Vol. 811
No. 205

Wednesday
17 March 2021

PARLIAMENTARY DEBATES
(HANSARD)

HOUSE OF LORDS
OFFICIAL REPORT

ORDER OF BUSINESS

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

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

This issue of the Official Report is also available on the Internet at
https://hansard.parliament.uk/lords/2021-03-17

In Hybrid sittings, [V] after a Member's name indicates that they contributed by video call.

The following abbreviations are used to show a Member's party affiliation:

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

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

House of Lords

Wednesday 17 March 2021

The House met in a hybrid proceeding.

Noon

Prayers—read by the Lord Bishop of Winchester.

Arrangement of Business

Announcement

12.07 pm

The Senior Deputy Speaker (Lord McFall of Alcluith): My Lords, the Hybrid Sitting of the House will now begin. Some Members are here in the Chamber, others are participating remotely, but all Members will be treated equally. I ask all Members to respect social distancing. If the capacity of the Chamber is exceeded, I will immediately adjourn the House.

Retirement of a Member: Lord Walker of Gestingthorpe

Announcement

12.08 pm

The Senior Deputy Speaker (Lord McFall of Alcluith): My Lords, I should next like to notify the House of the retirement, with effect from today, of the noble and learned Lord, Lord Walker of Gestingthorpe, pursuant to Section 1 of the House of Lords Reform Act 2014. On behalf of the House, I should like to thank the noble and learned Lord for his much-valued service to the House.

Oral Questions will now commence. Please can those asking supplementary questions keep them no longer than 30 seconds and confined to two points? I ask that Ministers' answers are also brief.

Drug-related Mental and Behavioural Disorder Hospital Admissions

Question

12.08 pm

Asked by ***Lord Farmer***

To ask Her Majesty's Government what assessment they have made of the 21 per cent increase in hospital admissions for drug-related mental and behavioural disorders since 2009/10; and what action they intend to take as a result of any such assessment.

Baroness Penn (Con): My Lords, in 2019-20 there were 7,027 admissions for drug-related mental and behavioural disorders. Admissions were 5% lower that year than in the previous year and 18% lower than at their peak in 2015-16. The factors driving changes in this data are complex. None the less, admissions are too high and the Government are committed to further progress in reducing them, including through increased funding for drug treatment and mental health services and improving co-ordination between their provision.

Lord Farmer (Con): My Lords, I thank my noble friend for her Answer. Cannabis use does not just lead to mental ill-health and behavioural disorders; it is also contributing to the existential threat that is falling fertility levels and particularly falling sperm counts across the western world. Do the Government recognise the seriousness of these outcomes from recreational drug use and will they factor them into policy decisions, rather than being deterred by liberal individualism?

Baroness Penn (Con): My Lords, any illegal drug use, including use of cannabis, can be harmful both from immediate side-effects and from long-term physical and mental health problems. It can, for some, have a negative impact on fertility. Cannabis is classed as a class B drug, which is a matter for the Home Office, but there are no plans to change that classification.

Lord Davies of Brixton (Lab) [V]: Look, my Lords, there is no great mystery: people with mental health problems have seen their community services reduce over time, which means that there is an inevitable increase in admissions to hospitals under a section of the Mental Health Act. The promised reform of the Mental Health Act might help and will be welcome in any event, but it is obvious that more resources in community support are needed to prevent admissions, as well as an increase in the numbers of skilled professionals to provide the therapy. What is the Government's plan to improve these mental health services outside hospitals and where are the necessary resources?

Baroness Penn (Con): My Lords, the Government are committed to increasing resources for drug treatment services in England next year and we have put in an extra £80 million for that. That will fund, among other things, additional in-patient detox beds. We are also committed to increasing the resources that go into mental health treatments through the NHS long-term plan.

Lord McCrea of Magherafelt and Cookstown (DUP) [V]: My Lords, with the number of people across the United Kingdom suffering from drug-related mental and behavioural disorders at a serious level, what education awareness or other preventive measures are the Government providing to stem the tide of drug-related illnesses? When will adequate mental health resources be made available? What percentage of those admitted to hospital with these illnesses are readmissions?

Baroness Penn (Con): My Lords, one of the complexities in the data that I referred to is that we do not know whether the increase in admissions relates to different people being admitted each time or multiple readmissions among people with drug misuse problems and mental health issues. On education, Public Health England's Rise Above social marketing campaign aims to equip 11 to 16 year-olds with the skills required to reject or manage risky behaviours, including taking drugs. Talk to FRANK is the Government's drugs information and advice service, which provides information and advice to young people and parents to help to protect children from drugs and/or alcohol misuse.

Baroness Stroud (Con) [V]: My Lords, a recent report from the Centre for Social Justice found that the number of young people in treatment for drug and alcohol dependency had dropped by 35% since 2009. It is accepted, however, that this cannot be explained by differing consumption levels. Since 2014, approximately 30 residential rehabilitation centres have been forced to sell assets to survive public funding cuts. What assessment, if any, have the Government made of the CSJ report recommendations, including returning funding to the sector to at least the levels of 2012 and the creation of a prevention and recovery agency for the formulation of an addiction strategy?

Baroness Penn (Con): My Lords, to address this, we have asked Dame Carol Black to complete part 2 of a review of drugs to look at treatment for people with substance misuse problems. As I said earlier, we have increased the funding for drug treatment services in England next year, including for additional in-patient detox beds.

Baroness Barker (LD): We now have several reports showing that LGBT people have a greater than average incidence of mental health and substance misuse problems. Yet there is no mention of this community in the latest mental health proposals and a complete absence of any mention of this group of people in the NHS plan. What will the Government do to make the leadership of the NHS stop ignoring this particular bunch of taxpayers?

Baroness Penn (Con): My Lords, in April 2019, we appointed Dr Michael Brady as the first national adviser on LGBT healthcare, and we also had the £1 million LGBT health and social care fund to tackle health inequalities experienced by LGBT people. Projects funded by that initiative included Advonet, which developed a self-advocacy course for LGBT people with mental health issues, and training by the Royal College of General Practitioners for GPs and surgery staff on LGBT health and inequality.

Baroness Eaton (Con) [V]: My Lords, can the Minister confirm that there will be an advertising campaign highlighting how recreational cocaine use destroys the lives of vulnerable young people because of county lines activity? Can she ensure that the campaign includes cannabis and skunk use, not least because of the mental health harms raised by my noble friend, which we as a nation are increasingly concerned about?

Baroness Penn (Con): My Lords, there are the two educational campaigns that I have already referred to: PHE's Rise Above social marketing campaign and Talk to FRANK. My noble friend mentioned county lines activity, which is of great concern to the Government. On 20 January, we announced £40 million of dedicated investment to tackle drug supply and county lines and to surge our activity against these ruthless gangs.

Baroness Boycott (CB): My Lords, alcohol is by far and away the most common and popular drug, yet 9% of people with alcohol dependence account for 59% of alcohol-related admissions to hospital, which take up 1.4 million beds a year. This seems a shameful waste of resources and source of human misery. Can the Minister assure me that the detox beds are only a part of the solution, as just taking someone away from alcohol for four days will not be a long-term solution?

Baroness Penn (Con): Absolutely. Part 2 of Dame Carol Black's review of drugs, which should report to the Government shortly, is expected to include recommendations on what can be done nationally and locally to tackle drug and substance misuse and the support needed for those who face addiction and mental health issues.

Baroness Thornton (Lab): My Lords, in 2019, five out of 12 English regions did not have a doctor training to specialise in addiction psychiatry. Indeed, funding for addiction services in England fell by 29% in real terms from 2013 to 2020—and we can add to that the fact that virtually all services and treatments available have been disrupted by the Covid-19 epidemic. Do the Government have a plan to address the regional disparities of drug misuse and drug-related mental and behavioural disorders?

Baroness Penn (Con): My Lords, the noble Baroness is absolutely right that we need to do more in this area and that Covid has made it harder. That is one reason why the Government have announced an additional £500 million for 2021-22 to support NHS mental health services to recover from the pandemic, address wait times and invest in the NHS workforce.

Baroness Janke (LD) [V]: What plans do the Government have to address the shortfall in supported housing for vulnerable people, such as recovering drug and alcohol users and people with mental health issues?

Baroness Penn (Con): My Lords, the Government are committed to putting more funding into both the provision of more affordable housing and more social housing, which will help to address these issues.

Lord McColl of Dulwich (Con) [V]: The long-term use of cannabis and high-strength cannabis contribute a great deal to diseases of the mind and the brain. Have their effects been factored into social care and dementia strategies and the long-term NHS plans? Can the Minister elaborate on that?

Baroness Penn (Con): My Lords, one challenge among drug treatment services is an ageing population for certain drug users. I will certainly take my noble friend's point away and write to him with any further details.

The Senior Deputy Speaker (Lord McFall of Alcluith): My Lords, the time allowed for this Question has elapsed.

Taskforce on Innovation, Growth and Regulatory Reform

Question

12.19 pm

Asked by ***Lord Hendy***

To ask Her Majesty's Government whether the terms of reference of the Taskforce on Innovation, Growth and Regulatory Reform include (1) reviewing existing employment rights, and (2) making recommendations for reform; whether trade unions will be consulted as part of any such review; and when they expect the review (1) to be completed, and (2) to be published.

The Minister of State, Cabinet Office (Lord True) (Con): My Lords, the terms of reference for the task force have been published on GOV.UK. The task force has been commissioned by the Prime Minister to consider opportunities for regulatory reform independently, and to report to him in April. It is a matter for the task force to decide its focus within its terms of reference, and a matter for the Prime Minister as to whether the report will be published.

Lord Hendy (Lab) [V]: My Lords, I thank the Minister for his Answer. On 19 January, BEIS confirmed that a post-Brexit review of workers' rights was under way; on 25 January, it was confirmed that the plan had been scrapped; on 2 February the task force was announced with a remit to

"scope out … how the UK can take advantage of our newfound regulatory freedoms".

The chronology provokes nervousness but, for the moment, I do not pursue the reduction of workers' rights. Instead, I ask: who outside government is being consulted and when will we see the Government's employment Bill?

Lord True (Con): My Lords, as to the employment Bill, I am not the Minister responsible but I will answer on the matter before the House. I draw the noble Lord's attention to the third part of the terms of reference, which mentions

"maintaining the Government's commitment to high environmental standards and worker protections".

I hope that allays his fears.

Lord Holmes of Richmond (Con): My Lords, the Covid pandemic has affected young people particularly hard in their education and when beginning their careers. To this end, and in terms of "Build back better" and this task force, will the Government put an end to the pernicious practice of unpaid internships? The Prime Minister and the public are in favour of a prohibition. Does my noble friend agree that this would be a clear illustration of levelling up and a labour market that works for everyone?

Lord True (Con): Again, my noble friend asks me a question which goes well beyond my remit in the Cabinet Office. I note and respect what he says. The Government's position is that, for some internships, early years in the labour market can help in securing work and gaining experience. However, he raises important issues. As for the task force issue, that is an independent matter for the task force.

Lord Bilimoria (CB) [V]: The UK has a hard-won reputation, internationally,

"as a great place to set up and scale a business due to its stable and predictable regulatory environment, competitive product and labour markets and dynamic financial sector".

Regarding the Taskforce on Innovation, Growth and Regulatory Reform, does the Minister agree that we should beware of opportunism at the expense of a more strategic approach and that regulation must be in the service of building a competitive, dynamic and future-focused economy, including net zero, digital, R&D and innovation, and life sciences, for example? Does he also agree that with the UK's leadership of the G7 and COP 26, we have a chance to reinforce our commitment to international co-operation on equity standards and burnish our credentials as a leading innovator across international regulatory reforms?

Lord True (Con): I fear I was not able to catch all the matters to which the noble Lord referred. While I do not favour opportunism, I agree that there is great opportunity out there, which flows from the kind of innovation that he describes. Britain certainly intends to be a world leader.

Lord Stevenson of Balmacara (Lab) [V]: My Lords, given the recent Supreme Court decision in the Uber case, does the Minister agree that it is time to unscramble the unnecessary and divisive distinctions still made in statute between workers and employees, and to remove the taxation differences that affect both groups?

Lord True (Con): My Lords, I note the noble Lord's comments and will obviously refer them to the Ministers responsible.

