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PARLIAMENTARY DEBATES
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HOUSE OF LORDS
OFFICIAL REPORT

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

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House of Lords

Tuesday 9 July 2019

2.30 pm

Prayers—read by the Lord Bishop of Chelmsford.

D-day Memorial
Question

2.37 pm

Asked by ***Lord Selkirk of Douglas***

To ask Her Majesty's Government what ongoing support they are giving to the construction of the memorial to those under British command at the D-Day landings in Ver-sur-Mer, and in particular to the creation of an education centre.

The Minister of State, Ministry of Defence (Earl Howe) (Con): My Lords, the Ministry of Defence was extremely pleased to provide the inaugural event for the British Normandy memorial at Ver-sur-Mer during the commemorations for the 75th anniversary of D-day. We continue to liaise closely with the Normandy Memorial Trust, a wholly independent body, and have made suggestions for ways we might best support the trust with its fundraising efforts for further facilities, such as the education centre and ongoing maintenance.

Lord Selkirk of Douglas (Con): I thank the Minister very much indeed for his positive reply. Does he agree that the planned education centre, while commemorating the valour of the troops who lost their lives on D-day, should also highlight decisive events in the Battle of Normandy which followed? For example, will it make known that the American troops encircled a huge army of German soldiers who were retreating and attempting to escape through the Falaise gap? Did not 1,500 Polish soldiers with tanks and artillery block the only useable way out? Come what may, the Polish soldiers stood their ground. Were they not down to their very last rounds of ammunition when, on 21 August, with direct Canadian assistance, about 50,000 German soldiers were taken prisoner, and was not the liberation of Paris only four days away?

Earl Howe: My Lords, my noble friend is right to acknowledge the gallant and important role played by the Polish 1st Armoured Division under General Maczek, and the sacrifices that it made in the final defeat and destruction of the enemy forces in Normandy. Its determination to hold the line and block the retreat of the German army from the Falaise pocket was a major factor in the capture of some 50,000 enemy personnel. Its efforts are marked by the monument that crowns Mont Ormel, but the construction of an education centre may well—subject to the wishes of the trustees—provide a means of telling its story in a graphic way.

Lord West of Spithead (Lab): My Lords—

Lord Ricketts (CB): My Lords—

Lord West of Spithead: I would not want to get in the way of an ambassador. They get into trouble too easily.

Lord Ricketts: I am grateful to the noble Lord for giving way. I declare an interest as chairman of the Normandy Memorial Trust. I am very grateful to the noble Lord, Lord Selkirk, for raising the issue with the House today, and for the generosity that the Government have shown towards the memorial project so far. Does the Minister agree that the project to commemorate the 22,500 under British command who fell during the Battle of Normandy has been very much adopted by the public with widespread support, following the launch event on 6 June, as evidenced by the fact that we have since received over half a million pounds in public donations? Can he reassure the House that as we move to finish the memorial in time for next summer, we can continue to count on the support of HMG?

Earl Howe: My Lords, the noble Lord, Lord Ricketts, and his fellow trustees, who include the noble Lords, Lord Dannatt and Lord Janvrin, deserve great credit for the way in which they are taking forward this important project. As the noble Lord, Lord Ricketts, knows, the Government have already provided significant support through the Libor fund, but we are naturally keen to assist the trust in other ways, so far as we are able.

Lord West of Spithead: My Lords, this is a good news story so far, and I too thank the trustees. This is not before time. We have had lots of little memorials around Normandy, but nothing specific that covers all three of our services in one place—and that is extremely important. One of the joys for me is that listed on the memorial will be the Royal Navy and Merchant Navy people who died on the beaches and offshore, as no memorial does that at present. It is interesting that, of the 5,500 British ships off Normandy, the biggest was HMS "Rodney", whose 16-inch guns destroyed several Waffen SS battalions that were trying to advance. She of course was built well before the war, and there is a need to have ships before wars happen; they stop them happening and, if they do happen, we need them. Does the Minister not think that it is about time we ordered some frigates so that we will be in a good place if something does happen?

Earl Howe: My Lords, I agree fully with the noble Lord that the Royal Navy plays a vital role in the defence of the nation and of our interests around the world. As he will be aware, the first Type 26 frigate is now under construction, and we look forward to seeing the Type 31 emerging over the next few years.

Lord Robathan (Con): My Lords, at the same time as commemorating the fantastic event of D-day and those who lost their lives, should we not look five years back to the 80th anniversary of the sending of the BEF to France? The BEF fought valiantly but not very successfully in the end, although it did defend the beachhead at Dunkirk. The remaining survivors are now getting on for 100 or more, obviously. Should we not commemorate their sacrifice in some way, perhaps with a small reception?

Earl Howe: My Lords, my noble friend makes a very constructive suggestion that I will take back to my department.

Lord Wallace of Saltaire (LD): My Lords, the noble Lord, Lord Selkirk, mentioned the importance of the Polish contribution in this respect. I have found on several occasions, in the referendum campaign and since, that people argue that we British beat the Germans in two world wars and now they are trying to tell us what to do. I have tried to argue that we had some help from other countries. I think that there were troops of 30 nationalities under Britain's command at Normandy. Can we ensure that the memorial and the education centre stress the collective activity that made this a tremendous success?

Earl Howe: My Lords, my understanding from the trust is that that is exactly its intention. The overwhelming majority of the 22,442 names on the memorial will be British, but troops of 38 different nationalities will be commemorated. Predominantly they were from Commonwealth countries and Europe, but there is also provision to record the contribution of the Merchant Navy, French agents who were parachuted in to observe German movements and the SOE, as well as war correspondents.

Lord Tomlinson (Lab): Does the Minister accept that as well as acknowledging and commemorating the valour of all those who died in the past, it is equally important that we safeguard the institutions of Europe which were devised to try to make sure that war like that never happens again? Will he therefore recommend to people who talk about recalling the valour of the past that they should not capriciously destroy the institutions of the European Union, which are there to prevent war happening again?

Earl Howe: My Lords, I have sympathy with the spirit of the noble Lord's question but of course we now have the NATO alliance, which represents the values of all western nations. Although we are leaving the European Union, we are not leaving Europe in terms of the values that we share with our European friends and the defence of the international rules-based order.

Rural Post Offices

Question

2.46 pm

Asked by ***Baroness Redfern***

To ask Her Majesty's Government what steps they are taking to ensure that rural post offices are able to (1) continue, and (2) extend, the services they provide to rural communities.

The Parliamentary Under-Secretary of State, Department for Business, Energy and Industrial Strategy (Lord Henley) (Con): My Lords, in 2017 we committed to safeguarding the Post Office network and protecting rural services. The Government have invested over £2 billion since 2010 to ensure the long-term sustainability and resilience of the network. We believe that the Post Office network is delivering all services in accordance with the contractual requirements set by the Government.

Baroness Redfern (Con): I thank the Minister for his reply. Rural post offices are the backbone of many communities. Does he agree that when this review is concluded, the emphasis should be on paying a fair fee to reflect the vital services rural post offices provide, their long hours and the other services for which the payment is still far too low?

Lord Henley: My Lords, I agree with my noble friend about the value that we place on the Post Office, and rural post offices in particular. That is why we made that commitment in the 2017 manifesto. Obviously, I cannot make any commitments for the future beyond 2021, when current agreements come to an end. But bearing in mind the commitment we have made and the value we see in the Post Office network, it is exceedingly likely that something similar will be there.

Lord Wigley (PC): My Lords, is the Minister aware of the growing evidence from rural areas, particularly in Wales, of increased crime because of the closure of banks in those areas? Some businesses are having to go 40 or 50 miles to find banks. In those circumstances, can the services available through the Post Office be extended to reduce that danger?

Lord Henley: My Lords, I am not aware of that connection with the closure of banks in rural areas causing an increase in crime, but I am aware that there is a decline in bank services in certain areas. I think of my own small nearby town, where both the banks have gone. The important thing is that with the agreement that the banking industry has come to with the post offices, they can provide a great many of the banking services that people require, such as paying in cheques and so on. I could go on in great detail for the noble Lord but there are agreements between the banking sector and the Post Office to help deal with that.

Lord Fox (LD): My Lords, the Minister speaks a good game but the truth is that sub-postmasters and sub-postmistresses are leaving their jobs in the hundreds, if not the thousands. The review is taking time but by the time it ends, there will be too few post offices and none in many rural areas. What will the Government do that is different from what they are doing now? If they keep doing the same thing, the problem will be worse.

Lord Henley: I regret to say that what the noble Lord says is complete and utter nonsense. The Post Office network is broadly stable, at about 11,500 branches. Obviously, there are occasional closures for reasons beyond the Post Office's control; for example, an individual postmaster might retire for reasons of ill-health or the business behind a branch might not be sustainable. However, the Post Office has the means of providing postal services in those circumstances. The important point is to make it clear that the network, the numbers within it and the coverage of that network are broadly stable.

Lord Hain (Lab): My Lords, I refer to my entry in the register. Is the Minister not being incredibly complacent? There have been thousands of closures of rural post offices over the years. I have pressed the Government in the past, and do so again, to look at and adopt the example of the post bank in France.

This is a profitable business, has not seen closures on anything like the scale we have, and provides a banking service which rural communities—and many towns—have completely lost. It is a solution to both problems.

Lord Henley: My Lords, I simply do not agree. The network is broadly stable. We have seen 400 new post offices open in the last couple of years; the coverage is there. The Post Office itself is now broadly making a profit after 16 years of loss. As a result, that network can be maintained, and we will do what we can to maintain it.

Lord Marlesford (Con): My Lords, will my noble friend suggest to the Post Office that it promotes the banking service more? I have been a client of this wonderful service for 10 years. It has the great advantage that you can put money in and withdraw up to £1,000 a day from any post office, however small, at any time. It is particularly important for rural areas. It is more secure than a hole in the wall, because your card is taken by somebody behind the counter and put into their machine, rather than swiped in public. The Post Office should be promoting this much more.

Lord Henley: My Lords, my noble friend is right to draw attention to the banking framework agreement. We are grateful for the work that the Post Office and the banks have done together. Post Office Ltd handled over 128 million banking transactions on behalf of the high street banks; that represents growth of around 12% year on year. The implications of the new framework agreement with the National Federation of SubPostmasters were announced at its conference and have led, in some cases, to a doubling or even trebling of the fees that agents can receive from the banks.

Lord McNicol of West Kilbride (Lab): My Lords, the Post Office recently announced that it is closing and franchising a further 74 Crown post offices, leaving up to 700 jobs at risk. This means that, since 2013, 224 Crown offices have been shut, representing a 60% cut in the Crown network. Will the Government finally intervene and end the closure of Crown post offices by introducing a new condition in the Post Office's funding agreement?

Lord Henley: My Lords, again, the important point is that our Post Office network is now making a profit and is broadly stable. The Question is about rural sub-post offices, but the noble Lord referred to Crown post offices: there will be occasions when some of those have to be closed. It is coverage that is important; I assure the noble Lord that some 93% of the population live within one mile of their nearest post office and almost 99% of the rural population within three miles of one.

Restaurants: Calorie Labelling

Question

2.53 pm

Asked by ***Baroness Thornton***

To ask Her Majesty's Government what assessment they have made of Diabetes UK's Food Upfront campaign and petition; and how many businesses they estimate will be affected by the introduction of mandatory calorie labelling in restaurants.

The Parliamentary Under-Secretary of State, Department of Health and Social Care (Baroness Blackwood of North Oxford) (Con): My Lords, we welcome the ongoing commitment of Diabetes UK, including the Food Upfront campaign, which, together with its encouraging support for our proposals, makes a valuable contribution to improving the nation's diets. The impact assessment published alongside our consultation last year estimates the number of businesses that will be affected under the various policy options considered. An updated impact assessment will be published when the Government publish the outcome of the consultation later this year.

Baroness Thornton (Lab): I thank the noble Baroness for that Answer. It is a shame that the consultation, which ended in December, has yet to be published. Diabetes UK tells us that three out of four people want to see calorie information on restaurant, café and takeaway menus, and that nine out of 10 say that clearer food labelling will help them make healthier food choices. Diabetes UK is worried that the Government intend to limit compulsory calorie labelling to companies with 250 employees. If that is the case—I would like to know whether it is—only 520 businesses would be included out of the 168,000 eligible, rendering this meaningless. What are the Government doing in this regard and when will we see the results of the consultation?

Baroness Blackwood of North Oxford: I thank the noble Baroness for her important question. She will know that we remain committed to delivering the actions we set out in chapter 2 of the childhood obesity plan, which included the consultation on calorie labelling in the out-of-home sector. We will publish it shortly. She will also know that our ability to introduce changes to the labelling system depends on EU legislation. We are committed to exploring whatever additional opportunities we can to have food labelling in the UK display world-leading, simple nutritional information, as well as information on origin and welfare standards. We will bring that forward as soon as possible.

Baroness Walmsley (LD): My Lords, I was alarmed to read the Public Health England report about unacceptably high levels of sugar in baby foods, even some labelled as being healthy. What steps are the Government taking to ensure that such products give parents the information they need to make healthy choices for their children?

Baroness Blackwood of North Oxford: I know the noble Baroness has raised issues around baby food on several occasions. The reformulation programme taking place under the obesity plan takes account of sugar in a number of different products. So far, I do not think baby food has been one of these, but the Secretary of State has commissioned the CMO to urgently review what can be done to help the Government meet their ambition of halving childhood obesity by 2030. The report is due for publication by September and I will pass on the noble Baroness's comments.

Baroness Neville-Rolfe (Con): Does my noble friend agree that two other policies on obesity are not adequately focused on? The first is helping parents to teach self-control and good eating habits. The second is increasing physical

[Baroness Neville-Rolfe]
activity—for example, through the daily mile and school sports. I was horrified to learn from the Diabetes UK briefing that only 18% of children in the UK reach the recommended target for physical activity so vital to lifetime health.

Baroness Blackwood of North Oxford: I thank my noble friend for her question; she is absolutely right that increasing physical activity is a key part of the childhood obesity plan. That is exactly why the revenue from the soft drinks industry levy is being invested in improving childhood health and well-being in this way, including doubling the primary PE and sport premium to £320 million a year. This has included a commitment to every school in the country including the daily mile, or something similar. We are particularly pleased about that, but we also believe that work needs to be done in supporting parents, and PHE is working on that.

Lord Mackenzie of Framwellgate (Non-Afl): My Lords, parents carry some responsibility. What disturbs me—I would like to know whether the Minister agrees—is that I often see parents with young children who have a scooter. The child will stand on the scooter and the parent pushes the child all the way to school, so the child gets no exercise whatever. It seems to defeat the whole purpose. Are the Government doing anything to remedy this by means of advertising?

Baroness Blackwood of North Oxford: The noble Lord has asked a most innovative question, to which I do not have an immediate answer in my notes. I hazard a guess that scooters offer some balance benefits, but I shall get back to him on that.

Baroness Young of Old Scone (Lab): Are the Government losing their grip on this issue? We were promised the Public Health England sugar reduction data in April, when it did not appear, and then "in late summer 2019". Can the Minister tell us how late summer will be this year?

Baroness Blackwood of North Oxford: Based on the weather, I cannot really answer that, but I absolutely reject the premise that the Government are losing their grip on this issue. We have seen some real successes since the publication of the 2016 plan. The soft drinks levy has resulted in the equivalent of 45 million kilograms of sugar being taken out of soft drinks, which is a genuine success. Some products in the sugar reduction programme have exceeded their first-year targets: a 6% reduction in sugar in yoghurts has been achieved. As I mentioned, significant investments are being made in schools to promote physical activity and healthy eating. We accept, however, given the obesity crisis, that much more needs to be done and the noble Baroness will be glad to hear that the Secretary of State has, as I said, commissioned the CMO to urgently review and drive this agenda forward, which is exactly what we intend to do.

Baroness Boycott (CB): My Lords, I urge the Government to follow up on the point of the noble Baroness, Lady Thornton, about how many of these places are small companies. When I ran the London Food Board, we did research in Tower Hamlets and I found one single takeaway where a portion of chips—a large one, admittedly—was 1,800 calories. That is completely insane, and parents and children do not know about it. I would be grateful to hear the Government's view on how we might publicise that fact.

Baroness Blackwood of North Oxford: I thank the noble Baroness for her point. As I said, we remain committed to exploring what additional opportunities leaving the EU presents for food labelling. At the moment, we have some world-leading simple nutritional information, but we want to work with the devolved nations and Administrations to explore the potential for common approaches. Obviously, the consultation on mandated calorie labelling has received a high level of interest—there were over 1,000 responses—and that is partly why we are in the process of going through that at the moment.

Children: Criminal Exploitation

Question

3 pm

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

To ask Her Majesty's Government what is their response to the report by The Children's Society, *Counting Lives: responding to children who are criminally exploited*, published on 5 July.

The Minister of State, Home Office (Baroness Williams of Trafford) (Con): My Lords, criminal exploitation associated with county lines drug dealing has a devastating impact on those affected. We must continue to work together to identify and safeguard the victims and potential victims of this exploitation as early as possible. We will carefully consider the findings from the Children's Society's report as we continue to strengthen our response to county lines.

Lord Kennedy of Southwark (Lab Co-op): My Lords, in January 2019 the National Crime Agency and the National County Lines Coordination Centre co-ordinated a series of drug raids which resulted in 600 arrests, with 400 vulnerable adults and 600 children being offered safeguarding advice, but only 40 referrals to the national referral mechanism. Does the Minister agree that we need to implement a national strategy for child criminal exploitation to ensure that statutory services across the UK can recognise the signs of exploitation and offer the support that children need?

Baroness Williams of Trafford: The figures I have before me are slightly different to the noble Lord's. I understand that they led to over 1,600 arrests and over 2,100 individuals safeguarded, but I absolutely agree with him; I do not think anyone would disagree that there needs to be a multiagency approach to this. As he will know, the public health approach consultation has only just closed. In terms of the NRM process, the Home Office is leading a review of first responders which considers the training provided and how to refer a victim to the NRM, and the support that is available through it. The final recommendations of that review will be published in due course.

Lord Paddick (LD): My Lords, the criminal justice system acknowledges that women subject to coercive control who attack their abusive partners may be the victims of crime rather than perpetrators. What are the Government doing to encourage all the agencies in the criminal justice system to acknowledge that vulnerable young people who commit criminal acts under the coercive control of criminal gangs may also be victims rather than perpetrators?

Baroness Williams of Trafford: The noble Lord and I have discussed this at length, and I do not disagree that someone who is caught up in county lines activity or similar types of activity is both a victim and perhaps a perpetrator through the coercion of a third party. He will know that the knife crime prevention orders—I know he disagreed with them—were introduced in an attempt not to criminalise children but to divert them out of the activity in which they had become involved or into which they had been coerced.

The Lord Bishop of Chelmsford: My Lords, following up on that last question, the grooming patterns of children and young people, whether for sexual exploitation or criminal exploitation, are almost exactly the same. It took us ages to achieve a proper definition of exploitation of children in the sex industry. We should not make the same mistake again. It seems that what we need to do, and I ask the Government to consider this, is create a legally binding definition of child criminal exploitation that makes it absolutely clear that the vast majority of these children, some as young as 10 years old, are victims.

Baroness Williams of Trafford: The right reverend Prelate makes an important point. The *Serious Violence Strategy*, which we published in April 2018, contains a government definition of child criminal exploitation, which is commonly used to describe child exploitation associated with county lines drug dealing. There is robust legislation alongside that to prosecute those who exploit children for criminal purposes.

Lord Howarth of Newport (Lab): Does the noble Baroness recognise that as long as the Government persist with policies that hand control of the drugs market to organised crime, we will continue to see the appalling exploitation of children through county lines?

Baroness Williams of Trafford: The approach we have taken over the last few years has been central to government policy and a major priority of the Government; indeed, the Home Secretary chairs the serious violence task force. That demonstrates that we are not only taking this seriously but exploring all the routes into county lines and drug activity from young people.

The Earl of Listowel (CB): Does the Minister recognise that children in care are particularly vulnerable, especially those in children's' homes and 16 and 17 year-olds placed in supported accommodation? Will she speak to her colleagues about ensuring that, in the comprehensive spending review, local authorities are adequately funded so that they can give the very best support to those particularly vulnerable children?

Baroness Williams of Trafford: I totally agree with the noble Earl. Children in care are vulnerable for all sorts of reasons, and we estimate that children who are vulnerable to county lines activity are generally between the ages of 15 and 17 and are generally boys, although not always. A child in care needs a safeguarding wraparound like no other.

Baroness Jones of Moulsecoomb (GP): My Lords, a few weeks ago I asked the Minister about the issue of child spies: children who are caught committing drugs offences, for example, by the police, who then send them back into the gangs to be spies for the police—it is an incredibly dangerous manoeuvre. A whistleblower told me that the police were apparently going to ramp up the numbers, and the Minister said that she would check for me. Does she have any information on that?

Baroness Williams of Trafford: I do not have any up-to-date information for the noble Baroness, who refers to juvenile covert human intelligence sources. I understand her point, but we must not forget that there are very few of them, as the report stated, and that they are used only in very rare cases. As the noble Baroness pointed out, those children may well have been involved in that sort of activity.

NHS Pensions: Taxation

Private Notice Question

3.07 pm

Asked by ***Baroness Finlay of Llandaff***

To ask Her Majesty's Government what action they are taking to tackle the 50% increase in waiting times for NHS patients due to the changes in rules on pension contributions for consultants which affect the number of clinical hours they are able to work.

Baroness Finlay of Llandaff (CB): My Lords, I beg leave to ask a Question of which I have given private notice.

The Parliamentary Under-Secretary of State, Department of Health and Social Care (Baroness Blackwood of North Oxford) (Con): My Lords, we will be consulting shortly on proposals to make NHS pensions more flexible for senior clinicians in response to evidence that shows that pension tax charges as a result of the tapered annual allowance are having a direct impact on retention and front-line service delivery. These proposals aim to maximise the contribution of our highly skilled workforce, who are crucial to delivering the NHS long-term plan.

Baroness Finlay of Llandaff: My Lords, I declare my interest as a past president of the BMA. Can the Government state exactly when the consultation will begin, how long it will run for, how it will be organised and when it will report? Do they recognise that, of 4,000 consultants recently surveyed, 60% said that they would retire at or before 60 years of age, and over half of those cite the sudden unexpected tax bills as a reason?

[Baroness Finlay of Llandaff]
This is particularly urgent because in August we have new graduates starting, who need additional supervision as they begin to get used to working in the clinical arena, yet we are already seeing consultants dropping sessions, which will adversely impact on clinical services. Doctors seem to have only two options now: to retire or to leave the NHS pension scheme, and until they can do that, they are financially penalised for working. One paediatric intensivist I was talking to said that he is £300-plus out of pocket by working a weekend.

Baroness Blackwood of North Oxford: I thank the noble Baroness for her important Question, which she has asked before. Retaining and maximising the contribution of our highly skilled clinical workforce is crucial to the delivery of patient care. We are preparing to provide pension flexibility that appropriately balances the benefit of new flexibilities with their affordability. We have listened, and we are discussing the issue with the Treasury. As a first proposal, the consultation will set out a potential 50:50 option, offering 50% pension accrual and halved contributions. The BMA requested this as an option earlier this year and has welcomed it as a step in the right direction. The consultation will be an opportunity to listen to a range of views and will be genuinely flexible and open; we will bring it forward as a matter of urgency. I hope that that is a reassuring answer for the noble Baroness.

Baroness Thornton (Lab): The briefings that I have received from the BMA and other places say that the 50:50 solution may not prevent the problem. How many people will have to wait longer for their operations before the Minister's colleagues, the Chief Secretary to the Treasury and the Secretary of State for Health and Social Care, concentrate on their day jobs—that is, getting together and talking about how to solve this problem instead of campaigning for whoever they are campaigning for to be the leader of her party? Surely their time could be better spent sorting this problem out.

Baroness Blackwood of North Oxford: The noble Baroness knows that I cannot answer for the Chief Secretary to the Treasury, although I know that this issue has been raised with the candidates as part of the leadership campaign and that they see it as a priority. As I said in my Answer to the noble Baroness, Lady Finlay, we recognise that the 50:50 flexibility option does not provide unlimited flexibility for clinicians to target their own personalised level of pension growth. Other options, such as additional pension accruals to purchase individual units alongside a pension, may be considered as part of the consultation. The message going out to the sector is that we want as much flexibility as possible to try to find the right solution to meet the complex needs of the system.

Lord Naseby (Con): My Lords, is my noble friend aware that this issue was raised on the Floor of the House? I was one of those who contributed; I hastily declare an interest as a trustee of the Parliamentary Contributory Pension Fund. Against the background of what was raised some three weeks ago and the evidence that was already in the field, I do not blame any particular Minister, but is there not a pensions section in Her Majesty's Treasury that must know what options are available to Her Majesty's Government in coming to a decision that will ensure that the consultants affected will not be forced to retire when they reach 60? That evidence must be there by now; surely, we can have some fast decisions on this major issue.

