the right balance”.—[*Official Report*, Commons, 29/11/18; col. 367.]

That is what we will debate in Committee.

I want to conclude by going to the most important issue in all this: the rise of violent crime. We had a debate on violent crime in November. I started my contribution then by telling the House about my older daughter, who was so scared by stories of things happening to her friends that she became scared to walk home from the tube station to our house. I said:

“What is our country coming to?”—[*Official Report*, 29/11/18; col. 793.]

Now, sadly, just few days ago, in broad daylight in the middle of the day on a train, what happened to the Pomeroy family in front of a 14 year-old boy?

This Bill is necessary, but on its own it is useless. The number of police in London has fallen below 30,000 for the first time in 15 years. Cressida Dick, who is a very capable Metropolitan Police Commissioner, said that a lack of resources was a factor in homicides reaching a 10-year high. Does the Minister agree? The police are defending a new initiative of moped ramming, a tactical contact initiative they are now using to try to tackle the situation. There are more and more accusations that the Government are losing control in the fight against crime. Offences have risen by 14% while the numbers of officers have plummeted to record lows. I spoke earlier about the surge in knife crime.

The big issue is that the number of police officers has fallen to 121,929, the lowest figure since records began 22 years ago. On top of that, there has been a drop in neighbourhood policing. I do not see neighbourhood police officers any more, but I used to see them walking or cycling around every day. Overall funding has fallen by 18%, taking inflation into account, compared with an increase in funding of 31% between 2000-01 and 2010-11. Of course, we know who became Home Secretary then: our current Prime Minister. Direct government funding has fallen by 25% over the same period. There were 40,000 offences involving a knife or sharp instrument—a 16% increase. These figures are corroborated by records of National Health Service hospital admissions resulting from the crimes which I have spoken about. With 1.1 million violent crimes recorded—an increase of 21%—the rising trend has simply continued. The police are under so much pressure.

This has to be looked at in another context as well. Is our criminal justice system good enough to cope with this? Rory Stewart, the Justice Minister, said that:

“Knife crime is horrifying—it causes catastrophic damage to families with tragic consequences”.

Noble Lords have heard from the noble Baroness, Lady Newlove, about her own tragic personal experience.

The situation is awful. Scotland Yard is a global brand and has historically been respected around the world. The Bill is crucial, but it can be effective only if we increase our police officers and neighbourhood policing, double our number of armed police officers, and continue to make the nation's security the number one priority of any Government.

5.11 pm

Lord Bethell (Con): My Lords, I welcome the Bill and will talk about the provisions relating to corrosive substances and acid attacks. I declare an interest as a trustee of the Scar Free Foundation, a medical research charity that seeks to find a cure for scarring. Through this work, I have had first-hand experience of talking to victims of acid attacks, the effects of which are utterly devastating and very often a severe, lifelong sentence. Victims may suffer blinding, permanent scarring of the body and face, and acute social and psychological difficulties from the disfigurement and pain. It is

[LORD BETHELL]

worthwhile that the Bill puts such a significant focus on dealing with this issue. It is absolutely shocking that the UK has one of the world's highest rates of recorded acid attacks per capita. According to Acid Survivors Trust International, there were 228 attacks in 2012, rising to 941 in 2017.

This issue deserves our attention and I pay tribute to the Home Secretary and the Home Office for moving quickly. However, there is a fear that simply toughening sentences and strengthening legal definitions are not enough to make a change on this issue, and are potentially distracting. Acid attacks happen all over the world, and there is a pattern of behaviour by Governments in different countries. Parliaments instinctively reach for the rulebook to address these horrendous crimes, but the story of legislation on acid attacks around the world is not encouraging. In the national and regional legislatures of the countries that are most affected, such as Bangladesh, Pakistan, India and Cambodia, you will see passionate politicians trying to make a difference by introducing frightening-sounding new laws. But these have little effect on the cultural and social causes of the problem. The police and the judges seem incapable of stopping this crime, and the suffering continues.

I do not deny that there is a huge amount of support for the measures in the Bill, and they certainly have my support. However, there is a concern that we could make the same mistakes as Parliaments in other countries. If noble Lords think that Britain is in some way exceptional, I will give a couple of examples of what I mean. A recent FOI request to the Civil Nuclear Constabulary revealed that, to date, not one individual had been caught in possession of a corrosive substance as a suspected offensive weapon.

Secondly, of the 2,078 acid attacks recorded in the UK between 2011 and 2016, only 414 resulted in a charge being brought. The Bill will do much to close loopholes, but if we are to have any chance of reducing these horrible crimes, we cannot stop at legislation. We need to see acid attacks in the context of street theft, gang retribution, hate crime, domestic abuse and so-called honour-based violence. Each of these has complex causes and solutions. Having a more sophisticated approach to dealing with them was the subject of the excellent crime debate led by the noble Lord, Lord Harris, in November, which supported the use of a sophisticated, multiagency, public health-style approach to crime prevention. I recommend that these be applied here.

I have two questions for the Minister. First, how can we be sure that the changes and measures introduced by the Bill are anything more than virtue signalling and will actually generate prosecutions? For instance, there are the costs of implementing an inspection regime or the forensic challenges of establishing a provable audit trail back to the retailer. How does the Minister envisage measuring how the selling of corrosive substances will actually lead to convictions? I appeal to the Minister not to allow the Home Office and all the relevant agencies of the state to be distracted by this useful legislation from the bigger battle to reduce this horrific crime wave.

5.16 pm

Baroness Eaton (Con): My Lords, I am pleased to be able to contribute to today's Second Reading debate on this welcome and very necessary Bill. Violence in all forms is unacceptable, particularly when dangerous and offensive weapons are involved. Such violence gives rise to serious harm and has a traumatic impact on individuals and their families. There is a serious likelihood that in an environment where individuals carry and use weapons, this will contribute to an increase in weapons carried by others, who will feel the need to defend themselves from unlawful violence or to protect a criminal enterprise and the proceeds of that enterprise.

The Bill has been widely welcomed as being overdue and very necessary. In a changing environment the Bill provides a set of norms and makes it very clear what is not acceptable in a civilised society. I was most interested to hear the excellent speech of my noble friend Lord Bethell, as I share his interest in crimes associated with acid attacks. The Centre for Social Justice has collected evidence in relation to corrosive substances, to identify current attitudes and evolving norms and codes of behaviour. Its work involved networks of victims and self-identified at-risk groups. It received 236 responses to a short survey, some of the highlights of which showed some very surprising and concerning information. Some 78% were in fear of being subject to an acid attack; 78% said there were areas where they would not go for fear of being attacked with acid or a knife; 89% felt that the Government were not taking the issue seriously; 75% believed that the police were not taking the issue seriously; 89% believed that police should routinely test substances being carried by suspects; 94% wanted to see tougher penalties for those carrying acid; 73% believed that carrying acid should be treated more severely than carrying a knife; and 90% believed that we should tackle the root causes behind such crimes. As many speakers today have recognised, behind these crimes are things that we need seriously to address.

Additionally, a charity working with the CSJ provided information that some of those at greatest risk of being involved in serious youth violence—as an offender or a victim—reported that acid is easier to conceal than a knife; for example, by transporting it in a water bottle. Acid can be used at a greater distance than knives or other points or blades. Acid causes serious and potentially lifelong injuries but is unlikely to result in death. An individual can use acid more effectively than a knife against a group of individuals at once. Acid is often readily accessible. Corrosive substances can often be found under the kitchen sink, or equally easily as bleach on a supermarket shelf.

It is welcome that the Bill makes it an offence to sell a corrosive product to persons under 18 or for a seller to deliver to a residential premises when the sale is made remotely. However, I do not believe that all violent attacks involving corrosive products have been committed by someone under 18. Extending the age to 21 is something we should consider. The Bill provides law enforcement officers with appropriate investigative and enforcement powers in relation to the offence of possessing a corrosive substance in a public place.

It will be vital for the Home Office to give appropriate support to police forces most affected by the rise in acid attacks, and to equip front-line officers with testing kits. The kit will need to allow for the routine testing of substances carried by suspected offenders or those who might be at risk of carrying acid in preference to other weapons. The Bill should send a clear signal and curtail the growth in this offence, and sentencing should be more severe. The sale of corrosive substances should be subject to the same standards of checks as those for the sale of knives. To change behaviour, there needs to be an increased risk of detection. The testing equipment needs to be low-cost and available to the majority of front-line police officers.

The Bill is an important strand of the Government's serious violent crime strategy. The strategy is being led by the Home Office, but there needs to be work across all government departments and agencies. Tackling serious violent crime requires multiagency partnerships across education, health, social services, housing, law enforcement and local government. Most importantly, it requires a strong emphasis on and investment in early intervention. For the Bill and the serious violence strategy to be successful, sufficient resources for all agencies with an essential role must be made available.

5.22 pm

Lord Singh of Wimbledon (CB): My Lords, I too believe that the Bill is both timely and necessary. As a Sikh, I would like to voice my appreciation of the sensitivity shown by the protection of the existing right of Sikhs to wear a short kirpan for religious reasons. However, it appears that the common Sikh practice of presenting a full-length kirpan, or sword, as a token of esteem or appreciation to those who have made a significant contribution to Sikh ideals, such as tolerance and respect for other faiths, has been overlooked and is not currently protected.

The recipients of this honour do not have to be Sikhs. I have made presentations on behalf of the Sikh community to His Royal Highness Prince Charles, when he joined us as the main guest at a major function at the Royal Albert Hall, and to the late Lord Weatherill, the former Speaker of the House of Commons, for his work with the Sikh community in India and Britain. Years earlier, the Sikh community in Leicester honoured Sir John Templeton, founder of the Templeton Prize, after he awarded me the UK equivalent for furthering religious understanding.

For Sikhs, this custom is no less important than the protection given in the Bill to the use of a sword for theatrical performances or for its keeping for historical reasons. Unfortunately, the presentation and keeping of this token of esteem is not protected in the proposed legislation. It is important that, as the noble Lord, Lord Lucas, so eloquently put it, we do not criminalise people unintendedly. On behalf of the UK Sikh community, I will seek a small amendment to the existing wording to ensure that the presentation and receipt of this traditional ceremonial Sikh honour remains protected.

5.25 pm

The Earl of Shrewsbury (Con): My Lords, I broadly welcome the Bill. My interest in it stems from my record as an enthusiastic supporter of the shooting sports.

I am a former president of the Gun Trade Association and a former president and chairman of the British Shooting Sports Council, and a former chairman of the Firearms Consultative Committee at the Home Office, appointed about four weeks before Dunblane happened. I am a member of the Worshipful Company of Gunmakers and a member of both the British Association for Shooting and Conservation and the Countryside Alliance. From that, your Lordships will probably realise that I am quite keen on my chosen sport and, I hope, moderately knowledgeable.

Every shooting organisation to which I have ever belonged has had one common goal: the responsible promotion and enjoyment of its chosen discipline while ensuring that safety, especially the safety of the public, should always remain paramount. Indeed, I recall that during the passage of the Anti-social Behaviour Act 2003, Her Majesty's Government wished to ban and remove from circulation entirely and without compensation the Brocock air pistol. This weapon, which was easily capable of conversion—probably in a garden shed—into a deadly little weapon using basic tools, had become popular as the weapon of choice of criminals. It had been used in a number of fatal shootings, and there were very many of these guns in circulation. The Gun Trade Association and the other shooting organisations actively supported the Government's view that these guns should become a prohibited weapon under Section 5(1)(af). However, under the Act, and as a consequence of the Government's unwillingness to compensate owners and the manufacturers, some people were permitted to hold such a gun under a Section 1 certificate. Today, around 60,000 Brococks are still in existence somewhere out there—nobody really knows where—and the manufacturers have still not been compensated for the loss of their expensive tooling and equipment. The support of the Government's actions by the various shooting bodies bears testament to a responsible shooting community.

In that light, I will offer a few comments on the Bill, specifically with regard to guns. First, the question of so-called bump stocks was raised in the Government's policy paper, in their overarching fact sheet. That document states that the Bill will prohibit,

“high energy and rapid firing rifles and a device known as a ‘bump stock’ which increases the rate of fire of rifles and provides for compensation of owners”,

of such weapons. Compensation is not normally the case.

I take this opportunity to remind your Lordships of just what is a bump stock. It is, in simple terms, a piece of equipment which, when fitted to the stock of a self-loading rifle, enables it to fire missiles much faster, and exponentially turns that firearm into an automatic weapon. Incidentally, although a legal definition of a self-loading rifle is yet to be decided, a useful one could well be: “a weapon where, after the weapon is fired, it is reloaded without the intervention of the operator”. The perpetrator of the massacre in Las Vegas used guns fitted with bump stocks. So far as I am aware, such stocks are made only in the United States, and they were subject to a ban on importation into the UK in 2017 through the Notice to Importers 2896 of 4 December 2017. In any case, self-loading rifles are already prohibited firearms under Section 5(1)(ab) of the Firearms Act 1968 as amended.

[THE EARL OF SHREWSBURY]

Briefly, on .50 calibre rifles, it is my understanding that these weapons came under the scrutiny of the police when one was stolen from a car and recovered, having not been used in a crime but with its barrel sawn off. Anyone who is stupid enough to do that to a .50 calibre and fire it is ensured of a very brief life expectancy.

In addition, I understand that the police misguidedly believe that such weapons are used for material destruction. The ones used by the military most definitely are, as they are used as snipers' rifles. There are only about 130 civilian versions of these rifles held privately in the United Kingdom. They are used by target shooting enthusiasts with Section 1 target ammunition only. Owing to their barrel length, their weight of about 20 pounds and the fact that they are single-shot or bolt action, it is extremely unlikely that they would or could be used in criminal activities. They are target-shooting guns for very specialist marksmen and are used in a very small number of specialist licensed ranges, many of which are military ranges.

A far more sensible way of legislating for those rifles would be to keep them as Section 1 with a few modest security requirements—for example, the bolt having to be kept at a licensed club, separate to the rifle, the ammunition being secured at a club with usage being signed for in and out and being on the owner's firearms certificate.

I am delighted that, following debate in the other place, Her Majesty's Government have thought again and will have further consultation. My concern is, first, that this round of consultation must be a vast improvement on the last one, which was universally regarded as heavily flawed, and that Her Majesty's Government do not try to slip a quiet little clause into the Bill during its passage through your Lordships' House. I am certainly not intimating that the Home Office might be disingenuous; I am simply rather an old hand on gun legislation.

Lord Robertson of Port Ellen: I am grateful to the noble Earl for giving way. If the case is as strong as he makes out, why was the Home Secretary convinced that criminal elements in Northern Ireland and on the mainland were likely to use the .50 calibre weapons?

The Earl of Shrewsbury: It is my belief that, as my noble friend Lord Robathan said—he served for a long while in Northern Ireland—that was a one-off case of an imported, illegal .50 calibre used. That is the only time, to my knowledge and to the knowledge of the shooting sports associations, that a .50 calibre has been used in criminal activity. That was for material use as well as human destruction.

Surely if the police have issued certificates which also control the amount of ammunition that can be possessed, they have done so because the good reason test for possession has been justified. Therefore, the Government must review the original consultation and bring forward a proposal which is better worded to meet the needs of public safety. If this were done and further evidence offered to support the need for a ban, in the event of MARS and lever release becoming subject to Section 5 prohibition, I would strongly

support the view of the British Shooting Sports Council and support an amendment by which the possessor of such rifles could have them converted to a straight-pull or bolt action function and thus retain them on a Section 1 certificate. In the view of the BSSC experts, which I wholeheartedly support, surrender and the cost involved in either conversion or deactivation would attract compensation. This compensation was mentioned in the policy statement, as I said. I should be happy to table such an amendment in due course, unless HMG wish to table their own.

I turn to air rifles and air weapons in general. I am aware that the Government have stated that they will consider what action or actions might be appropriate with regard to air weapons. That is fair enough, but there must be a thorough consultative process—a process which would have the support of the BSSC. A while back, on a Starred Question concerning air weapons, a noble Lord opposite from Scotland mentioned that we should follow the Scottish Parliament's lead in legislating for the licensing of air rifles. Heaven forbid. That process north of the border has been an unmitigated disaster which has achieved absolutely zero benefit to the safety of the public.

I turn to medical issues relating to firearms licensing. I can do no better than quote the BSSC's view on this matter. This issue affects every firearms certificate and shotgun certificate holder in England and Wales. The EU firearms directive mandates in Article 5.2 a medical assessment of every applicant for a certificate. In England and Wales, there is no consistency of practice between police forces, nor is there any consistency of the fee charged to the applicant by his or her GP for a medical assessment.

What is required is, first, a compulsory and once-only medical records check by the GP in response to a police inquiry about the physical and mental health of the applicant; secondly, an enduring marker to be placed by the GP on the patient's medical record, noting that he or she may be in possession of firearms or shotguns, to ensure that thereafter the GP is reminded to draw to police attention any future adverse change in the patient's health which may have a bearing on their abilities safely to possess a firearm or shotgun; thirdly, an agreed reasonable fee for the GP's original medical records check and placing of the enduring marker; fourthly, an extension of the life of firearm and shotgun certificates from five to 10 years, which would reduce pressure on licensing departments and police forces; and, finally, protection of the confidentiality of applicants' and certificate holders' data. Despite warm words from my honourable friend Nick Hurd, there appears to be inaction by the Government to bring that forward, although it has the backing of both the BSSC and the All-Party Parliamentary Group on Shooting and Conservation.