Lord Fox (LD): My Lords, in the terms of reference to which the Minister referred, the aim of TIGRR is to "reduce administrative barriers". Since January, hundreds of thousands of businesses have started to encounter extreme administrative barriers doing things that had previously been seamless. Because of their poor negotiating, the Government have left these businesses—from fishing to cosmetics, advanced manufacturing and food—with miles of new red tape. Does he agree that it is a bit absurd to set up this task force when they have dumped literally container-loads of red tape on British business?

Lord True (Con): Absolutely not, my Lords. Again, the noble Lord does not show the respect due for the decision of the British people to leave the European Union. The reality is that this task force is asked to look at reducing barriers in whatever context, and I draw his attention to great steps forward. For example, there is the trade agreement with Japan.

Baroness Smith of Basildon (Lab): My Lords, in response to three questions today, the Minister has said that he cannot answer because it is not his department. He is no novice at the Dispatch Box. Can I gently

[Baroness Smith of Basildon]
remind him that at the Dispatch Box he answers on behalf of the Government, not just one government department? My specific question is around the task force that he refers to; none of the questions on it should be a surprise to him at all. I have read the terms of reference. They are about business, environmental standards and workers' protection, but the only members of this task force are three Conservative MPs. Does he think it has any credibility when there are no representatives of employers or employees on the task force? Would it not have been better set up as a Conservative Party task force, to report to the leader of the Conservative Party, rather than being able to get Civil Service support when it is clearly just a Conservative Party body?

Lord True (Con): My Lords, I disagree. As to the first part, of course I acknowledge that I answer on behalf of government, but the competence of a Minister to answer on specific questions outside his departmental responsibility is not always the same as that of the Minister responsible. I refer comments on, as I said in another answer. Concerning the second part of the noble Baroness's question, it is entirely reasonable for any Prime Minister to seek blue-sky thinking, and ideas outside and in parallel to the Government. Mr Blair, for example, did exactly that when calling in the noble Lord, Lord Birt.

Baroness McIntosh of Pickering (Con) [V]: My Lords, will my noble friend confirm whether the remit covers the plight of part-time working women, particularly those who work, for example, in supermarkets on zero-hour contracts and who have no rights to paid holidays, sick pay or pensions? What is the value of what would be a worthwhile exercise in having the task force if the results are not to be published?

Lord True (Con): My Lords, I did not say that the results were not going to be published, but that it would be a matter for the Prime Minister whether they will be. That will happen after the report is presented, at the end of April. On the specific issues concerned, as I have said before, I will draw my noble friend's points to the attention to those responsible. I am sure that within the terms of reference it would be open to them to look at some of the issues she describes.

Baroness Wheatcroft (CB) [V]: On 31 January, Sir Iain Duncan Smith wrote in the *Daily Telegraph* that

"Despite what the naysayers have said, their worst predictions have not come to pass—goods continue to flow".

In fact, the ONS reports that exports to the EU were down 40% in January, in part due to the increased regulation brought about by Brexit. Does the Minister believe that Sir Iain Duncan Smith will bring a suitably realistic approach to chairing the task force, rather than the sort of blue-sky thinking in that *Telegraph* article?

Lord True (Con): My Lords, my right honourable friend Sir Iain Duncan Smith has an extraordinarily distinguished record in government in working on behalf of underprivileged people and the poor. I am sure that he will bring a very open mind to this task.

Baroness Clark of Kilwinning (Lab) [V]: I declare an interest in that I am a member of the GMB trade union, which has spent the last five years fighting legal battles on behalf of Uber drivers. The Supreme Court ruled last month that Uber drivers were indeed workers, which means that they are entitled to holiday pay, the minimum wage and all the other benefits of being classified as workers. Does the Minister welcome the Supreme Court's decision and undertake that the Government will bring forward emergency legislation to clarify the position of gig economy workers and address the problem of bogus self-employment?

Lord True (Con): My Lords, again, that goes beyond my specific remit but I will draw my colleagues' attention to what the noble Baroness says. Of course the Government consider with respect any judgment made in the courts. I assure her that among those organisations which I understand the task force has reached out to are trade unions.

The Senior Deputy Speaker (Lord McFall of Alcluith): My Lords, the time allowed for this Question has elapsed.

Sheikha Latifa bint Mohammed al-Maktoum

Question

12.30 pm

Asked by ***Baroness Ritchie of Downpatrick***

To ask Her Majesty's Government what discussions they have had with the United Nations about the reported detention of Sheikha Latifa bint Mohammed al-Maktoum of the United Arab Emirates.

Lord Parkinson of Whitley Bay (Con): My Lords, the UK has no direct involvement in this case, but we are aware of the allegations surrounding Sheikha Latifa bint Mohammed al-Maktoum. The Office of the UN High Commissioner on Human Rights has asked the UAE for further information and for proof of life. We have not had discussions with the UN regarding this, but we are supportive of the Office of the UN High Commissioner on Human Rights and will continue to follow developments closely.

Baroness Ritchie of Downpatrick (Non-Afl) [V]: My Lords, following the public statement last month from the Foreign Secretary that he was looking for proof that Princess Latifa was still alive, could the Minister indicate what evidence the Foreign Secretary has now received in relation to this matter? Have concerns been expressed to the United Arab Emirates over its questionable human rights record and, if so, has there been any particular outcome?

Lord Parkinson of Whitley Bay (Con): My Lords, as my right honourable friends the Foreign Secretary and the Prime Minister have said, this is a concerning case. The Office of the UN High Commissioner on Human Rights has asked for proof of life from the UAE

mission in Geneva. We understand that the UN is yet to receive a reply, but we will continue to monitor developments closely. As my right honourable friend the Foreign Secretary said, we would welcome confirmation that Sheikha Latifa is alive and well.

Baroness Warsi (Con) [V]: My Lords, is my noble friend familiar with the account that was provided last month by Sheikha Latifa about the conduct of Indian armed forces in her capture and forced return to Dubai, including the use of tranquillizers and India's failure to consider her claim for political asylum? What representations have been made to India about its lack of transparency or adherence to international conventions and protocols in its treatment of refugees and asylum seekers?

Lord Parkinson of Whitley Bay (Con): We are aware of the allegations made by Sheikha Latifa to which my noble friend refers. If an incident involved a UK-flagged vessel, it would fall under the UK's jurisdiction under international law. However, this alleged incident did not involve any UK-registered vessels or British nationals, so the UK does not have a direct involvement in this case.

Lord Hain (Lab) [V]: Why has the ruler of Dubai, Sheikh Mohammed, not been prosecuted for kidnapping his daughter Princess Shamsa from UK jurisdiction in Cambridge and for continuing to hold hostage his other daughter, Princess Latifa? Are the Government turning a blind eye to the many cases of flagrant abuse of women in Dubai because Sheikh Mohammed is a close friend and ally of Britain with property here?

Lord Parkinson of Whitley Bay (Con): The noble Lord refers to the case of Sheikha Shamsa. Criminal matters are a matter for the police. An investigation was conducted by Cambridgeshire Constabulary, which is of courses operationally independent, and the Government had no role in that investigation or its outcome. The UK believes that all states, including the UAE, need to uphold international human rights obligations. We have a close relationship with the UAE, which means that we can raise issues where needed.

Baroness Northover (LD): My Lords, the *Integrated Review* says that we will

"shape the international order of the future"

and that global Britain is showing

"a renewed commitment to the UK as a force for good in the world".

Does that include defending the rights of women and girls in the UAE? The Minister appears to be saying that we have not raised this case with the Government of the UAE.

Lord Parkinson of Whitley Bay (Con): My Lords, the *Integrated Review* indeed sets out, as does my right honourable friend the Foreign Secretary's speech today in Aspen, how we want the UK to be a force for good in the world, defending democracy and human rights. In this case, we are raising the matter through the UN High Commissioner on Human Rights and we continue to follow developments closely.

Lord Collins of Highbury (Lab): My Lords, my noble friend Lord Hain mentioned the wider abuse of women in the UAE. I draw particular attention to its labour law, which excludes from its protection domestic workers, who have faced a range of abuses, including unpaid wages, confinement to house, work days of up to 21 hours and physical and sexual assault. What are the Government doing to address this issue and raise with the authorities the need to protect domestic workers?

Lord Parkinson of Whitley Bay (Con): My Lords, one of the pillars of the *Integrated Review* is our vision for the UK as a force for good in the world, defending democracy and human rights, including championing gender equality. Of course, our world-leading Domestic Abuse Bill sets an international example and will be further considered on Report in your Lordships' House today.

Lord Mackenzie of Framwellgate (Non-Afl) [V]: My Lords, this is indeed an unfortunate matter. The UAE is a friendly and close ally of this country and it is well worth expending some capital to keep it that way. I have been impressed by its green policy plans moving forward and hope that the UK can work closely with it and assist in that regard. Can the Minister assure noble Lords that every diplomatic effort is being made satisfactorily to resolve this matter, taking account of course of the cultural differences that no doubt exist between the two states?

Lord Parkinson of Whitley Bay (Con): We have a close relationship with the UAE, which means that we can raise issues directly with it. The noble Lord is right to refer to the work that it is doing on the environment. The Prime Minister met Sheikh Mohammed bin Zayed al-Nahyan, the Crown Prince of Abu Dhabi, in December, and they agreed to strengthen our ties across a range of areas, including green technology, infrastructure and defence.

Baroness Sheehan (LD): My Lords, last year the judgment in the UK family court case brought by the sixth and youngest wife of Sheikh Mohammed was that, on the balance of probabilities, the Sheikh had conducted a campaign of fear and intimidation against Princess Haya and had ordered the abduction of his daughters Princesses Shamsa and Latifa. What representations have our Government made to the ruler of Dubai that he will make no attempt to remove his former wife and their children from the UK against their will?

Lord Parkinson of Whitley Bay (Con): The civil court proceeding to which the noble Baroness refers is a private matter between two individuals and the UK Government have no involvement in it.

Lord Birt (CB) [V]: My Lords, the noble Baroness, Lady Warsi, referred to reports that Sheikha Latifa was abducted in international waters with the help of Indian special forces. If that is the case, would such action be lawful and has the Foreign Office raised the matter with the Indian Government?

Lord Parkinson of Whitley Bay (Con): My Lords, as that alleged incident did not involve any UK-registered vessels or British nationals, it does not fall under the UK's jurisdiction under international law. Accordingly, we have not raised it with the Government of India.

Baroness Bennett of Manor Castle (GP) [V]: My Lords, building on the questions of the noble Baroness, Lady Northover, and the noble Lord, Lord Collins, I refer to the 80% of the UAE population who are low-paid migrant workers. What representations have been made on the fate of what seem to be at least hundreds of women a year, including rape victims, who are prosecuted and jailed under the laws against extra-marital sex? What representations have been made on the impact of those laws not only on migrant workers, but also on women across the UAE population generally?

Lord Parkinson of Whitley Bay (Con): My Lords, we have a close relation with UAE and we are therefore able to raise matters directly with it. The *Integrated Review*, to which I have referred, sets out the UK's policy and stance to make us a force for good in the world.

The Senior Deputy Speaker (Lord McFall of Alcluith): My Lords, all supplementary questions have been asked and we now move to the next Question.

Police: Sarah Everard Vigils

Question

12.40 pm

Asked by ***Lord Harris of Haringey***

To ask Her Majesty's Government what discussions they had with police chiefs about vigils on 13 March in memory of Sarah Everard prior to those vigils taking place.

Lord Harris of Haringey (Lab) [V]: My Lords, I draw attention to my interest in the register and beg leave to ask the Question standing in my name on the Order Paper.

The Minister of State, Home Office (Baroness Williams of Trafford) (Con) [V]: My Lords, as my right honourable friend the Home Secretary has said, she met Commissioner Dame Cressida Dick last Friday and over the weekend to discuss the vigil. Her view that the images from Saturday are upsetting is a matter of public record and she has asked for an independent review into the matter.

Lord Harris of Haringey (Lab) [V]: Ministers have made it clear for months that there should be a tougher approach to Black Lives Matter, climate emergency and anti-lockdown demonstration, and all that is reflected in the Police, Crime, Sentencing and Courts Bill. Operational independence does not preclude Ministers, PCCs or mayors from providing advice to police leaders on how their actions will be seen and on the community effect of operational decisions. That is what political oversight is all about, so what advice did the Home Secretary offer on this occasion? When she and the commissioner spoke by telephone while the ugly scenes on Clapham Common were taking place, what did they talk about—the weather?