Baroness Blackwood of North Oxford: I absolutely share my noble friend's desire for a speedy response. He is right that the evidence has come forward and that the issue is affecting front-line services, which is why we are keen to bring the consultation forward as quickly as possible and resolve it. He is also right that those in the Treasury will have seen the evidence and it is right for them to consider it. It is important to understand that the consultation is about the implementation of tax policy, not changing it. That would be a separate question for the Treasury team.

Baroness Jolly (LD): My Lords, the Nuffield Trust found that two-thirds of GPs are retiring early for tax reasons, and because of burnout, the level of extra training required and stress. The Secretary of State is reported as saying that this tax issue is the area that concerns him most about the GP workforce—and well he might worry. Given the Minister's earlier reply to the noble Baroness, Lady Finlay, when will we see the figures on the decline in GP early retirement?

Baroness Blackwood of North Oxford: The noble Baroness is right that this is an important aspect of the recruitment and retention of GPs in particular, which is why we are bringing forward the consultation. As I said, we have been working closely with representative bodies, including the BMA and others. When we brought forward the five-year contract for general practice, announced in January, part of that was to provide greater certainty for GPs to plan ahead. Part of the work we have done is looking at other aspects that will ensure recruitment and retention. This includes, as we have discussed before, funding towards 20,000 extra staff working in practices, remaining committed to recruiting an extra 5,000 GPs and looking at targeted enhanced recruitment schemes, which include a £20,000 salary supplement to attract doctors into GP specialty training. The noble Baroness will understand that it takes a little time for these policy changes to be reflected in the data, but she can have no doubt that this is a policy area in respect of which the Government are absolutely determined.

Lord Patel (CB): My Lords, there is currently a disparity in pension arrangements between clinical academics and NHS consultants. Can the Minister confirm that any discussions the Department of Health and the Treasury have will include the university sector? Otherwise, a disparity between pension arrangements will be created, which might affect the recruitment of clinical academics.

Baroness Blackwood of North Oxford: The noble Lord raises an important point. I am afraid I do not have the specific details about NHS clinicians and academics within the university sector. I will ask about this and write to him.

Baroness Kramer (LD): My Lords, the BMA makes it clear that the Defence Medical Services are the most impacted group of medics. Will the Minister confirm that we are today sending medics out to battlefields such as Afghanistan, who work all hours to serve their wounded comrades and are having to call home to tell their families to take out a second mortgage to pay an unexpected £20,000 to £40,000 tax bill, which hits them because of the peculiar pension consequences? Will this be remedied immediately?

Baroness Blackwood of North Oxford: I can confirm that it has been made absolutely clear that NHS clinicians have been impacted by these reforms, and front-line care has been impacted. This is unacceptable and that is why we are bringing forward the review to find a solution as quickly as possible. The noble Baroness is right to raise the issue and we are determined to resolve it.

Baroness Altmann (Con): My Lords, I am sure the Minister agrees that this was an unintended consequence of changes to the tax system. The reality is that the cliff edge of the taper is forcing consultants to pay tens of thousands of pounds for doing one small extra shift, sometimes voluntarily. Could she look at offering financial advice to each individual consultant who may be affected? They will not all face this tax charge, but they are all frightened that they might, so they are not undertaking the extra shifts we need them to undertake. Can she also note to her departmental colleagues that high-paid people potentially affected by the taper in other areas of the public sector received some assistance and mitigating measures from their departments, whereas it has been almost impossible for consultants to plan ahead? We are now seeing the problems occurring belatedly.

Baroness Blackwood of North Oxford: My noble friend speaks with particular expertise on this issue. As the whole House will appreciate, NHS consultants are often asked to take on additional shifts at short notice and they face peculiar challenges when calculating the consequences for their pensions. This is one of the reasons why the BMA has put up its calculator. However, the pension rules we are discussing today mean that some who take on extra work may find they have inadvertently incurred a substantial tax charge in moving into the taper. This is why we have brought in the consultation. It is obviously important that those facing pension charges should seek advice. NHS England is considering this issue closely at its most senior levels and working with the department to better understand the impact on clinicians, but also on NHS performance, and we are determined to resolve the situation to get it right.

Birmingham Commonwealth Games Bill [HL]

Committee

Relevant document: 58th Report from the Delegated Powers Committee

3.20 pm

Clause 1: Financial assistance: the Organising Committee

Amendment 1

Moved by ***Lord Rooker***

1: Clause 1, page 1, line 6, after "Games" insert "and their legacy"

Lord Rooker (Lab): My Lords, Amendment 1 is the lead amendment to Amendment 5. Let me make it clear at the outset that the amendments I shall be moving today are the ideas and gifts of my noble friend Lord Hunt of Kings Heath, who, because of his duties on the General Medical Council, is unable to be here today. Furthermore, I took last week off on holiday and therefore I was not party to any of the discussions that took place on these amendments. However, I agree with them and that is why I am moving them.

It is important that there is a proper legacy from this massively exciting enterprise. I shall not go through the proposed new clause which Amendment 5 seeks to introduce in detail, but there are three essential parts to it. It seeks to place a duty on the Secretary of State, on the Government, that there should be a legacy plan, which is important. It contains a list of non-prescriptive issues which may be in such a legacy plan. However, it also contains a requirement that, if there is a legacy plan, it must include a budget and a funding plan. This is absolutely crucial, as I shall explain in more detail. Under subsection (6) of the proposed new clause, there is a firm commitment in the legacy plan in relation to housing.

Without a budget and a funding plan, the legacy plan would not be worth the paper it was written on. Therefore, if the Secretary of State directs the organising committee to prepare such a legacy plan, it must include a budget and a funding plan. It is crucial for two reasons. First, it is accepted that the amount of time Birmingham and the Government have had for organising these Games is much shorter than normal, simply because we are taking over the Games that were planned for Durban. We must take account of that. Secondly, there is the question of Birmingham City Council's finances. I am unfamiliar with the detail—I do not pay council tax in Birmingham and have not done so since 2002—but I am aware that there have been issues relating to the budget in recent years, which led to an improvement panel being imposed on the city by the Secretary of State for Communities.

The point that I am about to make is the only one that can be considered partisan. When the current administration in Birmingham took over the city council, it followed eight years of a Tory/Liberal coalition, which had built a fantastic library—a brilliant facility—with mega millions of capital expenditure. However, what did it leave in the revenue budget for running that library? Zero. It had a catastrophic effect on the finances of the city. I am not saying all the effects are down to the library, but it is an example of where a capital project had an effect on Birmingham's finances. It was instituted and organised by the noble Lord, Lord Whitby, who is not in his place—I have not given him any warning about this because I have only just thought of

[Lord Rooker]
raising it. As a result of the short time available before the Games and the fragility, if I can put that way, of Birmingham's finances, it is important that there is a budget and a funding plan. These two reasons make it vital.

I have had no discussions with anybody in Birmingham about this because I have not had time. As I said at Second Reading, I went to the meeting at Alexander Stadium to discuss the plans for the stadium. That was about three weeks ago. I have no role in the city. I have been on a few things since I have been in your Lordships' House—the governing body of Aston University, Castle Vale Neighbourhood Partnership Board and James Brindley hospital school—but none of them is current. However, I love the city and I visit it regularly as I have family there.

There is an issue linked to the paragraph about housing. I touched on this briefly at Second Reading. The games village will be homes for more than 6,000 athletes and officials. It is an exciting prospect for the location. I understand it will yield 1,400 new homes and kick off a wider regeneration plan to deliver up to 5,000 homes in that location. It is a very good location. Some things are going to change in the road network, but the location is sitting on top of a suburban railway station—and there are not that many in Birmingham—and it is very close to the M6/M5 junction at Great Barr, so it is an excellent location. It is a prime site.

The planning for that housing must create a community, not a commuter village. If there are no restrictions or plans, the temptation is that it will be a commuter village for the city or for access outside it simply because of its location. I will not go into detail about where it is, but anybody who looks at the plans can see that there will be 1,400 to 5,000 dwellings in this location. We have got to create a community; otherwise, the temptation, if it is left to the private sector, is that it will be a commuter village. A community needs well-designed, sustainable homes of mixed sizes and mixed tenure and the infrastructure that goes with up to 5,000 dwellings, which includes at least one or two primary schools. We must be realistic about this. This needs a plan and, therefore, the housing aspect is important for the legacy plan.

The legacy is for the West Midlands. There are major capital projects, and success afterwards will be in the working of the five pillars of the Games' mission: to bring people together; to improve health and well-being; to help regional growth to succeed—my view and that of others from the region is that it has always punched below its weight; to be a catalyst for change—this is a golden opportunity because it is a massive budget; and to put the West Midlands on the map. It is quite clear from the evidence that previous Commonwealth Games have delivered significant benefits. Not all of them did, but the Commonwealth Games in Glasgow in 2014 made a significant contribution of almost £1 billion to the Scottish economy, and the Commonwealth Games on the Gold Coast in 2018 gave an almost £1.5 billion boost to Queensland. However, that does not happen unless it is managed, and you cannot manage it unless you have a plan. This is why the Government ought to be seriously thinking about embracing the fact that the Games need a legacy plan in the way set out in the amendment. I beg to move.

Lord Addington (LD): My Lords, I have a small amendment in this group which is an amendment to the amendment tabled by the noble Lord, Lord Griffiths, and others. When we started this process and everybody looked at the Bill, they all said the same thing: that there is stuff here we do not know and there is information that we would expect to have but have not got. We then discovered that this is not the normal process. We came in quickly at the end to make sure that the Games continue, which is a good thing. Basically, we are trying to find out information in order to assist the city of Birmingham and the Government to do a good thing—that is, to keep the Commonwealth Games going. If we are to build a legacy, we need more information, and most of the amendments in this group are about trying to get that information into the public arena as soon as possible.

3.30 pm

This is a slightly strange process. I have learned that the village is making use of another project, which is a smart move. If I got the right message from the meeting that the Minister was kind enough to hold, I understand that it can be improved with planning. Can we have more details, or at least can the Minister give us an idea of where to find them? If we have those, many of our concerns will be removed. We need to know what the Government are aiming at and when. There is much good will here. The amendments, which I hope will be supported by everybody, suggest that this is a very good thing. If we can find out the details, the Government will be talking to people who are friendly towards the project.

The intention behind the amendments, which I take it are all probing at this stage, is to extract what will happen and what progress there will be. For instance, my Amendment 6 in this group deals with disability access, and that is expanded upon by others. If you do not specify which Games you are talking about—the Commonwealth Games, the Olympics or any other Games—you discover that you are out of order and cannot table the amendments. The reality is that this is a continuation of good work. However, it is vital to have a plan showing how the whole thing comes together. Later in our debate, we will talk more specifically about how to deal with this planning process or ones for future events.

Multi-sport events are difficult—they have their own platform. We have not yet had the European Games here, although we might in the future. However, without a plan and a distinctive drive, we will lose the ability to look back and say, "Yes, that worked and that worked, but that didn't". Therefore, can a distinctive plan be brought forward at the first available opportunity?

I appreciate that the Government are having to act fast and are under the pressure of time, and we do not want to overburden the organising committee with work, but if you keep stalling and saying, "Don't worry. We're doing it ourselves. It's all in hand", you create suspicion. If the committee needs help, support and encouragement if something goes wrong, then provided

it is not catastrophic, we will want to be able to provide that support. However, it will be very difficult to do that if we do not know what has happened and what the original aim was. A little openness now will remove potential problems if we can get an assistance package in place.

My Amendment 6, along with Amendment 7, would add to the list of good things in Amendment 5. Lists can grow and grow for ever—we have all been through that game—but the amendments are just a way of asking for more information about the provisions for disability and whatever else, and how they would work in a multi-sport platform when events happen at the same time. In that respect, these Games are different from the Olympics. A little advice on that, with the ability to take the good news forward, would be very helpful. I hope that the Minister can be very positive when he responds.

Lord Grocott (Lab): My Lords, I strongly support Amendment 5, proposed by my noble friend Lord Rooker. We can look back at what happened at previous Commonwealth Games, both during the Games and thereafter when all the athletes had gone home, and we can draw various conclusions, but, however you describe it, inevitably with a Games of this sort an element of faith and optimism, and indeed speculation, is at the heart of a commitment of a city and a surrounding region to host the Games. I certainly welcome that, and it is welcomed across the political spectrum and, indeed, across the region.

I should say, "Well done", to the local authority. There are sundry events being prepared, one of which is the Commonwealth Social in the heart of the city on 27 July, details of which I have with me should anyone wish to take a look. It is obviously part of a plan to make sure that people are increasingly aware of the Games and the benefits they bring—even though timings have been foreshortened, as my noble friend has already pointed out—so that everyone can be part of them.

At the heart of it all is not only the statement of faith, as I said, but the balance between central and local government. That is what I like about this amendment: the responsibility is shared. The Bill itself makes it pretty plain—although not as plain as we might have wished—that it is a shared responsibility: the costs will fall roughly 75% to central government and 25% to local government. It sounds like a bargain, but the money still has to be found, even if it is 25%. The figures I have seen—these are probably a bit inaccurate now—show that the total is £778 million, of which £594 million falls to central government and £184 million to Birmingham City Council and its "key partners".

That is the balance of responsibility. The money has to be found and the legacy assured; otherwise, the whole balance of advantage in holding the Games is much diminished. Amendment 5 spells this out pretty clearly: the key responsibility is that of the Secretary of State, but in collaboration with the organising committee, and, as it says in Clause14(3)(b), the relevant local authority—or authorities; there are a number involved—for,

"an area that includes any place where the regulations would have effect".

It seems a common-sense amendment. I hope the Government will support it, although I doubt they will like every detail of the wording. It seems consistent with the spirit of everyone involved in the Games and their preparation: this is a partnership and requires a prescribed legacy.

Lord Moynihan (Con): My Lords, Amendments 7, 8 and 17 are in my name. I can deal with Amendment 7 rapidly since the noble Lord, Lord Rooker, has eloquently covered the key elements of the legacy plan, obviously having focused on it during his brief holiday. The only aspect that I hope can be covered in somewhat greater detail is the sporting legacy plan, not least for the people of Birmingham and its vicinity.

In that context, it might be worth focusing on the work done by the four UK Chief Medical Officers, including the guidelines they published recently, which could be used as a case study by the Commonwealth Games organising committee for people living in the Birmingham area. This is the first time we have had physical activity guidelines produced and represents the first guidelines for the early years—the under-fives—as well as around sedentary behaviour, which evidence now shows to be an independent risk factor for ill-health.

I hope that physical activity can be encouraged across the whole of the population. This could be a very useful case study. Under-fives are recommended to engage in 180 minutes of activity—three hours—each day once a child is able to walk; children and young people—five to 18 year-olds—should have at least 60 minutes or up to several hours per day of moderate to vigorous physical activity; and adults and older people should have 150 minutes—two and a half hours—each week of moderate to vigorous physical activity. It is simply not happening in the country at large. This is an opportunity to use the Commonwealth Games as a catalyst for running out the case study in Birmingham. It is important to add that sports legacy element to the clause. The urban regeneration legacy was such a success in London; the sports legacy plan was not such a success, certainly not nationwide. I hope that we have learned from that and will apply the lessons learned to Birmingham.

In Amendment 8 I propose that the Games legacy plan and any revision should be laid before both Houses of Parliament. This is just to avoid fungibility—the good words disappearing into the ether and no action. Being accountable is critical to see action, and that is why I have tabled this amendment to the request from the noble Lord, Lord Rooker, for a legacy plan.

I will speak for a little longer about Amendment 17. Noble Lords will be pleased to learn that many of my other amendments are much shorter. I hope I have the understanding of the House if I focus on something that I think is critical: a charter for the Games that addresses human rights protections, anti-corruption protections and sustainable development standards. The genesis of this is the work that the International Olympic Committee has already done and published in its guidelines. The guidelines have been worked on closely by the city of Paris, which is hosting the 2024 Olympic Games. It is a move by the International Olympic Committee to incorporate human rights principles in its host city contract, which could help

[Lord Moynihan]
prevent major abuses by future Olympic hosts. The revised host city contract, which has been developed with recommendations from a coalition of leading rights-transparency and athletes' organisations, was finalised in 2017 and will be applied to the 2024 Summer Olympics. For the first time the International Olympic Committee has included an explicit reference to the United Nations guiding principles on business and human rights, which outline the human rights responsibilities of all the businesses associated with the Games, as well as references to anti-corruption standards and the importance of protecting and respecting human rights and ensuring that any violation of human rights is remedied.

The fact that those Games are happening in Paris should not preclude the organising committee here in the UK from taking a lead. I praise the organising committee, as I do the Commonwealth Games Federation, for working hard already at virtually all the key elements that are required to make Birmingham a leader in this sector—one that could embody a charter, working closely with government, which is why it is in this legislation. It is vital that the Government have a role, along with the trade unions, employer federations, employees and athletes. If the Government are increasingly investing significant sums in mega sporting events, which effectively they have been doing since the Olympic Games in London in 2012 and are now doing on this occasion, which I warmly welcome, there is a responsibility that goes with that investment. I believe that having a charter in the legislation, supported by the Government in active dialogue with the organising committee, can be beneficial.

In an ideal world, this should really go back to the very start of the bidding process. A charter should cover the life cycle phases of the vision, the concept and the legacy of the Games because human rights are integral from the outset and all relevant stakeholders should contribute to that vision. International human rights standards should apply and the responsibilities of everyone involved need to be clear. The rights of children and the rights of athletes should be specifically recognised and protected. I also believe that in the charter the rights of vulnerable people should be recognised and protected. We will come later to the importance of looking after the interests of everyone involved with the Games, not least by ensuring by law access for disabled folk to be able to go to each and every one of the venues and, indeed, any associated venue.

In the second part of the life cycle of the Games, there is the bidding, planning and then the design of the Games, and human rights guarantees should be included as part of the bid. Ongoing stakeholder engagement should continue throughout the life cycle of the Games. Supporting infrastructure must be subject to the same standards as event infrastructure, which is not always the case. Expectations should be communicated across government and contractors. Access to land and resources should be based on due process. On income generation, it is vital to raise significant funding. Hosting the event should support local economies and suppliers, and that should be stated in the charter. Sponsors should be subject to human rights due diligence, as should broadcasters. In my view, sponsors and broadcasters should identify human rights risks. I work closely with all parties on this through the all-party group, which is really focusing on this and has done a huge amount of work to take this charter forward. I hope that human rights can be embedded in supply contracts. The issues in supply chains should be monitored and resolved and all supply chain sources should be disclosed, including the international supply chain sources associated with the Games. A grievance mechanism should be put in place for supply chain grievances.

3.45 pm

One then gets on to the construction of the sites of the Games in Birmingham. Specific risks associated with the workforce must be addressed. Unions should participate in joint site inspections. Independent investigations of workplace accidents and injuries should be ensured and a grievance mechanism put in place. Similar approaches should be undertaken for the delivery and operation of the Games and, when we get to the competition itself, the human rights of athletes should be upheld and protected. Anti-doping and integrity measures should respect the rights of all participants. The risks to child athletes should also be specifically considered.

In the important area of legacy, event infrastructure must have a long-term future. That is vital for the sports legacy of any Games and should be at the heart of what happens in Birmingham. Events should be used as a platform for advancing the human rights relevant to host communities. Paris will do this for the Olympics. I have not stated a single item not being actively considered by the organising committee in Birmingham. If it can put that into a charter and work with government to make sure that that charter is in place, it can lead the world as it should.

For any mega sporting event life cycle along the lines I have outlined, but also for these Games in particular, transparency is key. One thing my noble friend Lord Coe did as chairman of LOCOG was ensure transparency and open engagement. Whenever a problem occurred, he would be the first on the phone to talk to the relevant parties. Transparency needs to be built into the charter to ensure that it is a public document which has been worked through with government and is available for everybody to consider. There should be an independent risk assessment. In my view, an independent risk assessment of a Games is an important step forward. If we had that, it would allow engagement with human rights organisations such as Human Rights Watch and Amnesty International.

Both organisations, particularly Amnesty International, came to see me when I was chairman of the British Olympic Association throughout the whole build-up to the Games in Beijing. At our last meeting, they said they just wished the Olympic Games were always held in Beijing, because it allowed them to focus so much on what was happening there. I am not sure my noble friend Lord Coe and I were particularly supportive of that objective at the time, but we were very pleased to welcome engagement with them when the Games came to London four years later.

Requiring stakeholder engagement is important. Unfortunately, there are many examples around the world of journalists being jailed and there are risks

and problems associated with mega sporting events. I do not believe that will be the case in Birmingham. Because of that, and because I believe Birmingham absolutely has these values at its heart, if we can bring it all together into a charter, supported by government and actively open as a public document, we would make an important move in leaving that as part of the legacy for future Commonwealth Games host cities.

In conclusion, I shall mention one thing we worked on in London. David Stubbs, head of sustainability for LOCOG, was quoted at the time as saying:

"London 2012 is proud to have been the catalyst for ISO 20121",

a piece of legacy that could transform how the world addresses sustainability and sustainable events. It was based on a British standard and it was decided that an international version of the standard should be created to coincide with the 2012 Olympics. It is good to see UNICEF beginning to work on this, and to see Birmingham working on it. At present, there is no guidance or information for event professionals on how to integrate child and human rights considerations in the current ISO 20121 standard. I very much hope that can be done, and that we can make progress on it in time for the Birmingham Games. I know that UNICEF is more than happy to continue working with Birmingham to achieve that.

We need outstanding governance, professional management and public accountability where lottery and Treasury support are directly or indirectly involved. We need to eradicate conflicts of interest, we need transparency in the organisations that run the Games, and we need good governance in sport and for the Commonwealth Games, along the lines required for FTSE companies. That is essential if we are to protect the interests of athletes in the future.

In closing, I thank my colleagues in the All-Party Parliamentary Group on Sport, Modern Slavery and Human Rights.

Lord Campbell of Pittenweem (LD): I am grateful to the noble Lord. I have been listening to him with great interest; he has a very specialist knowledge of these matters. The one thing that concerns me is the obligation contained in the elements he has quite properly outlined. These Games are taking place in rather a concertinaed fashion, because of the history, which we need not dwell on. What he suggests, ideal though it may be, will be a considerable burden on an organisation that might be quite stretched. I do not know what he has in mind regarding who should be directly responsible or, indeed, the resources necessary to ensure that these obligations are implemented, but perhaps, before he sits down, he might illuminate the matter.

Lord Moynihan: I will, with great pleasure. The noble Lord—a greater expert on sport than I will ever be, both on and off the track—makes an important point. I tabled this amendment because the organising committee in Birmingham is already doing this. The work is significantly advanced and would need to be co-ordinated into a charter, but no more than that because every step I have outlined is actively being considered or has already been implemented by the organising committee.

In answer to his first question, it would be for the Secretary of State to require the organising committee to bring all of these points together in the form of a charter. That is the process that I have advocated. I do not think it would be onerous, or that additional people would need to be employed. I have been more than impressed by the very significant work that Birmingham has already committed to this, and it would well reflect the work that the All-Party Parliamentary Group on Sport, Modern Slavery and Human Rights has done in co-ordination with the organising committee and, indeed, all other relevant parties.

Lord McNicol of West Kilbride (Lab): My Lords, I shall speak to Amendment 11 in my name. It is intended to ensure that the Games are held in a way consistent with our obligations under the UN sustainable development goals, first, by ensuring that both the Secretary of State and the organising committee have due regard to the goals, and secondly, by legislating for the Secretary of State to prepare a report outlining how Her Majesty's Government believe the Games can promote the goals.

For those unfamiliar with the SDGs, 17 global goals cover ambitious aims such as ending hunger, poverty and inequality. Each goal is broken down into a set of targets, with 169 indicators. The SDGs were agreed to in 2015 by each member state of the UN, with a target of each being achieved by 2030. Unlike previous UN goals, the SDGs are universal, meaning that all countries, including the UK, must meet the targets domestically.

I am sure some noble Lords will ask how the goals are connected to the Games. However, if we examine the specific targets, I am sure the Committee will agree that they are inextricably linked. For example, as part of the ninth goal, the UK must ensure that the new infrastructure is both reliable and resilient. On this goal, the amendment would allow the Secretary of State to report on how exactly the base in Perry Barr will be of a high enough quality to be reused for housing after the Games. This was touched on earlier by my noble friend Lord Rooker.

Meanwhile, as part of the 12th goal, the UK must reduce food waste. On this goal, the amendment would allow the Secretary of State to report on how the outlets at Alexander Stadium will cut down on refuse and waste.

In keeping with the spirit of the Commonwealth and the vision of the Games, Amendment 11 will ensure that the Birmingham Games are remembered not only for athletic feats but for their lasting legacy. I would be grateful if the Minister took the opportunity to explain to the House how he intends the Games to achieve this.

In conclusion, the points eloquently made by the noble Lord, Lord Moynihan, and my noble friends Lord Grocott and Lord Rooker, went into a lot of detail and depth, and I fully support their comments. In a previous life I was involved in the GMB trade union and we worked on the site of the 2012 Olympics. Construction-wise, it was one of the safest large events for decades, either in the UK or worldwide, and the unions worked with construction companies, LOCOG and others to create the framework that allowed that to happen. I fully support the comments made earlier.

The Lord Bishop of Birmingham: My Lords, perhaps I may comment on one or two of these amendments in one go. I was delighted to hear the enthusiasm for Birmingham. The noble Lord, Lord Rooker, did not say where he had been on holiday, but I hope he will choose Birmingham on a future occasion.