In conclusion, I agree with suggestions that a firearms advisory committee should be established, provided that it is statutory. My experience as a former chairman of the then FCC was first class. On that committee, we had representatives at most senior levels of the police, forensic scientists, shooting organisations and those who supported gun control. That committee demonstrated a true ability to work well to address complex technical

and legal issues. Further, we developed a rapport and an excellent working relationship with the police, instead of the usual perceived combative attitude so often held by some elements of both sides.

I rest my case and look forward to hearing my noble friend's comment on the issues I have raised when she winds up.

5.36 pm

The Duke of Montrose (Con): My Lords, as the last listed Back-Bench speaker, it has been encouraging to hear the great support all around the House for the purposes of the Bill and to listen to all the experience and wealth of statistics being brought forward.

I shall talk about some of the peripheral effects of the Bill. It has a simple title but, as we see from its 48 pages, it is far from easy to have workable legislation on this topic. It is endlessly complicated by having to allow for three devolution settlements, with special sections peppering the text. I am most encouraged to read in the accompanying notes that the Scottish Parliament has passed a legislative consent Motion. I should be interested to know whether, if amendments are passed in this House, we will have to go back to legislative Assemblies around the country to see whether they approve.

The rural life that I have led, rather in parallel to that of my noble friend Lord Lucas, has been full of what are described as corrosive substances, offensive weapons and firearms. In all of these, one was given instruction in their use and the dangers that they could pose. One is conscious that is not available to those who live in urban areas and the use to which they tend to put the weapons which fall into their hands.

I declare an interest as an office-bearer of the National Sheep Association and of the National Farmers Union of Scotland. In that context, I draw the attention of the House to the fact that the rural scene has changed radically since the main legislation in this area was framed. Many of the rules which will apply refer to "a public place". As we see in Clause 6(9), a public place is no longer confined to what one normally thinks of—a road, a highway or a building—but includes anywhere where the public are permitted access. This now includes large sections of the countryside.

Another element that has changed is that, in many parts, traditional farmhouses, which used to be the focus and constantly manned part of the business, have been sold off, and farmers are managing their business from a house somewhere else. A lot of the time, there may be no one on the site of the farming activity. That begins to bear some relevance when we talk about the supply of corrosive substances or weapons to the farming community. There may be a question, too, whether your supplier is prepared to regard your house as of a sufficient size to be your place of business. Problems will arise for those taking delivery of the substances required by the business. The Bill rules out delivery to a locker, but will that mean that deliveries will have to be received by somebody in person? Who knows what time of day a delivery man or courier will appear? We have all experienced waiting for their non-appearance.

I have similar concerns to those of my noble friend Lord Lucas on corrosive substances. I hope that the Minister can give the House more of an indication of how wide the interpretation of the given definition is envisaged to go. Clause 6(9) defines them as anything capable of "burning human skin", but Schedule 1 goes on to list specific compounds, mainly of an inorganic nature, and says that they might give rise to chemical abstracts. Is that definition considered fairly wide, or is the schedule designed to limit the products to which the ruling can be applied? Formic acid is one of the things listed; I am aware that it is used in farming to preserve silage. I have also had experience of another extremely aggressive organic acid—propionic acid—used to preserve moist grain. It gives rise to a product known as Propcorn, which is not at all the sort of thing you might buy in the cinema. Will these organic acids be covered by some definition?

On a slightly lighter note, but in a similar vein to the concerns raised by the noble Lord, Lord Singh, I notice that for some reason only in Scotland is there a focus on bladed weapons when they come into your possession if the defence is used that they were required for theatrical performances, films or television programmes. Of course, those also occur in England, Wales and Northern Ireland. I happen to be a member of the Royal Company of Archers, which parades around the country with swords and arrows. I wonder where this regulation will leave it and other bodies, such as one known as the Atholl Highlanders—the private army of the Duke of Atholl—which are given to producing weapons that would certainly be considered dangerous.

5.43 pm

Earl Attlee (Con): My Lords, I apologise for not putting my name down to speak. The debate has been excellent and bodes well for later stages.

I have three points to make. First, I agree that high muzzle energy rifles are a real problem and that we need to do something about them. It is about not just their range and hitting power, but their accuracy. I do not think that we need to ban them; we just need to provide separate storage for the bolt. I am confident that we can achieve that with the Bill. Secondly, I am content with Clause 32, which prohibits certain types of firearms. Let us be honest, they are self-loading rifles, made legal by means of a loophole; it may be possible to modify them. Since they represent a loophole, I am not happy with the compensation provisions in Clauses 36 to 38.

Finally, I have taken a close look at the UK prison system. I share the concerns of many noble Lords regarding the custodial sentence provisions in the Bill, not because I am a fluffy bunny—I am not—but because our current prison system is not fit for purpose, as the noble Lord, Lord Ramsbotham, told us. Until we have an effective system where we can be confident that we will improve the character and capability of youngsters both significantly and obviously, we should be very cautious about using increased prison sentences.

Motion to Adjourn

Moved by Baroness Barran

That the House do now adjourn.

Baroness Barran (Con): My Lords, I beg to move that the House do now adjourn during pleasure until 5.55 pm.

Lord Lucas: My Lords, may I oppose the Motion? We have got to a point in the debate on the Bill where we should just finish it.

Baroness Barran: The reason for the delay is that the start of the health Statement in the other place has been delayed. The adjournment has been agreed through the usual channels.

Lord Lucas: So let us just finish the Bill. We have merely the Front Benches to hear from; we can then go on to the Statements. Why keep us here for an extra couple of hours? There seems to be no reason for it.

Noble Lords: Let us hear from Baroness Hamwee.

Baroness Barran: The adjournment has been agreed through the usual channels.

Lord Lucas: The usual channels do not rule this House; we do. It is our decision. If the Minister wishes to call a vote, that is fine.

Lord Tunnicliffe: My Lords, I join the Opposition Front Bench in asking the House to respect the tradition that the Government Chief Whip controls the business. The adjournment is appropriate; it is a matter of the business of the other House starting on time. The delay will not be a couple of hours, but exactly the delay advertised in today's business.

Viscount Younger of Leckie (Con): My Lords, I have just been given notice that the health Statement has now started in the Commons. We have a difficult decision to make. With the will of the House, we will continue the debate and finish it.

Baroness Williams of Trafford: No—the Urgent Question.

Viscount Younger of Leckie: I see. We will continue with the Urgent Question then hear the Statement after that.

Motion disagreed.

EU Withdrawal Agreement

Statement

5.47 pm

Baroness Goldie (Con): My Lords, with the leave of the House I shall now repeat in the form of a Statement the Answer to an Urgent Question given earlier today in another place by my right honourable friend the Secretary of State for Exiting the European Union. The Statement is as follows:

“Mr Speaker, as the House will be aware, the Prime Minister has today launched a new 10-year plan for the NHS, allocating an extra £20.5 billion a year in funding. My right honourable friend is unable to make it back to Parliament in time to respond so I am answering the Question in her place. I am sure that colleagues across the House will recognise the importance of this new NHS plan.

As confirmed by the Leader of the House in her business Statement before the Christmas recess, this Wednesday, the House will debate a business Motion relating to Section 13(1)(b) of the European Union (Withdrawal) Act 2018. This will be followed by the main debate on Section 13(1)(b) of the European Union (Withdrawal) Act 2018, which will continue on Thursday 10 January and, subject to the will of the House, on Friday 11 January. Discussions are taking place through the usual channels as to the proposed length of that debate and the date of the vote, but ultimately it will be a decision for this House through the business Motion, which will be voted on this Wednesday. Debate will also take place in the House of Lords on Wednesday 9, Thursday 10 and Monday 14 January.

The decision to postpone the debate last year was not one that was taken lightly. Over two years of negotiations, we have won hard-fought battles, most importantly to agree a bespoke deal rather than the flawed off-the-shelf options initially offered. However, it was clear from the three days of debate that were held that this House was not going to pass the deal and that further reassurances should be sought, particularly on the issue of the backstop.

Following the European Council in December, a series of conclusions was published which go further than the EU has ever done previously in trying to address the concerns of this House. Over Christmas the Prime Minister was in contact with a number of her European counterparts about the further legal and political assurances that Parliament needs on the backstop. The Prime Minister has been in touch with the Taoiseach, and British and Irish government officials have also been in contact over the past week. Securing the additional reassurance that Parliament needs remains our priority and leaders remain in contact. Leaving the EU with a deal that has been agreed is in the interests of both sides.

When the debate begins on Wednesday, the Government will be clear with the House what has been achieved since the vote was deferred last year. As I said when I spoke in the debate on 4 December, the deal will enable us to deliver a fair skills-based immigration system, control over our fisheries and agricultural policies, and our own trade policy for the first time in decades, along with an end to sending vast sums of money to the EU. It is a good deal and it is the only deal. I believe that it is the right deal in offering certainty for this country”.

5.51 pm

Baroness Smith of Basildon (Lab): My Lords, as the Prime Minister was not able to get back to the House of Commons in time to answer this Question, the Brexit Secretary has deputised. The noble Baroness,

Lady Goldie, will know that she is well liked in your Lordships' House and is highly regarded. However, I consider it a discourtesy that neither the Leader of the House nor the Brexit Minister is at the Dispatch Box in this House to answer on a Question of such importance.

I have listened carefully to the answer, but I did not learn anything or understand why the Prime Minister pulled the vote before Christmas other than knowing that she was going to lose. We are now moving from chaos to crisis. I have just two questions for the noble Baroness. First, what has actually changed since the vote was pulled? Secondly, what can she say to persuade me that the delay is not just a political ploy to try to take the decision right to the wire and attempt to force through an inadequate deal knowing that Parliament will not sanction a no-deal outcome?

Baroness Goldie: I thank the noble Baroness for her contribution. Perhaps I may say, in the festive spirit of good will, that I understand that congratulations are in order. I believe that she is celebrating a significant birthday. I extend my best wishes to her and wish her many happy returns. I know that it is significant because I celebrated such a birthday myself some time ago—so long ago that I cannot remember much about it. I wish the noble Baroness a joyful day.

Baroness Smith of Basildon: It was obviously a good night.

Baroness Goldie: I should say first that my noble friend Lord Callanan is in transit to Brussels as we speak and that is why he is unable to be present. I am sorry that I am such an inadequate substitute and I shall do my humble best to try to answer the questions posed by the noble Baroness. Her first question was what has actually changed since December. The Prime Minister said yesterday that we will be setting out further detail on the extra assurances on the backstop over the next few days in three areas. The first will be measures that are specific to Northern Ireland while the second is a greater role for Parliament as we take these negotiations over our future relationship on to the next stage. The third, which we are still working on, is further assurances from the EU to address the issues that have been raised.

Perhaps I may say in response to the charge that nothing much has changed that while the rest of us have been disposing of shedloads of turkey, Christmas pudding and mince pies, the Prime Minister has been working assiduously. Over the past couple of weeks she has spoken to her European counterparts about the legal and political assurances that Parliament needs on the backstop. She has spoken with the Spanish Prime Minister, the German Chancellor, the Dutch Prime Minister, President Tusk, President Juncker and the President of France, M. Macron. She has also been in touch with the Taoiseach while British and Irish government officials have been in contact over the past week. This is a very important part of the discussions. I understand the frustrations of the noble Baroness and that she thinks that this may be some sort of conspiratorial ploy to frustrate Parliament, but it is not. It is quite simply the inescapable nitty-gritty of any complicated and tense negotiation as it reaches its final stages.

Lord Newby (LD): My Lords, the noble Baroness has just described the telephone schedule of the Prime Minister when she wished a happy new year to a series of European leaders. But the truth is that nothing substantive was achieved before Christmas after the vote was pulled and nothing has actually happened since Christmas at all. The Government are to explain their achievements on Wednesday, but is it not the case that their only achievement has been pointlessly and irresponsibly to delay by four weeks this crucial vote which they know they are going to lose?

Baroness Goldie: I think that the noble Lord takes a rather jaundiced view of the proceedings and I do not accept his interpretation. As I have said, the Prime Minister has been working assiduously and there have been plaudits from unexpected quarters for her demonstration of commitment and her industry in endeavouring to take these matters forward. It was very important that the Prime Minister should convey to her counterparts in the EU precisely what the concerns of Parliament are. That is what she has been doing, and as I say, my noble friend Lord Callanan is en route to Brussels as we speak. These are delicate, sensitive and vital negotiations and I am sure that minds will be focused on doing what they can. This deal is good for the UK and it is good for the EU, and I think that there is a desire to take things forward.

Viscount Hailsham (Con): Perhaps I may say to my noble friend that the Prime Minister has sought to negotiate the best terms she can pursuant to the referendum, but that the proper course for her to take now is to tell Parliament, and indeed the country, that in her considered opinion the terms she has secured are not as good as remaining in the European Union on the existing terms, and that that will be the recommendation that she will make to Parliament and to the country. That is the statesmanlike thing for her to do.

Baroness Goldie: Of course I respect my noble friend's position and perspective in commenting on these issues, but I disagree with him. The situation is that this country voted to leave the EU. That has required a period of complex and challenging negotiation and it is exactly what the Prime Minister and the Government have been engaged in. The Prime Minister has been very clear that she does not favour a second referendum or a people's vote. She feels that the question has been asked and that it has been answered. She senses, and I would agree with her, that there is an overwhelming desire throughout the country to get this process moved on and concluded.

Lord Hannay of Chiswick (CB): My Lords, when we had the Statement after the European Council on 13 and 14 December, I asked the Leader of the House a simple question, and she said that she would write to me. I am afraid that the horses have been moving slowly between Aix and Ghent, perhaps due to the cooking of Christmas pudding and so on. I have not yet had a reply. The question is as follows, and I would like the noble Baroness to reply to it.

[LORD HANNAY OF CHISWICK]

Has anything that was put on the table at the European Council or since then caused the Attorney-General to vary the advice that he gave to the Cabinet and which has now been revealed to the House of Commons and to the public—namely, that under the withdrawal treaty there is no way in which the United Kingdom could exit unilaterally from the Irish backstop? I would be grateful if I could have an answer to that question.

Baroness Goldie: First, I apologise to the noble Lord for the absence of a response from my noble friend the Leader of the House. I will ensure that the matter is addressed. On the specific question he has posed, my understanding is that the backstop is an insurance policy and we do not want it ever to come into effect. My understanding also is that if there is a dispute about the EU's good faith in relation to the backstop—if we end up with it—that can be resolved by independent arbitration. I am not in a position to comment further. As the noble Lord has indicated, the legal advice of the Attorney-General is public and I am unable to comment further on it. However, if there is any further clarification that I can give, I shall undertake to write to him.

Lord Taylor of Goss Moor (LD): My Lords, in the last few days the Prime Minister has threatened Brexiteers that there could be no Brexit if her deal is not voted through, but she has threatened the rest of us that we will crash out of the EU if her deal is not voted through. Which is it?

Baroness Goldie: It is sometimes difficult to do, but if one climbs up to the top of the tree to get a bird's-eye perspective on all this, it seems the scenario is fairly simply defined. The Prime Minister and the Government's view is that a good deal—a solid and workable deal—has been negotiated, and that we should get on with accepting it and make progress. If that deal is not accepted, clearly the implication is that we may leave without a deal, following the process triggered by Article 50. At the end of the day, I emphasise to the noble Lord that it will not be for this House to determine how matters proceed, although the opinions in this House do matter. It will be for the House of Commons, which is sovereign, to come to its own determination on these matters.

Lord Selkirk of Douglas (Con): Does my noble friend accept that our countrymen and countrywomen are yearning for clarity, certainty and an end to the process? Then we could move on to the next stage of the future relationship or relationships with the EU and other countries.

Baroness Goldie: I thank my noble friend; I think he strikes a chord. There is certainly a sense of frustration throughout the country about the body politic in general, and I think there is a desire to see the process move on to a destination. I have been particularly interested in the response of the business community in Northern Ireland, which seems to think the deal is a positive contribution to that future. I very much hope that,

when it comes to be voted on in the other place, there will be recognition that the deal is good for this country and a willingness to accept it.

NHS Long-term Plan Statement

6.02 pm

Baroness Manzoor (Con): My Lords, with the leave of the House, I shall now repeat a Statement given in the other place by the Secretary of State, Matt Hancock MP. Before I do so, I put on the record my appreciation and thanks to my noble friend Lord O'Shaughnessy. I am sure the House will agree that he has been an outstanding Minister and cares passionately about the NHS and the people who work in it. I wish him every success in his future endeavours. The Statement is as follows:

“Mr Speaker, with permission, I would like to make a Statement about the NHS long-term plan. The plan sets out how we will guarantee the NHS for the future. It describes how we will use the largest and longest funding settlement in the history of the NHS to strengthen it over the next decade, rising to the challenges of today and seizing the opportunities of the future.

It is worth taking a moment to reflect on when the NHS was first proposed from this Dispatch Box by Churchill's Government in 1944—when, even after the perils of war, infant mortality was nearly 10 times what it is now; when two-thirds of men smoked and life expectancy was just 66; 10 years before we knew the structure of DNA; four decades before the first MRI.