Baroness Williams of Trafford (Con) [V]: My Lords, I will quote directly from the Home Secretary, who said:

"It is right that I have had many discussions with the Metropolitan police and specifically the commissioner on Friday and over the weekend in relation to preparations and planning prior to Saturday evening. My comments are public and on the record regarding what has happened and, quite frankly, the upsetting images of Saturday evening. A review is now being conducted by Her Majesty's inspectorate of constabulary. It is right that that takes place."—[*Official Report*, Commons, 15/3/21; col 29.]

The noble Lord talks about operational independence. It is absolutely right that the police have operational independence, but it is also absolutely right that, first, the Government make the law and, secondly, that conversations take place between the Executive and some of the agencies of government.

Lord Morris of Aberavon (Lab) [V]: My Lords, as the day wears on, many protests give rise to excesses all round. My family tells me that, this Sunday afternoon, the police were courteous but firm. Was it the Government's purpose in their regulations to ban all protests? If so, will they now regulate to preserve the right of protest, so that both police and the public are able to return to normality?

Baroness Williams of Trafford (Con) [V]: My Lords, noble Lords will recognise that banning protests was not at the heart of what the Government did; banning protests was part of keeping the public safe in this global pandemic—keeping down the numbers of people who get infected and therefore keeping people out of hospital.

Lord Paddick (LD) [V]: My Lords, last week, Her Majesty's Inspectorate of Constabulary and Fire and Rescue Services published a report that found that,

"when forces do not accurately assess the level of disruption caused, or likely to be caused, by a protest, the balance may tip too readily in favour of protesters."

The author, Matt Parr, a former Royal Navy officer, is currently suing the Home Office, claiming that he is being paid less than a colleague because he is a white man. Politically, do the Government believe that the rear-admiral is the best person, and HMICFRS the best organisation, to be conducting the so-called independent review into the protests by women on Clapham Common, in the light of its recent report and the tribunal action?

Baroness Williams of Trafford (Con) [V]: On the noble Lord's former point, this is obviously an equal pay matter and that process will take its path. I think that HMICFRS is the right organisation to investigate, because it is the body that we would appoint to do such work.

Lord Wasserman (Con) [V]: My Lords, I congratulate my noble friend the Minister and her ministerial colleagues in the Home Office on giving police and crime

commissioners their unequivocal support for the internal review of PCCs, the findings of which were announced earlier this week. I express my hope that the electorate across England and Wales will be encouraged by this review to turn out and vote on 6 May for their local PCC. Given that it now appears that PCCs will be with us for some time, does the Minister agree that PCCs should make it a priority to develop close working relationships with their chief constables so that the operational decisions of their chiefs on matters such as the policing of vigils and other major events are publicly supported by the local PCC on the basis that they had been fully consulted about them beforehand?

The Lord Privy Seal (Baroness Evans of Bowes Park) (Con): Before the Minister responds, could I ask noble Lords to please keep their questions brief?

Baroness Williams of Trafford (Con) [V]: My Lords, I thank my noble friend for his kind words, and of course PCCs have our full support. It is absolutely crucial that the various agencies communicate with each other when such events are to take place and that PCCs are fully keyed into those events. For the most part, the events held over the weekend went very peacefully.

Baroness Stuart of Edgbaston (Non-Afl) [V]: My Lords, vigils were held outside London, including one in Victoria Square in Birmingham. More than 100 people attended and the West Midlands Police responded in a peaceful way. It reinforced its commitment to policing through explanation, engagement, encouragement and using force only as a last resort. When it comes to this kind of operational decision, could I urge the Minister that we should learn the lessons of more peaceful demonstrations and find out why things so clearly went wrong at Clapham Common last Saturday?

Baroness Williams of Trafford (Con) [V]: I thank the noble Baroness for that question because it segues quite nicely from the points that I have just made. Yes, most of the events and vigils went peacefully with people socially distancing and the police having no problems at all. I think that the review by Sir Tom Winsor will give us a greater insight into why some things went wrong on Saturday at one particular event.

Lord Rosser (Lab) [V]: On Monday, the Home Secretary told the Commons that the Metropolitan Police Service was "rightly operationally independent." Given that, what was the purpose of the extensive discussions held by the Home Secretary with the Metropolitan Police Commissioner throughout the weekend on police planning and preparation for the vigil? Was the purpose that the Home Secretary wanted to make sure that the Metropolitan Police would not do anything with which she did not agree?

Baroness Williams of Trafford (Con) [V]: My Lords, it is absolutely right that the commissioner of the largest police force in the country should keep the Home Secretary up to date, and I know that she speaks with her regularly. That is not so the Home Secretary can dictate what the Metropolitan Police does, but it is very important that the two keep in communication.

Lord Bradshaw (LD) [V]: My Lords, is it not now the policy of the police, as in my experience it used to be, to meet the organisers of demos or protests to agree how peaceful protest can legitimately take place?

Baroness Williams of Trafford (Con) [V]: My Lords, in ordinary circumstances and indeed even under Covid restrictions, that would be the case. Clearly, what went wrong on Saturday will be a matter for the review by Sir Tom Winsor.

Lord Cormack (Con): My Lords, in wishing my noble friend a speedy return from isolation, could I ask her how many demonstrations took place around the country, how many arrests were made outside London, and whether lessons can please be drawn from this in the future?

Baroness Williams of Trafford (Con) [V]: My Lords, I cannot give my noble friend the exact number, but this review will give us a good idea of what lessons can be learned in what are of course very unusual times.

The Senior Deputy Speaker (Lord McFall of Alcluith): My Lords, the time allowed for this Question has elapsed.

12.51 pm

Sitting suspended.

Mozambique: Militant Violence

Private Notice Question

1 pm

Asked by ***Lord Oates***

To ask Her Majesty's Government what assessment they have made of the increase of militant violence in the Cabo Delgado province of Mozambique.

The Minister of State, Department for the Environment, Food and Rural Affairs and Foreign, Commonwealth and Development Office (Lord Goldsmith of Richmond Park) (Con) [V]: My Lords, the UK is deeply concerned by the deteriorating security situation in north-east Mozambique due to increasing attacks by groups with links to Islamic extremism. To date, the insurgency has claimed more than 2,000 lives and has displaced more than 670,000 people. The UK is supporting the Government of Mozambique to address the drivers of insecurity and has provided £90 million of humanitarian support to help those displaced by the conflict.

Lord Oates (LD): My Lords, given the obvious parallels with the long-standing violence in the Niger Delta associated with oil and gas production, what assessment have the Government made of the possible interrelationship between the discovery and exploitation of gas off Cabo Delgado and the subsequent explosion of extremist violence?

Lord Goldsmith of Richmond Park (Con) [V]: My Lords, we have worked closely with the Government of Mozambique to encourage a response to the insurgency

[Lord Goldsmith of Richmond Park]
that addresses its root causes. This includes ensuring that local populations in Cabo Delgado province can share in any economic benefits of development in the province.

Lord Collins of Highbury (Lab): My Lords, the World Food Programme has long warned that the violence is worsening food insecurity. The country representative said last week that it was important to join efforts now to protect food and nutrition security, as the livelihoods of the Mozambiquans have been impacted not only by the armed conflict but by Cyclone Kenneth and, of course, Covid. What steps is the United Kingdom taking to promote food and nutrition programmes in Mozambique?

Lord Goldsmith of Richmond Park (Con) [V]: The UK provides significant ODA to Mozambique, worth £179 million in 2019-20. This supports work in a number of different sectors, including health, education, water, sanitation, better governance and inclusive economic development. Revised allocations for next year will be published by the Treasury soon, but the ODA support that we provide to Mozambique is all about helping it to achieve sustainability across all sectors.

Baroness Northover (LD): My Lords, Mozambique has a terrible history of conflict, but had pulled itself out of that. We played our part in that. The *Integrated Review* says that we will work together with others in Africa to build

"resilient and productive economies and open societies".

Will the Minister guarantee that, in this circumstance, the FCDO will maintain the level of support? If not, how much aid will it cut from Mozambique?

Lord Goldsmith of Richmond Park (Con) [V]: My Lords, we are committed to supporting the Government and people of Mozambique to address, among other things, the conflict's root causes. We do not see this as a purely military problem or an external problem. It is about marginalisation, poverty and the prospect of the arrival of massive gas income, which people worry they might not see. That concern has no doubt been exploited by Islamists. We are committed to continuing our work in Mozambique, tackling those root causes. I am not able to provide any figures yet in relation to the subsequent ODA allocations, but an answer will be forthcoming shortly.

Lord Garnier (Con): My Lords, the Minister is precisely right that this is as much an economic problem as an aid problem, but the two are linked. Will he accept that an absolute and a relative reduction in our overseas aid budget will have a direct effect on our failure to deter insurgents from recruiting young, unemployed men in this province? That will have a direct, strategic impact on the political and economic stability of this Commonwealth country.

Lord Goldsmith of Richmond Park (Con) [V]: My Lords, as I said, the UK is working with the Mozambique Government to develop a coherent strategy on the conflict. That means addressing the root causes of conflict and extremism, creating economic opportunities and jobs for young people in Cabo Delgado and building community resilience to recruitment by extremist groups. On the broader issue of cuts to ODA, the UK economy is undergoing the worst contraction for three decades. Against that backdrop, we have had to make some hard choices, including temporarily reducing the ODA target from 0.7% to 0.5% of GNI. Despite that, we remain a world-leading donor and will spend more than £10 billion of ODA this year. We will return to 0.7% when the fiscal situation allows.

Viscount Waverley (CB): My Lords, beyond the desperate situation internally in Mozambique, if insufficiently accountable leadership, social injustice and income disparities, compounded by isolated villages, are root causes of a problem that will likely increasingly threaten stability across the continent, what advice can be given or action taken to counter the resulting network of terror groups, which cross-reference on attrition, intimidation and provocation with the ultimate goal of forming multiple caliphates?

Lord Goldsmith of Richmond Park (Con) [V]: The noble Viscount makes an extremely important point. We understand—and our response reflects the understanding—that this problem in Mozambique is not a localised one, an external one or a military one; it has its roots in much broader concerns. Our support for Mozambique reflects that. The same is true, as the noble Viscount said, across the continent. That is why, as we develop the next round of programmes and a pipeline of projects through our ODA spending, we will focus increasingly on issues that pose long-term threats to stability in countries right across the continent, not least climate change and environmental degradation. This is very much at the heart of the approach that we are taking.

Lord Chidgey (LD) [V]: My Lords, the atrocities in Cabo Delgado are unforgettable, but so should be the underlying factors stoking the insurgency. Reference has been made to unemployment among the young, which means that many have joined the Islamic rebels with their promises to replace corrupt, elitist rule. Last year, a loan agreement including $1 billion from the UK was signed to fund a gigantic gas project, creating tens of thousands of jobs offshore, with hardly any—just 2,500—in Mozambique. Will the Government ensure that their export finance policies place emphasis on socioeconomic job creation as part of, to quote the Foreign Secretary,

"the road map … guided by our moral compass"?

Lord Goldsmith of Richmond Park (Con) [V]: On the project that the noble Lord refers to, UK Export Finance committed up to $1.15 billion to support the liquefied natural gas project in Mozambique. The project is designed to help Mozambique transition away from dirtier forms of fuel, such as coal, as well as to alleviate poverty. Since that decision was made by UKEF, the Prime Minister announced at the Climate Ambition Summit in December last year that the Government will end any new export support and overseas development assistance to overseas projects

involving fossil fuels. We recognise that there is, without a doubt, a gas component—in particular the profits that will arise from this gas project—which is at least part of the problem that has erupted in the region.

Lord Campbell of Pittenweem (LD): My Lords, is not this an all-too-familiar cocktail of exploitation of rich natural resources, corruption, poverty, terrorism and, as we have been told in this case, barbarism? Will not the Government of Mozambique's position inevitably be diminished if there is any cut in the aid that this country has previously offered to them?