The things I would like to comment on in slightly more detail arise in particular in Amendment 5. Perhaps I may take the chance to commend the Minister and the Government, and the co-operation that there has been with local authorities and the local committee in getting the Games up and running in very short order. Time, energy, skill and money have been committed to make them a success.

The details, of course, are important, and on the housing issue—proposed new subsection (6)—there is an attitude of co-operation between different authorities. It is understood that the organising committee itself is not responsible directly for the future of housing: that is Birmingham City Council. There are already targets for social and affordable housing in the council's development plan, with a figure a wee bit less than the 50% mentioned on the list: it is actually 35%. But it is true that the number of 1,400 dwellings out of the village will include affordable and social housing of some 24% in future plans. This is a sign of the importance of getting these targets and ideas firmly in an agreed legacy plan.

I go on to proposed new subsection (2)(e). Noble Lords are adding more and more items. In terms of legacy, it is important to realise that this city region—no doubt this has been mentioned in debate—is one of the youngest and most diverse in Europe. In fact, the successful advertising video that won the Games was called "Go the Distance" and had huge numbers of diverse people from all sorts of backgrounds and with all sorts of skills, demonstrating what a lively and vibrant city it is.

One legacy that is very important to the chairman of the committee, John Crabtree, and the chief exec, Ian Reid, is the skills lab. During the process of delivering building projects, ambassadorial projects and all sorts of things associated with Games of this size, young people will be able not just to join in for the Games but to have an opportunity to develop their own skills. Your Lordships may like to know that a plan is well advanced for co-operation with the Learning and Skills Council, worth £1.5 million. There is also the opportunity for the 12,500 young people who may be needed in roles at that stage to combine those from more disadvantaged areas with those who may already be highly able, and perhaps in higher education. This would be a kind of visionary buddy scheme, so that those less advantaged and not yet skilled will participate in a new college course at FE level. They will come out of the Games experience with a skill and accreditation that will perhaps enable them to go out and get a job in the wider world.

4 pm

I want to back up these visionary and, as the noble Lord, Lord Campbell, said, quite demanding expectations for the worldwide standards that we need to embed in our local communities. I am quite sure that a charter of the kind mentioned by the noble Lord, Lord Moynihan, would express the values that we already try to live up to in Birmingham, Solihull and the region. Similarly, to have the sustainable development goals threading through this will be hugely popular with people of faith—and of no faith—who care about a structure in the world and values that are of universal interest but applied locally. Without them being an extra burden, as the noble Lord, Lord Campbell, hinted, on the very short timetable for achieving a lasting legacy and a really exciting and fun Games, I hope we will take up the challenge locally to promote and live the values in both that charter and the SDGs.

Baroness Young of Hornsey (CB): My Lords, I will speak briefly in support of the amendments tabled by the noble Lord, Lord Moynihan. I am pleased to say that I support them all but particularly Amendment 17, to which I will refer shortly. First, I declare an interest as co-chair of the All-Party Parliamentary Group on Sport, Modern Slavery and Human Rights. I am very pleased that the noble Lord is the vice-chair of that group; I have found it a real pleasure to work with and learn so much from him, because of his range of perspectives on these issues. I am just a humble watcher of sports, which I hugely enjoy.

Yesterday afternoon, we had a session of that group with a number of sports bodies, including individuals from different Premier League clubs and so on. It seems that there is a kind of momentum for recognising much more the place of sport in these frameworks that we are addressing, around particularly issues of social value but also the human rights framework. This very interesting movement seems to be happening within various sports bodies and organisations. In the evening, we were fortunate that the Minister for Sport, Mims Davies, could come along. She talked a little about social value, in particular in relation to the Birmingham Games. I think we would all see that these issues regarding accessibility, the environment and so on are clearly of paramount importance if everybody is to feel included and a part of this forthcoming mega sporting event.

We want to be able to delight in that event. What we do not want is to be sat watching and wondering what bad practices have gone on in its supply chains, how many athletes have been exploited or how many local people have been displaced and so forth. We want to enjoy them for what they are—a magnificent spectacle—so we want to know that all goods and services, and all people connected to the Games, have not been scarred by modern slavery or consequential environmental degradation.

The notion of the challenge and burden associated with a charter such as this is interesting, because the same kind of comments were made when Section 54 of the Modern Slavery Act was introduced. There was a feeling that it would somehow be too much of a burden on business to report all the time on what their supply chains were, yet so many businesses have said that it has been a real game-changer for them and has produced all kinds of very interesting and important debates, theories and practices in relation to modern slavery and transparency in supply chains.

From what I have seen and heard, the charter consolidates a range of practices, regulations and legislation that we are all working towards anyway.

It puts them in one place and makes it very explicit. This makes it a good opportunity for public bodies in relation to the Modern Slavery Act, in which I have a particular interest. As some noble Lords will be aware, public bodies are not included in Section 54 of that Act so are not compelled to write a statement about transparency in their supply chains. This is a good opportunity to produce robust, rigorous modern slavery statements from all the public bodies concerned; to make sure that they are refreshing and addressing the issues that come about through supply chain abuses.

Amendment 17 represents an excellent opportunity for the UK and the Commonwealth sporting family to lead the way in ensuring that countries and cities which bid for these mega sporting events understand and commit to their obligations to celebrate and support the human rights of all concerned, as well as to provide extraordinary sporting spectacles. If people say that this is too much of a burden to put on to organisations, we have to think of the opposite: that we do not care and will let people's human rights be abused. I do not think any noble Lord would want to be in that camp. I hope that the Government, through the Minister, will be able to support the amendment: it is the way forward.

Lord Coe (Con): My Lords, I thank the noble Lord, Lord Rooker, for tabling Amendment 5, which elevates the crucial importance of legacy. I am sure that no noble Lord, on either side of the House, would argue with that concept. We share the sentiment that no Games should ever leave a city or community without leaving an indelible footprint on its infrastructure, society, education or economy. I will make one observation to counsel caution, which buttresses the remarks I made at Second Reading. The primary responsibility of the organising committee is to deliver a fabulous Games. The prerequisite for a legacy platform has to be the successful delivery—operationally and otherwise—of those Games. On that occasion I also remarked that if the Games themselves were a damp squib there would be little or no appetite to further the legacy ambitions.

The noble Lord has a proper menu of legacy issues which needs to be addressed. I speak on behalf of the trade union of current and former organising committee chairs who tend to become a slightly persecuted minority over this process. I want to make sure that we are not placing too onerous or burdensome a set of responsibilities on the organising committee itself. The noble Lord pointed out, quite rightly, that there needs to be a proper balance of those legacy responsibilities between local authorities, and their agencies, and the Commonwealth Games Federation. To further the prospect of other bids, it is not in the interest of any federation to walk out of a city without having been quite demanding about what is left behind. I approve of the framework, but the organising committee has the herculean responsibility of getting the operational integration across the line to create an inordinately complex sporting construct in the space of 10 or 12 days. I therefore caution against asking it to focus too heavily on the legacy burden. That has to be shared properly with the local authorities and housing agencies that have that responsibility. Yes, an organising committee can and should, in the way it constructs a Games, always be concerned to maximise legacy and to do things in a way that allows that post-Games legacy consideration to be delivered optimally. Within my general support for the amendment, I want to make sure that we are entirely clear about the very specific responsibility of the organising committee.

Lord Campbell of Pittenweem: My Lords, I may be hypersensitive, but I inferred from something that the noble Baroness said that she might have understood me to suggest that I was in some way opposed to the principles that the noble Lord, Lord Moynihan, set out. I am of course not opposed to those: there is no more enthusiastic supporter of the obligation of human rights in the Chamber than myself, I venture to suggest. All I was at pains to do was to point out, as I think has already been agreed, that these are rather demanding obligations and I am anxious to ensure that there are the necessary resources to ensure that they will be met.

Lord Griffiths of Burry Port (Lab): My Lords, this has been a most instructive debate right at the outset of our consideration of the Bill. It might well be worth while for all of us to read in *Hansard* the many detailed, specific and informed remarks that have been made from varying angles. I thank all who have taken part thus far and I invoke the name of my noble friend Lord Hunt, simply because his absence today really was unavoidable and he will certainly want to take part in the future evolution of this debate. I thought if I mentioned that right now, noble Lords could take that into account. Much of the thinking, as my noble friend Lord Rooker said, was initiated by him.

These amendments, in their totality, ask us to look at a number of things. It is true, as has been said, that the wish list on the legacy amendment is long and, as the noble Lord, Lord Addington, said, could be longer. I will concentrate on two things my noble friend highlighted: the question of housing and the alchemy—if that is what it is—that turns houses into communities. A proper legacy would not only build a certain number of houses and have a certain percentage of them for this, that or the other category of use, but would leave us with schools that children could go to and places where they could play. Some of the very desirable things mentioned by the noble Lord, Lord Moynihan—activity, sport and so on—could be done within the community thus created. It seems to make a lot of sense. Various percentages are mentioned in the amendments: 50% for social housing, for example. The right reverend Prelate suggested that from the Birmingham end it is 35%; well, there is room for debate there. The facts have been laid before us, the options are there and I am sure we will have some keen and passionate debates in due course.

The noble Lord, Lord Addington, talked about the importance of the flow of information, and he was echoed by others. The noble Lord, Lord Coe, or perhaps it was the noble Lord, Lord Moynihan—I tend to get them mixed up; since I first met them both on television, I cannot tell them apart in the flesh—emphasised information flow and the prime need for transparency. It does us well as we debate this issue to remember that we are not the only stakeholders, or prime actors in this drama. In terms of local government, it is not just the City of Birmingham but other local

[Lord Griffiths of Burry Port]
authorities which differentiate this initiative from Glasgow and London and make it a bit more complex and needful of a good deal more thought. There is local government; the DCMS and our own Government; our own organising committee, which has been amply referred to, with the owners' responsibilities weighing upon it; the Commonwealth Games Federation itself, of course; and all those beholden to all of them. Very complex organisation of bureaucracy is involved here, and the need for a flow of information is paramount.

Such awareness as I have of the work being done in other places in this process leaves me really rather heartened. In Birmingham, the strands of community cohesion, civic pride, culture, tourism, trade, investment, jobs and skills, education, infrastructure, sustainability, accessibility, physical activity and well-being are being looked at already. Areas of collaboration between the private and public sectors, and local and national government, are already being identified, and schemes and projects are already being worked on. In a sense, we are behind the curve compared with what is happening elsewhere. We must take heart from that. The flow of information seems very important.

4.15 pm

As for the need for the Games to produce extra commitment to and practice of physical, energetic, outgoing activity, whether of a team nature or cross-country running—my bane, which I could never see the point of or say anything praiseworthy about—of course we must leave a legacy of people being more active. For example, I heard only this morning—perhaps the right reverend Prelate can confirm with a nod of the head whether it is true—that by 2022 every child in Birmingham will be provided with a bicycle. He nods; Homer nodded too, but for a different reason. That is a foretaste of the energy flow that we want to see captured and set forth as a result of these Games.

I turn to the charter—now, there's a thought. On this side of the House we were purring to hear all these details. We loved it: "More", we kept saying to ourselves. I thank the APPG, which I believe is doing some of this work, and the noble Lord, Lord Moynihan, for bringing it to our attention. It would be terrific if this could be the backcloth against which everything practical that we are proposing takes place and flows forward. The noble Baroness, Lady Young, and my noble friend Lord McNicol have come in on that as well. Such a charter, honouring human rights, dignity, the value of work, personal pride, community development and so on, is very important indeed. We could lead the world on this, as the noble Lord has said—and why not?

There are two things to say before I leave this point. First, if it is that important, that importance can only really be felt and understood if it appears in the Bill. If it is implicit, hidden or understood, it loses much of its point. I hope that we hear pressure from the Benches opposite, because the Minister, who is a nice friend of Labour, takes quite a lot of notice of what his friends on those Benches say. Then, we can perhaps see whether we can persuade the Government to put this on the face of the Bill. Secondly, we must honestly avoid referring to infractions, corruptions and abuses of rights as if we were the example of all that is right, with a charter that judges people from other countries who happen to come together for this competition. We are, shall we say, as open to question on these matters as anybody else.

There is a sense in which nobody can possibly be against any of the lovely things that have been said. The challenge will now be to make sense of them, such that they transparently flow into a code of practice and a practical Bill that will help the other stakeholders—the local and regional governments, the Commonwealth Games Federation and the organising committee—so that we all feel that we are pulling together to give Birmingham the time of its life.

The Parliamentary Under-Secretary of State, Department for Digital, Culture, Media and Sport (Lord Ashton of Hyde) (Con): My Lords, I am grateful for all those helpful suggestions. I genuinely appreciate the offers of help; it is clear that there is a desire to make these a tremendous Games, not only for Birmingham but for the country, as well as for the Commonwealth.

I will start by addressing some of the points directly, then come to my traditional role in Committee of asking noble Lords to withdraw or not press all their amendments. The noble Lord, Lord Addington, talked about information; I absolutely have got that point, which was mentioned at Second Reading, and I tried to be clear that we genuinely want the organising committee and other partners to be transparent. I absolutely take the point of my noble friend Lord Moynihan that transparency is key. We want to build on the good examples of London and Glasgow in that respect.

I will outline for the noble Lord some of the places where he can get information. There is the specific APPG for the Commonwealth Games, which the organising committee has committed to attend. The committee is setting up a specific parliamentary liaison role at the moment. The management plan includes a very detailed reporting schedule; that is public information, signed by the organising committee, the Commonwealth Games Federation and the Secretary of State. I recommend looking at the organising committee website. As an ALB, unlike the London organisation, it will have to produce an annual plan, and is subject to all the *Managing Public Money* regimes that go with being an ALB. The organising committee has also agreed to report to the Public Accounts Committee and the DCMS Committee, and the chair of the organising committee has already talked to some noble Lords and has volunteered to do so again if that would help.

If all that is too much information, there is of course me and the DCMS civil servants; obviously I am open to questions from noble Lords. While we are on this first group, I point out that I am certainly open to meetings between now and Report if there are any aspects that noble Lords would like to talk about.

Lord Addington: My Lords, is this an undertaking by the department to make sure that Ministers will be available? As wonderful as the noble Lord is, apparently there will be a change of leadership in his party, and Ministers tend to get moved around. Perhaps we could

have that commitment that the Government will make Ministers available. Although nobody can replace the noble Lord, to have somebody there we can get to would put another cherry on the cake.

Lord Ashton of Hyde: Obviously, I cannot commit to what future Governments will do. I can say only that, as far as we are concerned, we will be available. It is standard practice for Ministers to be available to Peers, both formally at Questions and debates in the House but also informally; it is normal for any Minister to address questions from noble Lords. Certainly, I do not foresee any change in my department's attitude, and we have a good reputation for dealing with all noble Lords, particularly on Bills.

On the management agreement, the Secretary of State's priorities in that agreement, which everyone signed up to, are to deliver a Games which inspire and support the delivery of positive, long-term, sustainable legacies, locally, regionally and nationally. That is the basis on which the organising committee is approaching its task.

Of course, noble Lords are absolutely right that in delivering this major sporting event, we are looking to maximise the benefits for the city, as well as the region, the country and the wider Commonwealth. I absolutely agree with the implication behind many noble Lords' speeches that sport can and should be a power for lasting good. However, I also noted the caution from my noble friend Lord Coe that that presupposes a good actual Games. That is very important, and we bear it in mind.

The amendments tabled by the noble Lord, Lord Rooker, supported by the noble Lord, Lord Griffiths, would provide for the Secretary of State to direct the organising committee and precisely how that powerful good should be harnessed by requiring it to publish a legacy plan in relation to specific areas. I am grateful for the opportunity to provide more information to noble Lords about the legacy planning under way.

We all agree that the Games are about more than just 11 days of sport. They will leave a transformative physical legacy for the West Midlands. I will not go into that in great detail, but there will be not least the Games village, with 1,400 new homes in Perry Barr. I took on board what the noble Lord, Lord Rooker, said about that. It is more than a series of living units; it must be a community as well. With that in mind, Birmingham City Council has already established a group for local residents in Perry Barr, which is meeting both the organising committee and the council regularly. As mentioned, throughout July, Birmingham 2022 is inviting residents from across the region to share their hopes and ambitions for the Games in a community project called Common Ground. This will culminate, as the right reverend Prelate said, in "three years to go" celebrations in Centenary Square on Saturday 27 July.

Turning to the amendment on the proportion of affordable housing, this is a matter for Birmingham City Council, which is responsible for the delivery. It has confirmed that about 24% of the total number of homes will be affordable housing. This proportion has been derived as part of financial planning for the project, which has been agreed and finalised by the council as part of a bigger long-term project of 5,000 homes. To an extent, this is outside the Games budget itself, although it receives government funding from the Ministry of Housing, Communities and Local Government. As I set out in my letter to the noble Baroness, Lady Burt, a copy of which I put in the Library, representatives of Birmingham City Council would be happy to brief noble Lords on this matter.

The Games will also bring a new aquatics centre to Sandwell and the Alexander Stadium will be significantly refurbished, with increased capacity, providing an excellent administrative base for UK and England athletics. The Games are also accelerating transport infrastructure improvements, all linked with new housing and the Games village, including new Sprint rapid bus routes and upgrading two stations, all of which will leave a significant physical legacy.

Noble Lords have referred to other areas in their amendments. To these, I add as things to consider, potential benefits to trade, business, tourism, volunteering, culture and education and new jobs and skills. Let me provide updates on some of those areas. For example, by Games time, more than 45,000 jobs—staff, contractors and volunteers—will be created. The organising committee has already held eight events to discuss business opportunities with local companies. Birmingham Solihull is benefiting already from £10 million of Sport England investment, separate from the Games budget, aimed at tackling inactivity levels in underrepresented groups. Of course, I hope that the Games will be a catalyst for more physical activity.

The organising committee is also developing a Games-wide sustainability plan. However, maximising the long-term benefits of the Games is not a matter for the organising committee alone: it is a shared responsibility across the Games partnership. I reassure noble Lords that Games partners are already working collaboratively and therefore suggest that placing a requirement for a published legacy plan solely on the organising committee fails to recognise the shared nature of legacy realisation. In fact, to ensure a cohesive and integrated approach to legacy, a cross-partner legacy committee has been established within the Games governance structures.

I agree wholeheartedly with noble Lords' recognition of the importance of local consultation, which is undoubtedly critical. The Games partners are talking to a vast range of local, regional and national stakeholders. The organising committee has just launched a series of community events across the West Midlands, giving a voice to their hopes and ambitions for the Games, so that this can inform its work. We will continue to consult this House as the plans develop. I know that John Crabtree, chair of the organising committee, is very willing to continue to meet noble Lords to discuss progress.

4.30 pm

Amendment 11 in the name of the noble Lord, Lord McNicol, would require the organising committee and the Secretary of State to have "due regard" to the UN sustainable development goals. The amendment highlights that many of them align with the powerful vision of the Commonwealth Games Federation: to build peaceful, sustainable and prosperous communities globally. Therefore, through the role that the CGF

[Lord Ashton of Hyde]
plays in the collaborative legacy development, due regard is already being given to its vision and, in turn, to the sustainable development goals. It is not just the organising committee or the Secretary of State that must pay regard to the goals. The hosting requirements set by the federation require all Games partners to deliver the event in a manner that embraces sustainable development, and the federation holds them to account for this in regular co-ordination commissions. I do not disagree with the noble Lord on the contribution that sport can make to the 2030 agenda for sustainable development.

Nor do I disagree that human rights and anti-corruption protections should be a key consideration in Games delivery, as indicated in my noble friend Lord Moynihan's amendment directing the organising committee to prepare a social charter for the Games. However, as custodian of the Games, again, it is for the Commonwealth Games Federation to ensure that due regard is given to human rights and anti-corruption protections by feeding this into delivery plans from Games to Games. I should say that it has been at the forefront of a new push for a rights-based approach to sport. On Commonwealth Day 2016, the CGF began a process to strengthen the human rights due diligence capacity of the host cities of the next four Games. It launched a human rights policy in October 2017 and a guide to human rights and sports governance in March 2018, developed with UNICEF, the Mega-Sporting Events Platform for Human Rights and the Institute for Human Rights and Business.

The Commonwealth Games Federation, the Commonwealth Advisory Body on Sport and the Commonwealth Forum of National Human Rights Institutions are working to develop an approach on human rights in sport, which is expected to be considered at the next meeting of Sports Ministers in 2020. However, the CGF's process for selecting a host city for the 2022 Games included a requirement that the host city uphold standards on sustainability, human rights and labour laws. The UK has committed to observing relevant national and international laws on these issues. I hope that provides some assurance. I assure noble Lords that the organising committee is working with the Commonwealth Games Federation to create a human rights policy for Birmingham 2022.

The noble Lord, Lord Campbell, and my noble friend Lord Coe made the point that the Bill's purpose is to introduce a small number of operational measures necessary to deliver the Games. I welcome the opportunity to discuss the areas raised by noble Lords' amendments, but I must be clear: I do not consider these matters for primary legislation. The Games will be delivered in a much shorter timescale of four and a half years—we now have three to go—rather than the typical seven. We must be balanced about requirements to publish plans and charters, given the need to ensure that the organising committee and Games partners can deliver at pace to meet the immovable hosting deadline.

I mentioned the management agreement and the number of reporting requirements already placed on the organising committee, providing an opportunity to scrutinise its activity; that includes the ALB's annual report. However, that is not to say that I will not reflect on the debate and the House's clear desire to be kept informed and consulted on legacy planning. I hope that noble Lords are reassured that such legacy planning will continue to benefit from the input of stakeholders, including the Commonwealth Games Federation and other international organisations; that it is being developed in a co-ordinated way across the Games partnership; and that we are willing to discuss progress at any stage. I therefore ask the noble Lord to withdraw his amendment at this time.

Finally, I shall address the technicalities of the provision in Clause 1. I do not agree that an explicit reference to legacy should be added to the financial assistance provision in Clause 1. In my opinion it is unnecessary, because Clause 1 already provides that the Government can fund the organising committee in relation to legacy activities under the spending power. The language of the provision—"arising from"—is intended to capture just this: the activity that continues after the last medal has been won. The Bill is not explicit about every activity or work stream the organising committee will undertake, but it does not follow that those activities will not be taken forward, so I ask that noble Lords withdraw and do not press their amendments to Clause 1.

Lord Rooker: My Lords, I am incredibly grateful to the Minister for his comprehensive reply; I agree with most of it. Indeed, the only point I make before I withdraw is the point that the noble Lord, Lord Coe, made: the central, key issue is the Games. Nothing must interfere with the planning and organising. I have no doubt that, when he is among us again, we will take further particulars from my noble friend Lord Hunt. In the meantime, I beg leave to withdraw the amendment.

Amendment 1 withdrawn.

Amendment 2

Moved by ***Lord Moynihan***

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

"( ) for the purpose of ensuring access for disabled people at all facilities and in the vicinity of all facilities at the Games, or"

Lord Moynihan: My Lords, I rise to move Amendment 2 and speak to Amendment 12, both standing in my name. I hope that, in the spirit of bipartisanship, the noble Lord, Lord Griffiths of Burry Port, and his colleagues will continue purring to the sound of the proposal I will try to encourage the Minister to adopt as an amendment to the Bill. It has a similar back-cloth to the last amendment, inasmuch as if the Government of the day see objectives as being of critical importance, it sends the strongest possible signal to place them in the Bill.

If substantial public funding is invested in hosting the Commonwealth Games here in the United Kingdom, in Birmingham, it should be possible to reflect in the Bill the importance attached to that objective. The two amendments I will speak to now reinforce that point. They are about disability access and the priority that should be attached to disabled people in hosting and running the Commonwealth Games in Birmingham.

I go back to the Paralympics and reflect briefly on a Games that transformed our respect for those with disabilities, because it left the whole nation focusing on their abilities, not their disabilities. That was in part because of the remarkable work done by the organising committee; above all, it was due to the athletes themselves. The noble Baroness, Lady Grey-Thompson, a wonderful personality with incredible ability and a rare talent, was critical as the face of the Paralympics for many people. She has continued to campaign, alongside my noble friend Lady Young of Hornsey and others, to ensure that that remarkable achievement during the Paralympic Games caused a generational change and had significant television coverage. This is not always the case around the world but was vital, as has been the coverage of women's sport this summer. Thank heavens that at last we now know names, there is sponsorship coming in and television coverage is giving priority to the importance of women's sport.

In this simple amendment I ask the Minister to reflect on making regulations to ensure that the access of disabled athletes and spectators to sports events and venues, including technical specifications, training for accessibility—making sure the volunteers and everybody can respond positively to those who may require assistance—and events requirements are all built into venue design, the planning of the Games and the whole approach that the Commonwealth Games organising committee has made to date to support equity, dignity and functionality.

I referred to the finest document that I have read on the subject—the 2013 *Accessible Guide*: *An Inclusive Approach to the Olympic & Paralympic Games*. If, when we come back to further consideration of the Bill, the Minister wants to amend that to a better, more up-to-date document, I am open to his suggestions. However, I hope that he will give due consideration to ensuring access for disabled people at and in the vicinity of all the facilities of the Games, and give them the priority they deserve by placing that condition for the funding of the Games firmly in the Bill. I beg to move.