The NHS has, throughout its history, led the world. But one constant has been that core principle set out by the national government—that the NHS should be available to all, free at the point of use according to need, not the ability to pay. As last year's 70th anniversary celebrations proved, the NHS is one of our proudest achievements as a nation. We all have an emotional connection to it—it is part of our family history—and we all owe an enormous debt of gratitude to the people who make the NHS what it is and work so hard, especially during the winter months when the pressures are greatest.

Because we value the NHS so much, the new £20.5 billion funding settlement announced by the Prime Minister in June provides the NHS with funding growth of 3.4% a year in real terms over the next five years. This means the NHS's budget will increase in cash terms by £33.9 billion, rising from £115 billion this year to £121 billion next year, £127 billion in 2020-21, £133 billion in 2021-22, £140 billion in 2022-23 and £148 billion in 2023-24. This rise, over £1 billion more in cash terms than proposed in June, delivers on our commitment to the NHS and will safeguard the NHS for the long term. This will help address today's challenges. The NHS is facing unprecedented levels of demand. Every day, the NHS treats over 1 million people. Compared with 2010, NHS staff carried out 2 million more operations and saw 11.5 million more out-patients last year. Despite record demand, performance was better this December than last. So we will address today's challenges, not least with the extra £6 billion coming on stream in under three months.

As well as addressing today's challenges, the NHS long-term plan sets up the NHS to seize the opportunities of the future. At the heart of the plan is the principle that prevention is better than cure. In future, the NHS will do much more to support people to stay healthy, rather than just treat them when ill. So the biggest increase to any part of the NHS, at least £4.5 billion, will go to primary and community care, because GPs are the bedrock of the NHS. That means patients having improved access to their GPs and greater flexibility about how they contact them; better use of community pharmacists; better access to physiotherapists; and improved availability of fast and appropriate care to help communities keep people out of hospital altogether.

Organisations across the NHS, local councils, innovators and the voluntary sector will all work more closely together so that they can focus on what patients need. There will be a renewed clampdown on waste, so we can ensure that every penny of the extra money goes towards improving services and giving taxpayers the best possible return.

Ultimately, staff are at the heart of the NHS. The long-term plan commits to major reforms to improve working conditions for NHS staff, because morale matters. Staff will receive better training and more help with career progression. They will have greater flexibility in their work, be supported by the latest technology that works for them and be helped with their own mental health and well-being. This already happens in the best parts of the NHS, and I want to see it happen everywhere. We will bring in training, mentoring and support to develop better leadership in the NHS at all levels. We will build on work already going on to recruit, train and retain more staff so that we can address critical staff shortages.

The plan is the next step in our mission to make the NHS a world-class employer and deliver the workforce it needs. To deliver on these commitments, I have asked Baroness Dido Harding to chair a rapid programme of work, which will engage with staff, employers, professional organisations, trade unions, think tanks and others to build a workforce implementation plan that puts NHS people at the heart of NHS policy and delivery. Baroness Harding will provide interim recommendations to me by the end of March on how the challenges of supply, culture and leadership can be met, and final recommendations later in the year as part of the broader implementation plan that will be developed at all levels to make the NHS long-term plan a reality.

That is the approach we will be taking to support the NHS over the next decade, but what does it mean for patients and the wider public? It means patients receiving high-quality care closer to home; supporting our growing elderly population to stay healthy and independent for longer; more personalised care; more social prescribing; and empowering people to take greater control and responsibility over their own health through prevention and personal health budgets. It means access to new digital services to bring the NHS into the 21st century. It means more support for mothers by improving maternity services, and more support for parents and carers in the early years of a child's life, so we can be the best place in the world in

which to be born, in every sense. We will improve how the NHS cares for children and young people with learning disabilities and autism by ending inappropriate hospitalisation, reducing over-medicalisation and providing high-quality care in the community.

The NHS will tackle unacceptable health inequalities by targeting support towards the most vulnerable in areas of high deprivation. To help make a reality of the goal of parity between mental and physical health, we will increase mental health service budgets, not by £2 billion but by £2.3 billion a year. For the first time ever, we will introduce waiting time targets for community mental health, so that people get the treatment they need when they need it. We will also expand services for young people to include those up to the age of 25.

The long-term plan focuses on the most common causes of mortality, including cancer, heart disease, stroke and lung disease. The health service will take a more active role in helping people to cut their risk factors: stopping smoking, losing weight and reducing alcohol intake. The NHS will improve the quality and speed of diagnosis, and improve treatment and recovery, so we can help people live well and manage their conditions. We will upgrade urgent care, so people can get the right care more quickly.

The NHS long-term plan has been drawn up by the NHS, by over 2,500 doctors, clinicians, staff and patients. The plan will continue to be shaped and refined by staff and patients as it is implemented, with events and activities across the country to help people understand what it means for them and their local NHS services. The experts who wrote the plan say that it will lead to the prevention of 150,000 heart attack, stroke and dementia cases and to 55,000 more people surviving cancer each year. In all, half a million lives will be saved over the next 10 years, funded by the taxpayer, designed by doctors and delivered by this Government.

Today is an important moment in the history of the NHS. Our long-term plan will ensure the NHS continues to be there, free at the point of use, based on clinical need and not the ability to pay. But it will be better resourced, with more staff, newer technology and new priorities: a health service that is fit for the future, so it is always there for us in our hour of need. I am proud to commend this Statement to the House".

6.13 pm

Baroness Thornton (Lab): My Lords, I join the Minister in wishing the noble Lord, Lord O'Shaughnessy, well in his new position. I suspect this probably does not mean that he will be any less active on these issues.

I thank the noble Baroness for repeating the Statement. It would be churlish not to welcome additional funding for the NHS, but to suggest in some way, as the third sentence of the Statement does, that the noble Baroness's party and Government were responsible for the establishment of the NHS is breathtakingly cheeky, to put it mildly. That is particularly so given that her party proceeded to oppose and vote against the establishment of the NHS by the post-war Labour Government.

What must we welcome in today's Statement? We can welcome the use of genomics in developing care pathways and the commitment to early cancer diagnosis—after all, that was one of Labour's policies

[BARONESS THORNTON]

in the most recent general election and in the ones before it. We should of course welcome the commitment to new CT and MRI scanners—again, a Labour policy. We welcome the greater focus on child and maternal health, including an expansion of perinatal mental health services—we welcome it because it has been our policy for some time. We welcome the rollout of alcohol teams in hospitals because, again, we have been urging the Government to do that for some time.

More generally, it is a shame that the noble Baroness started her Statement in the manner of making claims which are not borne out by actions. In many ways this symbolises the disingenuousness which lies at the heart of the Statement. The Government's words about their conduct and behaviour towards the health and social care services in the UK are one thing, but their actions simply do not match their words.

There is much that one can agree with in the 123-page document launched today, especially given the involvement of doctors in creating it. However, many of the ideas, such as “prevention is better than cure”, seem to have come as a great revelation to our relatively new Secretary of State, if his recent performance in the media is anything to go by. That has, however, been the thinking on these Benches and across your Lordships' House in many debates over many years, as it has been for decades in all the think tanks and health charities and, indeed, among almost everyone involved in the NHS.

Here is the rub, however—and let us look at prevention. How can prevention happen when, according to the Health Foundation, public health budgets have suffered a real-term funding reduction of £700 million to £1 billion in the past few years? Some 85% of councils plan to reduce their public health budgets in the next year, totalling almost £100 million of cuts. Smoking cessation, obesity and sexual health programmes—to name but three that the Minister mentioned—will all be cut, with a profound effect on a range of long-term illnesses and expensive conditions to the NHS. Will the Minister give a commitment today, as part of the long-term plan, to reverse these totally counterproductive public health cuts?

The long-term plan cannot be delivered if there are not the staff to deliver it, as was mentioned. The plan waxes lyrical about its intentions, but again the rub is in the action. Why is there a delay in setting out its ambitions for the NHS workforce today, when there are over 100,000 vacancies across the NHS, including 40,000 for nurses and 9,000 for doctors? According to recent estimates, by 2030 there will be 250,000 vacancies across the NHS. Experts and doctors' leaders have warned that the Prime Minister's vision, and that of Simon Stevens, risks being undermined and reduced to a set of “groundless aspirations” due to the NHS's deepening staffing crisis, continued cuts to public health and limits to what the extra investment will achieve. Why does the long-term plan fail to address this mounting workforce crisis?

Turning to the suggestion of legislation, as a veteran of the Health and Social Care Act 2012, I read that the Government seek to:

“Remove the counterproductive effect that general competition rules and powers can have on the integration of NHS care”.

I have a mixture of reactions to that. We welcome the recognition that the Health and Social Care Act 2012 created a wasteful, fragmented mess, hindering the delivery of quality healthcare, but I cannot resist saying that that is what we predicted during the passage of the Bill. After billions of pounds wasted and the creation of a huge bureaucracy, are the Government now preparing to consign the whole of the Andrew Lansley Act to the dustbin of history? Will the Minister indicate when we will see draft legislation and the timetable for its consideration?

On social care and integration, if the care of the elderly, people with chronic conditions and co-morbidities and the disabled continues to be cut through successive local government settlements where billions of pounds have been lost, the aspirations on integration and joined-up services will be lost. The Government have set their face against tackling the social care elephant in the room and this plan, again, fails to address it. Where is the social care Green Paper? How can there be any empowerment if we do not have the staff or the expertise to deal with this?

What about the gaping holes in today's announcement? We have waiting lists of 4.3 million with 540,000 waiting beyond 18 weeks for treatment. We have A&Es in crisis, trolley waits of over 600,000 and 2.5 million people waiting beyond four hours. Why is there no credible road map in this to restore the statutory standards of care that patients are entitled to, as outlined in the NHS constitution? Is that not a damning indictment of nearly nine years of desperate underfunding, cuts and failure to recruit the staff we need in the NHS? Will the Minister confirm that, once inflation is taken into account, the pay rise is factored in and the standard NHS working assumptions on activity are applied, there is actually a shortfall of £1 billion in the NHS England revenue budget for this coming financial year?

Briefly on Brexit, during the referendum campaign Vote Leave said that the money saved would bring £350 million a week to the NHS. When the Prime Minister announced the £20 billion extra in the summer, she said that it would partly be paid for by a Brexit dividend. Others have dismissed that suggestion. The Treasury has said that a combination of economic growth and perhaps even tax rises may be needed. Will the Minister comment on that and confirm which of those is correct and what will happen?

There are many welcome ambitions in this paper, but the reality is still that there is no plan to recruit the health staff we need, no plan for social care, no plan to restore waiting time standards, and no plan to reverse public health cuts. I am not convinced that the NHS is any safer in the Government's hands now than it was before this Statement. We will certainly be monitoring this very carefully indeed.

Baroness Tyler of Enfield (LD): My Lords, I associate these Benches with the very warm wishes sent in the direction of the noble Lord, Lord O'Shaughnessy, in his future endeavours.

We welcome the publication of the long-term plan today. It is a very important document. It will take time to absorb all its contents and we on these Benches

would welcome an opportunity to debate it in more detail. Yes, there is a lot to welcome in the plan, particularly the focus on prevention. We welcome the focus on children and young people's services and particularly the inclusion of issues relating to people with learning disabilities. But there are many concerns about how this plan will be put into effect. The workforce plan will have to work a lot better than any of the existing workforce plans, particularly if we are to be successful in retaining existing NHS staff as well as recruiting new staff and getting NHS staff to return, feeling that it is possible to work in more flexible ways. It will require a much more creative staff plan than we have at the moment.

Of course it is good news that we will focus on prevention rather than cure, but will the Minister clarify the precise funding mechanisms that would allow that to happen, particularly the role of NHS England, Public Health England, and local authorities in this new world? Will she also confirm the role that pharmacies will play in the public health agenda and the funding mechanism for that? Also, when will the Green Paper on social care be published? It is critical to the agenda that is being set out. I particularly welcome the £2.3 billion set aside for mental health services as part of the long-term plan. What is vital now is that everyone in the NHS, local authorities, schools and employers work together to deliver these plans and ensure that that money gets to the front line. Will that money be ring-fenced?

I take a particular interest in children and young people's mental health. We are told, and it is welcome, that there will be a new emphasis on crisis care and a new single point of access or crisis hotline delivered through NHS 111 and with that, we are told, all children and young people experiencing mental health crises will be able to access age-appropriate crisis care 24 hours a day, seven days a week. That is to be welcomed. But will the Minister say whether that new crisis care service, which I wholeheartedly support, will be part of or separate from the adult 24/7 community-based mental health crisis response service, which is also contained in the plan? Will it also include 24/7 availability of CAMHS assessment in all A&E departments in hospitals up and down the country?

Baroness Manzoor: My Lords, I thank both noble Baronesses for their contributions to this Statement. I am very grateful for some of the positive comments that were made from both Benches. I am very proud that this Government are putting £20.5 billion into the NHS. That is an amazing achievement. We must recognise that this is a great achievement for the NHS. The NHS is working closely within itself and with the Government to ensure that we can deliver the outcomes we all want, which are improved care for those who use the NHS and to prevent people from getting ill in the first place. I welcome this. As someone who worked in the NHS in my early days I recognise the importance of this money. We are not being disingenuous in what we are trying to achieve—far from it. It is because we passionately care about the NHS that we are doing this.

A number of points were raised by both noble Baronesses. I hope that they will appreciate that I have only just got this brief, but I will endeavour to do my

best to answer all the questions. However, if there are any that I have not responded to, I will of course write to the noble Baronesses and place a copy in the Library. The noble Baroness, Lady Thornton, quite rightly raised the issue of staff. We need staff in the NHS if we are to carry out any plans. They are very important to us. She asked what we were doing. There are record numbers of dedicated NHS staff and they work tirelessly to make sure that patients get excellent care. We support them by training 25% more doctors, nurses and midwives, giving a significant pay rise to over 1 million staff and listening to the issues that matter to them. We know that this is a complex area and we are listening and talking to staff to see how we can bring about greater improvements in workforce planning.

To put this into context, there are currently record numbers of doctors, paramedics and ambulance staff, and all HCHS staff. The monthly workforce statistics for September 2018 show that since May 2010, there are over 45,900 more professionally qualified clinical staff working in NHS trusts and CCGs, including 16,500 or 17.4% more doctors, over 6,500 or 2.2% more nurses, midwives and health visitors, and 13,400 or 8.3% more nurses on our wards. We recognise that it is a complicated issue and that there are staff shortages in some areas, and we are actively engaging with staff and looking at solutions as we move forward.

Other issues raised by the noble Baroness, Lady Thornton, related to Brexit and to scrapping the 2012 Act as part of the long-term plan. That was about legislation and I shall deal with legislation first. I think the basis of the noble Baroness's question was whether we are going to scrap the Lansley reforms. In June the Government asked the NHS to come forward with proposals for legislative reform to support the ambitions of the long-term plan, which have now been set out clearly. NHS England will continue to engage nationally and locally to refine the proposals over coming months. The Government will consider updating legislation where there is clear evidence that doing so would improve services for patients.

The noble Baroness, Lady Thornton, mentioned performance and the noble Baroness, Lady Tyler, also touched upon it. The Government have been clear that through the long-term plan the NHS must get back on the path of recovering performance. The plan is clear on proposals for updating urgent and emergency care and on expectations to reduce waits for planned operations. We must ensure that we have a health system which focusses on clinically appropriate targets. The ongoing clinical review of standards, which will report in spring, will be followed by a period of testing and evaluating any new or refined standards. The review is considering standards for physical and mental health.

The public health grant was touched upon by the noble Baronesses. We are already giving local government more than £16 billion for public health services over the current spending review period. The Government recognise the important role played by local authorities in supporting people to live longer, happier lives and managing demand for health services. We have a clear commitment to ensure that public health services continue to do that. Future budgets for PHE and the public

[BARONESS MANZOOR]

health plan, which is part of the financial settlement for local authorities, will be finalised at the upcoming spending review.

Lord Hunt of Kings Heath (Lab): My Lords—

Baroness Manzoor: I have a couple of minutes. On the adult social care Green Paper, it was recently announced that the Government will provide local authorities with £240 million this financial year, 2018-19, and £240 million next year for adult social care so that people can leave hospital when they are ready and go into a care setting that best meets their needs. This will help to free beds over winter. There is a further £410 million for social care.

We recognise that the NHS and social care provision are two sides of the same coin and that we cannot have a plan for one side and not for the other. While the long-term funding profile of the social care system will not be settled until the spending review, we will publish the social care Green Paper soon, ahead of the spending review.

I am conscious that there were a couple of other issues, particularly in relation to the role of the NHS in relation to public health, which the noble Baroness, Lady Tyler, raised. I think I have highlighted it. On going forward and the implementation plan, as indicated in the Statement, the Secretary of State has asked my noble friend Lady Harding about how we move forward, particularly on workforce planning. An implementation plan will go to the Secretary of State by spring and a more detailed implantation plan will be put in place once the spending review figures are available as part of the spending review framework. There will be a framework in terms of quality. I am conscious that my time is up, so I will write to the noble Baroness on the two other questions on adult social care and the differences in mental care for young people.

6.34 pm

Lord Hunt of Kings Heath: My Lords, I apologise to the noble Baroness for intervening. She paused, and I thought she had finished.

I refer noble Lords to the register and particularly to my advisory role with SweatCo.