Lord Goldsmith of Richmond Park (Con) [V]: My Lords, I am afraid that I am not able to shed any light on future programming, although I hope that I or my colleagues will be able to do so very soon. I have no doubt about the value of our ODA spending in the region and I believe that by sharpening our focus on some of the longer-term threats faced by the region—not least climate change, environmental degradation and exploitation of the rich resources that many countries have—we will have much better, bigger and more refined impacts than we have had in the past.

Baroness Sheehan (LD): My Lords, to understand what is really happening on the ground in Cabo Delgado, we need the public scrutiny of military operations and alleged abuses that comes with unobstructed media freedom. What action have our Government taken on reports from UNOCHA and Human Rights Watch of documented incidents of the Mozambiquan security forces intimidating, detaining and prosecuting journalists? Can the Minister also say whether the BBC has full access to the conflict areas in Cabo Delgado?

Lord Goldsmith of Richmond Park (Con) [V]: My Lords, we are of course deeply concerned by numerous reports that we have received more recently and the horrific videos released in September showing alleged human rights abuses by the Mozambiquan security forces—really appalling scenes. We have urged the authorities to ensure that there is a full investigation to identify the perpetrators and to bring them to justice. The Foreign Secretary and the Minister for Africa have both publicly condemned the vicious attacks and will continue to raise this issue at every opportunity.

The Deputy Speaker (Baroness Garden of Frognal) (LD): My Lords, all supplementary questions have been asked.

1.11 pm

Sitting suspended.

Arrangement of Business

Announcement

1.31 pm

The Deputy Speaker (Baroness Garden of Frognal) (LD): My Lords, the Hybrid Sitting of the House will now resume, and I ask Members to respect social distancing.

I will call Members to speak on the consideration of Commons reasons on the Fire Safety Bill, as there are counterpropositions to two of the Motions and everything is to be taken in one group. Any Member in the Chamber may speak on this group, subject to the usual seating arrangements and the capacity of the Chamber. Any intending to do so should email the clerk or indicate when asked. Members who are not intending to speak should make room for Members who are, and all speakers will be called by the Chair. Short questions of elucidation after the Minister's response are discouraged and any Member wishing to ask such a question must email the clerk.

The groupings are binding. A participant who might wish to press an amendment other than the lead amendment to a Division must give notice in the debate or by emailing the clerk. Leave should be given to withdraw Motions and, when putting the question, I will collect voices in the Chamber only. If a Member taking part remotely wants their voice to be accounted for if the Question is put, they must make this clear when speaking to the group. Noble Lords who are following the proceedings remotely but not speaking may submit their voice, content or not-content, to the collection of the voices by emailing the clerk during the debate. Members cannot vote by email; the way to vote will be via the remote voting system.

Fire Safety Bill

Commons Reasons

1.32 pm

Relevant documents: 25th and 29th Reports from the Delegated Powers Committee

Motion A

Moved by ***Lord Greenhalgh***

That this House do not insist on its Amendment 2, to which the Commons have disagreed for their Reason 2A.

2A: Because the Government has announced that it intends to bring forward its own legislative proposals to address the issues mentioned in the amendment.

The Minister of State, Home Office and Ministry of Housing, Communities and Local Government (Lord Greenhalgh) (Con): My Lords, I will speak also to the House's Amendments 3 and 4, with which the other place has disagreed for its Commons Reasons 3A and 4A. Before I address the amendments agreed at the Lords Report stage, I would like to make a few comments about the overall importance of this piece of legislation. The Bill was introduced in the other place nearly a year ago today and we are moving closer to getting it on to the statute book. As there are a couple of issues to resolve, it is vital that we should remind ourselves of the fundamental purpose of the Bill. It is an important step in delivering fire and building legislative reforms. It is purposely short because it has been designed to provide much-needed legal clarification that the fire safety order applies to structure, external walls and flat entrance doors. What this will mean on the ground

[Lord Greenhalgh]
is that these critical elements will be covered in updated fire risk assessments and ensure that enforcement authorities can take action where necessary. In short, the current legal uncertainty will end.

I turn to Amendment 2 and Amendment 2B proposed in lieu by the noble Lord, Lord Kennedy. The Government remain steadfast in their commitment to delivering the Grenfell Tower inquiry recommendations, including those on the duties of an owner or manager. As such, the amendments are unnecessary. However, I thank him for his constructive engagement with me prior to this debate. I will be able to provide further reassurances to the House in respect of timing that he is seeking and look forward to outlining them in response to the debate.

I turn now to Amendment 3. I thank the noble Baroness, Lady Pinnock, for the constructive conversations that we have had regarding a public register of fire risk assessments, and I am grateful to her for not pressing her amendment again today.

I move on to Amendment 4, Amendments 4B, 4C, 4D and 4E proposed in lieu by the right reverend Prelate the Bishop of St Albans, and Amendment 4F proposed in lieu by the noble Baroness, Lady Pinnock. I recognise the concerns of your Lordships to ensure that swift action is taken to protect leaseholders from the significant remediation costs related to unsafe cladding and other historic building safety defects. We are all acutely aware of the full toll that this has taken on leaseholders and the pain and anguish that it has caused. I expect that we will hear a number of views during the debate on the important issue of remediation. However, this is a highly complex matter without a simple solution, and it cannot be resolved in this short Bill.

I make it clear now that we have a number of concerns about the alternative amendments, and I will set out my specific views on them at the end of the debate. I beg to move.

Motion A1 (as an amendment to Motion A)

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

At end insert "and do propose Amendment 2B in lieu—

2B: After Clause 2, insert the following new Clause—

"Legislative proposals relating to duties of owner or manager

(1) Within 90 days of the passing of this Act, the Secretary of State must publish draft legislation to require an owner or a manager of any building which contains two or more sets of domestic premises to—

(a) share information with their local Fire and Rescue Service in respect of each building for which an owner or manager is responsible about the design of its external walls and details of the materials of which those external walls are constructed,

(b) in respect of any building for which an owner or manager is responsible which contains separate flats, undertake annual inspections of individual flat entrance doors,

(c) in respect of any building for which an owner or manager is responsible which contains separate flats, undertake monthly inspections of lifts and report the results to their local Fire and Rescue Service if the results include a fault, and

(d) share evacuation and fire safety instructions with residents of the building.

(2) Within 90 days of the passing of this Act, the Secretary of State must publish a statement on a proposed timetable for the passage of the draft legislation mentioned in subsection (1).

(3) Within 120 days of the passing of this Act, the Secretary of State must publish a statement confirming whether the draft legislation mentioned in subsection (1) has progressed.""

Lord Kennedy of Southwark (Lab Co-op): My Lords, I draw the attention of the House to my relevant registered interest as a vice-president of the Local Government Association, the chair of the Heart of Medway Housing Association and a non-executive director of MHS Homes Ltd. In moving Motion A1, I will address all the Motions before the House today.

It is disappointing that the Government have overturned the amendment passed by this House. The intent of our amendment was to make progress in implementing the recommendations made in the first phase of the Grenfell Tower inquiry. Our frustration, along with the frustration felt by many, has been that since the recommendations made in the first phase were published, progress has been extremely and annoyingly slow. Being told by the Government that in most cases we do not need legislation to make progress is in some ways even more frustrating because nothing has happened, which is again very odd. This is the first piece of legislation we have seen that will bring anything into force. Frankly, the victims and their families deserve better. People living in properties that are unsafe or blighted deserve better than that.

This led me to propose Motion A1, which proposes to insert a new clause into the Bill. What my amendment seeks to do is accept the Government intention to take action but to add some rigour and rigidity to the proposals with clear timescales for action. As I have said previously, this has all been too slow with no clarity about what the timescales are for action through primary legislation and through secondary legislation and guidance.

This morning I received a letter from the noble Lord, Lord Greenhalgh, which seeks to add some clarity to the timescales for action, and that is welcome. We also have the Government's response to the consultation, which is helpful. It looks as if we are finally making some progress and I welcome that. It would be good to hear him, when he responds to the debate, set out the timescales for the actions the Government are proposing, and I look forward to that. That will be part of the official record of the House and the Government will be held accountable for the pledges that they make today.

In respect of Motion B, while I accept that the Commons can assert financial privilege and the need not to give any other reason, we must consider the subject of the amendment that was rejected and the circumstances that have led to this Bill, as well as the intention behind the amendment that the other place has rejected. We would have hoped to have got a little more than the assertion of financial privilege. This is about fire safety and reassurance for residents that the register is up to date, that it can be relied on and that it is publicly available and transparent so that sunlight on fire risk assessments will provide more reassurance. I hope that when the noble Lord responds to Motion A, he will provide a bit more clarity than just relying on financial privilege as expressed by the other place.

Motion C1, tabled by the right reverend Prelate the Bishop of St Albans, seeks to add to the Bill Amendments 4B, 4C, 4D and 4E. They would prohibit the owner of a building from passing on the costs of annual remedial works attributable to the requirements of the Act to leaseholders or tenants, except where the leaseholder is also the owner of the building. The amendments under the Motion tabled by the right reverend Prelate have my full support, and the Labour Benches will support him if he decides to divide the House. I hope very much that he will do so.

Leaseholders are victims and have done nothing wrong. They deserve to be treated much better than they have been by the Government. They have done everything right. They have bought their properties and are paying their mortgages. Now they are being penalised for the failure of others. Surely that cannot be right. The fact that their buildings have been covered in dangerous cladding has made their flats worthless. They cannot sell their properties, but they are still expected to pay their mortgages and other charges. They cannot get work done; they may be paying for a waking watch and in some cases the properties will have guarantees on them which need to be drawn down. There will be warranties for work done which need to be used. They have been paid for, otherwise they are literally not worth the paper they are written on.

We should all stand up to support leaseholders and tenants and get those who have done the work to accept their responsibility and put this right. The Government are failing leaseholders and tenants. Their actions are just not good enough and fall far short of what they promised.

I want to be clear. For the individual builder, contractor, company, warranty provider or insurance company, it cannot be right for people to wriggle out of their responsibilities. The Government need to take firm action. Supporting the Motions and amendments before the House today will be an opportunity to ask the Government to think again, and I hope we take it. I beg to move.

The Lord Bishop of St Albans: My Lords, I speak to Motion C1 and Amendments 4B to 4E. I give notice of my intention to seek the opinion of the House when the time comes. I declare my interest in the register in that I, too, am a vice-president of the Local Government Association.

I first thank the honourable Members for Stevenage and for Southampton, Itchen, who originally prepared these amendments, as well as the signatories from all parties when they were tabled in the Commons. I also thank the right reverend Prelate the Bishop of London, who joins me in supporting it, and pay tribute to one of our colleagues, the Bishop of Kensington, who has worked very closely on the ground with victims of Grenfell and leaseholders.

Grenfell was an unmitigated tragedy brought about, it would seem, by institutional failings on multiple levels. The recent revelation that the cladding provider knew that it could result in tragedy and death is nothing short of a disgrace. It has been a tragedy for many lives: ordinary families have been ripped apart by this terrible event.

The Bill will deal with the problem of dangerous cladding by creating a quick and easy mechanism to force freeholders to remove dangerous cladding and other fire safety defects. That is undoubtedly a good thing and will, hopefully, protect against future tragedies, but I share the disappointment of the noble Lord, Lord Kennedy, that Her Majesty's Government have not sought to address the severe adverse financial consequences that the Bill will create for leaseholders. In the Bill's current form, whenever the fire service serves notice to the freeholder requiring remedial work to be undertaken, the freeholder will be able to force leaseholders to reimburse all the costs incurred. These costs are staggering.

At this point, I say that our hearts go out—I am sure we all share this—to all the people who are struggling. I have been inundated with emails, tweets and people contacting me who are at their wit's end looking at what is likely to unfold in the next few weeks. Far from the Government's estimated remedial costs of around £9,000 per leaseholder, depending on the terms of the lease and the work involved, a leaseholder could very easily be handed a bill of £50,000, payable within weeks.

Inside Housing conducted its own private survey of 1,342 leaseholders. Its findings reveal a very different picture to that of Her Majesty's Government. Among those surveyed, 63% of respondents faced a total bill above £30,000 for remedial costs and 15% faced a bill of more than £100,000. Of course, a few of these leaseholders may be well off, some will have disposable income, but most will not: 60% had a household income of less than £50,000, with only 8.7% reporting a household income of more than £100,000. In other words, this will primarily affect ordinary middle to working-class people.