Lord Addington: My Lords, I touched on the issue of disability in the previous group of amendments and this is an opportunity to file it down. After his speech the noble Lord can be forgiven for not zoning in on that one small amendment.

The Commonwealth Games make it even more important that the disability aspect is done well because the para events are taking place at the same time as the main Games and are integrated into them to a far greater extent. It is worth remembering that. It means that spectators will not have to come back for a para event but will see a wheelchair race after watching something else. It sends the message that it is a normal and accessible part of the Games—that, no matter how wonderful it is by itself, it is a part of the norm of sport.

As both categories of events are taking place at the same time, the challenge of providing more facilities, camps and so on will add more pressure. Some indication that the community has taken this on board and is doing something about it would be reassuring to anyone who will need to use the facilities. For para athletes the idea that they are not excluded and that they can get around with good planning and organisation is well worth taking away and is a genuine legacy unto itself.

Lord Stevenson of Balmacara (Lab): My Lords, I apologise to the Committee that I was not able to be present for Second Reading but I am pleased to participate now in Committee on this important Bill. It brings back memories of previous debates in this House in relation to other Games and many of the issues we were able to agree around the House in a positive way. It allowed the Olympic Games to go forward in the way that they did and, in passing, allowed the Glasgow Games similarly to progress.

With the passing of time we gain more knowledge and understanding about the context in which these decisions are taken. As the noble Lord, Lord Addington, said, it was possible a few years ago to take for granted that issues such as the ones that are currently at the forefront of our thinking would be dealt with and there was no problem. However, when the Minister comes to respond, will he reflect on whether we need to be careful about not passing up by default—a point well made by the noble Lord, Lord Moynihan—an opportunity to pick up on the particularities of the approach that we want to see in the organising committee for areas where our range of concerns has not yet been taken into account?

There is a question about whether or not we should put in the Bill measures to cover something that would probably happen anyway, is not contentious and to not do it would be illegal. It is still worth adding such measures to the Bill and seeing them in print to be absolutely sure that there is no doubt that people could comment that we were not fulfilling all these mandates.

It is a question of equity, empathy and making sure that any future Games, in looking to gain substance for what they might do from this debate and discussion, also recognise that we took the extra step necessary to make sure that these points were important. If it is important for us as a society, it may be worth including certain superfluous wording to make sure that there is no mistake for those who might have cause to cause difficulty in doing it. I support the amendment and look forward to the response from the Minister.

4.45 pm

Lord Ashton of Hyde: My Lords, I am grateful to my noble friend for introducing this amendment and to the noble Lords who subsequently spoke to it. On the previous group, I said that the management agreement is between three parties—the Secretary of State, the organising committee and the Commonwealth Games Federation—but actually, it is between just the organising committee and the Secretary of State. To save me writing to everyone, I put that on the record. I knew there were three people; the accounting officer also signs it. Moving swiftly on, I accept the point the noble Lord, Lord Stevenson, made about signing things by putting them in the Bill. There is another way of making clear things that will happen and which we commit to, and that is by me saying things from the Dispatch Box.

[Lord Ashton of Hyde]

The amendment seeks to ensure that sports venues and events for the Games are accessible to athletes and spectators and are funded accordingly. As I explained on the previous amendment, I do not agree that an explicit reference to accessibility is needed in the financial assistance provision in Clause 1. I do not agree that it is necessary to provide for regulations to ensure that accessibility issues are considered as part of the planning and delivery of the Games. However, I welcome the opportunity provided by my noble friend Lord Moynihan to speak on accessibility, which is such an important issue, as the noble Lord, Lord Addington, highlighted.

The Bill is not explicit about every activity or workstream that the organising committee will undertake, but it does not follow that those particular activities will not be taken forward. The Birmingham 2022 Commonwealth Games provide a unique combined sports and parasport competition programme—unlike the Olympics—which demonstrates a truly integrated approach to accessibility. At present the parasport programme includes seven parasports. One further discipline, para table tennis, has been recommended for inclusion and is now subject to the Commonwealth Games Federation membership vote on additional sports. With the inclusion of para table tennis, the parasport programme for Birmingham 2022 would be the most extensive ever for a Commonwealth Games.

The organising committee will follow the same principle of a truly integrated approach in developing its accessibility strategy to include spectators, athletes, media, broadcasters, the Games workforce and volunteers. The organising committee has confirmed that it will appoint a dedicated accessibility manager who will develop the accessibility strategy. When developing this strategy, the Games will draw upon a full range of accessibility good practice, including lessons learned since the production of the International Paralympic Committee's 2013 guidance, such as lessons from the Commonwealth Games in Glasgow in 2014 and in Gold Coast in 2018. The organising committee will work collaboratively with partners, local authorities, accessibility consultants and local organisations to ensure that venues and services are designed, operated and delivered to ensure that everyone, regardless of ability or any impairments, has a fully accessible and positive Games experience. This is essential for an integrated Games. The organising committee will also, of course, meet the applicable accessibility legislation and guidance when designing and delivering both competition and non-competition venues.

The organising committee will also consider issues such as financial capability, better use of technology, affordable ticketing and access to public transport, alongside understanding what local communities need. This will ensure that all people who live in the local communities have the very best access to the Birmingham 2022 Commonwealth Games. With accessibility at the core of the Games, the existing language of the financial assistance clause—Clause 1—already enables funding to be provided for this purpose. It includes the words,

"any other purpose connected to, or arising from, the Games".

I hope that I have been able to reassure my noble friend about the central importance that accessibility will play in a truly integrated Games, and I therefore ask him to withdraw his amendment.

Lord Stevenson of Balmacara: Perhaps I might put to the Minister a further point that occurred to me while he was speaking. That was a very impressive list of contextual regulatory and other activity that will ensure the delivery of a Games of the type that he talks about. However, it struck me that he will have heard some of the words offered by other bodies in the sporting world—I think particularly of Premier League football clubs. For many years they have said that they will upgrade their stadia and ensure that they are made more fit for disabled access but they have failed to do so. Does that not give him cause for some concern?

Lord Ashton of Hyde: The partners organising the Commonwealth Games have a very different motivation. Apart from us, they include the Commonwealth Games Federation and local authorities—I think that those are most of the partners. They have a very clear motivation to make sure that these integrated Games—I repeat that, deliberately, they have the biggest para representation ever—work well. I suggest that the motivation of a Premiership football club is somewhat different.

Lord Moynihan: My Lords, I am very grateful to my noble friend the Minister for giving the Committee a comprehensive review of the importance with which the organising committee and the Government view this key area. I am only disappointed that, having said that he is doing absolutely everything that I have asked for in this amendment, and that indeed he has gone further, even to the point of saying "any other purpose", he has not gone one step further and recognised that "any other purpose" should be very clearly defined where possible, as it is as important to the Government and the organising committee as it is for disability access and the interests of disabled sports men and women.

That said, I am sure that between now and Report we will have the opportunity to reflect on whether we can put this in the Bill in a form that will be acceptable to the Government. It will set an excellent precedent for future mega sports events not just in this country but internationally, which I think will be to the benefit of sport.

Lord Ashton of Hyde: The only thing I would say to that is that I think we all agree. This is really a question of signing the importance. "Any other purpose" includes accessibility and many other things. The trouble is that that might be what my noble friend thinks is the most important thing to sign but many other noble Lords might have other priorities. The whole point of including the words,

"any other purpose connected to … the Games",

is that it covers everything and individuals' personal priorities are not put on the face of the Bill. I ask him to reflect on that.

Lord Moynihan: I do not want to get into too great a debate with my noble friend on this subject. Suffice it to say that this is not a personal preference; it is an

amendment tabled for the consideration of the whole Committee and, ultimately, the House. If the House felt that it was of significance—if that were the view of the House; not my personal preference—that would be the opportunity for it to be considered outside the generic phrase "any other purpose" and put on the face of the Bill. Not only would it then be capable of being implemented—the Minister has set out very ably and in significant detail how it can be implemented—but it could go further, sending a signal of the importance that we attach to disability access and to disabled athletes, and sending a further signal to future holders of Commonwealth Games and mega sporting events. However, for the time being, I am happy to withdraw the amendment and I look forward to further discussions with the Minister.

Amendment 2 withdrawn.

Amendment 3

Moved by ***Lord Moynihan***

3: Clause 1, page 1, line 6, at end insert—

"( ) for the administration of betting licensing, or"

Lord Moynihan: In moving Amendment 3, I shall also speak to Amendment 15. I inform the Committee immediately that these amendments do not arise from personal preference but are strongly supported by the Sports and Recreation Alliance, which does so much good work for sport and recreation in this country, and believes it is now important to create a sporting events betting licence scheme. It believes this is an important issue, not just for the Commonwealth Games as a precedent—which it would be—but for sports events more widely.

As a representative body for the sports sector, the Sport and Recreation Alliance supports measures to ensure that games such as the Commonwealth Games have control over the use of their product in order to protect their integrity and to receive fair payment. This is not a first. Other countries such as France and Australia have introduced legislative protection to enable this. I believe a similar approach should be adopted in the UK for the Commonwealth Games. I know that the Government were supportive of looking into this in greater detail. Indeed, the Sports Business Council was established, co-chaired by the then Minister for Sport. Last year, it considered a paper on betting and its relationship to sport, and agreed to look into further policy options along the lines set out. However, the council has not met since. I would be grateful if the Minister could inform the Committee when it intends to meet and, indeed, whether it will meet in the context of the Commonwealth Games. This is an important issue. It is critical to increasing the funding that would come directly to the organising committee; it needs to be looked at very carefully in that context.

I believe the strong support for sports betting rights across the UK is worthy of the Committee's reflection; many sports bodies, which will be delivering athletes to these Games, believe it right and fair that they should have greater control over how bets are made on their products, and how they can secure a fair return to the organising committee as a result. Independent Gambling Commission figures demonstrate that this is an area of considerable activity and growth. I hope the Minister, in his response, can shed some light on the work that has been done by the Sports Business Council, whether this will be looked upon favourably by the organising committee and whether the Government take the view that the work initiated should be taken forward to its conclusion—to the benefit of the organising committee and the funding of the Games. I beg to move.

Lord Addington: My Lords, I received a briefing on this subject from the Sports and Recreation Alliance. The future of sports betting is an interesting topic. I will be interested to hear what the Government have to say at this time. This Bill may not be the best vehicle, but a quick report on the Government's thinking would be very helpful.

Lord Stevenson of Balmacara (Lab): My Lords, I agree with what has been said. The noble Lord, Lord Moynihan, is right to have raised this point in relation to these Games, but it has much wider resonance in how sport interfaces with the betting community and vice versa. We need a bit of guidance from the Minister on this. The issue is wider than whether those who wish to gamble can do so in a fair and effective way in the narrow sense of their returns, prices, how odds are obtained and so on. It is about whether broader law allows the intellectual property that goes into the make-up of a game—which is then reused widely for entertainment value and therefore draws wider attention, payments and fees—to be taxed in a way that would allow it to make a fair return to grass-roots sports and access to training; the entertainment aspects are not the only areas we need to be concerned about. This is a much wider question that we will need to come back to.

The Minister will recall, because he was in the department at the time, that we had hopes for a horserace betting right that at one point was going to take over from the convoluted ways in which the horserace betting levy is exercised and paid, issues that I think still lie on the table. The Minister might want to remind us where we are on that because I think it is still unfinished business. The important issue that was raised was whether those who owned, reared, trained and exercised horses and were part of that industry were able to gain the benefits that came straight from the betting side of the game that, through the complicated mechanisms of the Horserace Betting Levy Board, had fallen into desuetude, not least because of the way in which those who operated the betting had moved offshore.

5 pm

If at some point we are going to come forward with a plan for this where those who are involved in a sport benefit from the betting that is part of it, then we need to think about it in relation to these Games. As has been said, this may be too early for this particular set of Games but it is not an issue that is going to go away and we need to have a preliminary thought about it. If there were a way of running a trial of some kind or even a pilot study, maybe that could be considered. I look forward to hearing what the Minister has to say.

Lord Ashton of Hyde: My Lords, I am grateful to all noble Lords for their contributions and to my noble friend for raising this issue. As far as I was concerned, the question was whether this issue was appropriate for the Bill rather than some of the more general questions that have been asked in connection with it.

I will not go through my entire argument but, to be succinct, we do not think this is the right Bill to create a new regulatory regime to regulate betting on the Games, which would be administered by the organising committee. We know that sports betting is a popular entertainment, and preventing competitions being manipulated is essential for upholding public trust in betting and the integrity of sport. However, we have an effective regulator in the Gambling Commission, which also has a dedicated sports betting intelligence unit to uphold betting integrity, and it often receives information from gambling operators about, for example, suspicious betting patterns and suspected criminal betting. We do not think that removing that from the commission for the Games is correct or in line with what the Bill is about. I have mentioned before the operational requirements to produce a good Games.

I understand that there were wider questions. My noble friend asked about the Sports Business Council. That was established as a forum to engage with sport as an economic sector and it met several times over the course of 2017 and 2018. Since then the Sports Minister has changed at least once—perhaps twice, I cannot remember—and the other joint chair, Richard Scudamore, has also moved on. However, the department will renew that engagement in due course with the aim of providing the best platform for the sport and physical activity sectors to grow. This is one of the issues that we will certainly pursue through the policy channels in DCMS, and my noble friend is very welcome to continue along that line.

The noble Lord, Lord Stevenson, asked about a sports betting right—in other words, a return to sport for the use of their intellectual property rights. I know that some of our sports are interested in exploring this, particularly those with high-profile professional competitions. Again, however, this is not something that the Government are actively pursuing at the moment, and it is certainly not in the scope of the Bill. At the moment we think that the current risk-based regimes for what type of bets operators can offer is proportionate and effective. There are issues such as the fact that limiting bets would not remove all possibility of manipulating a competition. Anyway, sport is international, and overseas operators not offering services to British customers would not be subject to Gambling Commission rules. I am very happy to continue discussions on this outside the Chamber, and I am sure the Sports Minister will be as well. However, I do not think the Bill is the right place for this suggestion, and I hope my noble friend will feel able to withdraw the amendment.

Lord Moynihan: I am grateful to my noble friend. This was a probing amendment, but it was an important one. We are talking about something in the order of £13 billion of total betting on sport, excluding horseracing and greyhound racing. Governments around the world are increasingly looking favourably on the sport betting rights approach. Under French law, organisers of sports competitions have commercial exploitation rights over their competitions and not only they but the events they organise benefit. Through that, the sports men and women who participate may benefit too. However, I fully accept that the complexity of this would be significant and, given the time it would take for the House to get it right for the Commonwealth Games, it is unlikely to be deliverable.

With gratitude to the Minister for saying that he will continue to look at this, and having clarified that the work that has been done has not been lost but is being actively pursued in the department, I beg leave to withdraw the amendment.

Amendment 3 withdrawn.

The Deputy Chairman of Committees (Baroness Fookes) (Con): We turn to the revised version of Amendment 4, in the name of the noble Lord, Lord Rooker, which is on the supplementary sheet.

Amendment 4

Moved by ***Lord Rooker***

4: Clause 1, page 1, line 11, at end insert—

"( ) The Secretary of State may provide by regulations for Birmingham City Council to raise a hotel occupancy levy and to provide financial assistance equivalent to the proceeds of the levy, after costs of administration, to the Organising Committee as part of the local contribution for the purpose of delivering the Games."

Lord Rooker: My Lords, I beg to move the revised Amendment 4, which, as the Chairman has said, is on a separate sheet. There is a modest change from the original draft, plus my name is now against this amendment because of my noble friend Lord Hunt's absence.

The amendment raises the issue of a levy or bedroom tax. I am not sure that I would call it a probing amendment; I do not understand why we have never done this before. The fact is that, the broader the tax base right across the piece, the less high taxes have to be. It seems a common-sense arrangement. With this Bill and the Commonwealth Games, there is an opportunity for the Government to do something that Governments—including the one I was a member of—do not do enough, and that is to pilot schemes. From the briefing I have been given, I understand that most members of Core Cities in England and Wales are lobbying the Government for a hotel occupancy tax. This is a devolved matter in Scotland and there is an expectation that Edinburgh will soon introduce such a tax. In some ways, this puts pressure on what I might call the English Government to do the same.

In a way, it is a golden opportunity. We could use this Bill to ring-fence a tax for Birmingham and Solihull, as the local authorities that will be most affected, although there are hotels in Sandwell as well. If the Government used this Bill to pilot a hotel occupancy tax for ring-fenced money for the Commonwealth Games and put a time limit on it, after the Games we could look at how it worked and review the impact and effectiveness of the tax. I know people will argue that we do not want more new taxes, but the broader our tax base is, the less high taxes have to be—that does not mean we have to tax everything.

We are not reinventing the wheel here: this is done around the world. We all travel and we do not think twice about it. The tax might be lost in the hotel bill—it is always incredibly modest—but it usually goes locally and helps local authorities with all the extra costs and issues they have as a result of being a tourist attraction. I would have thought that this was a golden opportunity for someone in the Government to make a name for themselves by piloting this scheme, which will be a good idea, and see how it goes just for the Games.

The Lord Bishop of Birmingham: My Lords, I support the spirit of partnership between local and national fundraising for this specific, ring-fenced purpose, as described by the noble Lord, Lord Rooker.

The numbers are quite interesting: it is estimated that £1 a night for the three-year period from 2020 to 2022 might bring in £4.5 million to £5 million per year, which could possibly amount to £15 million of local contributions being raised—the gap is probably £40 million. At least 8% of what is required locally by these boroughs could be raised in this way.

I know that the proposal is unpopular in certain spheres, particularly among those who count tourism and visitor numbers as vital to their economy—as we do in Birmingham and Solihull, which are popular conference and holiday venues, and we want to develop that. However, in deciding where to stay, a hotel price can vary from £20 to £25, depending on the day of the week, so £1 a night does not seem too burdensome. A small charge could also help to motivate people to support a national and an international Games, which could make them feel good and even make them want to come back and attend the Games themselves.

I ask the Government to give this serious consideration as a partnership between local commitment and national taxation.

Lord Cashman (Non-Afl): My Lords, I had no intention of speaking in this debate, but I rise having represented the West Midlands for 15 years in the European Parliament. As a non-aligned Member, I would still like to call the noble Lord, Lord Rooker, my noble friend, because this is an eminently sensible idea. The proposal, as outlined and supported by the right reverend Prelate the Bishop of Birmingham, builds on that in asking for a pilot. I urge the Government to think about it. The only thing that I would suggest, coming from a working-class background in the East End, is to make it a bit more attractive by, instead of £1, making it 99p.

As my noble friend Lord Rooker said, this sort of tax works in thriving economies in other parts of the world. Many tourists and many participants in sports and events in our cities do not begrudge the payment because they see where it is going. I urge the Government not to dismiss this out of hand, to embrace the suggestion of a pilot scheme and then to come back to your Lordships' House.

Lord Snape (Lab): My Lords, I too rise to support this amendment, moved by my noble friend Lord Rooker. However, I do not underestimate the difficulties of a tax like this. My noble friend became a very distinguished Minister, but many years ago, when he and I were aspiring Ministers in Opposition, we both had some responsibility for writing various proposals into an election manifesto. As well as being partly responsible for the transport manifesto, I regularly wrote in this suggestion that there should be a bedroom tax in major cities payable by tourists and business people—in those days, I was radical enough to suggest that congestion charges and workplace parking charges might be a good idea too.

The first time I proposed this, in the run-up to the 1987 election, the then shadow Chancellor—I have forgotten who it was, because, as the Minister said, Ministers, like shadow Ministers, come and go—spoke to me in horrified terms about this proposal for, as he put it, hypothecation. "We can't have hypothecation", he said. "It undermines the duties and responsibilities of the Treasury". Well, I pointed out that undermining the duties and responsibilities of the Treasury might well serve the country in a way that he had not thought of.

Subsequently, in 1992, I made a similar proposal. Obviously, I was regarded as being more important in 1992 because a junior shadow Treasury Minister was dispatched to tell me that on no account could this appear in the manifesto because of the dreaded word "hypothecation". So I do not underestimate the difficulties. However, as the right reverend Prelate pointed out, there is a considerable funding gap with the Commonwealth Games in 2022—figures of up to £40 million have been mentioned. So if we do not raise the money in this way, it will have to be raised in other ways.

5.15 pm

Of course, it will not be just the Treasury that will object to the proposal; I have no doubt that the hotel and catering industry will have something to say about it. But, again, as my noble friend suggested, in many parts of the world these sorts of taxes are accepted and paid without demur. Many of us have had the opportunity over the years to visit New York, where there is a 7% tax on all visitors. It has not dissuaded tourists and businesspeople from visiting that great city. In Europe itself, there is a 3% tax in Vienna, and many Italian cities have a tourist tax of anything up to 5%. I am not sure whether we will be allowed to visit Brussels after 31 October, but, if we do, we will pay €7.50 per head per night in any hotel. At the Novotel in Paris, there is a 10% subvention on tourists who are staying. I seem to remember that the Minister confessed at Second Reading that he was an old Etonian, so I do not suppose that he would stay at the Novotel in Paris—perhaps the George V might be more to his taste.

Lord Ashton of Hyde: We are always encouraged to stay at the residence, so that saves hotel tax.

Lord Snape: Well, it would be the George V, in that case, for the noble Lord.

Again, for the United Kingdom, this proposal would not be particularly revolutionary. As a result of escaping the dead hand of the Treasury, the Scottish Parliament is now looking at Edinburgh being the first city in the

[LORD SNAPE]
United Kingdom to charge this tax. We wish the Scots well—certainly I do—and I hope that the habit will then spread south of the border.

One of the contributors to this debate talked about the fluctuation in hotel room rates. For the hotel business to pretend that such a tax would deter businesspeople or tourists would be misleading. I looked up the room rates at the Crowne Plaza in Birmingham this week—

Lord Brookman (Lab): Did you pay?

Lord Snape: My noble friend asks if I pay. Well, I would not normally stay at the Crowne Plaza unless there was a pretty severe domestic dispute chez Snape—which has not yet happened, but one never knows.

The Crowne Plaza tonight will charge £122.04 for a standard room. I am not sure how the 4p comes about, but it does. On 10 July, in two days, it will charge £209 for a standard room. That is an enormous fluctuation, so I do not see how the hotel would miss a £1 or £2 charge. My noble friend Lord Brookman looks suitably shocked at these hotel prices. He might be relieved to know that, if he is around in Birmingham on Saturday, he can have the same room for £78. Presumably, businesspeople do not visit Birmingham so much on a Saturday night, so only tourists and visitors looking for pleasure will have to pay that sort of price.

I hope that the Minister will listen to this, stand up to the bully boys of the Treasury—they exist whichever Government are in power—and insist that the funding gap to which I have referred is closed so far as the Commonwealth Games in Birmingham are concerned. Given the widespread fluctuation in the cost of hotel rooms, this would be a comparatively painless way to close that gap.

Lord Addington: My Lords, before the Minister launches off to fight with his own Treasury bat, I just want to say that amendments such as this are very attractive, especially for a party that looks to local government being slightly more independent and having more power. The question here would be about the limitation of the charge. Have the Government done any research on this, or anything that would tell us what it would cost to get it? What would the benefit be at a given rate? This is a genuine argument and there are examples of doing this in the UK. If it can be done and set at a rate that makes a real benefit but does not affect the actual uptake of rooms, there is a very good argument for it.

Lord Griffiths of Burry Port: My Lords, I will say a quick word because my noble friend Lord Snape has said what I wanted to say, and it is a rule of mine that I do not say something again if it has been said. However, the logic seems to be with this proposal. It seems to need a bit of imagination to implement something that has not yet been done. There may be a struggle with the Treasury and others, as it may cut across normal conventions, but it would help to raise a significant proportion of the funding shortfall. I therefore challenge the Minister, when he rises to reply to this debate, that if he is going to pour cold water on the proposal—

Noble Lords: Oh!

Lord Griffiths of Burry Port: That is the opposite stage instruction from:

"Exit, pursued by a bear".

Never mind; that was too complicated.

To put it simply, if the Minister pours cold water on this, would he like to come up with one or two other proposals for how the local people can raise this £40 million?

Lord Ashton of Hyde: My Lords, I am grateful for those contributions. The noble Lord, Lord Rooker, and the right reverend Prelate are a difficult combination to face. The noble Lord was asking me to make a name for myself by opposing the Treasury and announcing a new tax from the Dispatch Box, while the right reverend Prelate said, "It's only £1—that's very little". This is really a question of "Lead me not into temptation", but I wonder how long that £1 would stay as £1.

The issue here relates to the actual amount of the budget for the Games and how it can be paid for. As we now know, there will be a £778 million investment, to be split approximately 75:25 between central government and Birmingham City Council and a number of its key partners. I was not quite clear what the noble Lord, Lord Griffiths, meant about the funding shortfall; I understand that the city council's contribution to the Games budget was considered by a meeting of the full council earlier this year. The spending based on that budget will be tightly monitored across all the Games partners to ensure control—an issue which I know the noble Lord, Lord Rooker, talked about at Second Reading. We are confident that the budget announced is sufficient to deliver a strong Games for the city but I absolutely agree with the points raised at Second Reading, and earlier this afternoon by the noble Lord, Lord Rooker, saying that Parliament should be provided with more information regarding the Games budget. This will be forthcoming.