I turn to public health issues. The plan makes a very bold statement about tackling some of our major public health problems. When it comes to specific government action, it is silent. I refer the Minister to the Chief Medical Officer's annual report for 2018 which was published just before Christmas. It was very hard talking in some of the recommendations that the Government need to take. I shall cite just one of them. In relation to obesity the Chief Medical Officer recommended that the Government review the use of fiscal disincentives in relation to foods high in sugar and salt and of incentives to increase fruit and vegetable consumption. Why is the plan silent on these issues?

Baroness Manzoor: The plan is an overall strategy. The detail will be filled in over coming months and years as we work closely with clinicians and people working in the NHS. That is why, looking at obesity,

we introduced the sugar tax, which has been very successful. Noble Lords may say that we did not get as much money as we thought we would, but to my mind that is great; it means we have got preventive action because companies are now putting less sugar into drinks et cetera, which is a bonus. The noble Lord is right. That is why we are putting so much more money—£4.5 billion—into the preventive agenda so that we tackle the issues that he has just indicated.

Lord Kakkar (CB): My Lords, I declare my interest as professor of surgery at University College London and chairman of UCL Partners. I congratulate the noble Lord, Lord O'Shaughnessy, on the tremendous contribution he made to the work of your Lordships' House as the Minister dealing with health and social care. He was greatly regarded and respected.

It is absolutely appropriate for Her Majesty's Government to have focused on developing a strategy over 10 years to address the long-term sustainability of the National Health Service, which is something that your Lordships' House elected to address through an ad hoc Select Committee two Sessions ago. There are many aspirations in this 10-year plan, but the important question is how Her Majesty's Government propose to go about determining what is achieved, how it is to be implemented and how the outcomes are to be measured. There are important aspirations about, for instance, the adoption of personalised medicine, the adoption of genomics to drive diagnosis and the selection of care, the development of a workforce that is able to apply innovation and genomic medicine to the routine care of patients and the adoption of a digital strategy for patients and healthcare professionals to improve clinical outcomes. How are Her Majesty's Government going to go about developing the metrics to determine how success should be measured? How will they go about providing a baseline picture of the current situation in different parts of the National Health Service so that the purpose and ambition of this plan can be properly measured? Which part of the NHS is going to be responsible for measurement and implementation: NHS England, NHS Improvement or, indeed, the Department of Health and Social Care?

Baroness Manzoor: That is almost all my brief. I echo the sentiments expressed by the noble Lord about my noble friend Lord O'Shaughnessy. The noble Lord is basically asking about next steps and who will be accountable for the plans. That is the question I asked: who is in charge? NHS Improvement and Health Education England are looking at workforce planning and clinical placements for nurses. They will relate to NHS England which is looking at the overall framework. The intention is that the work that my noble friend Lady Harding will be taking on will feed into workforce planning, and we will produce an overall framework in relation to clinical issues. A template will also be produced so that we know what best practice is, and this can then be filtered down to local areas through the integrated care system and clinical commissioning groups. NHS England will retain the overall strategy for all this. I hope that I have answered the noble Lord's questions. As he knows, there are variations

and a number of health inequalities around the country. It is imperative that we begin to address those and that is behind part of the framework.

Lord O'Shaughnessy (Con): My Lords, I thank my noble friend and other noble Lords for their kind words. It has been an absolute pleasure to work with them on health and social care issues over the last two years, as well as with the amazing staff in our health and social care system, who inspire us, treat us and look after us all the time. Like my noble friend, I am incredibly proud that in the 70th year of the NHS it is a Conservative Government who are making this historic funding settlement. However, I believe that this is an important document for another reason, which is that it marks a significant milestone in moving towards truly personal care that delivers precision medicine designed for individuals and better uses technology and the kinds of genomic medicines and innovations that the noble Lord, Lord Kakkar, talked about. It became clear to me during my time as a Minister that this can happen only if we complete the digitalisation and joining up of patients' data so that, wherever patients land in the health system, any clinician has access to all the relevant information about them and can tailor treatments to them. Not only does that bring tremendous benefits for direct care but it has a huge positive impact on our life sciences industry, which is one of the great strengths of this country and one of our great hopes for the future. Can my noble friend confirm that the long-term plan involves the ambition of fully digitising the NHS and bringing that data together for the benefits that I have described?

Baroness Manzoor: I thank my noble friend Lord O'Shaughnessy for his comments. Of course, data and information are very important. It is very difficult for clinicians when they do not have good information and data, because they have to start again, asking questions and looking at the investigations that have been undertaken on a particular patient. Therefore, the future lies in the greater use of technology and data-sharing but, at the same time, this must be balanced with ensuring that safeguards regarding who accesses the data are put in place, as well as ensuring that the data is accessed with the patient's consent.

Lord Scriven (LD): My Lords, I echo the words of other noble Lords who have raised the extremely good work that the noble Lord, Lord O'Shaughnessy, did during his time as a Minister. I always found him helpful and diligent when I raised health issues with him. Therefore, I am sure that I speak on behalf of the House when I thank him and wish him well.

The plan talks about genomics, artificial intelligence and data, which are all about a new way of working for the NHS. However, if the rules and ethics do not keep up, there will be severe unintended consequences for both individuals and society as a whole. What specific work, undertaken by which specific body, will be carried out to ensure that the rules, laws and ethics of this new world mean that the new way of working takes place within a framework that is safe for individuals and society and does not lead to significant unintended consequences?

Baroness Manzoor: The noble Lord makes a very valid point. As I indicated in my previous answer, data-sharing, although important, must be balanced with ensuring that safeguards are in place for the patient. We work, and will continue to work, very closely with the Information Commissioner and the data protection guardian. I know that we recently passed legislation for those posts to be put on to a statutory footing, although I do not think that that has happened yet for the data protection guardian. I am sure that they will ensure that a very keen eye is kept on these matters, but of course NHS England, the CQC and other regulatory bodies will also have a duty of care to ensure that the safeguards are implemented effectively, as will local organisations that provide those services.

Lord Bradley (Lab): My Lords, I declare my health interests and associate myself with the remarks about the work of the noble Lord, Lord O'Shaughnessy. I welcome the priority for mental health in the long-term plan, particularly for children and vulnerable people who find themselves in the criminal justice system. However, currently approximately 85% of spending is on physical health and a mere 15% on mental health. As the additional funds are invested in mental health and learning disability services, will the noble Baroness please tell the House what the new balance between physical and mental health will be in 2023 to achieve parity of esteem?

Baroness Manzoor: The noble Lord makes a very important point. This Government are keen to see parity of esteem between mental health and acute services. Mental health will receive a growing share of the NHS budget—in real terms worth at least a further £2.3 billion a year by 2023-24. To give noble Lords an idea, by 2023-24 an extra 345,000 children and young people up to the age of 25 will receive mental health support in the community and in schools and colleges, with access to round-the-clock mental health crisis care through NHS 111, and an extra 380,000 adults will be able to access talking therapies. However, I am afraid that I do not have the information to answer the noble Lord's question about the exact difference in spending between the two.

Baroness Watkins of Tavistock (CB): My Lords, can the noble Baroness tell us exactly how the review carried out by the noble Baroness, Lady Harding, will be undertaken? There is already considerable evidence that further investment in health visitors, district nurses and continuing professional development for all professional non-medical staff is vital to achieve the outcomes set out in this plan, which I wholeheartedly support. I join the rest of the House in thanking the noble Lord, Lord O'Shaughnessy, in particular for the way in which he has worked so constructively with the non-medical workforce over the past few years.

Baroness Manzoor: Basically, the workforce proposals will depend not only on the outcome of the spending review; as the noble Baroness mentioned, my noble friend Lady Harding is also being tasked to carry out a review. Her programme of work will be to develop a

[BARONESS MANZOOR]

workforce implementation programme that agrees, in advance of the spending review, the additional investment that is needed for the training, education and continuing development of the workforce through the HEE budget, which is yet to be set by the Government. The workforce implementation programme will be published later in 2019. Of course, how that review is undertaken is a matter for my noble friend, but it will be sharp, rigorous and clear, and her findings will be available to the Secretary of State by the spring.

Lord Pickles (Con): My Lords, I have a slight advantage over other noble Lords in that I was a fan of my noble friend Lord O'Shaughnessy long before he became a Member of this House.

My noble friend is right to say that these are amazing sums of money and indeed it is a very serious document. However, it bears some relationship to earlier long-term plans, by this Government and previous Governments of different hues, in so far as it talks about cutting down on waste, improving best practice, co-operation with local authorities, improving training and a shift towards personal care—all of which would release precious resources. However, our success in achieving all those things has been fairly variable. Can my noble friend tell me why the plan will be different this time? How will its success be monitored, and will regular reports of the monitoring of how efficiencies are dealt with be made to this House?

Baroness Manzoor: I thank my noble friend; as he says, there is a challenge. For the record, since everyone around the House, quite rightly, has praised my noble friend Lord O'Shaughnessy, I am not his replacement; I am standing in for him.

It is an interesting question; we know that publishing this document alone will not translate all the plans and objectives into reality. As I have already said, that is why we have asked the NHS to develop a clear implementation framework by April, to set out the commitments that should be delivered by local systems to ensure that there is transparency for patients and the public. This is not something that has come out of the ether from nowhere; we are building on success. It is not a radically different plan; we are picking out the best of what we need to achieve. The plan builds on what has been achieved in recent years and the learning from previous reform programmes. It has already benefited from widespread engagement during its development, working with organisations that represent over 3.5 million people to ensure that its vision and aims are the right ones.

Lord Turnberg (Lab): My Lords, I bow to no one in my admiration of the NHS, having worked in it for many years—and of course I have, with the merry band of admirers, strong admiration for the noble Lord, Lord O'Shaughnessy. The document is extremely strong on aspiration and it identifies many of the problems but, as always, the big problem is implementation: how it is carried out, and whether we will achieve it. As always, implementation is dependent on the workforce.

I was going to ask about what we are doing in public health but that has been asked already, so I will ask about general practice. The Government have

made many valiant attempts to improve general practice, but the fact is that general practitioners are unhappy, dissatisfied and under a lot of stress. Many are retiring early; many are not able to get recruits into their practices to succeed those who are leaving. Can the Minister explain what is happening to a friend of mine, who is a general practitioner and tearing her hair out because she cannot get a successor to a partner who has left? She is increasing her workload and is on so many committees that she can hardly spare the time to go to her clinical practice. General practice is in a sorry state. If we cannot improve it, none of this can happen.

Baroness Manzoor: The noble Lord is absolutely right that implementation is key. We can have great aspirations, but we must have a proper plan in place to ensure that we can deliver. The implementation plan that I have spoken about previously will flesh this out in much greater detail so that we can look at what the IT systems will be, what the genomics will be, what clinical issues we want to tackle and what performance areas we want to highlight. On primary care, I have already indicated the amount of money that we are putting in place for preventative measures. GPs are the gatekeepers to secondary care, so it is important that we have a healthy and viable workforce in primary care.

Primary care is of course very important. We are committed to delivering 5,000 more GPs; we recognise that this might take longer than we had hoped, but there has been a bit of improvement in the numbers from last year to this year. NHSE and HEE have a number of schemes in place: to recruit more GPs, including increasing the number of doctors entering GP training; to boost retention through the GP retention scheme and the GP retention fund; and to support doctors through the GP Health Service and the releasing time for care programme. Last year, to put it in perspective, we recruited 3,473 GP trainees against a target of 3,250. That was a 10% increase on 2017, but I recognise that we need to do better.

Offensive Weapons Bill

Second Reading (Continued)

6.55 pm

Baroness Hamwee (LD): My Lords, returning to the Offensive Weapons Bill, I do not think I have ever had quite so much enthusiasm and encouragement for a speech as I received before the Statement. I hope I do not disappoint.

I start by declaring an interest as a board member for the charity Safer London, which works with young people to prevent entry into crime and assist exit from crime. I agree with much of what has been said this afternoon, including thanks to the Library for its excellent briefing.

A month or so ago, we had a debate in this House on serious violence, which followed seamlessly from a debate on schools: the issue of school exclusions—one of the results of a focus on attainment, one might say—was one of the issues that cropped up again in

the serious violence debate. The ideas that we shared during that debate on cross-cutting issues, a cross-sectoral approach and a public health approach are in my view more likely to be fruitful than much of what will come out of the debate over the weeks and months—who knows?—on this legislation. The witnesses to the Public Bill Committee in the Commons also applied the language of health to addressing violence. Rob Owen of the St Giles Trust talked about intensive care and similar points have been made during this debate. The noble Lord, Lord Tunnicliffe, referred to early intervention; others have made the same point.

I could sum up the position of these Benches, as set out in the speech by my noble friend Lord Paddick, as “underwhelmed”. Yet again, we are in danger of thinking that legislation is the answer, even when we have adequate legislation in place and—as pointed out by the noble Baroness, Lady Newlove and my noble friend Lord Storey—of not addressing the symptoms of the problem. I am one of those who has my keys in my hand when feeling insecure at night.

I start, as the noble Lord, Lord Ramsbotham, did, at the end, as it were—on sentencing, especially the sentencing of children and young people and on short sentences. I say “at the end”, but for many offenders a sentence of imprisonment is the actually the end of the beginning; it amounts to an induction course in crime. The House will be well aware of the opposition of these Benches to mandatory sentences—an issue that we addressed during the Counter-Terrorism and Border Security Bill running concurrently with this Bill.

Anne Longfield, the Children’s Commissioner, was one of those who made that point as a witness to the Public Bill Committee. She said:

“I know that when we criminalise children there is one path. We know that over the last two or three years, there has been a doubling of children, under 18, who are in prison because of knife crime. Once they are in there, we know that 68% reoffend, so there is one route. My position is firmly on preventing that from happening, and using that as a trigger”.—[*Official Report*, Commons, Offensive Weapons Bill Committee, 19/7/18; col. 86.]

Indeed.

We might take a slightly different view if mandatory sentences, as they currently apply and are proposed in the Bill, were not custodial. I do not apologise for repeating the observation of the Chief Inspector of Prisons that there is not a single custodial establishment in England and Wales that is safe to hold children and young people. I had taken heart from the Justice Secretary’s apparent opposition to short prison sentences but, as so often, the quiet, thoughtful approach is drowned out by a more simplistic knee-jerk reaction so that it can be said, “The Government are doing something. They’re sending a message”.

I am grateful for the briefings from the Prison Reform Trust and the Standing Committee for Youth Justice. We are reminded that by removing judicial discretion, the proposals work against the guidelines of the Sentencing Council. They acknowledge the importance of considering the individual child and his circumstances in a way that legislation inevitably cannot.

Does a custodial sentence act as a deterrent? There does not seem to be evidence of that, given the rising numbers of children convicted of relevant offences, many of whom feel the need to provide their own

protection—or what they see as protection. I was horrified to read of children now carrying acid for protection as well as knives.

I would have thought that the chances of being caught were more in a potential offender’s mind, so it is inevitable that we should refer to police resources, as the noble Lord, Lord Bilimoria, did. I myself would much rather see taxpayers’ money spent on local policing and diverting children—both under-18s and those who are a few years older, a point made by the noble Earl, Lord Listowel—away from the formal youth justice system rather than on expensive custody, which is ineffective in terms of diversion from crime but too effective in consolidation towards crime.

The Bill extends the legislation on knives and introduces provisions on corrosive products or substances—we might be debating those terms—although, as my noble friend tells the House, this may not be new after all. I am of an age where my tendency is to hark back to the old days, and I include the Prevention of Crime Act 1953 in that. I am sure we will be reminded that the police and the CPS will apply both common sense and the well-known tests to, “My mum asked me to take the drain cleaner down to my auntie because she’s desperate and she’s got a houseful for Christmas”, but we should not be having to think about going there.

I have to say that there is much more to consider in these clauses than I had expected. The psychology of the choice of a weapon is interesting: we learn that there are more male victims of acid attacks in London than female. However, what is not in the Bill? How do we take advantage of the teachable or reachable moment that is at the heart of the public health approach? On corrosive substances, the House will benefit from the experience of noble Lords, including the noble Lord, Lord Bethell, and the noble Baroness, Lady Eaton.

Retailers are central to the Bill, and I look forward to hearing from the Minister about the progress of the discussions to which USDAW has alerted us. It tells us that it has met the Minister and described that as a major step towards dealing with outstanding issues, but I am not clear quite what progress has been made. Perhaps she can assist the House.

Local authorities too are central, as are trading standards, which are a part of local authorities, although more needs to be done. We have heard from the noble Baroness, Lady Couttie, in that connection. That raises issues of resources and specific investigatory powers for trading standards officers.

At this point I have one simple question. As I read it, there has been quite a discussion in the House of Commons of barcodes. Has there been any consideration of labelling of the products in question? That would give information to the purchaser as well as to the seller. Has the Home Office actually met local authorities and trading standards to discuss their practice and the day-to-day issues raised by the noble Lord, Lord Lucas, who I suspect is going to have a lot of amendments at the next stage of the Bill? I would also be interested to know what the position is in the development of roadside test kits, which have been mentioned.