In addition, 56.4% of those surveyed were first-time buyers. They have followed that life trajectory that many Conservative Governments have sought to promote by working hard, saving and purchasing a property. These are people with aspirations—something I totally support—yet nearly everything they have worked hard towards, over many years, could be taken away from them, as shown by the alarming 17.2% of respondents who say that they are already exploring bankruptcy options. I must remind the House that the costs mentioned above include only the remedial costs; they say nothing about the interim fire safety costs that leaseholders already incur.

1.45 pm

Government figures show that the average monthly cost of a waking watch in England is estimated at nearly £18,000 per building and around £330 per dwelling, rising to nearly £20,000 and £500 respectively in London. This is not to mention the cost of new alarm systems, ranging from £50,000 to £150,000 per block. How can this be fair or just? It was not the leaseholders who sold or fitted defective cladding; leaseholders are the innocent party. They purchased their properties in good faith, believing them to be safe. If the Bill passes unamended, it is they who will pay—not the cladding providers or the developers but hard-working ordinary people, forced to pay for defects that were deemed safe when they purchased their apartments.

[The Lord Bishop of St Albans]

I do not have the technical knowledge about how the Motion fits with the Bill and so on, and whether it would be better placed in a later Bill. What I do know is that we are faced with some immediate challenges. Any solution cannot be deferred until the building safety Bill, which could be as far as two years in the future. We have to try to do something now. Supporters of this Motion and I have argued that because this legislation creates the problem for leaseholders, it should likewise solve the problem. I acknowledge that there are some weaknesses in this Motion; it does not solve every problem for leaseholders. Even if it is passed, leaseholders will still shoulder ongoing interim fire safety costs. However, by preventing remedial costs from being passed on to leaseholders, a significant proportion of the financial burden placed on them should be eased. As one leaseholder said, "We need a solution so we can finally move on with our lives, something denied to us now for several years. We just want this nightmare to end".

I hope that by passing this Motion, we can begin to end that nightmare and the anxiety plaguing the lives of thousands of leaseholders, allowing them to move on. The Bill solves the fire safety defects that lay at the heart of the Grenfell tragedy. The Government are absolutely right to do that and I am grateful for what they have done, but I believe they are morally wrong in their treatment of leaseholders in this crisis. By not including sufficient provision to protect leaseholders, a conscious decision would be made to impose poverty, possibly bankruptcy and certainly misery on thousands of ordinary people whose only crime was being aspirational.

Those responsible should be the ones who pay. Only the Government can provide the capital up front to pay for these works; only the Government can introduce levies on those responsible to claw back that money over the next few years. A great injustice is currently being done to leaseholders and a fair solution is needed, which is why I bring this Motion to your Lordships' House.

The Deputy Speaker (Baroness Garden of Frognal) (LD): My Lords, I now call the noble Baroness, Lady Pinnock, to speak to but not, at this point, to move Motion C2.

Baroness Pinnock (LD) [V]: My Lords, I draw the attention of the House to my relevant interests as a vice-president of the Local Government Association and a member of Kirklees Council.

Much has happened since the Bill was last debated in this House in November. It is already clear from the contributions to this debate today that this is an unresolved crisis of major proportions. I thank the Minister for the opportunities that he has provided to discuss the issues raised. The Government's response has been to regard this as largely an issue for leaseholders and freeholders to resolve. Gradually, however, they have acceded to the principle that, without government intervention and funding, the problem will not be resolved.

The purpose of all the amendments in my name and that of the right reverend Prelate the Bishop of St Albans is to extend the principle already agreed by the Government. Amendment 4F in my name would extend the contribution that the Government make to cover not just the remediation but the extortionate service charges and higher insurance costs that are currently being levied on these leaseholders. This serious problem can be successfully fixed only with up-front funding from the Government, which can then be recouped from developers, construction firms and manufacturers.

The Government's own estimate is that the total cost of remediation will be in the region of £16 billion. The buildings involved are not just in London but all across the country. Following the Grenfell tragedy, we now know that ACM cladding was affixed to blocks when it was known to be inflammable. As the cladding is peeled away, further serious building defects are revealed. The Government recognise this, as they have issued a directive to local authorities requiring an inspection of various features, including fire breaks, insulation and spandrel panels, as well as cladding. This is now much more than a cladding scandal; it has become a construction crisis.

Worse still is that some of the defects that are being exposed were in breach of building regulations even at the time of construction. The big question then is: who is going to pay? Currently, the Government are providing grants for the removal of cladding only and are restricting those grants to buildings of 18 metres or more in height. Yet cladding has to be removed from all blocks, irrespective of height. The Government have chosen 18 metres partly because they simply have no idea how many blocks there are that are lower than 18 metres. I have asked the ministry for the analysis of those risks to which the Minister will refer but have received no reply to date. Good decision-making is dependent on well-researched data, which is then shared for all decision-makers.

At the heart of this crisis are people who have done everything right and nothing wrong. They are innocent victims and have suffered enough. Imagine living in a flat with your family, knowing for three years or more that the home you saved hard to buy is a significant fire risk. That fact alone has left emotional scars on those leaseholders. Then imagine, having carefully budgeted, being faced with an additional service charge of several hundreds of pounds each month to cover the extras: waking watch, insurance and more. For some, the final straw is that you are then billed for the costs of total remediation. For individuals faced with these enormous bills, the choices are very limited.

Bankruptcy has already been the solution for too many. George is one such. He describes himself as a frightened leaseholder and says, "I have been informed that it will cost £2 million to replace the cladding and remedy the defects. That is £50,000 per flat. I'll be bankrupt by the end of the year at the age of 28. The building has one grant, covering 10% of the costs." Everything that he and others have worked and saved for is lost through no fault of theirs. It can lead to homelessness. Sarah lives in a flat in the Royal Quay in Liverpool. The normal year service charges for that block were £270,000; this year, the service charges are nearly £1 million. Sarah says that the defects are so numerous that the fire service may have to escalate

from a compliance to a prohibition notice, which will shut down the complex. If that occurs, 400 residents will be made homeless.

Not surprisingly, given those examples, for some the stress is such that very serious mental illness, or worse, has followed. Hundreds of thousands of individuals and families are watching and waiting for the decision of this House today. They are willing us on to help to find a fair and just solution to a problem that is not in any way of their making, yet they are the ones who are being asked to pay the price. If the right reverend Prelate the Bishop of St Albans wishes to divide the House, as he has indicated, the Liberal Democrat Benches will support him. If, however, he chooses not to do so, then I will wish to test the opinion of the House.

The Earl of Lytton (CB) [V]: My Lords, I declare my interests as a vice-president of the LGA and as a practising chartered surveyor. I have very considerable sympathy with all these amendments but, the matter having now been decided by this House, gone to the other place and now come back, it behoves us to consider all these matters with a degree of objectivity, despite the clear emotions that are involved.

With regard to Motion moved by the noble Lord, Lord Kennedy, I agree that it has taken far too long to deal with this matter, which has allowed the issue to grow in a way that should have been nipped in the bud at an earlier stage, but I realise the complexities of the issues, which I will address in a moment. On all these amendments, I must say at this juncture that I do not know which way I would vote; it will become apparent why as I proceed.

It goes without saying that I have the greatest possible respect for the right reverend Prelate the Bishop of St Albans and the powerful case that he makes for Motion C1 and, for that matter, the case made by the noble Baroness, Lady Pinnock, on the allied Motion C2. Indeed, every fibre of my being tells me that a great injustice has been visited on many innocent people as leaseholders and tenants in buildings affected by this Bill who have faced the burdens of past failings, delays and inaction, which they themselves may be powerless to deal with. It must be as if the whole system of property law and ownership has conspired against them. As a property professional, I feel that most acutely. It has been made worse, as I say, by the length of time that these problems have been gestating.

However, whatever my heart tells me on the grounds of ethics and justice, my professional experience tells me that these amendments would, almost inevitably, not achieve their aims or address the present or future fundamental issues. This Bill potentially affects a very wide category of property and tenure, not just high-rise blocks. The provisions of Clause 1 extend the regulations to any property comprising two or more separate units of accommodation. I ask noble Lords to contemplate just what that means in practice.

2 pm

To some extent, the measures are retroactive. The Regulatory Reform (Fire Safety) Order 2005 will, at a stroke, be extended to a large number of properties previously exempted, with application of new responsibilities and duties to those deemed to be in control of them. Within its orbit will fall many factors, both known and as yet unknown, some with causes going back many years. This consideration is objectively a good thing in terms of safety, but it will certainly catch unawares many property owners, managers, tenants and long leaseholders, due to its retroactive nature.

All property ownership carries duties, responsibilities and risks. I have often commented to clients that one disbenefit of membership of the property-owning democracy is that, from time to time, one has to incur expense to defend one's interests at net cost. That is different from the point made about the innocent and not well-funded person having to bear totally improbable levels of costs.

Although the ghastly trigger for all this is raw in our memories, identifying specific groups as special cases or categories of person who should be absolved from any liability for costs is not, to my mind, a solution. It does not take account of the general need for periodic repair, replacement and remediation common in the built environment. Crucially, it does not move us any closer to the relief of burdens on the innocent or the attachment of liability to those responsible, even less to the financial expenditure ultimately necessary to solve the problem. It might simply move things to another, equally blameless sector when, in fact, the need is to contain and address matters where they now arise and not allow this contagion to spread further.

I am far from sure that every potential measure to every property covered by this Bill is free from some latent previous work or alteration. In many ways, everybody here is pleading not guilty. I mentioned some of the players at Report, and I will not repeat that—the noble Baroness, Lady Pinnock, has reminded us of some. The Motion seeks to address a specific issue by altering the general operation of laws on liability for costs, and I am really not sure that that works, even less that it is without significant further consequences.

Left to my own devices, I might have proposed something far more radical than this Motion, such as the removal of the principle of caveat emptor so that property sellers might be liable for poor or dangerously sloppy workmanship during their period of stewardship; or preventing the use of corporate special purpose vehicles to protect large and wealthy development companies from the responsibility for poor construction standards on individual sites; or ensuring that, if the comfort of a construction warrantee forms part of what the purchaser or mortgagee might reasonably be expected to rely on, then it does in fact sit behind the same kind of quality standards reasonably to be expected under the sale of goods and services generally in this country.

I know that among all the moving parts of the laws of property, construction, contract regulation and insurance, civil and criminal liability, fraudulent misrepresentation and so on, even greater collateral damage could be caused to one of the slickest property markets in the world if we are not extremely careful. My recommendation would be to follow a route that is clearly within government competence in circumstances of systemic failure in order to provide relief where it is

[The Earl of Lytton]
most needed and to stop the contagion; but that almost certainly does not lie within this Bill. I must recognise what the Minister can deliver, the degree to which HM Treasury will agree to fund, and what the Commons will agree to in this context. I try not to ask for the impossible but there are serious problems here, and beyond individual hardship, personal tragedy and dire effects on individual health and well-being, there are also powerful economic arguments for putting this right—there, I am entirely with the right reverend Prelate and the noble Baroness.

We need to think positively and creatively. The Government are right to stand guarantor and should go further in providing the bridging finance for much of what is clearly essential work to alleviate the worst of the problems, thus enabling swift rectification. However, rectification depends on available competent labour and capacity in this specialised field, plus there are new issues of liability and insurance for anyone now working on cladding. We must review the scope of what is genuinely high risk and perhaps find ways that, while not reducing to zero the risks to occupiers, allow for an incremental process of staged remediation and upgrading and take some of the stress out of the current situation. Surely there must be some cheaper alternative to the waking watch in a form that does not cost everyone their livelihoods.

I used to have to negotiate derogations on fire safety when dealing with old tinderbox listed buildings where the object was to get everyone out to safety via a defined and protected route, even if the building was a total loss as a result. Dirigiste and risk-averse absolutism is often the enemy of reasonable best practice, but I make this point knowing that at this very moment, part of a huge body of work is in progress in government among experts, in which I know the Minister has a direct hand.

We certainly cannot wait for the legal and judicial processes to establish liability before remedying this situation. There are far too many moving parts, as I have already observed, and things could simply grind on for years. Longer term, maybe we need another Law of Property Act, but it might have such far-reaching implications that I merely park the point at this juncture.