Lord Griffiths of Burry Port: I am grateful for this opportunity. I mentioned £40 million, as did my noble friend Lord Snape; the briefing papers that we received from Birmingham mentioned £40 million. It seems that when the local authorities calculate their 25%, they will be £40 million short of that. This provision is intended to bridge that gap.

Lord Ashton of Hyde: I understand now. The 25% comes from Birmingham City Council and its partners; it also involves revenue raising in various ways so none of it is certain. However, my point remains that the city council is looking at different ways to do that and I will come on to that in a moment.

This is not a completely uncontroversial proposal. I do not want to go into the detailed arguments about the hotel levy today, but it is not quite as straightforward as some people may think. Tourism in this country pays a much higher rate of VAT than our competitors in Europe. In May, a report on tourism tariffs by the All-Party Parliamentary Group for Hospitality expressed reservations about the likelihood of tourism levies having a long-term, positive benefit on tourism infrastructure. The report concluded that:

"Further studies need to be commissioned on the economic impact and viability of a tourist tax".

The noble Lord, Lord Rooker, suggested that this should be a pilot, which goes some way to answering that although it would be limited in scope. The noble Lord also mentioned the Scottish Government, who will consult this year on the principles of a locally determined tourist tax, prior to introducing legislation that would allow local authorities to apply such a tax. We will certainly look at the benefits of that.

I have to say that matters of taxation are for the Treasury to consider. Treasury Ministers have been in correspondence with Birmingham City Council regarding its options for meeting its required contribution to the Games. That is the right place for those discussions, not this Bill, which provides the framework for the successful operational delivery of the Games. The Government are aware that the city council is actively considering a number of options for local revenue raising, including within existing powers, and stand ready to look at the details of any proposals that the city council wishes to put forward.

I hope that is not cold water, though it may be lukewarm. I hope that noble Lords are reassured that the Government remain committed to working with the city council on its plans for delivering its required financial contribution to the Games. I would therefore be grateful if the noble Lord felt able to withdraw his amendment.

Lord Rooker: When my noble friend on the Front Bench invited the Minister to make a name for himself, I was reminded of an occasion early in 2002, when I was young in this House and the Home Office Minister. At the Dispatch Box in a debate, I was challenged by someone on the opposition side. My answer was that, in my short, five-year experience as a Minister the Treasury had wrecked every good idea I had come across. An exchange took place between my boss—now my noble friend Lord Blunkett—and the Chancellor. I survived another six years as a Minister, but I was never invited to join the Treasury team. When these things get discussed we are always told, "It's the Treasury; you cannot touch it". Then, on Budget Day, the Chancellor stands up and says something that the department had no idea was coming. It is a good idea, so it is for the Chancellor to own. In this case, we are out of scope for the Budget, but this gives an opportunity. If it is a bad idea, you do not do it: that is the idea of a pilot and the opportunity for a pilot in taxation does not come along very often.

I do not want to set hares running, but I have a feeling that this would not go amiss in a couple of the national parks. There are sometimes complaints that there is no gateway or passport for visitors to them; hotels are the means of extra revenue. As I say, the broader the tax base, the less high taxes have to be. This is an opportunity for a pilot. We will obviously seek further and better particulars and come back on Report, when this might be worth looking at further. In the meantime, I beg leave to withdraw the amendment.

Amendment 4 withdrawn.

Clause 1 agreed.

Amendment 5 not moved.

5.30 pm

Amendment 9

Moved by ***Lord Rooker***

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

"Organising Committee reports

(1) The Organising Committee must publish a report on its activities within a year of this section coming into force and annually thereafter.

(2) The Organising Committee or, if the Committee is wound up, its successor body or another appropriate body nominated by the Secretary of State, must publish a post-Games report 2 years after the end of the Games.

(3) The Organising Committee must publish within 3 months of this section coming into force its policy for communicating with relevant third parties, including—

(a) businesses;

(b) residents;

(c) environmental groups; and

(d) local authorities."

Lord Rooker: On the basis of the Minister's reply to our first group of amendments, this is purely a probing amendment. All I want him to do—because I do not propose to delay the Committee unnecessarily—is to address the idea that the organising committee should publish reports. It is self-evident that it is well chaired and managed, from what I have heard others who have had direct contact with it say, and therefore it would want to report on what it is doing. It cannot do much about the end of the Games, which is another issue, in subsection (2), but it,

"must publish within 3 months of this section coming into force its policy for communicating with relevant third parties".

As far as I can tell from the Minister's answer to the first debate, by and large it is doing it, or has done it or has it planned. Therefore, I do not propose to say anything else but will await the Minister's response and hope that he confirms the sorts of things he said on the first group. I beg to move.

Lord Addington: My Lords, at this point it might be convenient if I speak to Amendment 10, which could probably have been grouped with Amendment 9, since it deals with very similar issues. It concerns what happens afterwards and requires a report on the success of the Games.

We have enough information in this country now to be able to produce very definitive documents, because in fewer than 20 years we have had three Commonwealth Games and the Olympics, as well as numerous other championships and activities. We have a great pool of knowledge that could be used. Amendment 9 talks about another type of report: this will be something that goes on to look at future strategy and it will be able to be referred to. I know we will have most of this information in other places, and the Minister may be going to say that, but if you bring it into one central point it is much more likely to be used and used easily—assumptions and discussions become easier. That is all this is about, and I am interested to hear the Government's thinking about this idea.

Viscount Younger of Leckie (Con): My Lords, if I may be excused the pun, the baton in this relay has been passed to me, although I note that we are not half

[Viscount Younger of Leckie]
way around the track yet. I was happy that the noble Lord, Lord Addington, addressed Amendment 10, although I hope he will forgive me if I wait to see who else might speak to that amendment and reply accordingly. I shall keep my remarks on Amendment 9 relatively brief, picking up on the spirit of the noble Lord, Lord Rooker.

Amendment 9 seeks to introduce a number of requirements for the organising committee to report on its activities. I would argue that it is not necessary to list such requirements in the Bill—a point I picked up from the mood of the Committee this afternoon anyway. Unlike the London 2012 or Glasgow 2014 Organising Committees, the Birmingham 2022 Organising Committee is a non-departmental public body and is already subject to a number of controls and transparency requirements. In an earlier debate, my noble friend Lord Moynihan mentioned the importance of transparency and of course he is absolutely right. To illustrate the point, the organising committee has entered into a management agreement with the department. This sets out the organising committee's governance structure and, in section 4, the reporting schedule and information that must be sent to DCMS on a regular basis. By regular, I mean monthly, bi-monthly, quarterly and biannual reports or face-to-face meetings between senior figures. A copy of the management agreement is available on GOV.UK. The organising committee must publish an annual report of its activities, together with its audited resource accounts, after the end of each financial year. These must be laid in Parliament and made available online, in accordance with public body guidance. The first report will be published this September, and annually thereafter.

To ensure delivery against these requirements, the organising committee has a dedicated compliance manager and chief legal officer. In addition, DCMS has an official responsible for sponsorship of the OC, to ensure that it meets its assurance and accountability obligations. The Games is also part of the Government's major projects portfolio and is subject to scrutiny by the Infrastructure and Projects Authority, which publishes annually on all such projects. The Commonwealth Games will be included in the next annual report, due this month, and a copy will be placed in the Library of both Houses. I remind noble Lords, as was said earlier, that come 27 July 2022 the Games will have been delivered within a four-and-a-half-year window, rather than the typical seven years.

As was mentioned earlier, there is a balance to be struck: we must ensure both that we have transparency and scrutiny of public money and that the organising committee can move at the pace required to deliver a project of this scale to this immovable deadline. I hope I have reassured noble Lords that we already have the right governance, reporting and scrutiny in place to oversee and assure the successful delivery of the Games and to deal effectively with any issues that arise, without further requirements being added to the Bill.

On the question of public engagement, the OC and Birmingham City Council are committed to regular resident and business engagement. Public consultation drop-ins were hosted last month for the Alexander Stadium redevelopment, which I think the noble Lord, Lord Rooker, alluded to—it may have been one of those events that he attended—and there is a programme of ongoing monthly Perry Barr resident meetings. The OC has hosted eight regional business briefings, with more than 1,000 representatives attending. Games partners, by which I mean all stakeholders with responsibility for delivering the Games, have also met environmental groups to inform the development of the OC's Games-wide sustainability plans.

Games partners are already engaging with relevant local authorities on Games plans and the leader of Birmingham City Council and the Mayor of the West Midlands both sit on the strategic board, the most senior decision-making body for the Games. A lead officer group has also been established, bringing together officials from local authorities across the West Midlands. The group will support co-ordination, communication and decision-making in relation to the Games. Further to this, I reassure noble Lords that the Government will carefully consider who will be best placed and how to report on the impact of the Games following the 11 days of sport. It is the Government's ambition that the positive effects of the Games will be lasting ones for Birmingham and the West Midlands region. I hope that, with that rather detailed response, the noble Lord will withdraw his amendment.

Lord Rooker: A perfect response: I beg leave to withdraw the amendment.

Amendment 9 withdrawn.

Amendment 10

Moved by ***Lord Addington***

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

"Future Games Success Strategy

(1) Before 1 January 2024 the Secretary of State must lay before Parliament a report entitled "Future Games Success Strategy: lessons from Birmingham".

(2) The report must consider the successes and failures of the planning, coordination and execution of the Games and lessons from the Games for those coordinating future international multi-sport events.

(3) The report must consider, but is not limited to—

(a) the impact of the Games on the local community in which it was held; and

(b) the success of any legacy measures put in place after the event.

(4) The report may also refer to examples of successes or failures of past international multi-sport events that were considered when planning the Games."

Lord Addington: My Lords, I just made my main speech on Amendment 10. To reiterate what I said, it is about having a report based on our knowledge from the number of events that we have run. I have a nagging suspicion that nobody has been inspired to join in after this, but I will be happy if I am wrong. I beg to move.

Viscount Younger of Leckie: My Lords, this is becoming a bit of a pattern, but I would like very briefly to set out our stall, as it were. I listened carefully to the remarks made earlier by the noble Lord, Lord Addington.

Amendment 10 would require the Government to lay a report before Parliament on lessons learned from the Games in 2022 and on how lessons from other Games were used. I assure noble Lords that the Government will carefully consider how we report on the impact of the Games following the 11 days of sport. It is the Government's ambition that the positive effects of the Games will be lasting for both Birmingham and the West Midlands region, and that we tell this story, for a story it is. Inevitably, with more than three years to go, work on how best to report on the Games is at an early stage.

Regarding lessons from previous Games, knowledge transfer is the responsibility of the Commonwealth Games Federation. It facilitates a formal debrief between the host city and the future Games host to understand successes and lessons learned. This was the case for Gold Coast 2018 and will be for Birmingham 2022. I confirm that the Government and the OC continue to work closely with the Commonwealth Games Federation as part of an ongoing knowledge transfer from previous Games. Furthermore, this is the first Games that will use the new Commonwealth Games Federation partnerships model, which ensures transfer of knowledge by deploying expert CGF partnerships staff to the organising committee.

Further than this, we also have a proud history in the UK of successfully hosting global multisport events. As a result, many of the staff working on Birmingham 2022 have direct experience of previous Games or major sporting events in recent memory, such as the London 2012 Olympic and Paralympic Games and the Glasgow 2014 Commonwealth Games. In addition to the large number of staff working in the OC and DCMS with previous Games experience, the OC's CEO was the chief finance officer for Glasgow 2014. My noble friend Lord Ashton and I spoke to him only yesterday for an update.

I reassure noble Lords that the Government will carefully consider how best to report on the Games and are committed to taking forward any lessons learned into planning for future major sporting events. As there is already an effective process in place for taking into account lessons learned, we do not see any need to require this in the Bill. Again, I hope that is the mood I picked up in the House today. However, the noble Lord, Lord Addington, is right to raise this important issue and I am grateful for the chance to set out our stall once again on this matter. With that, I hope that he will withdraw his amendment.

Lord Addington: My Lords, we should have grouped this with the amendment of the noble Lord, Lord Rooker, because that is a very similar—if equally reassuring—answer. With that, I beg leave to withdraw the amendment.

Amendment 10 withdrawn.

Amendments 11 and 12 not moved.

Amendment 13

Moved by ***Lord Moynihan***

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

"Match-fixing

(1) The Secretary of State must direct the Organising Committee to prepare a match-fixing prevention plan within 3 months of this section coming into force.

(2) The Organising Committee must publish this plan within 3 months of receiving a direction under subsection (1)."

Lord Moynihan: In moving Amendment 13, I will speak also to my Amendment 14, on match fixing and anti-doping. We have heard much today from the Government and from my noble friend Lord Coe that a successful Games is a clean Games. The sad truth is that, if you look at the final total of positives from Beijing 2008, the completion of the retests was 86. There have now been 116 positive tests from London 2012, making it the worst Olympics in history. That was under the overall framework of the World Anti-Doping Agency and the excellent agency, UK Anti-Doping, which has followed the World Anti-Doping Agency, but without any legislative backing whatever in this country.

First, one reflects that the appalling figure of 116 positives in London is, frankly, a number that covers the dopey dopers—anybody who gets caught at an international event is a fool. Those who take drugs and think carefully about cheating fellow athletes may do so by taking steroids in the winter when they are going through intensive training programmes and building body muscle. They can carry that body muscle through to the Games, by which time any trace of a performance-enhancing substance is out of their system. Actually to carry that into a Games classifies you as one of the dopey dopers, and yet we are seeing these numbers go up and up.

5.45 pm

What are countries doing about this? Countries such as Austria, Italy, France and Spain have all criminalised the use of WADA-prohibited substances. Cyprus, Denmark, Greece, Hungary, Iceland, Luxembourg, Norway, Portugal, Romania, Serbia and Sweden have all enacted sport-specific legislation that criminalises the trafficking of WADA-prohibited substances and methods. Europe is not alone; China, Mexico and New Zealand have all enacted laws of varying breadth and scope that deal with the trafficking of prohibited substances and methods.

The reality is that the most compelling criminal activity in competitive sport is defrauding a fellow athlete—knowingly cheating a clean athlete out of success, possibly even out of selection. That is the worst excess of sports fraud. In any other sphere of life where fraud exists, we criminalise it, yet we have sat back and done nothing about this time and again. We have seen the numbers go up and the system not operating well.

The amendments I have tabled for the consideration of the Committee, and, indeed, for the clean athletes of this country, seek to make sure that professional athletes who have obtained money, property, services, benefit or advantage dishonestly or by deceit can and should be prosecuted for fraud and attract a term of imprisonment. Cheating is inimical to the very essence of sport. Cheating, by whatever means, from match fixing to international doping—or, indeed, intentional doping—has absolutely no place in sport. I put that to

[LORD MOYNIHAN]
the Committee as the most powerful way in which the Government can send the signal that to make this a great Games is, above all, to make it a clean Games for the athletes: thus the amendments I have put before your Lordships this afternoon.

Very briefly on match fixing, bribery and corruption—the amendment is there for noble Lords to see—the Gambling Act 2005 needs to be amended to specify the types of conduct which constitute cheating and gambling. This would enable us to expand the scope of the Gambling Act to bring it in line with similar international best practice in, for example, the Australian state of Victoria. The latter would require significant legislative time, and I fully appreciate that it should therefore be seen as a probing amendment. However, I would like to hear from my noble friend on both these issues; the importance the Government attach to them, what they intend to do about them and, above all, how they can, through action on these issues, best help this Games to be a clean Games and a great Games. I beg to move.

Lord Addington: My Lords, on Amendment 14, I am afraid that steroid abuse is growing in this country, not just among professional athletes but generally among the population and the lower tiers of athletics—rugby union suffered in Wales from too much of it, and there has been a little bit of a hotspot down there. There is also the matter of body image. Okay, it may be the drug of choice for only a period of time, but we have had to take action. Indeed, the Liberal Democrats and the Minister have had a wonderful exchange about "Love Island" on various points about this, because it was quite clear that people on that were very pumped up from using unregulated drugs. There is a problem with steroid abuse and body mass-building drugs in this country at the moment. It would be interesting to hear, through the vehicle of the noble Lord's amendment, about the Government's current thinking on this. There will be considerable disagreement over whether criminalisation is the right way forward. However, some form of strategy is clearly required, as is some form of intervention, even if it is just better education around this. But surely the fact that athletes are getting away with this at an elite level is not helping.

Lord Stevenson of Balmacara: My Lords, this House owes a great amount of thanks to the noble Lord, Lord Moynihan, for his campaigning over the years on this and related issues. He sees every opportunity to bring forward yet another version of his thinking on these matters. Once again, he has shown that we have a problem here that at some point will crystallise in a way that will require us to act fast. We should be thinking hard about some of the issues he spoke about when he moved this amendment. I think we will now hear from the Minister that everything is perfect and nothing needs to change. There is a certain amount of self-satisfaction around this, because we have heard that before on other occasions. I am in no sense being critical of him; he has a good record to defend, and I am not saying that he should not do so. However, time is moving ahead of us, and we will have to start to move on.

We have no specific legislation in this country to prevent one of our most important common social activities being affected by match fixing or doping. No criminal offence is created by people deciding to cause a goal not to be scored or to be scored, runs to be taken or people to be bowled out on particular balls. The only way that can be addressed at the moment is through the Fraud Act, which the noble Lord, Lord Moynihan, mentioned. It is long overdue for us to begin thinking seriously about the need for specific rules, regulations and laws with regard to sport.

So much depends on it, not just for those who bet on it, although it is bad enough when that happens. Indeed, the case behind some of the remarks made by the noble Lord, Lord Moynihan, was the fixing of a cricket match, which was treated under the Fraud Act. The very faith of supporters and audiences going to watch matches will be checked if they do not think that they are seeing a fair game or fight, or if there is any sense that people are being paid on the sides to influence the outcome.

Match fixing and the particularities related to it are a real and present danger. Do we need to act on that in relation to Birmingham? Should we think seriously about implementing one or more of the points made in Amendment 13? We have to think long and hard about this. As the noble Lord, Lord Moynihan, said, it relates to the question of doping or the using of drugs and artificial stimulants in sport.

As we have discussed, there are questions about what constitutes match fixing, and what type of drugs could be considered performance enhancing or, in some cases, performance disenhancing, if that is the right word. The principle here is still important. It is an attempt to obtain a result by defrauding those who do not participate in taking drugs. It reduces people's enjoyment in the games they watch. It is not about fair play but about those who have the ability to cheat best. Those who are caught are the ones who are stupid about this. There is now so much effective doping in sport that, as we learned in the Winter Olympic Games from the state-aided support for the Russian teams, this has gone beyond the individual and whether they achieve a better result as a result of taking drugs. When it got to that stage, it seemed obvious that the world bodies would take action. However, they have not effectively resolved this, even though there is some hope that they may still get around to doing so. In the interim, the only agencies that can operate on this are our own Governments. Action needs to happen on this in this country, because other countries are moving ahead. It is time the Government fessed up to this and began taking steps in the right direction. This may well be their opportunity.

Lord Ashton of Hyde: My Lords, I am grateful for the contributions. I also agree that we owe a great deal to my noble friend Lord Moynihan, even if, on occasion, I have suffered from that. I am not complacent about this, because it is a serious issue that we need to think hard about. I hope I will be able to explain what is happening in Birmingham. I will not be able to agree with everything my noble friend said, and I will explain why. However, we certainly take this seriously, and I agree with the noble Lord, Lord Stevenson, that it is

an abuse of spectators and of other athletes. Although some of these issues are covered in existing legislation, I wonder—I have said this in the past—whether it is not covered under fraud, particularly when we have professional athletes. But that is by the by. We take this seriously and I will explain what we are doing about it.

These amendments require the organising committee to publish plans for addressing match fixing and its rules for anti-doping in Birmingham. They would require the organising committee to prepare and publish a plan for preventing match fixing in Birmingham, and it would be required to publish anti-doping rules for Birmingham to comply with UK anti-doping rules and the 2015 World Anti-Doping Code. It would also criminalise anyone found guilty of committing a doping offence at the Games, and they would be liable to fines and imprisonment.

There is no doubt that the Government and the Games partners are fully committed to ensuring the integrity and fairness of the Games. That is why the organising committee will be working with the Commonwealth Games Federation and partners around the Commonwealth to ensure that we deliver a Games free from corruption.

The United Kingdom already has robust internal processes in place to combat match fixing threats through bodies such as the Gambling Commission and the Sports Betting Integrity Forum. Of course, match fixing is a cross-border issue and one that we take very seriously. That is why we demonstrated our commitment to international collaboration in this area by signing the Council of Europe Convention on the Manipulation of Sports Competitions—more commonly known as the Macolin convention—in December last year. The convention encourages sports organisations and competition organisers to put appropriate measures in place, such as adopting principles of good governance and educating athletes.

The Government are fully committed to rooting out corruption in sport and have played a leading role since the 2016 London anti-corruption summit. We have been instrumental in developing the new International Partnership Against Corruption in Sport—IPACS—working with a range of other Governments and sports bodies such as the International Olympic Committee. Indeed, the Commonwealth Games Federation is also a member of IPACS. In addition, the Commonwealth Games Federation has a very strict code of ethics which refers to match fixing. An updated version of this code will be approved in November 2019 and will come into force in January 2021, in time for the Games. It is our view that these existing measures will deliver a Games free from corruption.

Further, in respect of anti-doping, I reassure noble Lords that the Government and Games partners recognise this as one of the most important fights in the battle for sport's integrity. The organising committee, in developing its anti-doping approach for the Games, will ensure that this not only covers Games-time athlete sample collection and testing but engagement with anti-doping organisations across the Commonwealth and an athlete education programme. These measures will aim to ensure that we deliver a clean and fair sports programme and that the highest possible standards are upheld.

The organising committee has already committed to anti-doping obligations as part of the hosting requirements agreed with the Commonwealth Games Federation. This ensures that anti-doping measures at the Games will comply with the World Anti-Doping Code and the Commonwealth Games Federation's *Anti-Doping Standard*, and therefore will satisfy the requirements my noble friend has set out in the amendment. However, the amendment also mentions a provision to criminalise doping, which my noble friend has been assiduous in pushing at every legislative opportunity—at least recently. Noble Lords may be aware that Government commissioned a review into the criminalisation of doping, the results of which were published in October 2017. This followed a period of consultation. The review found that there was no compelling case to criminalise the act of doping in the UK. That reflected the strong consensus of those interviewed, including UK Anti-Doping and the World Anti-Doping Agency. None of those interviewed was in favour of criminalising doping in sport.

I hope I have provided assurance of the Government's and the Games partners' full commitment to addressing issues of integrity for the 2022 Games and, above all, to delivering Games which are fair and clean. The Games are already committed to upholding the anti-doping standards set out in my noble friend's amendment. With that reassurance, I ask him to withdraw his amendment.

6 pm

Lord Moynihan: I am grateful to my noble friend for updating us on this. One takeaway point from this afternoon's Committee is that a whole range of issues are important in the context of legislation. I hope that one day a governance of sport Bill will be brought before the House, because we should be covering that whole range of issues in some detail. In my view, this is one that requires government legislation.

If I am not mistaken, the report argued for criminalisation in certain circumstances, particularly of the entourage. It seems wholly illogical to say that if you are an athlete who knowingly takes a cocktail of drugs to cheat a fellow clean athlete out of a livelihood and a competition, you go away without any recourse to legal action, but if your doctor or coach has done it, they should face criminal sanctions. That is utterly illogical—to me, at least—but no doubt over a drink later my noble friend will explain the logic behind the conclusion in that report. I may be mistaken if he is referring to a different report.

I am grateful to the noble Lord, Lord Stevenson. We have had cross-party support to look into this in great detail on many occasions. His comments this afternoon were no exception and my noble friend's response is exactly what I was looking for. I am very grateful to him for going into such detail. It is an issue that sport feels passionately about. It is a pity that the Olympians were not asked because, whenever I asked them, an overwhelming majority of Olympians in this country wanted the criminalisation of those who would, as I said, knowingly cheat fellow athletes out of selection or success.

[Lord Moynihan]

I conclude with a comment from the outgoing director-general of the World Anti-Doping Agency, David Howman, a few years ago. He stated:

"I think, now, organised crime controls at least 25 per cent of world sport in one way or another … Those guys who are distributing drugs, steroids and",

human growth hormone,

"and EPO and so on, are the same guys who are corrupting people, the same guys who are paying money to people to fix games. They're the same bad guys".

If it is a matter of that scale, however excellent the work we are doing—I am not critical of the work undertaken in this country to address it—it is a matter for this House and one day it will be a matter for legislation in line with a growing number of countries facing this challenge.

However, in the spirit of this afternoon's approach to the Bill and the amendments, I beg leave to withdraw the amendment.

Amendment 13 withdrawn.

Amendments 14 and 15 not moved.