My noble friend Lord Paddick raised the issue of whether the reasonable excuse should be a defence or whether it should preclude an offence in the first place—I think few of us had heard of Section 118

[BARONESS HAMWEE]

until recently, but it has become a sort of go-to provision. The Joint Committee on Human Rights, of which I am a member, has had correspondence with the Minister for Crime, Safeguarding and Vulnerability about the use of persuasive and evidential burdens, and I suspect we will want to follow that up in Committee. The explanation by the Minister that acids are simply being put on all fours with knives as a weapon is not one that I find wholly persuasive.

On firearms, I admit to having to resist bias in myself against anything that in any way normalises guns and does not tighten gun control. The noble Earl, Lord Shrewsbury, and the noble Duke, the Duke of Montrose, will not be surprised at that rather urban outlook. I have to say that I have often found it quite hard to square the Government's support for rights defenders when the issues are the ownership or use of firearms; it is not quite the same when the rights in question are those of privacy.

In connection with rights, the noble Lord, Lord Singh, rightly reminded us of the cultural and religious issues that are in play here.

The noble Lord, Lord Robertson, asked what to me were rather necessary and important questions about the paradox at the heart of the removal of provisions advised by the services without including the safeguards suggested by those who have an interest in shooting. I too could not get Dunblane, Hungerford and other events out of my mind in thinking about this.

What is the timetable for the consultation about firearms safety? Why can we not do something now that could be rescinded—I do not know whether there would be a disproportionate cost to individuals and the Government—given the shortage of parliamentary time, of which we are all aware? As urged by the noble Lord, Lord Robathan, we must be objective; I will certainly keep on telling myself that.

Lastly, I turn to victims. However, I am uncomfortable about referring to them in my last paragraph, as it were. I do not want to indicate that support for victims is of the least importance—not only in the context of offensive weapons, of course. One lens through which we should keep looking at the Bill is how it will be perceived by individuals who have been victims. Concern for perpetrators, as mentioned at the start of the debate, and for victims, and sometimes for individuals who are both, are not matters that are mutually exclusive.

7.08 pm

Lord Kennedy of Southwark (Lab Co-op): My Lords, I will first put on record that the Opposition support the general aims of the Bill. In that sense, we will support its passage through this House. That is not to say that there are not areas where we think it can be significantly improved. It is my intention, along with my noble friend Lord Tunnicliffe and others on the opposition Benches, to probe, to seek to persuade and, if necessary, to vote on amendments on Report to make much-needed improvements to the Bill.

Knife crime is all too prevalent at the moment. Only on Friday we learned of the horrific murder of Mr Lee Pomeroy on a train in Surrey in front of his son. As others have done, I offer my condolences to the poor man's family and friends.

As we have heard, it is the first duty of government to protect the public: we can all agree on that. That, though, is made all the more difficult by spending reductions to police forces and the refusal by the Government to accept that that is what they are doing—and the ludicrous suggestion that there is no connection between the number of police officers and the level of crime, which we have heard far too often.

The noble Lord, Lord Blair, who is not in his place at the moment, made it crystal clear a few months ago that there was a difference between the level of resources he had at his disposal when he was the Commissioner of the Metropolitan Police and the level of resources available to Cressida Dick. The noble Lord stepped down in December 2008 and Cressida Dick is the third person to hold the position since then. The current level is around 20% less than what the noble Lord had at his disposal. Those are shocking figures.

When he spoke earlier, my noble friend Lord Tunnicliffe spoke of the 21,000 police officers, over 18,000 police staff and over 6,800 community support officers that have been lost since 2010; these roles were all axed, despite the Government's pledge to protect the front line. This, along with the hundreds of millions of pounds cut from local authority youth service budgets and the loss of social and youth workers, has contributed to the terrible situation we find ourselves in at present.

The noble Earl, Lord Listowel, made important points about mental health and the problems of young people leaving care at 18 and going to totally unacceptable and unsuitable bed and breakfast accommodation. Social and youth workers work under real pressure and are struggling to cope, as the noble Earl told us.

There are some excellent voluntary projects, delivering support for young people on council estates and in youth clubs. During my time as a councillor in the London Borough of Southwark in the 1980s, I recall the excellent work in my ward of the Crossed Swords youth club at St Paul's Church Lorrimore Square in Southwark, or more recently, the work taking place on the Wyndham Estate in Camberwell to get young people away from violence. The noble Lord, Lord Ramsbotham, made an important point about young people, their circumstances, and thinking through the consequences of their actions. These issues deserve proper consideration, both in Grand Committee and on the Floor of the House. My noble friend Lord Robertson of Port Ellen made an important contribution about the seriousness of the problems we are facing in many towns and communities across the UK. In making reference to reductions in spending in local authorities, I should of course draw the attention of the House to the fact that I am a vice president of the Local Government Association.

While the Bill has the support of the Opposition for what it does, it does nothing to tackle the root causes of crime, and early intervention work has been further undermined through the cuts I have outlined. The Bill does nothing to tackle the bad side of social media, which fuels abuse and can incite violence. In so many ways, social media has been a source of good and has revolutionised how we operate our lives, but it has a vicious, nasty, wild-west side and it is disappointing

that the Government are again choosing to do nothing to bring this under control, as the noble Baroness, Lady Newlove, mentioned.

Gang violence is a serious problem which needs real, focused attention from the Government. It is shocking to hear there are estimated to be around 70,000 people under the age of 25 involved with gangs. The full extent of the county lines problem is beginning to be fully understood. While out with the police in south London recently, I heard from police officers that young people were being picked up in seaside towns in Kent and Essex and were being used to transport illegal substances. Again, I agree with the noble Baroness, Lady Newlove: the Bill is a missed opportunity and more needs to be done to protect young people and deal with those who benefit from these crimes, as well as to support the families who are left with unbearable grief after the loss of a loved one. When she responds, will the Minister tell the House why we are still waiting for the Government to deliver on the 2015 and 2017 manifesto pledges to legislate for the rights of victims? There is nothing about that in this Bill, or any other proposed legislation I am aware of, despite the pledge being made in two Conservative Party manifestos.

I will now move on to look at the provisions of the Bill itself. The first part of the Bill deals with the sale and delivery of corrosive substances, including banning their sale to persons under the age of 18 and their delivery to residential premises. The noble Lord, Lord Bethell, gave some stark figures about acid attacks, and I agree with him about the reasons for these attacks and the solutions to deal with this horrendous crime; the measures in the Bill, though welcome, are not the whole solution to the problem we face today. I will look further at the proposals in the Bill and see if they can be strengthened.

The next section makes it an offence to be in possession of a corrosive substance in a public place, and this is very welcome, because of not only the horrific injuries that have been caused but the fear that this type of violent attack brings to people and communities. My noble friend Lord Tunncliffe made reference to the spate of fake acid attacks, and this is one area where I think we could possibly look to table an amendment to deal with the fear factor that attacks of this kind bring to people and communities.

The proposals contained in the Bill regarding the sale and delivery of knives and other bladed weapons to individuals under the age of 18 are welcome. The loss of life through stabbings is truly tragic, and anything that can be done to get weapons out of the hands of people who would do wrong with them must be supported. I welcome the proposals in the Bill for an orderly surrender of the weapons that will become prohibited under this legislation. However, I wonder whether it is time for a more general weapons amnesty to get as many weapons off the street and disposed of as soon as possible.

The clause on prohibiting offensive weapons in further education premises is welcome, although I learned from the police that there is a tendency for individuals to hide these weapons outside schools and colleges. They hide them in bushes, walls and trees and

they bury them, so the weapons never come into the premises in the first place. Again, I will probe this in Grand Committee to see what more can be done to protect people in this regard. However, it would be helpful if the Minister could explain why higher education establishments are not included in this extension. In particular, I will want to probe what more can be done to ensure that the sellers of bladed articles are taking all reasonable precautions to comply with the law, and also what further actions could be taken to deal with those people who break the law in this regard, either intentionally or recklessly.

I welcome the further prohibitions of certain offensive weapons. I must confess that I had never heard of some of these weapons before I started looking at this Bill—I did not know what they were—but, now I know about them, I am very pleased they will be banned. Moving onto the question of firearms, I agree we have some of the toughest firearms regulations in the world and I am very pleased with that. I am strongly in favour of it, and the additional restrictions in this Bill are most welcome. However, it is always the case that, when you put a restriction in place, people will seek ways of getting around it; we must always be alert to that and ready to take further action. Will the Minister tell the House whether she is satisfied with the provisions and protections presently in place on bringing deactivated or obsolete weapons back into use?

The noble Earl, Lord Caithness, was right when he said that the problem was not with law-abiding citizens but criminals. I strongly agree, but, unlike him, I was disappointed that the Government, under pressure in the House of Commons, removed sections of the Bill that would ban firearms with a muzzle velocity of more than 13,600 joules, including .50 calibre weapons. I do not think that the argument that these weapons are very large, slow to load and expensive, that there are only about 150 of them in the UK today and that they have not been used in a crime in the UK are acceptable reasons for having agreed these amendments. I will come back to that in Committee and on Report.

My noble friend Lord Robertson of Port Ellen made a very powerful contribution. He quoted the Home Secretary's comments at Second Reading in the other place and highlighted the complete U-turn that took place as a result of pressure from his own Back Benches, which was disturbing and unjustified. The noble Earl, Lord Shrewsbury, made some interesting points concerning inconsistencies between police forces and also medical certificates. I agree that we need consistency on these matters and I look forward to exploring that further in Grand Committee.

I know very little about weapons. I have fired one or two in my time. I fired a sniper weapon on an Army range. I accept that that is a very heavy weapon, but these things are serious and I want to make sure that we have the best possible protections in place.

The last issue I will come on to is the protection of shop workers. I used to work in a shop a very long time ago when I was very young and had ginger hair. While it can be enjoyable, it involves very long hours, it is not paid very well and it is not without its risks from people attempting to shoplift or to use stolen credit or

[LORD KENNEDY OF SOUTHWARK]

debit cards. The risk of assault is always there when individuals are challenged. I used to be a member of USDAW. It is a great trade union representing shop workers. I very much support the aims it has put forward for the Bill.

I should also say that many employers also understand those risks. I know that the Co-op does, and the British Retail Consortium is certainly very concerned about the risk to employees—to name just two organisations. I was shocked to learn that approximately 230 people are assaulted in shops every day while trying to do the job that they are paid to do. We should show some solidarity with shop workers and some support for these people who are treated in such a dreadful way and assaulted. I very much agree with the comments of the noble Lord, Lord Lucas, in that regard.

I am aware that colleagues in the other place and USDAW representatives met with the Government, and we hope for some good news from the Government during the Bill's passage to improve protections for shop workers, because we expect shop workers in effect to police and enforce the law. That will include the new proposals we are debating, but we are not presently adding new protections for them. The issue has rightly been raised that shop workers can be prosecuted for selling these products—I have no problem with that; it is absolutely right if they sell these things illegally—but there is no corresponding offence of buying them. Again, that needs to be looked at. I think the noble Lord, Lord Lucas, made that very point in his contribution. I hope we can come back to that in Committee and on Report.

The noble Lord, Lord Singh, rightly brought to the attention of the House important issues of cultural and religious significance. We again need to look at that in Committee and on Report.

In conclusion, I generally welcome the Bill. It makes a great step forward. However, there are issues that we need to address and I look forward to engaging constructively with the noble Baroness and with the rest of the House.

7.22 pm

The Minister of State, Home Office (Baroness Williams of Trafford) (Con): My Lords, I thank all noble Lords who have taken part in what has been quite a wide-ranging debate on an extremely serious subject, certainly in the shadow of the death of Mr Pomeroy only the other day. Of course, noble Lords have mentioned Dunblane and Hungerford. All noble Lords will never forget those times.

The noble Baroness, Lady Hamwee, made a very important point during her speech that this is not just about legislation, which goes to the heart of some of the frustration felt by noble Lords when they think that this or that should be in the Bill. As she said, we cannot solve this just by legislation. There has been work on county lines and the serious violence strategy, which I will mention shortly, on prevention, early intervention, and of course the all-important multiagency work that my noble friend Lady Couttie mentioned.

The noble Lord, Lord Tunnicliffe, and the noble Baroness, Lady Hamwee, talked about the consultation on the public health duty. That is at the heart of the Home Secretary's approach. We have already started working with Scottish officials to develop learning from their public health approach. The Home Secretary chairs the cross-party, cross-stakeholder serious violence task force, together with the Mayor of London. There will be a consultation on the new legal duty that will underpin the public health approach to tackling serious violence. The Government will launch that consultation shortly. This approach is not before time, as many noble Lords mentioned.

A number of noble Lords questioned the legal certainty around the terms of the new offences provided for in the Bill, a point also raised by the JCHR, of which the noble Baroness, Lady Hamwee, is a member. Possession of corrosives in a public place requires a different approach from the sale of corrosives to under-18s. For the sale of corrosives, we have taken the approach of listing the specific chemicals in Schedule 1. However, for possession of corrosives in a public place an approach is needed that can be used operationally by the police. That is why Clause 6(9) defines a corrosive as,

“capable of burning human skin by corrosion”.

This definition would not capture most household cleaning products, as the noble Lord, Lord Paddick, posits, but it would cover some stronger drain cleaners and industrial cleaning agents.

The noble Lord, Lord Ramsbotham asked about the Schedule 1 list and the difference of approach we have taken to defining a corrosive product for prohibiting the sale of corrosives to under-18s and a corrosive substance for the purposes of possessing a corrosive. For the sale offence, manufacturers and retailers need absolute clarity over what they can and cannot sell, so we have listed the specific chemicals and concentration levels in Schedule 1. The relevant products will be barcoded—I hope that that answers the question from the noble Baroness, Lady Hamwee—to help retailers avoid selling them to children. For the possession offence, we need a simpler definition that police can use on the ground because, of course, they are not chemists. We have used a definition based on the burning of human skin that can be tested by the police using a simple kit that is currently being developed, which I hope goes to the point made by my noble friend Lord Lucas.

The noble Lord, Lord Ramsbotham, asked about car batteries. We are aware of the potential issue relating to sealed batteries used in cars and mobility scooters. We are looking at this further. I am sure we will return to it in further stages. Our intention is certainly not to cause unintended problems from the measures in the Bill on legitimate activities. The Bill is aimed at tackling violent crime, not restricting legitimate business.

My noble friend Lord Lucas asked why we have not provided a full list of banned corrosives. The corrosive products in Schedule 1 reflect the advice of the police and the government scientists. They are substances that are most likely to be used in acid attacks. The concentration levels reflect those that are likely to cause permanent damage if used in an attack. There is a delegated power to add further substances to Schedule 1 if further evidence shows that it is required.

The noble Earl, Lord Listowel, talked about raising the age to 21, rather than 18, for age-restricted products such as corrosives and knives. The current universal age of a child is someone until the age of 18. Placing the age restriction on measures on corrosives in the Bill would set a precedent for other age-restricted products such as knives and alcohol. We need to consider proportionality. Knives and corrosives are not in themselves weapons. They have many legitimate uses. It would be wrong to say that an adult cannot buy drain cleaner or, indeed, a bread knife. A better approach is to challenge those who might look under the age of 21. This is something that responsible retailers already do.

The noble Lord, Lord Paddick, talked about the good reason defence for the purposes of Clause 6. The good reason defence has existed for some time for bladed and pointed articles and has been operated by the police with no issues. A good reason would include taking the corrosive home for its intended purpose, or use in the course of employment or academic study. As I said before, we do not expect the police to challenge shoppers as they leave supermarkets. It is intended to tackle those who have serious violent intent, acting on intelligence and reasonable suspicion.

The noble Lord also raised the issue of stop-and-search powers. As he will be aware, if an officer has reasonable grounds to suspect someone of carrying a prohibited article, such as a corrosive substance, with the intent to cause injury, the police already have the power to conduct a stop and search under PACE 1984. We have been consulting on extending stop and search to ensure that there are no gaps in police powers. Police officers will still need reasonable grounds to justify the use of these powers for the new offence.

The noble Baroness, Lady Hamwee, and another noble Lord asked about acid testing kits. We have jointly commissioned the Defence Science and Technology Laboratory, along with the NPCC, to develop an effective and robust testing regime which will allow police officers to be able to safely test suspect containers and bottles for corrosive substances. It is our intention to have a viable testing kit available to the police before the provisions on the new possession offence are commenced. My noble friend Lady Eaton made the very sensible point that the testing kit needs to be cost effective. Of course it does.

The noble Baroness, Lady Hamwee, asked about labelling, alongside the issue of barcoding. We considered labelling of corrosive products but chemical manufacturers were opposed to this. Their products are sold internationally and having specific labelling for the UK market would have been expensive. However, I know from personal experience that certain products are already labelled, particularly those that contain substances which can prove to be corrosive in their more concentrated form.

There was a lot of discussion on .50 calibre rifles. The noble Lords, Lord Paddick, Lord Robertson of Port Ellen, Lord Tunnicliffe and Lord Ramsbotham, all questioned the removal from the Bill of the prohibition of high-power rifles, although this change to the Bill was welcomed by my noble friend Lord Shrewsbury. I assure all noble Lords on both sides of the argument

that we have looked into these issues in great detail. It is apparent that they are more complex than they at first appeared, as the noble Lord, Lord Bilimoria, and my noble friend Lord Caithness pointed out. This issue requires further careful consideration before deciding how best to proceed. We therefore feel that it is only right to consider the issue further in consultation with interested parties. In answer to the question from the noble Lord, Lord Ramsbotham, that will be in the next few months and probably after the passage of the Bill. In the interim, it would be wrong to pre-empt the outcome of that work by including a ban on these weapons in the Bill.