Whatever one does in the context of the Bill, it has consequences in several other areas, so while I am hugely sympathetic to these amendments, I am forced to conclude that they may not achieve what is necessary. They are not the fix that is required in a moving and evolving situation, with some crucial areas clouded in uncertainty. I will listen carefully to what the Minister has to say but the Government need to be on the front foot here. These amendments seek to address part of a huge problem that is not going away and which must be addressed.

The Deputy Speaker (Lord Duncan of Springbank) (Con): The following members present in the Chamber have indicated that they wish to speak: the noble Lord, Lord Newby, the noble Baroness, Lady Warwick of Undercliffe, the right reverend Prelate the Bishop of London, and the noble Lord, Lord Adonis. I will call them in that order, so the first speaker is the noble Lord, Lord Newby.

Lord Newby (LD): My Lords, I begin by declaring an interest. I am a leaseholder in a block where I stay when I am in London during the week which has been found to have major safety defects and in which a waking watch is now in operation. I have therefore been able to see in my own bills but also by talking to people who live in the block what the consequences of the current situation really are. I strongly support the Motions in the name of the right reverend Prelate the Bishop of St Albans and of my noble friend Lady Pinnock.

This is a scandal of major proportions, and it is a modern one. Most of the buildings we are talking about have been built in recent years. We are not talking about a problem left over from the Victorians or the Edwardians; this is a recent problem of our own times. As we have heard, it is causing great distress, not minor worries, to a large number of people. The scale of the financial consequences of the problems they face affects not just their short-term economic position but every aspect of their lives. The immediate costs in themselves are pretty horrendous for people on modest incomes. In my block, as elsewhere, people in that position are having to take out loans at very high rates of interest to deal even with the ongoing waking watch costs, which are considerable. However, beyond that, people are stuck. They cannot sell their flat or move, even if there were compelling reasons for them to do so. In some cases they feel unable to start a family as they planned, because of the overwhelming financial uncertainties that they face. None of this, as is obviously the case, is their fault at all. The Motion in the name of the right reverend Prelate the Bishop of St Albans deals with the core of the problem and would remove from them the cloud of the future financial burdens they face. I strongly support it.

For reasons which I fully understand, his Motion does not deal with who should ultimately pay for all this. In my mind, that is pretty straightforward. The principal burden should fall on those who are culpable: the developers. They have made very significant profits over very many years from building substandard accommodation, and they should pay for it. In the case of Barratt Developments, which built the block in which I live, its profits over the past five years alone have been more than £3.5 billion. It can afford to clean up its own mess, and the same applies to other major housebuilders. Exactly how that is done is, I admit, complicated, but this is a challenge for the Government which they have not begun to meet.

During the lockdown, television channels are showing old series because it has been so difficult to make new ones. Last night, I watched an old episode of "Yes Minister", which I strongly recommend. It is clear that the Minister here watched it as well because he has used exactly the arguments which Sir Humphrey used to persuade his Minister not to take action: "It's highly complex. I'm really sorry. We'd love to do it but it's really quite difficult, you know. Even if we could do it, which we can't, it's not appropriate to do it in this Bill. If we can do it—and I'm not sure we can—it may be possible to do it in a future Bill. I'm not sure which Bill; I don't know when it's going to come. But because it's very complicated, you wouldn't expect me to say further." That is the Minister's response to this.

In last night's "Yes Minister", what happened was that the Minister in it, completely frustrated by these usual arguments, put his foot down by announcing on national television that something was going to be done, which in effect bounced his Permanent Secretary into doing it. I suggest that the Minister, the noble Lord, Lord Greenhalgh, takes a leaf out of that Minister's book and goes on television this very evening to say that he has been so impressed by the debate he has heard that the Government will now act speedily.

The truth is that the reason we are hanging about has everything to do with a lack of political will, and not to do with the technicalities. It is the job of government to deal with difficult things. Most bits of public policy are tricky and difficult. This is no exception but it does not mean that the Government have no policies on anything. It means that they choose what they want to devote time and effort to, and they have decided they are not prepared to put in the time, effort, commitment and funds to deal with this glaring injustice.

The right reverend Prelate's Motion is a start because it removes the major part of the cloud facing people currently in difficulty and it should be supported. But even when it has been supported, it does not absolve the Government from grappling with this issue and sorting it out properly.

Baroness Warwick of Undercliffe (Lab): My Lords, I declare an interest as chair of the National Housing Federation, the representative body for housing associations in England. Our members house 6 million people in 2.6 million homes, including a significant number of flats in multi-storey, multi-occupied buildings that need remedial work on their external wall system.

Nothing is a greater priority for housing associations than their residents' safety. Following the awful Grenfell tragedy, they have been leading the way in the past three years by identifying buildings that need urgent work and carrying it out as quickly as possible. In his Motion C1, the right reverend Prelate the Bishop of St Albans wants to protect leaseholders from huge bills to make their homes safe, and I support him. Leaseholders should not be facing such costs. Other noble Lords have given vivid examples of the impact on leaseholders.

Housing associations are doing what they can to ensure their leaseholders do not have to foot the bill for developers' mistakes by pursuing the companies that built the buildings, as well as warranty and insurance providers. Sadly, these efforts are not always successful so I applaud a move by this House to provide extra assurance to leaseholders living in these homes.

However, housing associations face a huge dilemma. They exist predominantly to provide social homes to those on lower incomes. The buildings that housing associations need to remediate due to safety concerns will largely be made up of social housing. This welcome move to protect leaseholders must also be coupled with further government funding to pay for the necessary remedial works to all the buildings that need them. While the funding that the Government have made available for remediation costs so far is very welcome, the £1 billion building safety fund and the additional £3.5 billion announced last month are not available to remediate homes in which social tenants live.

2.15 pm

Housing associations do not make profits to draw from, so any costs that they incur will generally be met using income from tenants' rents, as well as money that could otherwise be spent on improvements to tenants' homes and communities. This would mean that without additional funding, this amendment could result in charitable housing associations paying for works to both leaseholders' and social tenants' homes; effectively subsidising leaseholders' share of remedial works costs with the money that social tenants pay for the upkeep of their homes and communities. Building remediation could cost the housing association sector upwards of £10 billion in total. Of course, I do not want to see leaseholders picking up large bills for this reason, but I do want to see government funding to pay for leaseholders' share of all works in all buildings, to protect housing association renters from effectively picking up the bill.

Importantly, housing associations also use their funds to build affordable housing. Paying for urgent remedial works to people's homes must be and is the sector's top priority. But this essential work means that fewer affordable homes will be built in the future, at a time of desperate need. Research shows that we need 90,000 new social homes every year to meet demand in our country. The G15, a group of London's largest housing associations, worked out that they have in aggregate spent in the last year, expect to spend next year or have included in their business plans up until 2031, a total of £2.9 billion. They estimate that, as a result of this spend, they will build 72,000 fewer affordable homes to rent, as they continue to prioritise these essential safety works. In addition to this, many of these housing associations will have to defer planned maintenance works and upgrades beyond those required to maintain decent homes compliance.

That group represents just 12 housing associations from a raft of hundreds of organisations that provide affordable homes. This is why legislating for building owners to cover remediation costs does not have the intended effect in all cases. In the case of social providers, they are facing astronomical costs for buildings that they did not construct in the first place.

We are right to seek protection for leaseholders, but that must sit alongside government funding to remediate all buildings in need, including social housing. Otherwise, tenants and people who need social housing will suffer needlessly now and for years to come. As the right reverend Prelate said, the Government are the only agency that can do this, and I hope that the Minister will confirm today that the Government will provide up-front funding for all remedial works and recoup the costs to the taxpayer by establishing liabilities later.

The Lord Bishop of London: My Lords, I wish to support the Motions in the name of my friends the right reverend Prelate the Bishop of St Albans and the noble Baroness, Lady Pinnock, which provide a more comprehensive solution than is already in this Bill.

As the 133rd Bishop of London, it has been my privilege to serve this city for the last three years. Unfortunately, I have seen how inequality of outcome is built into our city. As I have followed this debate, it

[The Lord Bishop of London]
has moved me to speak today. It is almost four years since the Grenfell Tower disaster. Hundreds of thousands of citizens in London and other cities across this country still lie awake at night wondering whether their homes are safe and they can weather the financial hardship of the life-changing remediation bills that they face.

This is having a major impact on the health and well-being of our communities, the communities in this city. My work on the ground with the Bishop of Kensington has meant that I engage with people who are bearing the real cost of this: costs not just financially but to their health and mental well-being, with some facing suicidal thoughts. While they may bear the cost today, they will also do so in the future and there is no doubt that the NHS will bear the cost in the years to come.

We have heard from the Government and substantial sums of money have been cited, but I fear that they do not really go far enough. The amendments of my right reverend friend the Bishop of St Albans and the noble Baroness, Lady Pinnock, exist because each month, people edge closer to bankruptcy and struggle to sell their properties with debts attached from the exorbitant remediation and interim fire safety costs. Due to these financial pressures, some will pay almost 60% of their annual salary on those costs.

The Government's current approach of a levy on developers has some weaknesses. If the scope of the levy was extended to cover other responsible parties, such as major contractors and suppliers of defective products, greater sums could be raised. The amendments attempt to distribute responsibility fairly, because it is a shared responsibility of the developers' community, testing and regulatory guidance communities and major contractors to ensure that those who bought their homes in good faith and understood them to be safe, be they high or low-rise, do not face the burden of cost to refit their properties and make them safe. It is our responsibility as representatives of your Lordships' House to make sure that we do right by the people of this country, even if it is complex. That is the role of government.

The Church of England is quite clear. In a recently published Archbishops' housing commission report, we recommended that the Government should cover remediation costs and recoup their initial outlays from those responsible. We are looking to the Government to develop a simple, fair and comprehensive solution to the current crisis, but this solution must be clear and cost-effective. It also must be quick. Any solution should be based on "polluter pays" principles, with those responsible for unsafe buildings being required to put them right.

I therefore press the Minister, first, for assurances that the Government will implement a comprehensive solution, to ensure that leaseholders living in blocks more than 18 metres high and blocks between 11 and 18 metres do not pay for any remediation or interim fire safety costs through the building safety Bill, and that they will be compensated for their losses so far. Secondly, I press him to improve the Government's current approach, which consists of a levy on developers, and distribute the responsibility for these costs as far as possible to all those responsible for the current crisis, and so protect leaseholders and taxpayers. Finally, I press him to create a legacy for the future of buildings and houses that are fit for purpose for those in our community and in a UK post Covid.

If these commitments cannot be given today, will the Minister meet me and representatives of the Archbishops' housing commission to discuss how we can take forward these solutions in the coming building safety Bill? I support the amendments in the names of the right reverend Prelate the Bishop of St Albans and the noble Baroness, Lady Pinnock.

Lord Adonis (Lab): My Lords, the most important work this House does is to legislate and, within that work, to assert its view and opinion against the Government and the other House, because that is where we are acting independently, as opposed to acting simply either as a rubber stamp or a deliberative assembly. It always amazes me how little time and attention we spend on our most important function. Many noble Lords are in Committee until 11 pm or midnight, day after day. We discuss amendments a first time, refine them for Report the second time and may come round to them again at Third Reading.

However, when it comes to the most controversial issues in a Bill, which, by definition, are those which we send to the other place, we are expected to hurry them all through. Very inadequate notice is given of matters coming back to this House. There are no proper structured arrangements for discussion, in the way that there are for the ordinary consideration of legislation. We are faced with reasons on hugely weighty issues from the House of Commons as to why it will not accept our view, which usually consist of one or two lines of the utmost banality: statements like "Because the Government has announced it intends to bring forward its own legislative proposals", full stop.

That is supposed to be a reason why we should set aside all the hours of deliberation by this House, as well as its votes, and simply accept a government assurance. We are always put under great time pressure, and then the Salisbury convention is brought in telling us why this House, having spent hours—and having had many votes—on these issues, should not even spend the proper time and consideration required, including using our undoubted powers to continue to ask the House of Commons to consider these matters again.