Amendment 16

Moved by ***Lord Moynihan***

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

"Visa and immigration rules

The Secretary of State must provide by regulations for an expedited process for the administration of visas for—

(a) spectators holding tickets to any Games sporting events; and

(b) athletes participating in any sporting events, competitions and other activities organised, convened, authorised or recognised by the Organising Committee."

Lord Moynihan: This short amendment requests that the Government focus on visa and immigration rules for elite tournaments, not least given the possibility that this event will be under a different visa system from the current one, if the Brexit negotiations head in a somewhat more predictable direction than they have to date.

The focus of this amendment is to simplify the visa process for spectators holding tickets to sporting events due to be hosted in the United Kingdom, but specifically the Commonwealth Games, and to make it easier for athletes to get visas and/or work permits to compete in elite tournaments such as the Commonwealth Games. It would give a power to require the allocation of a certain number of visa and/or work permits to athletes, sports clubs, teams, associations or leagues.

I add one rider: we need to be very careful in our approach to visa and immigration rules and human rights issues. At the World Cup in Russia, a significant number of young boys were boarding a flight in Nigeria with a visa. I am trying to think of a polite word, given my anger towards the people who would do this, but those around them felt that the easiest way to get them into Russia was to acquire a one-way ticket from Nigeria under a simplified visa system. Fortunately, that plane was stopped, but in any visa and immigration relaxation for tournaments, we must pay attention to the human rights dimension in countries coming to compete at our Commonwealth Games. With that unfortunate reality one of the consequences of a more relaxed visa system, I beg to move.

Lord Ashton of Hyde: My Lords, I am grateful to my noble friend. Let me say straightaway that my earlier remarks about human rights and the Games partners having agreed with the Commonwealth Games Federation to abide by a human rights plan bear testament to the fact that we take this matter seriously.

My noble friend's amendment would provide an expedited process for the administration of visas for spectators and athletes at the 2022 Games. We share his desire to ensure a smooth process for these applications, but I am confident that, through our work with UK Visas and Immigration and its experience from other mega sporting events, the amendment is unnecessary. We have significant experience of managing visa processes for major sporting events using existing legislation—for example, the rugby and cricket World Cups, the World Athletics Championships, Glasgow 2014 and, of course, London 2012, where there were about three times the number of athletes and officials from about three times the number of countries.

We will have robust plans in place for the Games for each category in my noble friend's amendment without the need for new primary legislation. Let me take them in turn. For athletes, as part of the hosting requirements for the Games, the UK Government have already committed to the Commonwealth Games Federation that we will ensure that entry to the UK will be facilitated for those persons in possession of a valid passport and Commonwealth Games accreditation to carry out their Games functions in accordance with the United Kingdom's visa system and requirements. That was in the bid commitment.

It is of course also important to ensure that a balance is struck—that we meet the operational requirements of staging an event of this nature while, none the less, protecting the integrity of our borders appropriately. For spectators, under current rules, individuals can apply for a standard visitor visa if they want to visit the UK for leisure. In line with the approach taken for other major sporting events we have hosted, we do not consider it proportionate to put in place a bespoke process for spectators. Nevertheless, we will work closely with UK Visas and Immigration to ensure that visas are processed promptly for the Games. We understand the significance of the extra requirements, based on our experience of other sporting events.

I hope noble Lords will be reassured that we are already working with the Home Office and UK Visas and Immigration to ensure that a robust plan will be in place for the prompt processing of visas for Birmingham. I am very willing to meet my noble friend or other interested Peers to discuss our approach. With that reassurance and the UK Government's commitment in the bid to facilitate the entry to the UK of Commonwealth Games-accredited persons, I hope my noble friend will feel able to withdraw his amendment.

Lord Moynihan: I am grateful to my noble friend the Minister for that comprehensive explanation. I am more than happy to withdraw my amendment.

Amendment 16 withdrawn.

Amendment 17 not moved.

Clauses 2 to 11 agreed.

Amendment 18

Moved by ***Lord Stevenson of Balmacara***

18: After Clause 11, insert the following new Clause—

"Organising Committee reports: ticket applications

(1) Within six months of the date on which this section enters into force, the Secretary of State must direct the Organising Committee to prepare a report outlining its progress in determining the process by which members of the public may apply for Games tickets.

(2) The Organising Committee must—

(a) comply with the direction within a period of twelve months beginning on the day on which the direction is issued, and

(b) upon completion of the report, send it to the Secretary of State and publish it in such a way as it deems appropriate.

(3) Upon receiving the report from the Organising Committee, the Secretary of State must lay it before both Houses of Parliament."

Lord Stevenson of Balmacara: My Lords, I am sorry for this slight misunderstanding. I was moving house when the amendments were being drawn up, so I was unable to be physically present. I therefore launched into the ether a series of thoughts; they have crystallised into five perfectly formed amendments, which are based entirely on a rather hazy discussion with my noble friend Lord Griffiths about the things that I felt we had not got quite right in 2011 in scrutinising what was then the Olympic Games amendment Bill. To some extent, therefore, the issues raised by the amendments in this group—there is an additional amendment in the name of the noble Lord, Lord Addington—have already been touched on. However, it is worth doing so again because we experienced problems in the process of trying to get the 2011 Bill ready for the Olympic Games; we were not quite sure how everything would work and, on reflection, there were one or two issues.

On Amendment 18, there was some confusion in 2011 when the then Olympic Games amendment Bill was being created—there certainly was when it was passed and became an Act in the run-up to the Games—about how exactly the organising committee would arrange for tickets to be dispersed to the public. In a sense, that was borne out because many of us who went to the Games and enjoyed them were frustrated by the difficulty we had in accessing tickets in the real world—partly because it was a virtual world; you had to spend time with your finger hovering over your computer screen, hoping that you would get a ticket when the next batch was released. I am sure that the people responsible for the Birmingham Games are aware of those difficulties and will not be overcome by the technological issues that affected the Olympic Games because time has moved on, but it is worth reflecting on whether we should be more open with the public about what will happen and on the fact that the Games will be very popular so tickets will be hard to get. The process through which tickets are dispersed should be displayed in an open, transparent way for the public so that they understand better how to use it. People getting frustrated because they cannot understand the system is a sure way of giving the Games a bad smell from the beginning, so it should be thought about.

Amendment 19 follows the same thought in relation to pricing structures. The Games, certainly the Olympic Games, are complicated in terms of who can access what. Looking back at the 2012 Games, one of the biggest frustrations was the number of empty seats in the stadia. People were told that tickets had sold out almost a year beforehand and that none were available, yet when they turned up to watch something because their friends with tickets told them about it, it was clear that a lot of seats were available. All organisers of big events need to think about the pricing structures; I include availability, in the real sense, in that. I wonder whether anything might be said about the process that will be adopted for Birmingham.

Amendment 20 deals with a matter that we have already talked about: anti-touting. There are two issues here. In this country, the rules on what can and cannot be touted—in other words, sold to anybody who wants to go to an event—are still in formation. For instance, it is illegal to tout tickets for football matches in the vicinity of the ground; I think that that applies to just Premier League matches but it may apply to all football matches. The police will arrest you if you try to do so. It does not apply to cricket and rugby matches or other mass sporting events, so you often see this when you go as a casual visitor. It is possible to have local regulations; indeed, this issue goes back to a broader discussion and a campaign run by the noble Lord, Lord Moynihan, on how to reform the secondary ticketing market. There has been a great deal of success in this area but there may still be difficulties; Amendment 21, which I will come on to in a moment, addresses that. Amendment 20 is mainly about being sure in advance of what method we are talking about: will it be like football; will it be like the Olympic Games, where no touting was allowed in the vicinity; or will there be a more open platforming system—in which case, we should know about it in advance?

6.15 pm

On reselling, the Olympic Games had an efficient authorised resale platform. It seemed to work, certainly as far as I was concerned; you could resell tickets that you were unable to use, and it was possible to pick up tickets that were being resold. As I understand it, the Olympic Games did not use secondary ticketing platforms, although much concern was expressed at the time that they may have done so. As I said, we have reformed the secondary ticketing market. It is much better now; it is much clearer what you will buy when you go through a secondary platform and what you are likely to get, such as whether you will have a nominated seat and whether it will have a good view. However, there are still egregious examples of this not happening, including in the most recent letter from the CMA—I received it yesterday or the day before—informing

[Lord Stevenson of Balmacara]
those in your Lordships' House who are interested in this issue about the further action it will have to take against Viagogo, which is apparently still in default of regulations passed by the CMA and relating to it. This is not a happy area. As we know from police reports, organised crime is also involved, and money laundering seems to be happening on an industrial scale. This is an important issue and it would be helpful to have some information on it as we approach the Games.

Amendment 22 refers to discounted or complimentary tickets for members of the Armed Forces and others. I have seen elsewhere a suggestion that is made concrete in this amendment: that there should be a specific emphasis in the Birmingham area in this regard for groups with special requirements, including the Armed Forces and any others for whom the Secretary of State may deem it appropriate. I beg to move.

Lord Addington: My Lords, the noble Lord, Lord Stevenson, has gone through a list of every element of ticketing in previous events that went wrong or is being questioned, the Olympics probably being the biggest example. All the amendments carry a fair bit of weight. Amendment 23, in my name, is rather more modest. We have established that we can run this big multi-Games event successfully without unbound ticket touting. The ticketing system may not be perfect—we certainly have not had such a system yet—but we can remove touting from the process.

As the noble Lord, Lord Stevenson, said, we are a little half-hearted about our attitude to ticket touting and regulation of the secondary ticketing market. There are many examples of us having one rule here and another rule there, with various things going on. It is a confusing picture; different sports having different rules due to public disorder at past events adds to that confusion. My amendment merely suggests an overall review so that we have a model for this event and others. Our model largely seems to remove the secondary ticketing market. Is that good? Do we want to expand it? Other sports might be taken into account, for example. What are we doing? At the moment, we are probably not only benefiting from a few shady companies but restricting legal ones, as well as confusing the general public. Having different rules for different sporting events is silly and absurd, to be perfectly honest.

Lord Moynihan: My Lords, I rise briefly to support the speeches of both noble Lords. This matter has taken us many hours of parliamentary debate, the Government's argument being that we should not criminalise ticket touting on the secondary market. Yet we criminalise it for the Olympics and now we are criminalising touting for the Commonwealth Games. An equally popular event in the music world, or the sporting world outside those two, is not criminalised. My noble friend will no doubt demonstrate the logic of that.

While we may not make significant progress on this subject in this Bill, it is still wholly unacceptable that modern-day ticket touts can use bots to store 100, 200 or 300 sets of credit card details, pop them into their computer and sweep the market while you and I are putting in our names and addresses to take our families to some event that we really want to go to. They sweep that market and 20 seconds later there are no tickets left, but three hours later those tickets you wanted are available at massively inflated prices on the secondary market, to no benefit to the organisers of the sporting event, the sports men and women, the organisers of the musical or theatrical event or the people who enjoy the arts. That absolutely has to be addressed.

I am not arguing, nor have I ever argued, against a secondary market. It is good to see secondary markets established where you can sell at face value plus the costs of undertaking the transaction, so that if you cannot go because you are unwell or your family have not been able to make it, at least there is a market where you can sell to a true fan to ensure that the ticket is put to good use. I think I am right in reflecting that that was put in place in football principally because of the segregation problems that were much greater 20 years ago than today but nevertheless were seen to be important from the Home Office perspective in the context of the secondary market.

Outside the criminalisation proposal here today, I am pleased to see that we are making some progress on the secondary market, the availability of tickets and stopping the likes of Viagogo ripping off true fans. It continues to do so, and the reference to the CMA moving forward with contempt of court legal proceedings is to be really welcomed. Viagogo has simply failed to provide accurate information to potential theatregoers, concertgoers and sports fans—for example, displaying inaccurate claims about the number of tickets left on the site and a whole range of additional points. This is a subject I need to come back to.

I support the proposal that has come through, but I really find it difficult to understand why we need primary legislation to criminalise the modern-day touts for the Commonwealth Games, but for equally large, major sporting events and great arts events in this country we do not believe it is appropriate to criminalise the very same touts. As I said, no doubt my noble friend the Minister will be able to enlighten me.

Viscount Younger of Leckie: My Lords, before I turn to the specific amendments tabled—and particularly the remarks made by my noble friend Lord Moynihan and the noble Lord, Lord Stevenson—I say that the touting provision in this Bill sits within the Government's broader strategy on the secondary ticketing market. We are determined to crack down on unacceptable behaviour in the ticketing market and have put in place a range of legislative measures in this area—including the Consumer Rights Act 2015 and last year's anti-bots regulations, following the enabling provisions in the Digital Economy Act 2017—backed up by robust enforcement. Judging from recent announcements by the CMA, which was mentioned earlier, and others, this is clearly bearing fruit. I pick up from what Peers have mentioned that this message is getting through.

With regard to Amendments 18 to 22, I share noble Lords' desire to ensure that a robust and comprehensive ticketing strategy is in place for the Games. Over 1 million tickets will be available for Games events across 11 days of elite sport. We want to make sure that as many people as possible of all ages, including from local communities in Birmingham and the West Midlands, can experience the Games at an affordable price. I hope

I can reassure the Committee that the organising committee shares our ambition for an affordable and accessible ticketing strategy.

Fairness for the public is an imperative in ticket pricing, distribution plans and availability. Within this, the organising committee will consider the way in which those in communities in Birmingham and the West Midlands can be part of the Games. I remind noble Lords that there will also be a number of non-ticketed, free events at the Games, such as the marathon and the cycling road race and time trial. We should recognise that the organising committee is at an early stage in developing its ticketing strategy, but it is building on the lessons learned from London 2012 and Glasgow 2014. The ticketing strategy will be finalised in 2020, with tickets to be ready for sale in 2021.

Before I continue, I will pick up on a number of points raised by the noble Lord, Lord Stevenson, in particular. For example, how will the OC ensure that tickets for the general public are allocated fairly, and will communities get special access to tickets? I say again: fairness for the public is an imperative in ticket pricing, distribution plans and availability. The detailed plans will be developed and finalised in 2020. Pricing research and benchmarking will inform plans to ensure that tickets are attractive to local communities.

How can the Government ensure that tickets bought through an authorised resale facility will not be at inflated prices? This is an important question. It is up to the organising committee to develop and implement a ticket return and exchange process, including authorising ticket vendors for the resale of tickets for Games events. It is committed to ensuring that tickets are affordable and accessible. I can give a further reassurance that, under the Bill, people who want to pass on their tickets to family and friends for face value or less can do so without falling foul of the law, provided that this is not done in a public place.

Lord Stevenson of Balmacara: Can I just query that last statement? Was the Minister saying that those who are unable to use tickets and wish to exchange them would be able to do so, but that it would not be done through some formal system? In other words, is he licensing touting in a place other than a public place?

Viscount Younger of Leckie: Yes, I said it should not be done in a public place. I assure the noble Lord that the OC will be responsible for organising the system for ensuring that.

Lord Stevenson of Balmacara: I am so sorry to interrupt again. The idea that somehow it is okay, provided it is not in a public place, seems extraordinarily unlikely. I am sure the Minister is reading accurately the notes he has been provided or the inspiration given from the Box, but perhaps he could write to me with a bit more detail about this in due course.

Viscount Younger of Leckie: Yes, indeed. That is correct, but I will certainly write to the noble Lord. Put it this way: if tickets were handed over in a public place and were seen by a particular person, in theory I guess one could be picked up for that. As the noble Lord says, it is pretty unlikely to happen, but the fact is that it is there and that is an accurate account.

Lord Stevenson of Balmacara: The implication of what is now being said is that somehow the handing over is a criminal act of some kind and could be subject to sanction. That is the point I am trying to get at. Obviously, it is amusing to think of it being done cloak-and-dagger style, particularly in Birmingham, but I would be grateful if the Minister could write with the full detail of what an individual might have to do to exchange a ticket previously purchased. That was the point of the amendment: to try to get more information about how that was to happen.

Viscount Younger of Leckie: Absolutely. I do not have that information, but I will certainly write a letter. It is true to say that this aspect comes under the auspices of the OC. Clearly, there is more information to come out, and I will certainly furnish the noble Lord with some more information.

As I was saying, I am also happy to share noble Lords' sentiments and views that have come from this debate with the OC. The OC itself will be happy to engage with Peers and parliamentarians on its approach to the ticketing strategy overall as this is developed.

6.30 pm

The Birmingham 2022 organising committee has two and a half years less time compared to the Gold Coast Games, a point that has been much made today, and so there is a balance to be struck. We must ensure that we have both transparency and scrutiny and that the organising committee can move at the pace required to deliver a project of this scale to this immovable deadline. The OC will publish an annual report of its activities, together with its audited resource accounts. This report will include an update on all elements of Games preparations, including the development of a ticketing strategy, incorporating all the elements specified in these individual clauses.

On Amendment 23, we have included the ticketing provision in the Bill to help the OC deliver its ticketing strategy; to help ensure that tickets are accessible and affordable; and to provide a strong deterrent to those seeking to exploit the Commonwealth Games for financial gain. Similar provisions were put in place for both the London 2012 Games and the Glasgow Games in 2014.

As part of the department's ongoing work to combat abuses in the ticketing market, we will monitor the effectiveness of this provision, along with our other policies and interventions in the market, to help inform future policy in this area. It would, however, be disproportionate to put a review of this specific provision on a legislative footing in isolation from evaluating the other provisions in the Bill and separate from the wider evaluation of the Games which will be taking place. That addresses the question raised by the noble Lord, Lord Addington.

With that explanation, I ask the noble Lord to withdraw his amendment.

Lord Stevenson of Balmacara: I am grateful to the noble Viscount for his full response. I apologise for the slightly interrogative nature of my interventions. I am looking forward to his letter. I am sure that, as always,

[Lord Stevenson of Balmacara]
it will be well expressed and answer the point. We have covered all the important points and I beg leave to withdraw the amendment.

Amendment 18 withdrawn.

Amendments 19 to 23 not moved.

Clauses 12 to 23 agreed.

Clause 24: Games transport plan

Debate on whether Clause 24 should stand part of the Bill.

Lord Addington: I oppose Clause 24 standing part of the Bill. This is the fault of the Delegated Powers Committee because its most recent report, the 58th report of the current Session, starts with the Birmingham Commonwealth Games Bill. As an aside, the two other Bills dealt with in the report have a combined total of two and a half lines compared to the rest of the document, and so there is a fair bit of meat on this bone.

The clause reflects the practice of previous Games. Transport is a key factor and if you mess it up—I refer to the comment of the noble Lord, Lord Coe, about what will happen to the legacy if you get the Games wrong—it will be like getting blood from a stone. We must get it right. Transporting people around the Games is an important factor. In the Bills for the Olympics and the Commonwealth Games we knew who we were giving transport to. In this Bill we merely have a person.

I probably would not have picked this up but the committee did. The report states:

> "In the absence of any explanation justifying why it is needed, we consider the delegation of this power to the Secretary of State to be inappropriate".

What is a person going to do? Where are they coming in? What is the structure behind this? If you want to mess stuff up, mess up transport and see people and bands not getting there on time. We have just discussed tickets. If you cannot turn up, it does not matter who has got the ticket. Although I am sure a great deal is being done, knowing what is going on is important. I hope the Government come through on this.

Amendment 24 is in the same vein but it will not be so important once we have dealt with this. Knowing who will be in charge of transport is an important consideration and we should have that knowledge now.

Lord Moynihan: My Lords, I support the amendment of my noble friend in sports. I declare an interest that, until I was recently rotated off, I was a member of the Delegated Powers and Regulatory Reform Committee which considered this Bill.

I endorse what the noble Lord, Lord Addington, has said because the transport plan and its operations for the London 2012 Games was critically important. The purpose of this plan allows whoever is appointed to draw it up to make traffic regulation orders that can affect the lives of local people for a considerable amount of time, not only during the Games but before and after. It allows the restriction and prohibition of the uses of certain roads.

It is necessary—I am supportive of it—but significant powers go along with the plan that can infringe individual rights and the rights of those who go about their normal lives without any accountability to Parliament. Historically, with the London Olympic Games, the Olympic Delivery Authority was on the face of the Bill—Sir John Armitt was responsible for that—and there was transparency and accountability. He received a great number of representations. Some noble Lords may recall that there was concern about closing off a number of lanes so that members of the International Olympic Committee and their families could travel in style to the Games rather than take the Jubilee line, which was a much wiser decision than for those of us on the British Olympic Association. There was a great deal of interest and concern and it needed accountability.

Similarly, in the legislation for the Commonwealth Games in Glasgow, the Organising Committee of the 2008 Commonwealth Games was on the face of the Bill. Here, as the noble Lord, Lord Addington, has said, that has not been specified. No reason is given in the Explanatory Memorandum as to why it has not been possible to specify in the legislation the body which has to exercise the functions of the "directed person", nor why such a broad discretion is conferred on the Secretary of State to decide who is to exercise those functions. Clause 24 simply refers to the Secretary of State directing a person "to prepare a Games transport plan" without any limits on who that person may be.

There has been a red thread in much of what I have said today—accountability and transparency—and in this Bill the delegation of the power of the Secretary of State is inappropriate unless there is a clear explanation as to why it is needed.

Viscount Younger of Leckie: My Lords, I have taken note of the points made by the noble Lord, Lord Addington, and my noble friend Lord Moynihan in respect of their amendment and on Clause 24, which cover the Games transport plan. I hope to provide reassurance that the amendment is not required but that Clause 24 is.

Effective transport provision for an event of this scale and profile requires detailed planning and co-ordination. A well understood and supported transport plan is therefore essential—a point made by both noble Lords and I hope I can provide a detailed explanation to reassure them—and that is why Clause 24 provides for the Secretary of State to direct "a person". By this it is meant a body corporate to prepare a Games transport plan. It is an integral measure. The plan will set out a strategic approach to the planning and co-ordination of transport to support the Games. It will cover the transportation of spectators, athletes and the Games family, while at the same time ensuring that any disruption to local residents and regular transport users is kept to a minimum.

We have put this in the Bill as statutory footing to give the transport plan appropriate authority and weight. Indeed, without a statutory plan, transport partners would be reliant on voluntary arrangements which could impact on the effectiveness of Games transport planning. Such a direction from the Secretary of State must be in writing. To ensure adequate consultation with key stakeholders before preparing

or revising this plan, the person directed will be required to consult the bodies listed in the Bill. Further, the plan will be published for consultation to ensure that residents and businesses are given the opportunity to share their views. We will write to interested Peers when this is published.

We believe it is important to give local traffic authorities a clear indication of the expectations in relation to the Games transport plan. That is why this clause also places a requirement on local traffic authorities for roads affected by the plan to exercise their functions with a view to securing the implementation of the plan. The Bill also enables the Secretary of State to revoke a direction to prepare a transport plan. This is a safeguard that, while unlikely to be called on, will enable the Government, in our role of providing Games assurance, to react quickly and flexibly to any unforeseen circumstances.

We recognise the difference in approach from previous Games in London and Glasgow. This reflects the transport infrastructure and expertise that already exists across Birmingham and the region and, importantly, the unique circumstances under which the Games were awarded. We expect that the person best placed to take on the responsibility of producing the transport plan would be a local authority or combined authority. The views of local partners will strongly factor into the Secretary of State's decision. I have, none the less, listened carefully to the issues raised by both noble Lords in this debate and in the report of the DPRRC, and I reassure the Committee that I will give this matter further consideration ahead of Report.

I would like to highlight that it is the strong view of Games partners that a statutory plan, alongside a requirement on local traffic authorities to implement it, will provide a clear framework for the delivery of Games transport.

Lord Moynihan: I do not want the Minister to think I am not completely in favour of the transport plan or not completely in favour of everything he set out about functions. I simply do not understand, however, why nobody appears to know who will produce the transport plan and why, if it is a group of local authorities, we cannot be more specific about that and put it in the legislation so that there is transparency and accountability.

Viscount Younger of Leckie: All the points my noble friend has raised are fine, but we have not quite got to the point where every decision has been made. I have been trying to make the point that getting the transport right is very important. Lessons have been learned from other Games. I hope I have made the point that we have got to a particular point in planning and it is important that we follow through on it, but we are not at the stage of being able to give every single detail.

I highlight that it is the strong view of Games partners that the statutory plan, alongside the requirement on local traffic authorities to implement it, will provide a clear framework for the delivery of Games transport operations, facilitate co-operation and minimise the risk of disruption and disagreement around activities required for the Games.

I shall use this opportunity to provide greater detail on Games-time transport preparations. As noble Lords may know, hosting the Games is accelerating the development of public transport infrastructure improvements that will benefit the city and wider region. They include the development of the new Sprint rapid bus routes mentioned earlier, and improvements to University and Perry Barr railway stations, subject to the necessary approvals. Games partners are also developing a communications plan to promote the use of public transport and to ensure that Birmingham 2022 will be a public transport Games. All venues and live events will be accessible by public transport and additional temporary services will be available to alleviate pressure on the transport network.

Turning to Amendment 24, I am confident that the measures in the Bill and the wider upgrades and developments to the public transport network will deliver on the intention of the Games transport plan. I reassure the Committee that the Government will carefully consider how best to report on the Games' outcomes, including the transport provisions, following their successful conclusion. With the extra information that I have given, as far as I can, I hope that the noble Lord, Lord Addington, will not press Amendment 24 and that the Committee will agree that this clause stand part of the Bill.