My noble friend Lord Caithness talked about taking up the APPG suggestions. I shall certainly look at those before Committee. My noble friend Lord Attlee has put forward a helpful proposal. We welcome all these ideas and will consider this further as part of the wider consultation.

The noble Lord, Lord Robertson of Port Ellen, and my noble friend Lord Robathan talked about Northern Ireland and the fact that some of the firearms used there are still not banned. We did consult fully, but the consultation options were limited to whether or not to prohibit them, not whether enhanced security, as has been suggested for the .50 calibre rifles, would be a factor in mitigating any threats raised by law enforcement. Public safety is our number one priority. In response to the points made on the security of such weapons, I can say that we expect owners to continue to take all reasonable security measures and ensure that the relevant level of security is in place, under existing firearm certificates.

There was a lot of support for shop workers and I totally understand where that point is coming from. The noble Lords, Lord Tunnicliffe and Lord Kennedy, and my noble friend Lord Lucas pointed out that shop workers are not only under strain but are intimidated by some customers. They asked how we can afford greater protection to those workers. The Government continue to consider the case for a bespoke offence relating to assaults on retail staff. In answer to the noble Baroness, Lady Hamwee, I can say that last month my ministerial colleague the Parliamentary Under-Secretary for Crime hosted a round-table meeting attended by David Hanson MP, Richard Graham MP and representatives from the British Retail Consortium, the Union of Shop, Distributive and Allied Workers and the National Federation of Retail Newsagents. It was a very productive meeting and we are currently considering how best to proceed.

My noble friends Lord Shrewsbury and Lord Lucas and the noble Lord, Lord Bilimoria, talked about manually activated release system rifles, or MARS as they are more commonly known. The firing systems in these weapons means that they can discharge rounds at a much faster rate than conventional bolt-action rifles. There are, no doubt, some shooters who can manipulate a bolt-action rifle very quickly, but we cannot ignore the fact that these MARS and lever release rifles are closer to self-loading rifles, which are already prohibited in civilian ownership. We have sought to point out, in the public consultation and subsequently, that potential misuse of these rifles presents

[BARONESS WILLIAMS OF TRAFFORD]

an unacceptable risk. It is therefore appropriate that they should be subject to the most stringent controls. If individual owners wish to convert their rifles to a straight-pull action or to have them deactivated before the Bill passes into law, as my noble friend suggested, they will have that choice. If not, I can confirm that we will make arrangements for compensation to be paid to owners who choose to surrender their rifles instead. We will return to the subject of an amnesty and discuss it further in Committee.

My noble friend Lord Shrewsbury and other noble Lords raised the issue of air weapons and the need for consultation ahead of any action in relation to them. The Minister for Policing and the Fire Service announced a review of the regulation of air weapons in October 2017, following the coroner's report into the tragic death of Benjamin Wragge, a 13 year-old boy who was shot accidentally with an air weapon in 2016. The Government recognise that there are very strong views on the regulation of air weapons. As the Minister for Crime, Safeguarding and Vulnerability said in Committee in another place, it is our intention to announce the outcome of that review shortly.

My noble friend also made a number of valuable points in relation to the medical suitability of firearms certificate holders. My noble friend Lord Bethell talked about modernising the processes for obtaining firearms licences, so that we can continue to command the public's trust in the efficacy of the system. I assure my noble friend that the Government and the police, who administer firearms licensing, see the need to make progress in modernising the existing arrangements. As a step towards this, legislation was introduced at the end of 2017 to allow for the electronic submission of firearms and shotgun applications to the police. These changes were introduced to help pave the way for online processes and they mean that individual police forces can now accept applications electronically if they wish to do so. This is very much a first step, but it will help both the police and individual licence holders to begin to benefit from the efficiencies that digitisation will bring.

My noble friend also raised the issue of prosecution in relation to offences involving corrosive substances. I take his point about the need to do more to ensure that all offenders who use a corrosive substance are brought to justice: that is why the NPCC has been working hard to ensure that the policing response is effective and that training is developed for officers dealing with these attacks, including new first responder training and advice. Special investigative guidance has also been developed to help officers understand how to safely recover and handle any evidence at the scene, and the evidence required to build a case for prosecution. A number of high-profile court cases over the course of 2018 resulted in successful convictions and lengthy custodial sentences. That has sent a clear message that these horrendous attacks will not be tolerated. We think that sentences act as a deterrent.

The noble Earl, Lord Listowel, the noble Lord, Lord Ramsbotham, and the noble Baroness, Lady Hamwee, talked about sentences. The noble Lord, Lord Ramsbotham, and the noble Earl, Lord Listowel, talked about minimum mandatory sentences. The minimum mandatory sentence

that applies in England and Wales for the offence of possessing a corrosive substance in a public place mirrors that which already exists for possession of a bladed article in public. We believe that corrosives should be treated as seriously as knives as a weapon, particularly for repeat offences. Under Clause 8 the court will have the flexibility not to impose a minimum sentence where it would be unjust to do so.

My noble friend Lord Bethell asked how measures in the Bill on corrosives will lead to successful convictions. We will be working closely with police and trading standards on the implementation of measures prohibiting the sale and delivery of corrosive products to under-18s and prohibiting the delivery of corrosive products to residential premises. This will include developing guidance to ensure that the new offences can be effectively enforced. In addition, we will look to work with retailers, through relevant trade associations, on the implementation of these measures, to ensure that retailers know which corrosive products are caught by this and that they will need to apply their Challenge 21 and Challenge 25 policies where appropriate. We have already put in place a set of voluntary commitments on the responsible sale of corrosive substances. These prohibit sales to under-18s, and a number of major retailers have signed up to them.

My noble friend also spoke about the need for prevention and early intervention, as did I. This goes to the heart of our efforts to tackle this terrible problem. I reassure my noble friend that we will use the research findings that we have commissioned to help us shape effective prevention and early intervention programmes that can be delivered in various settings, whether that is in schools, pupil referral units or youth projects. The noble Lord, Lord Tunnicliffe, asked why the Bill does not cover the threat of fake acid attacks. Actually, threatening with an inert substance such as water which the person claims is acid is already an offence that can be prosecuted as common assault or as a public order offence.

I know I am running out of time, but I will address the point raised by the noble Lord, Lord Singh, about kirpans. What is now Clause 25 provides for a defence for the purpose of "religious reasons", as opposed to the original wording, "religious ceremonies". This ensures that the possession in private of large kirpans for religious reasons can continue, even when not in the context of a ceremony such as a wedding. It does not extend to the gifting of ceremonial swords with a blade of more than 50 centimetres in length, but I would be happy to meet the noble Lord, Lord Singh, ahead of Committee.

I shall finish by talking about police numbers, because a lot of questions were asked about this. The noble Lord, Lord Kennedy, made a point about the noble Lord, Lord Blair, and I am now going to make a point about the noble Lord, Lord Hogan-Howe. That points to the fact that the issue is complex: I am not saying that the police are not under strain, but of course other factors, such as the increase in drugs markets, have contributed to the rise in serious violence. Of course, overall public investment in policing will grow from £11.9 billion in 2015-16 to £13 billion in 2018-19.

Finally, I pay tribute to my noble friend Lady Newlove, not only for all she has done to support victims but for some of the things she has been able to share with us today from her very tragic experience. I know that she is meeting my officials shortly. She has made every articulate point, as has the noble Lord, Lord Tunnicliffe, about the importance of support for victims. The Government are putting victims and survivors at the heart of our response. We want victims to feel confident in coming forward, so that the perpetrators of these crimes can be brought to justice.

Lord Kennedy of Southwark: Before the noble Baroness sits down, will she go back to her point about .50 calibre weapons? She said that this is very important and serious and that the Government want to consult properly and do not want to ban things before they have had a consultation. I see that train of thought—but she then said that the consultation will finish after we have considered the Bill. What will happen if the Government then decide to ban the weapons? Do we then need further legislation or is there a power in here that the Government could take? Perhaps she can come back to me on that.

Baroness Williams of Trafford: That is a very fair point and I will come back to the noble Lord about just how that process will work.

If the House will indulge me for another minute, the noble Lords, Lord Tunnicliffe, Lord Storey and Lord Paddick, my noble friend Lady Couttie and others all talked about early intervention and prevention, and the balance between prevention and law enforcement. I have to disagree with the noble Lord, Lord Paddick, who said we are not funding some of the early interventions. We are providing £17.7 million over the next two years through the Early Intervention Youth Fund, about which I have spoken in this House. We also support early intervention and prevention through the new rounds of the Anti-Knife Crime Community Fund for 2018-19 and 2019-20. The fund for 2018-19 was recently increased to £1.5 million, which has funded 68 projects. Our continued focus on a multiagency approach is absolutely the right one to tackling serious violence. I shall leave it there. I will write to noble Lords about the higher education point, the definition of a bladed product, the points made by my noble friend the Duke of Montrose and of course the Commonwealth Games, which I will take back.

The Earl of Listowel: Will the noble Baroness write to me about the future of youth work as a career—one which is stable over time and which does not face huge funding cuts every time there is a financial downturn? I welcome what she said about the large investment in the Early Intervention Youth Fund, but a secure career for youth workers would be such a boon in this area for the future.

Baroness Williams of Trafford: That is probably beyond my purview, but I will certainly refer it to either DCMS or MHCLG, as it is now called. On that note, I commend the Bill to the House.

Bill read a second time and committed to a Grand Committee.

Migrant Crossings Statement

7.50 pm

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

“With permission, Mr Speaker, I would like to make a Statement about the number of migrants trying to cross the English Channel in small boats and what the Government are doing in response. But before that, I know the whole House will want to join me in sending our thoughts and prayers to those injured in the attack at Manchester’s Victoria station on New Year’s Eve and to all those affected by this cruel and senseless act. I would also like to thank the emergency services for their courageous response. Thankfully, there were no fatalities and I am pleased to say that all three victims have now been discharged from hospital.

Let me now turn to the issue of English Channel migrant crossings. Over recent weeks, we have seen a sharp increase in the number of migrants attempting to cross the Channel to the UK in small boats. More than 500 migrants—mostly Iranian—attempted to travel to the UK on small vessels in 2018; 80% of them attempted this in the last three months of the year. Around 40% of the attempts were either disrupted by French law enforcement or returned to France via French agencies. Since 1 January, a further 25 people have attempted to cross the Channel but were disrupted. In addition, just this morning, a dinghy was discovered just off the beach at Dungeness in Kent. A number of individuals are now going through UK immigration procedures and one person has been arrested.

I am sure the House will want to join me in thanking all law enforcement agencies and all those involved in the response for their tireless efforts over Christmas and the new year. This includes: Border Force, Immigration Enforcement, the coastguard, the National Crime Agency and the RNLI, many of whom I met in Dover last week. I would also like to thank our French law enforcement partners for their efforts to date, which have been collaborative, swift and thorough.

The English Channel contains some of the busiest shipping lanes in the world. The weather conditions are often treacherous and the inflatable boats being used are woefully ill equipped to make such dangerous journeys. The migrants who choose to make the trip are putting their lives in grave danger and can at times create dangerous situations for our rescue services.

The reasons behind the increased crossings are diverse—and, in many cases, outside our control. First, instability in regions such as the Middle East and north Africa is driving people out of their homes in search of better lives in Europe. Secondly, organised crime groups are preying on and profiting from these vulnerable and often desperate people. They are falsely promising them safe crossings to the UK, even though the journey is one of the most hazardous and dangerous possible. Thirdly, strengthened security at the French-UK border has meant it has become

[BARONESS WILLIAMS OF TRAFFORD]
increasingly difficult for stowaways to illegally enter the UK in trucks and cars, leading to more reckless attempts by boat.

I have been very clear that robust action is needed to protect people and our borders and to deter illegal migration. Over the festive period, I took the decision to declare the situation a major incident. I appointed a dedicated Gold Command and I stepped up the UK's response. As part of joint action agreed with the French, I have ordered two UK Border Force boats to be redeployed from overseas to patrol the Channel. This is in addition to the two already undertaking enhanced patrols in these waters. This will mean four Border Force cutters in total, and is in addition to the two coastal patrol vessels that are currently operating and aerial surveillance of the area. Last week I also requested additional help from the Ministry of Defence while we await the return of the two boats currently overseas. I am grateful that the Royal Navy has kindly offered the use of HMS "Mersey", which started patrols on Friday.

I am also continuing to discuss with the French what more they can do to stop people from attempting to make these crossings from France in the first place. I welcome the action plan that the French outlined on Friday, which includes a commitment to increased surveillance and security in maritime areas, prevention campaigns in French coastal areas to stop people setting off in small boats in the first place, and a reinforced fight against smuggling gangs.

I am pleased to say that the National Crime Agency has also redoubled its efforts. Last week two men were arrested on suspicion of the illegal movement of migrants. In addition, we are doing important work in the home countries of would-be migrants to reduce factors which compel them to make these dangerous journeys in the first place. For example, we are helping to create jobs and build infrastructure, tackling modern slavery, providing education and delivering life-saving humanitarian assistance in response to conflicts and natural disasters. We are also doing important work to undermine organised crime groups and we have committed £2.7 billion to the humanitarian response in Syria, making us the second biggest bilateral donor to the region.

We are also on track to resettle 20,000 refugees fleeing the conflict in Syria by 2020, as well as up to 3,000 of the most vulnerable in the Middle East and north Africa, including children at risk of exploitation and abuse. In 2017, the UK resettled more refugees than any other EU state under a national resettlement programme.

Let me reassure the House that I am continuing to monitor the issue of Channel crossings daily. Right honourable and honourable Members will know that these crossings have provoked a debate. But I am not afraid to say that I think there are some legitimate questions which need to be asked. Why, for instance, are so many people choosing to cross the Channel from France to the UK, when France is itself a safe country? The widely accepted international principle is that those seeking asylum should claim it in the first safe country that they reach, be that France or elsewhere.

Indeed, this is what many asylum seekers do. Domestic legislation from 2004 clearly states that if an individual travels through a safe third country and fails to claim asylum, it will be taken into account in assessing the credibility of their claim. Following recent events, I have instructed my officials to look at how we can tighten this further and ensure that these provisions are working effectively.

Britain has a proud tradition of welcoming and protecting asylum seekers. We also have a long history of accepting economic migrants—people like my very own parents. But all these routes need to be safe and controlled. Getting in a rubber dinghy is not. That is why I will not accept these Channel crossings as just a fact of life. Safeguarding lives and protecting the UK border are crucial Home Office priorities. Although we have obligations to genuine asylum seekers, which we will uphold, we will not stand by and allow reckless criminals to take advantage of vulnerable people. Encouraging people to dangerously cross the Channel to come here is not an act of compassion. So I will continue to do all I can to stop these dangerous crossings. I commend this Statement to the House".

My Lords, that concludes the Statement.

7.57 pm

Lord Kennedy of Southwark (Lab Co-op): My Lords, I thank the Minister for repeating the Statement made by her right honourable friend the Home Secretary in the other place earlier today in respect of migrant crossings. I join her in sending our best wishes, thoughts and prayers to those injured in the Manchester Victoria station attack on New Year's Eve. I also join her in paying tribute to the emergency services and other agencies and individuals working in the English Channel in the most distressing and dangerous circumstances. We are very grateful for all the work they do in those difficult situations.

These are serious matters and should be treated as such. Action should be taken as necessary and the Government will have the support of the Opposition in that respect. But some of the language used in the past few days by the Home Office was a little florid, to say the least, when looking at the number of refugees we are talking about. I would prefer to see urgent action taken to deal with the problem that we all can see is there.

Perhaps the Minister could answer a few questions for me. Can she confirm that the UK is bound by the 1951 UN Convention relating to the Status of Refugees and that all agencies of the state coming into contact with refugees have to act in accordance with its provisions? Does she accept that before anyone is deemed not to be a genuine refugee the facts surrounding their case must first be examined fully? On the deployment of the Royal Navy, can she set out for the House what orders are given to those deployed in the English Channel and can she explain how the various agencies are co-ordinating and working together? I think the Statement mentioned Border Force, Immigration Enforcement, the coastguard, the National Crime Agency and the RNLI, along with the various French authorities operating in the English Channel and on mainland France. Can she also tell the House what will be the

total cost to the Home Office of the Royal Naval deployment and how that will be funded? Does she have any idea of the cost per person rescued, and how many people smugglers have been prevented and detained? Can she also tell us whether the operations that were taking place in the Mediterranean have now been suspended or reduced? Can she also explain what contingency measures have been put in place so as not to leave a gaping hole in other co-ordinated efforts? I thank the Minister in advance for her response.

Baroness Hamwee (LD): My Lords, I too thank the noble Baroness for repeating the Statement without pausing for breath after the last subject. Like her and the noble Lord, I am very aware of the situation in Manchester. I am sure that she feels as I do. When you know a place well, as we both know Manchester Victoria station, these things become even more vivid in one's mind.