Other legislatures with two Chambers deal with these matters much better. They have arrangements for joint sittings on issues that are contested between the Houses, which I believe that we should have. Our arrangements are due only to historical reasons dating from the Middle Ages. One of the right reverend Prelate's 133 predecessors probably devised these arrangements in the 13th century, even before "Yes Minister". They are absolutely not fit for purpose in the 21st century. We inhabit the same building; we have electronic means of communication; we can consider these matters better. By definition, when we come to this stage of a Bill, these are always weighty and substantial matters. We would otherwise not be engaging, for the second or third time, in a conflict with the House of Commons.

These are hugely important issues. The noble Earl, Lord Lytton, said that we needed to be objective rather than emotional. But the objective thing to be on this issue is emotional because we are dealing with people who face, as the two right reverend Prelates and the noble Lord, Lord Newby, said, potential bills of £40,000, £50,000 or £60,000 apiece. This will drive them into bankruptcy and cause them huge mental anguish. In some cases—let us be frank; we have all heard of such stories—it can lead to suicide, since these are absolutely catastrophic impacts on individuals. We, as legislators, have a duty to take account of that and reach the best possible arrangement. I stress that we should not be railroaded on issues of this kind into either having to cave in or taking quick decisions before there has been proper consideration.

The right reverend Prelate the Bishop of London referred just now to the Archbishops' Council. I know that the most reverend Primate the Archbishop of Canterbury has been leading work on this issue, with a number of extremely distinguished experts on housing, and would like to meet the Minister. The very least that the Minister should say in response to her, assuming that this amendment goes back, is that before it comes to this House again he and the Secretary of State will meet the right reverend Prelate, the most reverend Primate and their advisers—who I happen to know include a former Permanent Secretary and other very senior and expert people—to discuss these issues. These are matters of huge anguish and importance.

It is very important that we play fair by people who, as everyone has accepted, are not facing big charges which were expected. The noble Earl, Lord Lytton, said that in respect of property one has duties, responsibilities and risks, but these are not normal risks. People should be expected to bear normal and reasonably foreseeable risks but these were completely abnormal, of a scale they could not have been expected to foresee or budget for.

Their other consequences have not even been mentioned in the debate so far. This is leading to a substantial seizure of the entire property market at the moment. Large numbers of people with leasehold properties simply cannot sell them at the moment. Until these risks are properly quantified, and the allocation of the burdens is properly determined, people cannot sell. It is a huge problem in the property market, and this will continue until it is done.

When the Minister, for whom we have great respect and who knows these matters at first hand, as the former leader of a local authority with large numbers of leaseholders, said that the Government were seeking to crunch through these matters bit by bit and deal with them, that goes straight back to "Yes Minister". The Grenfell Tower fire was on 14 June 2017. That is, by my calculation, three years and nine months ago. We are not exactly rushing with indecent haste to deal with these issues. It is perfectly reasonable to expect that the Government should do their job, which is to safeguard the community on matters of huge public importance, including putting schemes in place. It took 20 years to build the great wall of China, and we are saying that after four years, the Government still do not have a proper scheme in place to deal with these issues.

2.30 pm

So I strongly urge the House to agree to both my noble friend's amendment and those of the right reverend Prelate the Bishop of St Albans, partly because they are correct, but also because these are huge issues that will, of necessity, require further elucidation and debate. The right reverend Prelate the Bishop of St Albans did something that politicians in this House very rarely do, which was admit that his Motion is not perfect. He pointed to one or two defects, which is an unusual procedure in the House.

What is now needed is a further process of deliberation, because the costs involved and the impacts on individuals are huge. The figures are not even agreed. There is a big difference between what the Government say is the average cost estimate for remedial work, £9,000, and the £50,000 that the right reverend Prelate said. That £41,000 is about one and a half times the average yearly wage in this country. It would be good to agree some of those matters and to have a proper scheme. Certainly we should not be railroaded into closing this matter down today. We should send these amendments back to the House of Commons, because it would give us a reasonable length of time—we do not want another ping-pong taking place later this week or next week—to consider these issues and for a scheme to be brought back.

I will make a few comments on the substantive points at stake. The Minister circulated a letter this morning. Again, it came at the last minute; I read it literally just before coming into the Chamber. It said three things in response to my noble friend Lord Kennedy's amendment. First, it said that the Government would publish responses to the fire safety consultation. It said that they had done it today, but I could not find them in the printed papers. It also said that they would publish regulations to deliver on the Grenfell Tower inquiry's recommendations and would indicate where further legislation would be forthcoming. To those of us who are not encyclopaedic experts on what is going on with the Grenfell Tower inquiry and the matters at stake, what the Government are saying is not clear.

Perhaps I could press the Minister on my noble friend Lord Kennedy's Amendment 2B, which proposes in new subsection (1):

> "Within 90 days … the Secretary of State must publish draft legislation to require an owner or a manager of any building … to … share information with their local Fire and Rescue Service in respect of each building … undertake annual inspections … undertake monthly inspections of lifts … and share evacuation and fire safety instructions with residents of the building."

I would think that all noble Lords would consider these proposals reasonable and essential, so can the Minister tell us whether my noble friend's four points are met in the responses to the fire safety consultation and regulations to deliver on the inquiry's recommendations, which they are publishing today? This is crucial to how we decide to proceed with my noble friend Lord Kennedy's amendment.

On remediation costs, it seems the crucial point is the proposed new subsection (1) in Amendment 4F of the noble Baroness, Lady Pinnock, which states:

> "The Secretary of State must design and implement a scheme"

to deal with costs,

> "including but not limited to the building owner, freeholder or developer."

[Lord Adonis]
So the question for the Minister to answer at the end, which is crucial to how we decide to proceed, both in the vote at the end of this debate and afterwards, is what the Government's intentions are in respect of designing and implementing a scheme.

I take up the point of the noble Lord, Lord Newby, both about the scale of the costs and the absolutely correct liability to which developers should be held. Developers such as Barratt have armies of lawyers and the capacity to see off little people—which is most people when it comes to the likes of Barratt. If they have to deal with Her Majesty's Government in respect of their liabilities, and a Minister of the calibre of the noble Lord, Lord Greenhalgh, turns up on their doorstep and says that they are expected to shoulder these costs —as per a scheme that has been designed and is being pushed by the Government—I assure your Lordships that it will lead to a much bigger result than if it were all left to individual leaseholders and freeholders.

So can the Minister say what the Government are intending to do? Is their intention to stand by and leave hundreds of thousands of leaseholders at the mercy of individual negotiations and freeholders? Or will they move with a Government-led and nationally driven scheme to recover these costs, wherever possible, from developers who have made an absolute killing—sorry, that is not an appropriate word in this context—a fortune on developments, as the noble Lord, Lord Newby, rightly said? They often expect returns of the order of 20%, 25% or 30% when taking forward these developments. As has been shown, with substandard cladding fire safety regulations have not been properly enforced, so it is reasonable that they should be held accountable, and it is the Government, on behalf of the people at large, who should be holding them accountable. Before we pass this legislation into law, we should be assured that the Government have a proper, viable and effective plan to bring that about.

The Deputy Speaker (Lord Duncan of Springbank) (Con): My Lords, is there anyone present in the Chamber, who has been here since the beginning of the debate, who wishes to contribute? No? In which case, I revert to the Minister, the noble Lord, Lord Greenhalgh.

Lord Greenhalgh (Con): My Lords, I have listened carefully to the debate and will take this opportunity to address noble Lords' comments and concerns in more detail. I start by addressing Amendment 2B. I again thank the noble Lord, Lord Kennedy of Southwark, for his constructive engagement with me on this. I reiterate again that the Government remain steadfast in their commitment to deliver the Grenfell Tower inquiry phase 1 report's recommendations in full. It is understandable that the House wants to see visible progress on this and to have a better understanding of the timing of next steps and of the proposals that we will bring forward.

Today, the Government published their response to the fire safety consultation. This is an important and clear demonstration of our progression towards implementing the inquiry's recommendations. I am clear that, subject to the Fire Safety Bill gaining Royal Assent, the Government intend to lay regulations before the second anniversary of the Grenfell Tower inquiry phase 1 report that will deliver on the inquiry's recommendations. These will include measures around checking fire doors and lifts.

I am also committed to seeking further views, as soon as practicable, through a further public consultation on the complex issue of personal emergency evacuation plans. We already know that some of our proposals from the consultation will require primary legislation. They include strengthening the guidance relating to the discharge of duties under the fire safety order and the requirement for responsible persons in all regulated premises to record who they are and provide a UK-based address. We intend to include these measures, and possibly others that come out of the consultation, to strengthen fire safety in the building safety Bill, which will be introduced after the Government have considered the recommendations made by the Housing, Communities and Local Government Select Committee, and when parliamentary time allows.

I thank the noble Lord for, I hope, not pressing this matter to a vote. He is right in his role to hold the Government to account for delivering on the Grenfell recommendations, and I am pleased to have provided the reassurance that he sought.

I also thank the noble Baroness, Lady Pinnock, for not pressing her amendment. I understand her interest in this area. More generally, we are looking at specific information-sharing provisions in the regulations and later in the building safety Bill, which we see as a first step to meeting the Grenfell recommendations on this issue.

In response to the noble Lord, Lord Kennedy, the other reason for resisting the public register amendment is that anyone from the general public would be able to access fire safety information about a building, which poses a security risk in the event that the information were accessed by someone with malicious or criminal intent. But the Government do agree with the principle that residents should be able to access critical fire safety information for the building that they live in, and we include proposals for this in the fire safety consultation.

I will now address Amendments 4B to 4F. First, I reiterate the intention conveyed in the other place that we share the concerns around the costs of remediation and the need to give leaseholders peace of mind and financial certainty. I have always been clear that all residents deserve to be and to feel safe in their homes. My right honourable friend the Secretary of State for Housing, Communities and Local Government has committed to taking decisive action to deal with the cladding crisis, and, through the Government's five-point plan, to provide reassurance to home owners and build confidence in the housing market.

First, as has been commented on, the Government will provide an additional £3.5 billion to fund the removal and replacement of unsafe cladding on residential buildings. This will be targeted at the highest-risk buildings—those over six storeys or above 18 metres—that have unsafe cladding. This is in line with long-standing expert advice on which buildings are at the highest risk. This brings the Government's investment in building safety to an unprecedented £5 billion or more.

Secondly, we have been clear that leaseholders in lower-rise buildings, with a lower risk to safety, will gain new protection from the costs of cladding removal through a long-term, low-interest, government-backed financing scheme. Leaseholders in a residential building that is 11 to 18 metres in height with unsafe cladding will never pay more than £50 per month towards this remediation.

It is important that this government funding does not excuse building owners of their responsibility to ensure that buildings are safe. We have been clear that building owners and industry should make buildings safe without passing on costs to leaseholders. They should consider all routes to meet cost—for example, through warranties and recovering costs from contractors for incorrect or poor work.

As the Minister for Building Safety and Fire Safety, I will ensure that we drive forward to ensure that remediation of unsafe cladding is completed. I am clear that we have an ambitious timescale to do so. In response to the noble Lord, Lord Kennedy, progress has not been as fast as we would have liked, but we are making great progress, particularly given the constraints of the pandemic this year. Around 95% of high-rise buildings with Grenfell-type ACM cladding identified at the start of 2020 have completed remediation or have works on site to do so by the end of the year.

I want to be clear that, while this issue is vital, it would be impractical and confusing to include remediation measures in the Bill. This is because the fire safety orders are a regulatory framework that sets out the duties of a responsible person in relation to fire risk assessments. It does not cover the relationship, including potential financial obligations or prohibitions, between freeholder and leaseholder. The Bill is so important because it allows for effective enforcement where responsible persons are not abiding by their responsibilities. It addresses the situation where responsible persons refuse to remediate, which is an issue that I am sure the whole House wants resolved as soon as possible.

In contrast, the draft building safety Bill is the appropriate legislative mechanism for addressing the issue of who pays for mediation. Through the building safety Bill, the Government will strengthen the whole regulatory system for building safety, and ensure that there is greater accountability and responsibility for fire and structural safety issues throughout the life cycle of buildings within the scope of a more stringent regime. That Bill's provisions will put the management of risk front and centre. It is important that remediation is addressed using its proactive mechanisms for managing fire and structural safety issues, such as the safety case. Remediation and costs to leaseholders should be dealt in the context of the Fire Safety Bill to ensure that legislation is coherent with the aims and scope of the new regime.