Lord Addington: My Lords, I thank the Minister for his reply. The fact remains that we would like to know who is going to deliver this. There is a plan and we agree that, without a plan, we would not be able to do this. However, we would like to know who is delivering the plan because that is part of the openness and consultation that have been a running theme throughout this Committee stage. If you do not know, you cannot report, you cannot put any effort in and you cannot be reassured. The Minister said that this is part of the planning process that has not been quite reached. I am already constructing the appropriate amendment or commitment that we would like in the Bill about what information should be given as opposed to a person. That is surely where we should be going on this. Today is about probing amendments, and clarification on that point would be incredibly helpful.

6.45 pm

I have no intention of dividing the Committee or removing this clause from the Bill, but I hope the Government will take this away and have a think about how they can give an assurance that gives us a point of reference that we can go back to that will reassure those who are concerned. This runs through. I understand the structure and what the Government are trying to do under pressure of time, but ultimately having a series of rows, discussions and confusions will waste time. Clichés roll off the tongue about being prepared, so I hope the Government will bear that in mind. We should have a look at this on Report. I hope the Government will have had time by then.

Clause 24 agreed.

Clauses 25 to 27 agreed.

Amendment 24 not moved.

Clauses 28 and 29 agreed.

Clause 30: Regulations

Amendment 25

Moved by ***Lord Griffiths of Burry Port***

25: Clause 30, page 19, line 3, leave out subsection (3) and insert—

"(3) A statutory instrument containing regulations under—

(a) section 12,

(b) section 15, or

(c) paragraph 16 of Schedule 2,

may not be made unless a draft has been laid before and approved by a resolution of each House of Parliament.

(4) Any other statutory instrument containing regulations under this Act is subject to annulment in pursuance of a resolution of either House of Parliament."

Lord Griffiths of Burry Port: My Lords, I have been most interested in hearing "person" taken to mean "body corporate". I have long experience of textual criticism and exegesis, and that would be a long stretch. There is a shaking of the head; it will have to be explained to me.

In respect of this proposal, we are in the other three parts of the Delegated Powers and Regulatory Reform Committee's report, not the part already discussed. All I really need to say is that if it was "person" and "body corporate" in the part we have already discussed, it is "in the vicinity of" that is contentious here. I think I know what "in the vicinity of" means, but I can see that two people might have quite different understandings of what constituted "vicinity", so it has been decided that the powers recommended are too broad. The report states that,

"we recommend that any exercise of powers under clause 12 should be subject to the affirmative procedure, unless the Secretary of State certifies that by reason of urgency the negative procedure should apply instead".

The same goes for Clause 15, only this time it is "Games location trading". Again, I think I know what "location" means, but that may not be what other people think it means; consequently, a similar conclusion is reached.

Finally, on paragraph 16 of Schedule 2, the committee's report states:

"Given the wide scope of the powers, and the fact that they affect the determination of the rights of individuals to compensation".

All I am doing is reading what other people have thought over and digested well. In line with all that thinking, I shall move the amendment and invite the consideration recommended in the wording of the proposal. I beg to move.

Lord Addington: My Lords, this is a case of great minds thinking a somebody-else thought. I have an amendment in this group to which the noble Lord, Lord Moynihan, has added his name and it was inspired by exactly the same desire for information and reports. Primarily, there is a need for regulations to be approved by the affirmative procedure. We have done something similar before, so why do we not do it now? If a precedent has been set, we should follow it. We are all in favour of this legislation going through and going through well, and I refer back to the arguments about making sure that people know what is going on. The affirmative procedure was appropriate when something very similar was done in the past, so let us use it again. The hour is getting late. The noble Lord, Lord Moynihan—my noble friend in sport—wants to contribute. As he was on the committee, he might have more insight into this matter but, as far as I can see, there is an open and shut case here.

Lord Moynihan: My Lords, I just add that similar provisions were included in the London Olympics Act and the Glasgow Commonwealth Games Act. Speaking personally, the affirmative procedure is applicable because the range of matters caught both in trading and advertising is very broad; it is not limited to activities connected to the Games. This is exactly the sort of parliamentary process that should require the affirmative resolution, and that is why we used it for the London Olympic Games and the Glasgow Commonwealth Games.

Paragraph 16 of Schedule 2—the third paragraph that has been spoken to—is of equal significance. It is about property damaged during the exercise of the lawful function under the Bill. There is a right to be compensated and provision for consequential loss, but these are not administrative details. There will be important issues such as who is responsible for payment of compensation, what the appeal route is—does it go to court?—and what the grounds for appeal are, on law or on fact. These are really important issues for people living in the vicinity of the Games, who will be impacted by the use of these powers. Therefore, the question for the Committee is whether the affirmative procedure is applicable and appropriate. Having studied it at length both on the Delegated Powers Committee and subsequently, I firmly believe that this is a classic case where the affirmative procedure should be followed. We are talking about the rights of individuals and the impact of the Games on those individuals.

Lord Ashton of Hyde: My Lords, as we come to the last group, I do not think we will have a massive falling out on this subject—it would destroy the overall very satisfactory progress that we have all made in this Committee. I thank noble Lords for their contributions during the afternoon. They were admirably succinct and provide an excellent example for the noble Lord, Lord Hunt, who will join us on Report.

We have listened with interest to the points that noble Lords have made in debating the parliamentary procedure for the regulation-making powers for advertising and trading, and in debating the amendments tabled by noble Lords. The noble Lord, Lord Griffiths, has requested that the draft affirmative procedure should apply to the regulations concerning advertising and trading. The noble Lord, Lord Addington, and my noble friend Lord Moynihan seek the same, unless the Secretary of State considers that, due to urgency, it is necessary for the negative procedure to apply. The regulations will specify the Games locations and the periods when restrictions will be in place and will make provision about the "vicinity" of Games locations.

Noble Lords also seek to apply the draft affirmative procedure to the regulations, under paragraph 16 of Schedule 2, concerning the payment of compensation in certain circumstances following enforcement action.

We have carefully considered the recommendations of the Delegated Powers and Regulatory Reform Committee. We are very grateful to the members of that committee, including my noble friend Lord Moynihan, and will respond to them in writing before Report.

Although it is right that the regulations should be placed before Parliament—I appreciate noble Lords' interest in debating these regulations, and my noble friend Lord Moynihan explained why they are important—there are a number of reasons, which some noble Lords might not have appreciated, why the negative procedure provides a suitable level of scrutiny.

I appreciate the consideration of the noble Lord, Lord Addington, and my noble friend Lord Moynihan that there might be certain circumstances where regulations may need to be made as a matter of urgency due to operational requirements and therefore the negative procedure may be more suitable, but we still consider that all the regulations, whether urgent or not, should be subject to the negative procedure.

Noble Lords will be aware that the affirmative procedure was, as my noble friend Lord Moynihan said, used for the regulation-making powers for the Olympics and the Glasgow Games, but it is also true that the delegated powers in the Bill are not as broad as their predecessors and there is more detail in the Bill. For example, we have included definitions of trading and advertising in the Bill, whereas in London this was specified in the regulations. Unlike for London, we have defined "Games location" in the Bill. The advertising and trading offences will be able to apply only in, and in the vicinity of, a Games location. In contrast, the London Act 2006 provided that the regulations shall specify or provide criteria for determining the places in respect of which the regulations will apply. London did not stipulate any trading exceptions, whereas in this Bill we have included a number of exceptions and a power to provide more exceptions in the regulations. Existing exceptions cannot be removed, so there will be no broadening of the offence.

I assure noble Lords that a proportionate approach will be taken to these delegated powers, and it is in all our interests that advertising and trading restrictions apply only when and where necessary. This is not about imposing a blanket advertising ban or restricting all outdoor trading across Birmingham or the West Midlands. A Games location will be specified in regulations only where it is necessary for the advertising and/or trading restrictions to apply in, or in the vicinity of, that Games location to deliver a successful Games.

Defining "vicinity" is not as simple as providing a set distance from a Games location in relation to which the offence applies, as location-specific consideration needs to be given to spectator routes and nearby transport hubs. We have also sought to ensure that the periods for restrictions will be in place only when necessary. However, as a—dare I say it?—backstop, we have specified a maximum of 38 days for such restrictions, and we expect this to be much less in many cases; for example, for Games locations in use for only a few days.

In relation to paragraph 16 of Schedule 2, the schedule includes a power to bring forward regulations about compensation to supplement paragraph 15, which makes provision about a person's entitlement to compensation in certain circumstances. Here, we consider that the negative procedure is appropriate. I would argue to my noble friend Lord Moynihan that these regulations will set out the administrative processes that need to be followed—for example, to whom a claim for compensation should be made, the timeframes for claims, the appeal processes and so on. This type of procedural detail is well suited to regulations and will enable government to ensure further discussion with relevant enforcement agencies in advance. In the London Act, how much compensation could be paid was included in regulations, but we have included it in this Bill.

I have listened carefully to the points raised and I respect the recommendations of the DPRRC, on which I will reflect further over the coming days. However, given the extra detail in the Bill, the maximum time limit of 38 days—come what may—and the lack of any Henry VIII powers at all, we believe that the negative power is not unreasonable. I respectfully ask the noble Lord to reflect on my arguments and, in the meantime, to withdraw his amendment.

7 pm

Lord Griffiths of Burry Port: My Lords, the Minister knows that that is precisely what I shall do. However, I will not do so without saying that, on this occasion, I have put forward an argument that was not dependent only on whatever degree of wisdom I might have attained; it posited itself on the brains and care of the extraordinary bunch of people who make up this Committee. I look forward to seeing the argument in writing; I have heard a compelling case made verbally. At this stage, I am happy to withdraw the amendment and look forward to the next instalment of this thrilling piece of drama.

Amendment 25 withdrawn.

Amendment 26 not moved.

Clause 30 agreed.

Clauses 31 to 33 agreed.

Schedules 1 and 2 agreed.

House resumed.

Bill reported without amendment.

Migrant Children: Welfare

Question for Short Debate

7.01 pm

Asked by ***The Lord Bishop of Durham***

To ask Her Majesty's Government what assessment they have made of Project 17's report *Not Seen, Not Heard: Children's experiences of the hostile environment*.

Baroness Barran (Con): My Lords, given that this is now last business, the speaking time for all speeches other than that of the noble Baroness, Lady Williams, will be 10 minutes.

The Lord Bishop of Durham: My Lords, I am delighted to introduce this debate on Project 17's report, *Not seen, Not heard*. In doing so, I draw attention to my interests as listed on the register and, in particular, to the research support I receive from the Good Faith Partnership's RAMP project on immigration policy.

In this report, Project 17 highlights the way that vulnerable families and children are trapped between overstretched local authorities and punitive immigration controls. As with the ongoing harm caused by the two-child limit, it seems that cost-cutting and punitive notions of control are prioritised over the flourishing and protection of families. We need a radical change of direction away from seeing vulnerable children as a burden. Like many in this Chamber, I believe that a policy built on the gift and voices of children is not a naive aspiration but the very definition of good policy.

Let us be clear: the interaction of immigration enforcement and welfare is never going to be simple. There are no neat solutions to all the problems presented by the report. But the relationship between immigration enforcement and welfare is currently malfunctioning, trapping many in destitution. The requirement for no recourse to public funds affects any person who is "subject to immigration control"; that is, a non-EEA national who meets one of the following conditions: they have leave to remain, but are subject to a NRPF restriction; they have leave to remain given as a result of a maintenance undertaking; they need leave to remain in the UK, but do not have it; or, in some cases, they are appealing a refusal to vary their leave.

Identifying the appropriate approach with those in the latter two categories is complex, but I wonder whether we might just get rid of the first two. I was in a round table on the immigration White Paper last week, and many sectors highlighted how British migration policy seems to be built on the false premise that there will always be a near-infinite demand for visas and that nothing will put people off wanting to come to the UK. The use of NRPF on legal migration seems a symptom of that approach. If you are legally here, you are legally here. We should, by all means, have robust qualifying criteria for granting leave to remain but, if we grant it to people, this should mean that we will support them in an emergency. If we are willing to accept their contribution, we should be willing to commit to caring for them.

Also of particular concern are reports of people who have no recourse to public funds despite being here precisely because human rights grounds have been granted. It is a cruel irony that those making in-country human rights applications based on Article 8 and the right to family life do so with no recourse and no legal aid. I recognise that people often apply on these grounds simply to frustrate removal, but that is not sufficient reason to punish everyone applying in this way.

The no recourse to public funds requirement disproportionately affects those likely to be discriminated against by other parts of the system. Among those subject to NRPF that engaged with the Unity Project between September 2017 and April 2019, 90% were black African or Caribbean, 87% were women, 96% had dependents, and 76% were single parents; 85% had a British child. The Unity Project also highlights how the threat of destitution can trap people in coercive and abusive relationships.

There is so much about NRPF that demands our attention, but the focus of Project 17's report is its impact on children. The report identifies that the current safeguards are not working. Section 17 of the Children Act places a duty on local authorities to uphold the welfare of children in need, but Joel, aged 9, told Project 17:

> "We had to keep going to McDonalds every night and we would also go to A&E. I would have to wear my school clothes and sleep like that. They would say we have to sleep where the people wait but it's just like lights and there is nothing colourful there. The chairs were hard. You know when you just sleep in the waiting room? I felt sorry for my mum because she had to stay up and my head had to be on her lap. She had to stay awake, her eyes were open like 24/7, all night and all day so she could watch over me. It was hard for her but also hard for me".

The report found that Joel is not alone in having been left street homeless. Where accommodation is provided, Project 17 noted that it is often unsuitable. As Tayo, aged 9, says:

> "We sit on the floor … because we don't have tables and chairs".

The process to access support is difficult on both parent and child. Amir, aged 8, told Project 17 that he was made to feel like, "I committed a crime", and, "intimidated". The presence of immigration officers in local authority assessments disincentives people from accessing this vital support in the first place. Project 17 found wider evidence of local authorities failing to follow statutory guidance, as well as Article 12 of the UN Convention on the Rights of the Child, in not prioritising the voice of the child. A bedroom to rest safely in; a table to eat together at and the attention of adults; safety, community and attention—these surely are foundational to a thriving childhood. We need to do more to defend them from the pressures of border enforcement.

As a first step, I ask the Minister and other noble Lords to join me in encouraging local authorities to sign up to Project 17's children's charter, which sets out some basic principles to guide how local authorities should support people in these situations. I hope the other recommendations made in the report can also be heeded.

As we expect a new Prime Minister and a new approach to migration policy, I hope that Parliament will have the opportunity to ask how policy might be put in the service of vulnerable families and children. There are, rightly, strong voices articulating what different business sectors need from our migration policy. Less prominent but also present are those who highlight the needs of local communities and of many newcomers to the UK. We hear much less about those whom the migration system forces into precarious living. We hear even less from those directly affected themselves.

I thank Project 17 and the children that it works with for all that they have taught us in this report, however harrowing some of it is to read. It is my hope that they will find allies in this Chamber who will advocate for immigration policy built around human dignity and the rights of the child. Regardless of their immigration status and that of their parents, these children are

beloved gifts, made in the image of God. They are worthy of safety, community and attention, and their presence is qualification enough for us to provide it.

What data is currently collected regarding these children? Does the Home Office know how many children are affected by NRPF? What assessment has been conducted on the impact of the policy specifically on children?

Easy answers are unlikely ever to be found in the space between migration and welfare policy. However, we can begin to approach better solutions only if we are focused on the goal, which must be the flourishing of communities, families and children. I look forward to hearing the Minister's response to the report, and to working with her and other colleagues to ensure that we treat these children, as we want to treat all children, with full dignity.

7.11 pm

Lord Moynihan (Con): The right reverend Prelate has reminded us that it is 30 years since Section 17 of the Children Act placed a duty on local authorities to safeguard and promote the welfare of children in need in their area. Today's debate, against the background of so many remarkable stories in the report, is about those in exceptional poverty; those at high risk of hopelessness, exploitation and abuse; those children and families without recourse to public funds; and the vital need for all concerned to listen to the voices of children.

Of course, the key finding of the deeply moving report by Project 17, *Not Seen, Not Heard*, goes far further than immigration issues, housing or homelessness. It has at its roots a challenge to us to listen to children and young people and, by listening, to act. So how should we listen? How best can we communicate, learn and engage? Ever since my youngest son ran the marathon to raise awareness and money for the outstanding charity YoungMinds, springing as it did from his deeply felt concern about the well-being of children and the growing incidence of mental ill-health among young people, I have learned that our concern should be not just for the poorest in society but for all those children whose voices go unheard—all those who are legally here.

As YoungMinds recognises, an estimated three children in every classroom has a diagnosable mental health problem, while 90% of school leaders reported an increase in the number of students experiencing anxiety or stress and low mood or depression over the last five years, yet fewer than one in three children and young people with a diagnosable mental health condition get access to NHS care and treatment. Since 2017, the YoungMinds "Wise Up" campaign has called for a rebalancing of the education system so that the well-being of all young people is as important as their academic achievement. Schools should not be expected to do the job of mental health services, but they have a crucial role to play in promoting good mental health in everything they do. It is time for important changes to the Ofsted framework. In that context, I ask the Minister if she will talk to her colleagues so that an outstanding school, for all children, is seen as one that prioritises the well-being of its students as much as its academic success.

I would also be grateful if the Minister could update the House on progress made following the Green Paper on children's mental health, in which mental health support teams are to act as a link with local children and young people's mental health services and be supervised by NHS staff. Surely an aim to roll out just 20% to 25% over the next five years means that the majority of all our children, and all our immigrant children, who need help will not be supported. When will we listen to the remaining 75%?

Our focus needs to be on challenging decision-makers to listen to and act upon the evidence of vulnerable children and young people. As Vicky Johnson wrote in the abstract for her exceptional article, *Moving Beyond Voice in Children and Young People's Participation*, in seeking to understand if and how children and youth input was valued and acted upon by adults:

> "Each case rested on the same value proposition: that inclusion of children and youth is critical to participatory democracy and so incorporating their views can move societies towards improved policies and services for",

all children, all immigrant children, all young people,

> "and a culture of mutual respect in intergenerational relationships".

To me, creating participatory spaces and building dialogue and trust between children and adults are necessary preconditions for child and youth-centred transformational change in any society, particularly here at home, where such influence can be brought to bear.

Poor immigrant families are a prominent presence in the public realm but rarely have a voice. As Gill Main, who is undertaking excellent work at the University of Leeds in conjunction with the Child Poverty Action Group, wrote, children,

> "rarely have the opportunity to influence how they are portrayed and to shape interventions purportedly designed to help them".

To shape change, we need to shift our focus from what the poorest in society are doing and how they should change, towards listening to their perspectives on what they need and how society could be more fairly organised.

I was struck by Dave performing "Thiago Silva" at Glastonbury 10 days ago as he reached out to a 15 year-old boy, Alex, to join him on stage and accompany him through that complex rap in which Thiago Silva, the Brazil and Paris St Germain iconic footballer, who was once left almost for dead with tuberculosis in a small room in Russia, was recognised. Here, music became the language for Dave and Alex, representing a generation whose communication is through music. Today, I have spoken all afternoon on amendments to the Birmingham Commonwealth Games Bill to ensure that there is a legacy of listening to young people, inspiring them and lifting them out of depression and, often, away from the escalator to crime, through the medium of sport.

We have an overriding duty to help those immigrant children with ways to escape their daily struggles, and to provide hope—not just to dream about a future but to use everything in our power so they can have a future and discover what they can be; to find means of advocacy, mentoring and engagement. We have an especial duty to help those child refugees who have nothing, forced to leave their country because of war or for religious or political reasons, reaching out while

[LORD MOYNIHAN]
we as a society too often fail to take their hand and listen, fail to place them at the centre of our policy-making and fail to use our two ears in proportion to our one mouth when in their company.

7.17 pm

Lord Watson of Invergowrie (Lab): My Lords, the consequences for children of the hostile environment created in a cold and calculated manner by Theresa May when she was Home Secretary are laid out in Project 17's powerful report, and they are deeply concerning. We should all be grateful to the right reverend Prelate the Bishop of Durham for securing this timely debate. The report provides a stark insight into how the current immigration system is impacting on the lives of children and forcing them into poverty and towards destitution. I commend the author's research methods and presentation of these findings, which provide a powerful platform for the voices of children so often silenced and overlooked. I very much hope that as many local authorities as possible will sign up to the charter, as advocated in the report.

Not Seen, Not Heard highlights that, lacking a legal right to work, many families are pushed towards homelessness and made highly vulnerable to exploitation. I want to draw attention to the common experiences of families with no recourse to public funds, who are the focus of the report. People seeking asylum in the UK are effectively prohibited from working and, until recently, the Home Office's target time for decisions on asylum cases was six months. Yet immigration statistics released in May revealed that the number of main applicants waiting over six months for a decision on their claim had reached 46%. The system is certainly not working—at least, not for asylum seekers.

A large number have good qualifications but are banned from working, making it all but impossible to provide adequate care for their families. Research by the Lift the Ban coalition suggests that the current system is wasteful, as it fails to harness the skills and talents of often well-educated people. The UN High Commissioner for Refugees has recognised this failing, stating that allowing asylum seekers in the UK greater access to the labour market would not only increase individuals' self-reliance but help to provide skills that the economy needs.

The UK has the lengthiest restrictions in Europe on people seeking asylum gaining the right to work. Spain, the Netherlands and even the USA allow work after six months; in Germany and Switzerland, it is three months; in Canada, asylum seekers can find work from day one. In this country, asylum seekers must wait a minimum of 12 months before they are given the right to work. There is public support for looking at asylum seekers' right to work more holistically and in a way that better respects their human dignity. Will the Minister commit to a review of government policy and allow all people seeking asylum and their adult dependants the right to find a job and support themselves?

The *Not Seen, Not Heard* report illustrates the effects on women of being left in poverty. They are often forced to stay in situations of domestic abuse as they do not have the resources to support themselves or their children independently. A significant longer-term barrier to work for many people seeking asylum, and another which disproportionately affects women, is a dearth of free and accessible classes in English for speakers of other languages, commonly referred to as ESOL provision. Even where it is available, too often women are unable to access it due to inadequate or non-existent childcare.

According to recent research carried out by Refugee Action for its report *Turning Words into Action*, more than 75% of parents said that lack of childcare had prevented them attending English lessons. Resources must be made available to address such impediments to learning. How can we expect people to integrate if we fail to support them to learn English? The Refugee Action report showed that in England government funding for ESOL suffered a shocking real-terms cut of almost 60% in a decade. More comprehensive strategies for ESOL exist in Northern Ireland, Scotland and Wales. It is entirely unacceptable for the quality of English language teaching for refugees and asylum seekers to depend on what part of the UK they happen to be in.

The Government's 2018 *Integrated Communities Strategy* Green Paper contained welcome proposals and acknowledged the vital importance of English for integration, while last year's immigration White Paper committed to,

"an ambitious and well-funded English language strategy to ensure that everyone in this country, especially those with newly recognised refugee status, are supported to speak the same language".

Someone should tell that to Boris Johnson who, only three days ago, demanded that immigrants should learn English to integrate better. His ignorance would be amusing if this was not such a serious issue. Mr Johnson should look no further than the Governments he has been part of, who have presided over a cut in ESOL funding from £212 million in 2008 to just £105 million last year. If he does realise his life's ambition to be Prime Minister, it will be instructive to discover whether he remembers his demand and whether he will put money where his mouth was to help bring it about.

Leaving people isolated without the ability to speak English can have a detrimental effect on their mental health and well-being. Preventing them taking up employment forces them closer to destitution and towards the shocking living conditions laid out so starkly in Project 17's report. As that report makes clear, because families are offered insufficient financial support due to their immigration status, children are bearing the brunt, too often living in abject levels of poverty. By their inaction, the Government are flouting their commitments to children under the UN Convention on the Rights of the Child.

I have highlighted two areas that could improve the lives of many people: granting asylum seekers the right to work and increased and accessible provision of ESOL and childcare. However, these issues are part and parcel of the same policies that are punishing children from families with no recourse to public funds. Urgent action is needed from the Government to reform our inhumane immigration system. I look forward to hearing from the Minister what steps are to be taken to achieve the crucial changes that

would improve the lives of so many. Adopting the recommendations of Project 17's excellent report would be an effective start.

7.24 pm

Lord Roberts of Llandudno (LD): My Lords, this is not the first time the Minister and I have discussed the issues raised in this debate. This is about trying to come to an understanding that is humane, kind and caring.

My predecessor from the same area of north Wales was David Lloyd George. One of his best-remembered comments, made after the First World War, was that we must build,

"a fit country for heroes to live in".

That is not what I want. I want a world fit for children to live in, a world where the UN Convention on the Rights of the Child is respected in all parts. We talk of so many people who, because of various circumstances, do not receive this care. This could be because of famine, disease, conflict, poverty and so much else. I think the UN's latest figure was that about 66 million people are in some sort of statelessness. There are nearly 100,000 unaccompanied children in Europe alone. I would love to say that we can resolve all these problems and help every child, but we do not have a magic wand. However, we do have the ability to remove many obstacles and transform the world of thousands of children.