This is an awful situation, but relatively small numbers are involved in the context of the international refugee position. I too wonder whether it is appropriate to focus on the recent Channel crossings or attempts to do so and whether, if we were not still in mid-Brexit mode, there would not have been a rather quieter and calmer reaction to the situation. The Statement refers to the NCA taking action. Can the Minister expand on what that action is? It talks about tackling criminal activity and says that trafficking puts lives at risk—as indeed it does—and we were told that one person has been arrested. Was that for a trafficking or smuggling offence? I would be glad for confirmation that we are not talking about immigration detention here.

Of course one agrees with the Home Secretary that getting into a rubber dinghy is not safe, but we would much prefer the “safe and legal routes to sanctuary” formula, which is well known and widely used, rather than the “safe and controlled” formula, which seems to be a newly coined phrase. Finally, the Statement refers to work in countries of origin, which of course we support, but that does not deal with people fleeing persecution or war. The UK has an obligation to consider all asylum claims properly and fairly and to grant asylum to those who are eligible, regardless of how they got here. After all, many certainly do not want to have to escape their own country by these means. Does the noble Baroness agree?

Baroness Williams of Trafford: The noble Lord and the noble Baroness will have to forgive me if I do not answer every single question. As they say, I have leapt from one subject to another.

The noble Lord, Lord Kennedy, asked about the use of language and the UK being bound by the 1951 convention. Yes, of course; we were bound by it before we went into the EU and we will continue to be bound by it when we leave the EU. He is absolutely right that facts must be examined first, which is why we do not make a Statement without knowing the facts. On the Royal Navy and the orders given to its vessels, those are military assets operating for a civilian or non-military purpose and the first rule of any vessel at sea is to protect lives at sea. Lives must be protected and everything else comes after. However, as the Home Secretary said,

we do not want vessels to provide an incentive for people to take risky journeys at sea, putting their lives at risk. I understand that the cost of the deployment is £20,000 a day. As regards other operations in the Mediterranean, Spain is experiencing high demand for migrant crossings, as is Greece, and the operations in the Mediterranean continue. If the noble Lord asked me any other questions which I have not answered, I will write to him.

The noble Baroness, Lady Hamwee, asked me about the individual who was arrested and whether they have been charged with anything. As the legal procedure is ongoing, I cannot comment on that, but I will try to get an answer. She also asked about examining all claims. There are provisions in EU legislation and domestic rules to make claims inadmissible but we will fully examine the claims of those for whom we are responsible.

8.06 pm

Lord Maude of Horsham (Con): My Lords, the whole House will applaud the measured, calm and professional way in which my noble friend has moved seamlessly from conducting a Bill through its Second Reading to dealing with this issue. Of course, everyone will agree that it is undesirable for individuals to seek to cross the channel in this way and that we should all be concerned about it. However, she makes the point, and it is clear, that the scale of this problem is tiny compared to the flows of migration and refugees in other parts of the world. Will my noble friend comment on whether it was appropriate to take two cutters from the Mediterranean, where they were part of a collaborative effort in helping to address a much bigger problem, to bring them into the channel for these purposes?

Baroness Williams of Trafford: I understand my noble friend's point, but of course it was not so much the quantum of the number of people who arrived but the sudden upsurge of arrivals, and my right honourable friend the Home Secretary made the correct decision to deal with that swiftly both to protect our border and lives at sea.

Lord Hylton (CB): My Lords, I am sure that the Minister will know already that millions of pounds have been spent on massive fences around Calais and probably Dunkirk, and on equipment to scan vehicles that are about to cross the channel. The effect of these measures has been to force people who want to come to this country to resort to the most dangerous crossings you can almost possibly imagine: namely, going in dinghies at right angles across the main shipping lanes, where they are likely not to be seen and to be run down. This brings us to the question, already mentioned by the noble Baroness, Lady Hamwee, of safe and legal routes for getting here. Is the Minister aware that the European Parliament recently passed a resolution calling for humanitarian visas along the lines of the former Nansen passport after the First World War? If they could be implemented, these would surely lead to fewer deaths, both in crossing the Mediterranean and the Sahara. I therefore urge the Government to give some serious thought to this matter.

Baroness Williams of Trafford: I refer the noble Lord to the humanitarian assistance that we are giving the people in the MENA region and our commitment to resettling 20,000 refugees before 2020. He may laugh, but if ever there was a humanitarian visa, it is there.

Lord Hylton: I am not laughing.

Baroness Williams of Trafford: Also, the safe and legal route to refuge is to seek asylum in the first country in which you arrive in Europe. That is the safest route. We do not want to encourage people to resort to what is, as he says, the most dangerous routes. It is right that we protect our borders but it is also right that people seeking asylum do so in the first safe country in which they arrive.

Baroness Sheehan (LD): My Lords, I am a little concerned about some of the phrases used in the Statement. “People who choose to make the crossing” are words that appear more than once. I get the impression that the Government still believe that pull factors are the reason why people risk their lives to come to Britain. Am I right? If so, what evidence exists to substantiate this viewpoint? From where I sit, it seems to me that people would not choose to leave France in a rubber dinghy with their loved ones to cross the channel and pay smugglers for the privilege unless they felt that they had no choice.

Baroness Williams of Trafford: I think it is important to pause for a moment to think about who benefits from smugglers taking people across the channel from a safe country. Those who benefit are organised criminals. If people choose to cross, they have chosen to cross from one safe country to another. The noble Baroness shakes her head, but she makes the point that people choose to travel from France to the UK.

Lord Campbell-Savours (Lab): My Lords, it seems to me that this all turns on disincentives to travel, on the one hand, versus the need to protect human life. The Minister was not absolutely clear on the position. Recognising convention and treaty obligations, does the role of HMS “Mersey” include an obligation to collect refugees who have managed to make it into UK territorial waters? The answer to that will be simple. If that is the case, can we be told?

Baroness Williams of Trafford: Yes, the obligation of HMS “Mersey” is obviously to protect lives at sea, but of course those people’s cases will be established at some point in their journey—whether it is an asylum claim or whatever. Border officials will then determine the purpose for which those people are either going back to France or coming to the UK—presumably coming to the UK.

The Lord Bishop of Durham: My Lords, on a slightly different tack, given that those seeking asylum seem to be mainly Iranians, and the number of Iranians seeking asylum in the past two years has been steadily reducing, is work being done to discern whether this is an

increase in number or a transfer of route? Is work being done to understand the dynamics of exactly what is going on?

Baroness Williams of Trafford: Work is most certainly being done to understand the dynamics of what is going on. I know that talks are ongoing to try to resolve the situation.

Lord Wigley (PC): My Lords, is the noble Baroness aware of the plight of the “Sea Watch 3” vessel off the coast of Malta, which has on board 32 people including women and children rescued partly by the assistance of the Welsh lifeboatman Robin Jenkins, to which the Government are now refusing to consider giving any refuge? Is she aware that just a few weeks ago, the Prime Minister congratulated Robin Jenkins on receiving one of her Points of Light awards for outstanding volunteers for his work in rescuing refugees? Is it not totally hypocritical of the Government to feign admiration for his work while refusing to help its fulfilment?

Baroness Williams of Trafford: I have to confess to the noble Lord that I do not know of this boat off the coast of Malta, but if he will indulge me, I will get him an answer in writing.

Lord Balfe (Con): My Lords, I served on the committee of this House that considered Operation Sophia, and we christened our report *Operation Sophia: A Failed Mission*. We talk about people as criminals, but in most of the areas where refugees come from, it is just regarded as a business. That, I fear is what we are to an extent facing here. Unless we tackle it vigorously and early and behave generously towards our French colleagues, we will have a much bigger crisis on our hands.

I offer my support to the Government and encourage them to take a firm line at the time, because that is the overall will of the British people. As has been said, these people proceed to Britain from a safe harbour—the country of France.

Baroness Williams of Trafford: I thank my noble friend for his supportive words. Of course, we all recall what happened with Operation Sophia. We are working with the French because they feel exactly the same as we do—that this situation needs to be dealt with swiftly and carefully.

Lord Paddick (LD): My Lords, according to news reports, these desperate people are saying to reporters that they are risking their lives to travel across the channel because they are not being dealt with humanely or justly in France. If it turns out that France is not taking a humanitarian approach to this and the UK is, is that a reason why we should not allow these people to seek asylum in this country?

Secondly, how will the UK leaving the European Union affect such traffic, bearing in mind that the Dublin III regulation applies to EU countries? Presumably it will no longer apply to us when we are outside the EU.

Baroness Williams of Trafford: France is bound by the same European provisions as us and the 1951 convention. France is a safe country, whatever the people choosing to make the journey from France to here say, and a member of the EU, which so many people want to stay part of—although not me. Post-Brexit, if we get a deal, we will be bound by Dublin III and comply with its measures during the implementation period. Post-Brexit, we want a new system that looks something like the Dublin system, although it has weakened in the past couple of years, and meets our obligations as a country—which we have met for centuries—to act as a safe haven for people fleeing war-torn countries and persecution.

Lord Deben (Con): My Lords, I want to return to the question asked by my noble friend about the two cutters taken from their operations. If they are not where they were, the people in these circumstances are not being stopped. Do we have some figures on the disadvantage now being obtained because we brought two cutters home? What kind of system do we have when we have to bring two cutters back from their essential work because there is nobody else here to deal with this issue? Frankly, it is not a terribly good situation.

Baroness Williams of Trafford: I want to assure my noble friend that this measure is not permanent. It is to deal with a sudden upsurge in the influx of people crossing the channel to come to this country. It is right to take cutters from elsewhere, but this operation is not by the UK alone. We are operating in cohort with our international partners but we do not want them here any longer than they need to be.

Lord Marlesford (Con): My Lords, I worry whether the Government have the political courage to face the realities of this situation. I note that the Home Secretary asked what must be a rhetorical question because the answer is so obvious: why are so many people choosing to cross the channel from France to the UK when France is a safe country? The answer is perfectly obvious. Are the Government not aware that the rate of migration across the Mediterranean started at a very small level, changing a great deal very rapidly and becoming quite unsustainable only when it was established as a safe method of moving, helped by the Royal Navy's HMS "Albion"? Are the Government aware that this could happen next summer?

Baroness Williams of Trafford: The Government are totally aware of the consequences of a small number of migrants coming across the channel in dinghies suddenly escalating into something much bigger, hence the swift action that my right honourable friend the Home Secretary had the political courage to take.

Lord Campbell-Savours: My Lords, can the Minister establish the truth about a number of reports in national newspapers that the French are turning back people coming into France from Italy on the basis that they are claiming refugee status? Can we find out where the truth lies?

Baroness Williams of Trafford: I am sure that I cannot point to where the truth lies at this point at the Dispatch Box. First, do not believe everything that you read in the papers. The truth is that the UK is a great country. Quite often, we beat ourselves up about all sorts of things, but lots of people want to come here. I will not pass judgment at this point in time on what France is doing, but we are working very closely with our French partners, who are helping us in our endeavour.

Lord Campbell-Savours: I asked a specific question: can we find out the truth? Are these reports true or not?

Baroness Williams of Trafford: The answer is that I do not know but I know that we are working very closely with our French partners.

Lord Campbell-Savours: Why can we not simply find that out? We have diplomatic missions in France.

Baroness Williams of Trafford: Perhaps I will just bat that to the Foreign Office.

Drones: Consultation Response

Statement

8.23 pm

The Parliamentary Under-Secretary of State, Department for Transport (Baroness Sugg) (Con): My Lords, with the leave of the House, I shall now repeat a Statement made in the other place by my right honourable friend the Secretary of State for Transport. The Statement is as follows:

“With permission, Mr Speaker, I would like to make a Statement about the further action the Government are taking on drones. The disruption caused by drones to flights at Gatwick Airport last month was deliberate, irresponsible and calculated. It meant days of chaos and uncertainty for over 100,000 passengers at Christmas, one of the busiest times of the year. Carefully planned holidays were ruined and long-expected reunions between friends and relatives missed. Families were forced to spend hours at an airport not knowing if or when they would reach their destinations.

Sussex Police is leading the investigation into this criminal activity. I am clear that, when caught, those responsible should face the maximum possible custodial sentence for this hugely irresponsible and criminal act. I want to assure the House that my department is working extremely closely with airports, the Home Office, the Ministry of Defence, the CAA and the police to make sure that our national airports are fully prepared to manage any similar incident in the future. I spoke personally to the heads of the major UK airports before Christmas, and later this week the Aviation Minister, Baroness Sugg, will meet with them again for an update on progress. In the meantime, the Ministry of Defence remains on standby to deal with any further problems at Gatwick and other airports if required.

[BARONESS SUGG]

But this incident was also a stark example of why we must continue to ensure that drones are used safely and securely in the UK. Today I am publishing the outcome of our recent consultation *Taking Flight: The Future of Drones in the UK*. We received over 5,000 responses to this consultation, reflecting a broad range of views. The responses underlined the importance of balancing the UK's world-leading position in aviation safety and security with supporting the development of this emerging industry.

I am clear the Government are taking action to ensure that passengers have confidence that their journeys will not be disrupted by drones, that aircraft can safely use our key transport hubs and that criminals misusing drones can be brought to justice. The UK is where technology companies want to build their businesses, invest in innovation and use science and engineering to bring immense benefits to this country. Drones are at the forefront of these technological advances and are already being used in the UK to great effect. Our emergency search and rescue services use drones on a regular basis. Drones can also reduce risks for workers in hazardous sectors such as the oil and gas industry. This technology is also driving more efficient ways of working in many other sectors, from delivering medicines to assisting with building work.

However, the Gatwick incident has reinforced the fact that it is crucial that our regulatory and enforcement regime keeps pace with rapid technological change. We have taken some big steps towards building a regulatory system for this new sector. It is already an offence to endanger aircraft. Drones must not be flown near people or property and have to be kept within visual line of sight. Commercial users are able to operate drones outside of these rules but only when granted Civil Aviation Authority permission after meeting strict safety conditions.

Education is also vital to ensure that everyone understands the rules about drone use. This is why the CAA has been running its long-standing 'Drone Safe' campaign and *Drone Code* guide—work that is helping to highlight these rules to the public.

On 30 July last year, we introduced new measures that barred drones from flying above 400 feet and within one kilometre of protected airport boundaries. In addition, we have also introduced legislation that will mean that from November all drone operators must register and drone pilots complete a competency test. However, we intend to go further. Today's measures set out the next steps needed to ensure that drones are used in a way that is safe and secure and the industry is accountable. At the same time, these steps will ensure that we harness the benefits which drones can bring to the UK economy.

A common theme in the consultation responses was the importance of the enforcement of safety regulations. The Government share this view. The vast majority of drone users fly safely and responsibly, but we must ensure that the police have the right powers to deal with illegal use. We will therefore be introducing new police powers. These include allowing the police to request evidence from drone users where there is reasonable suspicion of an offence being committed as well as enabling the police to issue fixed penalty notices

for minor drone offences. These new powers will help to ensure effective enforcement of the rules. They will provide an immediate deterrent to those who may misuse drones or attempt to break the law. My department has been working closely with Home Office colleagues on the legislative clauses which will deliver these changes.

It is of course crucial that our national infrastructure, including airports and other sites such as prisons and energy plants, can be adequately protected to prevent incidents such as that at Gatwick. We must ensure that the most up-to-date technology is available to detect, track and potentially disrupt drones that are being used illegally, so we have consulted on the further use of counter-drone technology. The consultation responses will now be used by the Home Office to develop an appropriate means of using this technology in the UK.

Of course, aviation and passenger safety is at the heart of everything we do, and while airlines and airports welcomed our recent airport drone restriction measures, they also asked for the current airport rules to be amended to better protect the landing and take-off paths of aircraft. We have been listening to these concerns and we have been working with the CAA and NATS to develop the optimum exclusion zone that will help to meet those requirements.

It is important to stress that any restriction zone would not have prevented a deliberate incident such as that at Gatwick. However, it is right that proportionate measures are in place at airports to protect aircraft and avoid potential conflict with legitimate drone activity. We will therefore introduce additional protections around airports, with a particular focus on protected exclusion zones from runway ends, alongside increasing the current aerodrome traffic zone restrictions around airports. Drone pilots wishing to fly within these zones must only do so with permission from the aerodrome air traffic control. The Department for Transport will amend the Air Navigation Order 2016 to implement these changes.

There is no question but that lessons must be learned from last month's incident at Gatwick. Passengers must be able to travel without the fear of their trips being disrupted by malicious drone use. Airports must be prepared to deal with incidents of this type, while police need the proper powers to deal with drone offences. Britain must be ready to harness the vast opportunities and benefits that the safe use of drones can bring. The measures I have announced today are a major step on that journey. I commend this Statement to the House."

8.30 pm

Lord Tunnicliffe (Lab): My Lords, I thank the Minister for her repetition of the Statement. I see it promises further action, but unfortunately when I look at the detail I see no clear action specified, except the five-kilometre rule. It seems to me it merely says that there will be more meetings and discussions; there is no specific action in the Statement.

Does the Minister accept that the Secretary of State has a personal responsibility for the safety of operations, particularly at Gatwick, Heathrow and the other major airports? The whole concept of a good safety environment is where one individual can be held personally responsible.

In the case of aviation, we have several safety systems but, at the end of the day, somebody has to be responsible. Is it her view that the Secretary of State has this personal responsibility? Does he also have a personal responsibility to the many passengers disrupted because of this incident? I believe that in excess of 100,000 passengers had their travel disrupted by this event.

The present regulations in relation to 400 feet and one kilometre are pathetic. When I was both a private and a professional pilot, if I got within one, five, 10, perhaps even 15 kilometres of Heathrow or Gatwick without direct permission to do so, I would have been prosecuted, paid a hefty fine and had my licence removed. The idea that a kilometre is of any value is absurd, and there has to be a serious question mark over five kilometres.

I note that the Statement acknowledges the wider challenge with prisons and infrastructure, and I am pleased that account will be taken of that—but we have known about this risk for many years. I believe there was an incident at Gatwick as far ago as July 2017 and BALPA, the pilots' union, has been pointing out the potential hazards of drones for a number of years. Why was there not a plan? Why was there not legislation? The noble Baroness and I spent many happy hours together at the beginning of 2018. We did space; we did ATOL; we did vehicle technology; we did lasers. There was every opportunity to squirrel some legislation on drones into those Bills, and indeed I made an informal offer to her predecessor that we would co-operate if the Government had something to bring forward. Some basic legislation could have been introduced.

Is it the DfT's view that Gatwick Airport Ltd met its responsibilities? Does it not have a general responsibility for the safety of its passengers? Does it not have a general responsibility to plan in some depth for when things go wrong?

For part of my career, I was responsible for the passengers on the London Underground. We would respond to any risk by making plans immediately to see how we could mitigate those risks and then we would develop those plans. The mitigation, where practical, would be introduced straightaway. Indeed, in the early 1990s we developed plans to evacuate the Underground very quickly. When in 1992 we found incendiaries on trains, we were able to get the people out within something like 10 minutes. I have to admit that we did not have a plan to then restart the Underground, and it was not a good day for our passengers—but at least they were alive and well. Does the Secretary of State accept that he should have had in place, or caused to be in place, a plan? Does he accept that, if a plan does not exist, it should now?

I assume that the new powers will increase police activity and responsibility. Will there be sufficient police resources to make this practical?

The issue of drones has been with us for years, and in my view it has been handled chaotically. This is symptomatic of the whole of HMG at the moment. When will this Government get a grip?

Baroness Randerson (LD): My Lords, at last we have some sort of response from the Government on the issue of drones, which, as the noble Lord emphasised,

we have discussed repeatedly and urged the Government to take action on. The only positive thing that can be said about the Gatwick incident is that it involved massive economic and personal disruption but not death or injury, which it could have.

There are now millions rather than thousands of drones in the UK. The Gatwick incident ruined travel plans for 140,000 people. In 2017, there were 93 near misses between drones and planes, and 3,500 incidents involving drones were reported to the police, concerning people's safety and their privacy. These are large figures: this is not a marginal activity. It paints a picture of a big problem, but the Government have been horribly complacent and have dithered and delayed. The consultation that the Minister referred to finished in September, but we have the response only now and—if I dare suggest it—had we not had the Gatwick incident, I do not think it would have come out now.

I understand that action was deferred because of the pressures of Brexit, but the Government have allowed themselves to be distracted from a very important issue. The new regulations that were introduced last year proved in the Gatwick incident to be inadequate, ineffective and unenforceable. The police clearly did not have the right equipment, and I suggest that the dramatic tension of the Gatwick incident turned to farce when the police suggested they were not even sure that there had been a drone, or that it could have been their drone that people were seeing.

The Government's proposals today are welcome, but they are far too vague. We need action beyond legislation because, as the noble Baroness said, the legislation—whatever it was—was ignored. I would like to press the Minister on the timescale for these proposals. When does she think new legislation will get through this House, given the very crowded schedule?

The Gatwick incident indicated that both the police and the Army did not have the right equipment to hand to deal with drones. That is despite the fact that some of the equipment we are talking about was invented and manufactured in Britain. Will the Minister assure us that this equipment is now being rapidly rolled out to both the police and the Army? I read that it is being purchased by airports but it is important that the police and the Army carry out the appropriate exercises so that they know how to respond—they clearly did not know how to respond prior to Christmas. Obviously, that will require additional resources. I would like some reassurance from the Minister that the Government will provide those.

For satirists, the Department for Transport is the gift that keeps on giving. Over the Christmas break alone, we had the ferry company with no ferries, the drone incident with possibly no drones and today we had the traffic jam with not enough lorries. The Secretary of State said on television with unconscious irony before Christmas that the drone incident was the first time this had happened in the world and the first time there had been disruption for days at an airport. That is because the action was not taken because the equipment was not there and the police and the Army were not prepared. It is not the first time that a drone has disrupted an airport across the world. Unfortunately, this was our world first and it is not one that we want to see repeated.

Baroness Sugg: My Lords, I absolutely agree with the noble Lord that we have known about this risk and about drones for some time. We have obviously discussed the issue. But we have not been complacent. We have taken significant action already. We have brought forward legislative change introducing the exclusion zone and height restrictions and ensuring that there will be registration and competency tests. There has been work on geofencing and on standards. We are extending that exclusion zone and bringing forward further legislation on police powers.

Significant work is going on across the Government to ensure that drones are not used maliciously and to improve our defences against the misuse of this technology. We are working very closely with drone manufacturers, academia and industry to improve and extend these mitigations. As I said, we are also working with manufacturers to promote the use of geofencing and technology where a drone can automatically be prevented from flying within protected areas. We are also proceeding with detailed policy work examining the testing and use of counter-drone technologies. Having already made it illegal to fly a drone within the vicinity of an airport, we are extending that.

On the point about delay, we have brought forward legislation. The plan was to bring a drones Bill in the next Session of Parliament and that is still the case. I acknowledge that there has been a slight delay in the publication of the draft drones Bill, which is partly because of the public consultation that has helped us properly to consider the available evidence and the complexity around counter-drone technology and how that can be used safely. A very simple jamming technology would obviously have an effect on all sorts of other things in our airspace and on the ground. Given how rapidly the technology is evolving, it is crucial that we get those safety issues right.

We have seen drone incidents before, both in this country and abroad, but this is the first time that we have seen consistent use and seen it in this way. Airports have plans in place for drones and many of them have equipment in place as well, but this is the first time we have actually seen this type of incident and we are learning lessons. We can say that lessons are also being learned internationally.

I would push back on any suggestion that this has been delayed because of Brexit. I can confirm that no officials who have been working on drones have been redeployed to work on Brexit. We have taken action and are taking further action. While there has been work on preparedness in this area following Gatwick, as noble Lords would expect, over the Recess there has been significant further activity from the department, the police, the Home Office and of course airports. As noble Lords would expect, they are absolutely investing further in technology. As I said earlier, I will be holding a further meeting this week to talk through exactly what plans they have in place.

8.43 pm

Baroness Hooper (Con): My Lords, I feel sure that my noble friend is aware of the House of Lords European Union Committee report, *Civilian Use of Drones in the EU*, which was published in March 2015 and subsequently debated in your Lordships' House.

The report was based on some far-sighted proposals by the European Commission to regulate this important and developing industry. A raft of suggestions and recommendations to improve safety and enforceability of existing laws was proposed by the committee. In particular, one recommendation was for the widening of the application of geofencing technology, which limits flights over high-risk sites, which would have been particularly appropriate in the Gatwick incident. Can she tell me whether any of the recommendations of the report by the Select Committee have been adopted by the Government?

Baroness Sugg: I thank my noble friend for her question and for the work she did on this. She is quite right that the European Commission has proposed a number of measures. We are working very closely with our European partners on implementing them. They are still in draft, as things stand, which is why we are taking action ahead of that, but that work is ongoing. We are working very closely with the European Commission to shape the measures; that is why we have taken action on this ourselves. If we compare our regulatory system with Europe or internationally, it does stand up. It also points out that this is a UK problem, a European problem and a global problem. This is the advent of new technology, and how we best address it is something of a challenge, I fully admit.

We have taken geofencing forward and are working with manufacturers to mandate geofencing and conspicuity, which is incredibly important. One of the problems with the Gatwick incident is that it was a crime. There are ways around conspicuity and geofencing—videos are available on YouTube on how to get around them. We can get all the regulations in place—we have done, and we are doing so—but ultimately this was a crime, so we need to ensure that we have the right police powers in order to track these people down and the right counter-drone technology available at our critical national infrastructure sites, which is what we are doing.

Lord Campbell-Savours (Lab): My Lords, is it not strangely ironic that we can send a man to the moon and around the moon and we can send starships into outer galaxies but we cannot knock out a little bit of equipment not much bigger than a football which is run by four propellers? Perhaps we have got our priorities wrong. I shall ask the question which has been asked of me by many friends in Maidenhead over the past week. They live near Heathrow, but were unaffected by the Gatwick incident. Why was a helicopter not sent up to net the drone? That would have solved the problem and hundreds of thousands of people would not have been inconvenienced.

Baroness Sugg: I share the noble Lord's frustration that it was not easier to get this drone out of the sky. There are various different ways of doing that, including physical effects, such as nets, which were available, and there were helicopters on the ground as well. Sadly, nets are successful only at a certain height, as is counter-drone technology. I can assure the noble Lord that it was not for want of resources or effort that this drone was not taken out of the sky. In this case, the

drone came and went a number of times and it was not there for any sustained length of time so it could be brought down. Some of the other suggestions, such as birds of prey or bullets, were not possible. Nets were available, but they are successful only at a certain height. I share the noble Lord's frustration that it was not easier to get the drone down. It came and went a number of times but was not in the vicinity of the airport for a sustained period of time which would have enabled that to take effect.

Lord Pickles (Con): My Lords, does my noble friend agree that we are making a grave mistake if we see this as just infringement of airspace or even privacy and that looking to the future we should be looking at the furtherance of crime. We know that drones are used to take contraband, drugs and weapons into jails and that this building, other landmarks in the United Kingdom and large gatherings of people are vulnerable to drones carrying weapons. It was reported in the *Daily Mail* that Gatwick used Israeli technology to get the drone situation under control—I am sure that is accurate because it was in the *Daily Mail*. If that is the case, it should be welcomed because Israel is among the leaders on drone technology—it regularly has to put up with attacks from Hezbollah and Hamas using drones. Therefore, the Government are to be congratulated on co-operating with Israeli industries and are further to be congratulated on not listening to people who want to boycott Israeli goods, because on this occasion it has been clearly demonstrated that by co-operating with the Israelis our country has been made that little bit safer.

Baroness Sugg: Gatwick used a number of methods and different layers were involved in addressing the incident, including UK technology, but my noble friend highlights a very good point—that this is an international challenge. He is quite right that Israel has well-developed technology in this area, and we will continue to work with all our international partners to ensure that we have the best mitigation against future drone attacks.

Lord Berkeley of Knighton (CB): My Lords, I want to make two points. I completely appreciate that it is easy to be wise after the event in terms of Gatwick, for example, but the Department for Transport's paper dated July 2018, which is quite recent, was still talking about only a one-kilometre exclusion zone. At the time, many pilots said that that was insane. After all, if you think about how long it takes to land an aircraft or to get an aircraft up into the air, the distance covered is miles more than one kilometre. Therefore, I am very glad to hear that the zone is to be extended. Is advice from pilots being taken on this? Some airports need bigger exclusion zones; some need smaller ones.

My other point was mentioned by the noble Lord, Lord Pickles, and concerns prisons. Will we have exclusion zones around prisons? The number of offences in prison areas mentioned in the Department for Transport's paper is quite high.

Baroness Sugg: The noble Lord is quite right that in July we brought in a one-kilometre aerodrome restriction, but that was always meant as an initial measure. We did not have any protection beforehand, and that is the

case with many countries. It was an interim measure and we said at the time that we would work very closely with the aviation industry, pilots' unions, including BALPA, and NATS to question whether the restriction zone was large enough. We have come to the conclusion that it is not. Obviously hundreds of thousands of people live within a five-kilometre boundary of airports, so we need to make sure that we have the right exclusion zone. However, we have had conversations about this matter and have now seen evidence that, in order to ensure safety, we need to extend the restriction, and that is exactly what we are doing.

The noble Lord also rightly points out the issues around prisons, and the Ministry of Justice and the Home Office are working very closely on those. Last year they launched Operation Trenton to work together to intercept drones and track down the criminals behind them. To date, there have been 17 convictions related to drone activity and that work will continue, but it is the same challenge. The correct technology does not exist at the moment, although it is being developed very quickly. As a department and as a Government, we have invested in the extension of that technology and there are lots of interesting commercial opportunities too. As the technology develops, it will help airports and prisons, as well as this building and other important infrastructure.

Lord Balfe (Con): My Lords, I draw attention to my entry in the register as president of BALPA, which welcomes the Minister's Statement. The whole issue of drones is incredibly complex—it is not just a case of a drone in an airport. Drones have a legitimate part—and will have an increasing part—in integrated airspace policy. I believe that we are only just beginning to see the potential of drones, which will be developed. BALPA certainly welcomes the exclusion zone being extended, but we hope that the planned legislation will be brought forward fairly soon. One reason for that is that when legislation comes to this House it is thoroughly examined. People will look at the detail. The consultation is important, but I am sure that the examination in Committee, clause by clause, particularly in this House, which has a good base of knowledge and reputation for looking in detail at these questions, will help the Government and the country to bring this forward.

As I have said to the Minister, and I know that she agrees, this is not a matter of party politics but of civilian safety and of getting a regime which, once it is put in place, will command the support of all sections of this House. So I urge her to bring that forward as soon as she can, and to sponsor urgent research into drone protection technology. That is another area which is very important and with which, as I told the Minister earlier today, BALPA is willing to assist—including financially, if the Government are a bit strapped for cash.

Baroness Sugg: I thank my noble friend for that contribution. Obviously, safety is of paramount importance and continues to be our priority. I will take the opportunity to thank BALPA for its work on this; we are pleased to be able to deliver an extension to the restriction zone. My noble friend is quite right that this is not party political; there is a will on all sides to get this legislation through and to get it right.

[BARONESS SUGG]

I look forward to taking it through the House. We will publish the draft Bill shortly and will absolutely welcome noble Lords' scrutiny of it. I have mentioned that we are already investing in research around counter-drone technology. The Centre for the Protection of National Infrastructure did significant pieces of work on this last year and will continue to do so this year. It will ensure that the advice it gives on counter-drones is available to airports and will give training courses and guidance documents.

However, I agree that we can do more. The noble Baroness is right to say that we are very thankful that no one was harmed in the Gatwick incident, but it has highlighted the importance of ensuring that we have the proper counter-drone technology in place. We are determined to do that and I thank my noble friend for his offer of a financial contribution. As I said, the Government have already invested in this, but I will take that back to the department.

Lord Campbell-Savours (Lab): My Lords, I go back to the question of netting. I cannot see the point in an exclusion zone being widened if the resources are not there to enforce it. We know that these zones are already being breached, as was shown in this latest incident. There are airport workers at Heathrow who believe that a helicopter and a net would have sorted the problem out. The Minister said that it was something to do with height, but I do not understand the logic behind that. Once a helicopter is in the air, it is in the air. When it drops its net, it drops its net to collect. Could she do a bit more homework and ask civil servants to find out why a helicopter and net could not have solved the problem? Let us have a detailed response, please.

Baroness Sugg: I can assure the noble Lord that I have certainly done my homework on this. As I explained before, there were nets and helicopters available, but the way that the drone was being used—it was coming into the airport area very quickly and then moving away again—meant that we were not able to bring the drone down in the manner which the noble Lord suggests. The equipment was there, but it could not be used properly because of the way that the drone was being operated. We will continue to invest in research in this area to ensure that we have the best possible methodology available in the future—but, because of the way the drone was being flown, it was not possible to do what the noble Lord suggests.

Lord Campbell-Savours: The drone's flight was some 14 minutes. I understand that the maximum speed of these drones is about 50 miles per hour; helicopters can travel at 200 miles per hour, so what was the problem? I still think that the Minister is not getting the right answers from her officials.

Baroness Sugg: My Lords, there was a huge amount of activity down at Gatwick not only from the Civil Service but from the police, the military and the Home Office, as noble Lords would expect in an incident such as this. Drones move incredibly quickly and this drone was coming in only very briefly, so it was just not possible to put up that mitigation in time to bring the drone down. If it had been there for a significant length of time then that probably would have been possible but, as I have said, the way that the drone was being flown meant that it was just not possible to do that.

One of the aspects that this has highlighted is the need for a proper, layered response to incidents such as this. We have physical mitigations such as nets, which can be launched either from the ground up to a certain height or from a helicopter if at a higher height, but obviously that can be effective only if it is in the vicinity of the drone. The other things that we need are protection and tracing in order to ensure that we are able to see the drone in advance of it arriving into restricted airspace and to trace where it has come from, as well as bringing in the physical effect, which we need to do.

I quite agree that extending the exclusion zone to 30 kilometres would not actually have stopped the drone at Gatwick. We can and have put laws in place, but ultimately this is a crime so we need to ensure that we have the right penalties, which I think we do; that we have the right laws, which I think we do; that we have the right police powers, which we are bringing forward in legislation; and that we have the right counter-drone technology, where we are investing in research. The counter-drone technology is very complex, and we need to ensure that we get it right from a safety perspective, a privacy perspective and a data perspective. That is a challenge that, following the consultation response, we will work through with the Home Office to ensure that that we have absolutely the best counter-drone technology that we can have.

House adjourned at 9.01 pm.