On a worldwide scale, in the last two months, the conflict in Syria has led to 544 deaths, 100 of which were children. In the same area, unregistered migrants in Turkey have been rounded up and many have been returned to areas where death is a great possibility. On the other side of the Atlantic, on the Mexico-United States border, we have pictures of a little girl drowning in her father's arms and we read of the President's intention to round up unregistered immigrants. We already have disturbing reports of detention camps with no bedding or washing facilities, where children are separated from their families and sleep on concrete floors. Some have compared these camps to concentration camps. We must be in contact with the United States authorities to bring an end to such terrible conditions.

But would the UK treat its asylum seekers any better? If we distance ourselves from Europe and co-operation with European countries, will things be better? If we give up our co-operation with countries such as Italy, Greece and France, will conditions improve? Will the kids have a better life? Will the Minister tell me how? How will Brexit improve the condition of unaccompanied children in Europe? Will things improve in any way, or will Brexit just make matters more difficult? How will Brexit affect the work of the churches, especially the Catholic Church, and their pan-European activity to help refugees? There are many other organisations which deserve the most wonderful praise for all the work they are doing. They know no borders, but the UK is now guilty, with the whole attitude of the hostile environment, of digging ditches instead of building bridges. We are doing something that in itself will cause children to suffer.

The worst suffering of children was probably during the last world war. Yad Vashem in Jerusalem commemorates the atrocities. Some 6 million Jewish people were exterminated, including nearly 2 million children. At the memorial, you go into a dark tunnel and there are lights, each of which represents a child, and their names are read out. It is terrible that the world has treated its children this way. I pray, "Father, forgive" when I think of so much that has happened. The whole situation is one that we must avoid in the future, as one part of our political establishment seeks to divide, rather than unite and co-operate. We must look at the Home Office, and the decisions that create heartache when families are threatened with deportation. Even though I have been promised changes, the latest figure is that over 50% of Home Office decisions are overturned on appeal. This must cause great sadness, even to kids, who wonder what is happening, who at school are asked, "What does your father do?", and say, "He's not allowed to work. He's got to be here 12 months. He might be able to work then". They come into school knowing they have no money to go on trips and no clothes that could be described as their best.

I brought this up 10 years ago, and I say this directly to the Minister: what difference would it make if people were allowed to work after three months instead of after 12 months? I want her to answer that tonight. What difference would it make? People who work have dignity, they have funds, they have opportunity and hope, yet the Government insist that they will not be allowed to work until they have been here for 12 months. I sometimes work very hard with the Citizens of the World Choir. It is made up of refugees and friends: there are about 40 or 50 refugees there, from about 26 countries. They sing together, they work together and they hope together. Last week was a great week for the choir, because two members had leave to remain. There was jubilation in that rehearsal room, because they had a bit of hope to share. The first thing that the girl said was, "Now I can work". She did not want to sponge or to undermine anything the Government were doing. She wanted to work. So many of them are able—they have qualifications, they are nurses, doctors and teachers—and they are being denied the right to become the sort of people who have the respect that their status deserves.

I ask the Minister, from the bottom of my heart: will she, for once, meet me to discuss this? We have a promise to meet, but that is about another case. Somehow, we must restore people's dignity. We can, and it will not cost us a penny. We would benefit, because they would pay taxes and national insurance contributions. Will the Government now please change their attitude? We need a change in immigration regulations, a change that would transform lives. There is so much that we could do. We could remove the threat of deportation on reaching 18 years of age. We could restore legal advice to those who have nowhere else to turn, and at the Home Office, we could avoid these wrong and heart-breaking decisions. A positive outlook and a generosity of spirit could help build that world fit for children to live in. We can take positive steps. Why are this Government not doing so?

7.34 pm

Lord Russell of Liverpool (CB): My Lords, it is a great pleasure to follow the noble Lord, Lord Roberts. I must confess that there was a point, about three minutes

[Lord Russell of Liverpool]

ago, when I hoped beyond hope that he would go into song and sing about these refugees and these children. Perhaps that should be for another time; I am not sure what it says in the Chamber handbook about the appropriateness of that. I thank the right reverend Prelate the Bishop of Durham for initiating this discussion, and declare an interest as a governor of Coram, which has among its many activities dealing with children—with whom this report is concerned—the Coram Children's Legal Centre.

I commend Project 17 on a timely and truly shocking report. Noble Lords do not need to read the whole thing; the conclusions and recommendations on pages 44 and 45 are hard-hitting, painfully clear and, for me, and I suspect for many others who care deeply about the welfare of children, a source of deep shame and embarrassment. Our excellent Library briefing moves sequentially from the Project 17 report at the beginning seamlessly into the Government's overview of the Immigration Act 2016, and there, at the bottom of the first page, the Government state:

"The act will restrict the support we give to people whose claims for asylum have been unconfirmed"—

note that, "unconfirmed"—

"and their dependants … We are also simplifying"—

why do I want to reach for a hard hat whenever I read "simplify" in a government document?—

"the basis on which local authorities in England can support migrants without immigration status. We will continue to meet all of our obligations towards asylum seekers, refugees and children, but equally we should be expecting illegal migrants to leave the UK rather than providing access to support".

Then, at the bottom of page 2, the Government state that,

"the costs of implementing measures in this act are compensated by the benefits".

The then Immigration Minister, James Brokenshire, described the Immigration Act as a Bill that,

"will build an immigration system that truly benefits Britain".

If you read this report, one of a sorry procession of reports and stories continuously eroding public confidence in the Home Office and in our whole approach to immigration—let alone how we choose to treat certain children—it is hard not to be moved and hard to resist the temptation to become intemperate, and even indignant. What a huge irony it is that our outgoing Prime Minister, who devoted so much time and effort to achieving her breakthrough Modern Slavery Act, should also have presided over a Home Office that has evolved and instituted a barrage of initiatives that have created an environment in which it appears that some Home Office officials feel empowered to apply a form of modern slavery to those they view potentially as illegal immigrants—both adults and their children.

I suspect that, like me, many noble Lords have genuine sympathy for the Minister—and the Minister who sits beside her—who has had to stand again and again at the Dispatch Box and explain what so often appear the unintended consequences of ill-thought through and poorly executed initiatives and regulations. It is interesting to note the body language of her predecessor, the noble Baroness, Lady Manzoor, whom I have seen around the House. All I will say is that her facial expression and body language make me feel that a very large weight has been lifted from her shoulders. She seems an awful lot happier. I have not asked her, but that is what I imply.

Windrush has become shorthand for what appears to many outsiders an endemic and institutional failure of the moral compass that is so vital to ensure that there is an appropriate social, judicial and responsible culture in the Home Office. I was talking earlier today to a noble Lord who shall remain nameless but with whom I share an office—so noble Lords can look that up and work it out. He was the head of another government department, not the Home Office. I asked him whether what has been going on in the Home Office was unusual and particular. He assured me that it was not at all unusual, and that it was the department of all departments where one spends most of one's time firefighting, standing at the Dispatch Box unexpectedly and having to defend things that probably one had never heard about until about eight hours previously. So apparently this is business as normal—but the fact that it is business as normal does not make it morally acceptable.

I cannot even begin to imagine what it must feel like to work in some of the units on the front line, whether in the Home Office or in the local authorities to which our current legislation delegates so much of the nitty-gritty detail that can have a profound and sometimes devastating effect on the children whose voices we hear in the Project 17 report. Should the Minister remain in her post, I will give her due warning. I had a discussion yesterday with the noble Lord, Lord Porter, who stepped down from his chairmanship of the Local Government Association on Monday, having devoted the preceding three years to a very successful campaign focused on social care that resulted in a series of initiatives, including the report of the noble Lord, Lord Forsyth of Drumlean. After this campaign the issue appears to be firmly on the political agenda. My warning to the Minister is: guess what the LGA's next campaign will be? It will be to focus on the interaction between local authorities and the children they are asked to look after. So the Minister is warned: this is coming quickly down the road.

I appeal to the Minister to consider the following questions. Does she genuinely feel that the hostile environment has been helpful and, more importantly, effective? Have the Government done any detailed analysis to measure whether it has been successful? Does she genuinely believe that she can uphold the UK's duties to children while presiding over a policy that denies some of them access to services and leaves some of them in destitution?

In preparing for this debate, I entered the terms "Home Office" and "Children" into a search engine. The results were sobering and shocking. One could try to explain them away by citing biased algorithms, but I think we all know that the excuse will not wash. So I appeal to the Minister, to her senior officials, to her ministerial colleagues and, perhaps most importantly, to her conscience to listen to the voices of these children and then reflect deeply on the policies that appear to be having such a defining and negative impact on their lives. I contend that the legal status of parents should have no bearing whatever on how their children are treated.

7.43 pm

Lord Paddick (LD): My Lords, I am grateful to the right reverend Prelate the Bishop of Durham for this debate and for the contributions of other noble Lords this evening—and to Project 17 for highlighting the implications for children of the Government's immigration policy.

I appreciate that this is a difficult situation for the Home Office and for local authorities. I have to take issue with Project 17's report, which refers to:

"The government's commitment to creating a 'hostile environment' for migrants".

It was supposed to be about creating a hostile environment for illegal migrants, not all migrants. However, the reality is that the Government have created a hostile environment for all undocumented migrants.

I do not know whether the Minister will repeat what she has said on previous occasions. To be honest, I am not concerned about whether the hostile environment began under a Labour, coalition or Conservative Government, nor whether the new term "compliant environment" is simply a new label for the same culture or a genuine attempt to change the culture at the Home Office. As anyone who has studied business management will tell you, culture is the most difficult aspect of any organisation to change, and the evidence suggests that the culture at the Home Office continues to be one of deporting given the slightest discrepancy in an undocumented migrant's application, and of imposing no recourse to public funds where the Home Office is unable to deport them. As my noble friend Lord Roberts of Llandudno said, one piece of evidence that the culture still exists is the fact that more than 50% of appeals against Home Office immigration decisions are successful.

I fully accept that the Government cannot allow unfettered access to the UK to all who want to come here, and that there must be rules on immigration and thorough investigations into whether an undocumented migrant meets those rules. But surely any civilised society should provide whatever means are necessary to establish the truth of an application, and should provide a reasonable standard of living while that truth is determined.

This is not about relaxing the Immigration Rules to allow anyone into the country. This is about providing a fair system that allows equality of arms to the applicant and the Home Office and does not lean on the applicant, the applicant's family and, most of all, the children in the hope that they will give up and leave.

As the report clearly shows, the in many cases devastating consequences for the children caught up in these cases are a result of the Government's approach and the Home Office's culture of, "If in doubt, deport—or, if you can't deport yet, make it so difficult that they'll want to leave". This report is about the symptoms of immigration policy. We need to address the causes.

These children are the innocent bystanders in the battle between their parents and the Home Office, and the safety net of Section 17 of the Children Act 1989 is giving way because of the financial strain that is being put on local authorities by cuts in the central government grant. In the same way that the Home Office is under pressure to reduce net migration—from the likes of the Brexit Party, UKIP or whatever the latest incarnation of xenophobic, right-wing populism is—local authorities are under pressure to reduce expenditure in every department because of a lack of funding.

Of course, it is grossly unfair that children should be treated in this way—but by the same token we do not want to differentiate between those seeking permanent leave to remain who have no children and those who have. If in every case applicants were treated fairly and supported for however long the Home Office took to decide on permanent leave to remain, the issues in this report would not arise.

Perhaps I am being cynical. In the equation of, "How many votes will this policy win us and how many will it lose us?", the cost-benefit analysis of supporting and being decent to undocumented migrants may well come out as a negative. And, of course, none of those involved—applicants and children—has a vote. It is therefore not just the children who are not seen and not heard but the undocumented migrants as well who have no voice.

That may be one reason why the Liberal Democrats are not the most popular party. We believe in the dignity and well-being of individuals, no matter who they are or where they come from. That is why we believe that asylum seekers should be able to work if the Home Office has been unable to resolve their case within six months, so that they can support themselves and their family without having to rely on the state, as the noble Lord, Lord Watson of Invergowrie, and my noble friend Lord Roberts said. But during that six months, or for however long the Government decide to deprive them of their ability to support themselves, they and their children must, at the very least, be given a home, enough to eat and enough to live a decent life. As the right reverend Prelate the Bishop of Durham said, at the moment the system is trapping many in destitution.

Noble Lords will be familiar with the saying attributed to Benjamin Franklin:

"That it is better 100 guilty Persons should escape than that one innocent Person should suffer".

Surely it is better that 100 applicants should exploit the system than that one innocent child should suffer.

7.50 pm

Lord Rosser (Lab): My Lords, I add my thanks to those already expressed to the right reverend Prelate the Bishop of Durham for securing this debate and, in so doing, drawing attention to the Project 17 report of February this year on children's experiences of the hostile environment. I will confine my comments to the issue of the migrant children on whom the report concentrates, although I agree with the wider but highly relevant points made by other noble Lords in this debate, not least those made by my noble friend Lord Watson of Invergowrie. The title of the debate seeks the Government's assessment of the report; no doubt that will come when the Government respond.

Project 17 works with migrant children whose families have no recourse to public funds, due to their parents' immigration status. This means that their families are

[Lord Rosser]

unable to claim the main welfare benefits or access social housing. Instead, due to their extremely adverse financial position—otherwise known as destitution—they have to seek further support under Section 17 of the Children Act 1989. Some families affected have a legal right to remain in the UK but nevertheless have a condition attached to their leave to remain, preventing them accessing public funds. Some families are seeking to establish and regularise their immigration status in the hostile immigration environment to which the title of the Project 17 report refers.

Section 17 of the Children Act 1989 places a duty on local authorities to safeguard and promote the welfare of children "in need" in their area. The Project 17 report indicates that just under 6,000 children from families with no recourse to public funds across England and Wales received Section 17 support—I think that was in 2012-13. The report goes on to say that children in such families grow up in exceptional poverty and are at risk of homelessness, exploitation and abuse. Continuing, the report states:

> "The government's commitment to creating a 'hostile environment' for migrants trumps its commitment to children's rights, rendering the children in destitute migrant families 'second class citizens'".

With the arrival in office of the current Home Secretary, the Government sought to rebrand the openly declared and increasingly hostile environment policy of his two predecessors in that office. This report, however, indicates that rebranding a policy by giving it another name—a name which I imagine few apart from the noble Lord, Lord Paddick, can now remember—alters nothing when attitudes and culture on immigration issues appear to have remained as they were under the two previous Home Secretaries.

Responsibility for supporting children living in families with no recourse to public funds rests with local authorities, which themselves have been subjected over the last 10 years to savage reductions in funding from central government. The result has been inevitable: local authorities have sought by one means or another, as they have in many other spheres of activity, to cut back on support for the children who we are discussing to match expenditure to their heavily and deliberately reduced income. The report states that the financial support provided to families under Section 17 is often well below asylum support rates under the Immigration and Asylum Act, which is the minimum that the Home Office views as required to avoid a breach of the European Convention on Human Rights, and which case law suggests is the minimum a local authority is required to pay under Section 17. As a result, the report says that many families are unable to afford basic necessities such as enough food, clothing—including for school uniforms—and transport.

However, the impact goes further since the report points out that there can be an emotional impact on children in this position as they are left feeling socially isolated, distressed, ashamed and unsafe. This includes children who in a great many cases were born in this country and have spent their lives here; children who in a great many cases are British citizens; and children who are likely to become British before they reach adulthood. I certainly do not suggest that this has been a deliberate objective, but other government policies have also had an adverse impact on children and their future prospects in life. Two examples are the attack on the number, and level of service, of Sure Start centres by reducing the funding available to local authorities under the prolonged and still-continuing austerity programme of choice, not necessity, and the increased criminalisation of children as a result of the government-induced funding shortfall in children's social care and the prolonged austerity programme of choice, which has led to a reduction of some 20,000 in the number of police officers.

The Government's standard answer about services dependent on local authority funding is that it is up to local authorities to determine their priorities and that if they do not provide sufficient funds to adequately source a demand, that is entirely their responsibility and nothing whatever to do with central government. We will wait to see whether that is once again to be part of the Government's response to this debate tonight. If it is, that is a thoroughly unprincipled response when coming from a Government who, over the last 10 years, have cut back heavily on the financial resources available to local authorities without comparably reducing their responsibilities. Indeed, on some matters local authorities have been given expanded or additional responsibilities. Local authorities are now in a situation where the funding they have been left with is just plain insufficient to enable them to deliver properly on all the priorities that they are still either required or expected to deliver, including the priority of the children who are the subject of the Project 17 report.

The report makes a number of recommendations directed at local authorities, which relate to how assessments should be made and determined; the level of financial support; the provision of information about how it is calculated; and the suitability and location of accommodation. The more telling recommendations, however, are directed at central government. These include: that local authorities should be sufficiently funded by central government to meet their duties under Section 17; that the Home Office should not apply the "no recourse to public funds" condition to individuals granted leave to remain on human rights grounds; that the Government's 30-hours free childcare scheme should be made available to families with no recourse to public funds; and that legal aid should be reinstated for individuals applying for leave to remain on the basis of family or private life.

A number of challenges and questions have been raised with the Government in this debate on the impact of their policies on the issue we are discussing, which the Project 17 report highlighted. It is now for the Government to give their response to these challenges and questions, not least those raised by the right reverend Prelate the Bishop of Durham. That government response could of course demolish, or largely demolish, much of the case made in the report, depending on the strength of the case that the Government present as their assessment of it. But if the government response does not do that, we need to ask ourselves whether what government policy has apparently done, according to the Project 17 report, and is doing to the children in question does or does not reflect the true British value of decency and the British sense of justice and fair play.

7.59 pm

The Minister of State, Home Office (Baroness Williams of Trafford) (Con): My Lords, I thank the right reverend Prelate the Bishop of Durham for securing this important debate. All children should have access to the support that they need to keep them safe and well, regardless of their immigration status. The Project 17 report, which is the subject of this debate, concentrates on local authority support provided for families with "no recourse to public funds" under Section 17 of the Children Act 1989. In particular, it focuses on those families who are destitute because they cannot claim benefits, or access social housing, due to their immigration status. These families turn to local authorities for support under Section 17. It might be helpful if I set out the main points of the Government's position, as approved by Parliament, when it comes to no recourse to public funds, and then move on to address the recommendations in the Project 17 report that are for central government. I cannot do the latter without including local authorities, which are faced with the challenge of making these assessments and providing support of the right kind when it is required. Quite often local authorities are supporting children at a time when things in their parents' lives are not as they should be, including the parents' immigration status. It is therefore important to recognise the priority placed by local authorities on the performance of their duties under the Children Act. These and other measures are vital in ensuring that children have their needs met, regardless of their parents' status. I note the point made by the noble Lord, Lord Russell, about the LGA's next campaign.

The Government's position on no recourse to public funds is simply that those seeking to establish their family life in the UK must do so on a basis that prevents burdens on the taxpayer and promotes integration. I stress that this position has been approved by Parliament in primary legislation, most recently in the Immigration Act 2014. The noble Lord, Lord Roberts of Llandudno, and other noble Lords, might like to note the date. To address the point made by the noble Lord, Lord Watson of Invergowrie, successive Governments have adopted the general position that persons subject to immigration control should not be entitled to access public funds until they have obtained indefinite leave to remain, reflecting the strength of their connection to the UK. There are, of course, exceptions for certain groups, such as refugees granted temporary leave to remain for a period before they qualify for settlement.

On that basis, no recourse to public funds is a standard condition applied to those staying here with a temporary immigration status. It protects our public funds, which need to be allocated in a fair and rational way, and which are never quite as limitless as people might wish. To balance this, and to provide for exceptions, we have laws which allow for needs to be met, particularly among children and the vulnerable. These too, and the resources involved, need to be applied in a fair, consistent and rational way. For those with a right to remain here established on a human rights basis, no recourse to public funds is a standard condition. It can be lifted, but only on the basis of a personal application. These requests receive careful consideration in the light of the applicant's circumstances and the welfare of any children involved. This is not the case for those who have been refused leave to remain in the UK and whose appeals have been turned down by the courts. Those individuals are expected to leave the UK and are not eligible for support from public funds. This is an obvious and essential requirement of immigration control.

However, there are sometimes barriers to individuals leaving the UK; for instance, the difficulty of obtaining documentation from their own national authorities. Parliament has accepted that, as a result, they may qualify for local authority support, where this is necessary to avoid breaches of human rights obligations, and where children are involved. This is the main group brought to our attention by the Project 17 report. The Government's view is that the right legal framework exists for providing them with support. This reflects that for those with no right to be here the support is available if it is necessary to avoid a breach of their human rights. Underpinning this, support can also be provided under Section 17 of the Children Act when the specific needs of the children of the family call for such supportive intervention. Therefore, families with no recourse to public funds due to the lawful operation of immigration control can still be supported by local authorities when their individual circumstances and the needs of their children require this. Decisions on providing this support are made locally, by the individual local authority concerned.

Therefore, while the Government maintain their position on lawful residence, and that family migration should not create burdens on the taxpayer, various provisions work together so that support can be provided to families in genuine need. Essentially, this can happen in one of three ways. First, asylum-seeking families with children can receive support under Section 95 of the Immigration and Asylum Act 1999 if they cannot provide for their own needs. Secondly, individuals and families with children may also be granted access to public funds by the Home Office, following a request for this, where there are compelling circumstances relating to destitution, the welfare of a child or exceptional financial circumstances. Thirdly and finally, local authorities can also provide basic safety-net support to families with children, using their own powers.

The Government recognise that local authorities are delivering in a challenging environment and have had to make difficult choices as they work to meet the needs of the most vulnerable while balancing the books. The noble Lord, Lord Rosser, referred compellingly to this. A further £410 million has been allocated in 2019-20 for local authorities to invest in adult and children's social care services. This is on top of the forecast core spending power of £46.4 billion available to local authorities this year. Free school meals are available to disadvantaged families in receipt of certain benefits. Eligibility can include those granted refugee status and children of immigrants and refugees who are receiving support under Part VI of the Immigration and Asylum Act 1999. The Home Office is also able to exercise discretion to grant recourse to public funds where the family would otherwise be destitute, and this can lead to the child becoming eligible for free school meals, depending on the benefits involved.

[Baroness Williams of Trafford]

The noble Lord, Lord Rosser, asked about childcare, because the Project 17 report recommended that 30 hours of free childcare should be made available to families with no recourse to public funds. That scheme is intended to help parents undertake paid work or work more hours if they wish and to support working parents with the costs of childcare. A range of free early education entitlements are available to support young children's learning and development. All three and four year-olds, regardless of their or their parents' immigration status, are entitled to 15 hours a week of free early education for 38 weeks of the year until they reach compulsory school age. Free early education is also available to some disadvantaged two year-olds, including looked-after and adopted children, those with an education, health and care plan, and children from families who are receiving support under Part VI of the Immigration and Asylum Act 1999. I noted with interest the point made by my noble friend Lord Moynihan about mental health and education and the Green Paper on children's mental health. I agree with him on the importance of maintaining good mental health through education. If I can, I will write to him on the Green Paper.

I also note, and support, the point made by the noble Lord, Lord Watson of Invergowrie, about the importance of the English language for integration; it is vital. As he said, it is also vital for seeking work and contributing to the economy. Most noble Lords, including the noble Lords, Lord Roberts, Lord Paddick and Lord Watson, talked about asylum seekers not being able to work. Asylum seekers are supported by the Home Office while their applications are being resolved. Although it is right that they should not access the labour market during this time, they are not being required to live without adequate support. The support has been approved by the courts. They are able to work after 12 months if their application is not resolved, and most are resolved within that time. Successful asylum seekers are of course entitled to work. Those who are not successful are not entitled to work, but support is not withdrawn if they have children.

The right reverend Prelate the Bishop of Durham asked what data is currently collected on the number of children affected by this. Local authorities keep data on the number of migrant families they support, and this includes the number of children. The data can be obtained from the NRPF Connect database owned by the local authority. The impact is mitigated by a combination of measures: principally, it can be lifted because of the needs of children following an application from their parents. This is rational and fair. He also asked me whether, if people are legally here, we should support them. Successive Governments have maintained that access to public funds should be at the point of permanent residence.

I must respond on the phrase "hostile environment". I have said before that it was coined under Alan Johnson and the term was stopped under my right honourable friend the Home Secretary. The noble Lord, Lord Paddick, is absolutely right that the very term goes to the culture of the department in question, and I hope that under my right honourable friend, myself and other Ministers—

Lord Roberts of Llandudno: My Lords—

Baroness Williams of Trafford: I am not going to allow the noble Lord to intervene, because I have six seconds left, but he talked about the plight of children around the world and I want to make one point before I finish. In terms of Europe, through the national resettlement schemes we have resettled more people than any EU state: 9,500 UASCs have been resettled since 2016 and 36,500 children have been granted our protection since 2010. To make the analogy with Yad Vashem is absolutely—I cannot see how that analogy can be placed at the feet of this Government. This Government and this country have provided a very welcoming environment for people who have needed our protection over the years.

I think I have addressed the point made by my noble friend Lord Moynihan, so I thank all noble Lords for taking part in this debate.

8.12 pm

Sitting suspended.

Northern Ireland (Executive Formation) Bill

First Reading

10.46 pm

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

House adjourned at 10.47 pm.

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