In response to the right reverend Prelate the Bishop of St Albans, I point specifically to Clauses 88 and 89 in the building safety Bill, which relate to charges. These clauses facilitate regulations that would amend the building safety Act and the Landlord and Tenant Act. We will add to what is already in the draft Bill, including additional duties on the accountable person to seek alternative funding before they pass costs on to leaseholders.

While I appreciate the desire that many noble Lords have for a quick legislative solution to the "who pays" issue, we also have a duty as parliamentarians to implement a clear framework and transparent legislation to support fire and building safety reforms. Even more than this, it is important to ensure that the practical implications of any legislation are properly worked through, rather than being rushed on to the statute book in this Bill. In this vein, I am clear that these alternative amendments do not work.

2.45 pm

I thank the right reverend Prelate the Bishop of St Albans for his amendment in lieu. However, it does not take into account remedial works that arise outside the fire risk assessment process—for example, costs identified as a result of a fire or building works taking place. Such cases would not prevent costs being passed on. Further, the amendment is insufficiently detailed and would require extensive drafting of primary legislation, thereby delaying the implementation of the Fire Safety Bill and the crucial measures it puts forward to improve the fire safety regulatory system.

If the amendment were to be added to the Bill and became law without the necessary redrafting, the Government and taxpayers might be exposed to protracted action by building owners and the courts. Building owners could use litigation to claim for costs that they feel they are entitled to pursue from leaseholders under the terms of a lease agreement. While litigation is ongoing alongside disputes over where costs should be, there would also be delays to construction work to carry out urgent remediation and, possibly, interim safety measures.

I also thank the noble Baroness, Lady Pinnock, for her amendment in lieu. However, as with the amendment from the right reverend Prelate the Bishop of St Albans, there are concerns that it would fail to achieve the intention of prohibiting costs being passed on. There are significant legal risks in trying to prohibit the passing of remediation costs through service charges, including an increased risk of facing legal action from landlords without the sufficiently robust legislative detail to override possible conflicts with the terms of existing lease agreements. This, and the need for extensive drafting of all primary legislation, is likely to result in delays, and defects identified outside a fire risk assessment will continue to be passed on to leaseholders.

Moreover, the amendment may be too narrow in its scope by focusing on service charges as the primary site to prohibit landlords passing on remediation costs. They might find other ways to pass remediation costs on to leaseholders, for instance, through additional or exceptional fees and charges, which they might be allowed to pass on to leaseholders under the terms of existing lease arrangements. As such, the amendment has laudable intentions. However, it is unlikely to generate beneficial outcomes for leaseholders.

I have touched on the legal problems that could arise from both the alternative amendments on remediation. I reiterate the complexity around remediation costs, which I believe supports the case that this is not the right Bill to consider these concerns. As I mentioned in my specific points concerning the amendments from the right reverend Prelate the Bishop of St Albans,

[Lord Greenhalgh]
there are concerns about contractual disputes and potential litigation impacting the Government, the taxpayer and leaseholders. Stating in legislation what the landlord can and cannot recover from leaseholders could contradict the provisions set out in the contractual terms of a lease. As a result, it would be unclear where the costs should lie, rather than being determined by the terms of the lease.

Furthermore, the amendments do not reflect the complexity involved in apportioning liability for remedial defects. There are a range of views as to how costs should be distributed among leaseholders, freeholders, developers, construction industry contractors and other parties. It would be remiss to introduce legislation that places liability firmly on the landlord without adequate discussion about where the costs should lie or how they should be disbursed.

In response to the right reverend Prelates the Bishop of St Albans and the Bishop of London, the noble Baroness, Lady Pinnock, and the noble Lord, Lord Newby, we have announced measures with greater nuance concerning the distribution of costs. This approach combines government funding, repayments from leaseholders, and contributions from developers and industry through an upcoming tax and levy. While the merits of this approach can be discussed separately, one thing that we can agree on is that the simplistic approach of passing these orphan liabilities entirely to landlords despite the terms of existing lease agreements is not the right manner in which to proceed. Not only would the decision to pass all these costs to building owners be overly simplistic, it would also be counterproductive. It would be self-defeating if landlords who have paid a small amount to collect ground rents from flats decide simply to walk away when faced with remediation bills of this size.

Many freeholds are held in special-purpose vehicles to limit the liability held for the individuals involved, and in these cases they could simply activate an insolvency procedure to avoid the debt. This also highlights the lack of robust detail in this amendment, as it contains no due consideration of what would happen to the liabilities at this point. If these owners walked away, leaseholders would be left in the same position, continuing to live in unsafe properties and with no further clarity as to where these costs should lie or who is responsible for payment.

Working through these types of issues in a proper way will require much more extensive drafting of primary legislation. We must avoid encouraging an escalating quantity of contractual disputes and litigation from landlords who feel that the legislation runs counter to their rights and liabilities, as laid out in existing lease agreements.

However, I agree with the noble Earl, Lord Lytton, that we must look at radical ways of improving the recourse to redress mechanisms, and I thank him for his contribution to this debate. I invite the noble Baroness, Lady Pinnock, to find out more about the building occupied by George to see whether we can help that building access the available funds, such as the waking watch relief fund and the building safety fund, to help support the funding of remediation costs. I also note the problems highlighted by the noble Baroness about Sarah, the resident of Royal Quays. We are aware of this development and the difficulties that it faces. I sympathise greatly with the problems raised. We are working alongside Liverpool City Council to do what we can to support the building. This includes considering eligibility for public funding.

I also point out to the noble Baroness, Lady Warwick of Undercliffe, that if housing authorities have to pass costs on to leaseholders, they can apply to the building safety fund, so the leaseholders in housing associations have the same access to funding and will be protected in the same way as those in private housing. I am happy to meet with the right reverend Prelate the Bishop of London and any members of the Archbishops' Commission on Housing who want to discuss these issues in greater detail.

Let me be clear: it is unacceptable for leaseholders to have to worry about the cost of fixing historic building safety defects. These are recent issues, but not just of the last 10 years, but the last 20 to 25 years. This is not something that has cropped up in the last couple of years; it is a generational problem, in many ways. However, I ask noble Lords to recognise that while these amendments are based on good intentions, they are not the appropriate means of solving these complex problems. On invoking "Yes, Minister", yes, we need political will, but we also need a political brain to recognise that these problems will not be solved by a simplistic intervention, by orphaning liability or by assigning liability to a freeholder who can subsequently walk away from playing any part in remediating the costs of making the building safe.

For practical reasons, these amendments are likely to be ineffective and may even make the situation worse for some leaseholders. Litigation arising from disputes over what landlords can and cannot recover from leaseholders, where legislation runs contrary to the provisions in existing lease agreements, and where there are disagreements over who should pay costs based on the source of a particular safety defect, is likely to be substantive and problematic. This might result in crucial remediation and even interim measures to protect residents from being delayed. I therefore hope that these amendments will not go to a vote.

The Deputy Speaker (Lord Duncan of Springbank) (Con): I have received a single request to speak after the Minister. I called the noble Lord, Lord Adonis.

Lord Adonis (Lab): The Minister did not comment on the figures given by the right reverend Prelate the Bishop of St Albans, which struck the House as of great concern. He said that average remediation costs could be in the order of £50,000 to £60,000 per leaseholder. Can the Minister comment on those figures?

Lord Greenhalgh (Con): I have seen figures in the order of £50,000, but that is an aggregate figure that covers cladding costs and more historic building safety defects. Clearly, as we bring forward the legislation to deal with these issues, which will be in the building safety Bill, we must conduct a further impact assessment, but I am aware of the figures that the right reverend Prelate the Bishop of St Albans presented.

Lord Kennedy of Southwark (Lab Co-op): My Lords, I will not speak for long. I do not want to detain the House with a long debate. I thank everyone who has spoken. We have heard many very powerful speeches, and very important points were well made. I thank the Minister for his response to my Motion A1, for the time he has taken to speak to me outside the Chamber, and for the letter I received today in addition to the all-Peers letter. It sets out some clear commitments from the Government, a plan and, most importantly, a timetable for action. I welcome this very much.

I listened carefully to the contributions of all noble Lords and agreed with almost every one. I hear the points made by the noble Earl, Lord Lytton. He may be right, but it is our job to press the Government to do the right thing by the people of this country, as the right reverend Prelate the Lord Bishop of London said. I also thank my noble friend Lord Adonis for his support. He made some very valid general points about how we deal with matters from the other place, and points specific to this Bill. I also listened carefully to the Minister's response to Motion B. I had said that all they rely on in the other place is privilege, and his response was very fair. I can see his point—it is a shame that the other place could not—and I had not thought of it beforehand, so I accept it. We are trying to ensure, in respect of that Motion particularly, that residents, tenants, the fire authorities and the fire brigade have transparency. That is what we want to shine the light on. Perhaps the Minister will not be able to address those issues; it is a shame that the other place did not.

Sometimes the Government say, "We have an ambitious programme" or "We are striving to make progress", but they have been very slow on this and everyone is frustrated with them. As my noble friend Lord Adonis said, it is three years and nine months since the fire, and this is the first piece of legislation. It is frustratingly slow. Can the Minister talk to the Prime Minister? These issues will not go away, and we will keep raising them until we get some proper action. He has made some commitments today, which is good, but it is only a start. This House will hold him to account on them, because so far this has been frustratingly slow.

Having said that, I am pleased that we got so far today. I have enough to withdraw my Motion A1. I hope that the right reverend Prelate moves his Motion for debate. I beg leave to withdraw the Motion.

Motion A1 withdrawn.

Motion A agreed.

Motion B

Moved by ***Lord Greenhalgh***

That this House do not insist on its Amendment 3, to which the Commons have disagreed for their Reason 3A.

3A: Because it would involve a charge on public funds and the Commons do not offer any further Reason, trusting that this Reason may be deemed sufficient.

Motion B agreed.

Motion C

Moved by ***Lord Greenhalgh***

That this House do not insist on its Amendment 4, to which the Commons have disagreed for their Reason 4A.

4A: Because the issue of remediation costs is too complex to be dealt with in the manner proposed.

Motion C1 (as an amendment to Motion C)

Moved by ***The Lord Bishop of St Albans***

At end insert "and do propose Amendments 4B, 4C, 4D and 4E in lieu—

4B: After Clause 2, insert the following new Clause—

"Prohibition on passing remediation costs on to leaseholders and tenants

(1) The owner of a building may not pass the costs of any remedial work attributable to the provisions of this Act on to leaseholders or tenants of that building.

(2) Subsection (1) does not apply to a leaseholder who is also the owner or part owner of the freehold of the building."

4C: After Clause 2, insert the following new Clause—

"Costs arising from relevant notices or risk based guidance under the Fire Safety Order

(1) This section applies to a long lease of a dwelling in a relevant building.

(2) This section applies—

(a) where a notice has been served by an enforcing authority under article 28, article 29 or article 30 of the Fire Safety Order; or

(b) where a responsible person carries out works on the basis that they are required or said to be required by the risk based guidance issued by the Secretary of State under article 50 of the Fire Safety Order.

(3) In the lease there is an implied covenant by the lessor, or any third party to the lease, that the lessor or third party shall not recover from the lessee any amount in respect of the costs of works under subsection (2) where the works are to remedy any defect, risk or issue that predated the first grant of a long lease of the dwelling.

(4) Subsection (3) does not apply where the works are to repair a deterioration in original condition.

(5) Subsection (3) does not apply to any interest or shareholding the lessee may have in any superior lessor or freeholder.

(6) This section does not apply to commonhold land.

(7) "Dwelling" has the meaning given by section 112 of the Commonhold and Leasehold Reform Act 2002 and "long lease" has the meaning given by sections 76 and 77 of that Act, save that, in the case of a shared ownership lease, it is irrelevant whether or not the tenant's total share is 100%."

4D: After Clause 2, insert the following new Clause—

"Restriction on contracting out of section (*Costs arising from relevant notices or risk based guidance under the Fire Safety Order*)

A covenant or agreement, whether contained in a long lease to which section (*Costs arising from relevant notices or risk based guidance under the Fire Safety Order*) applies or in an agreement collateral to such a long lease, is void in so far as it purports—

(a) to exclude or limit the obligations of the lessor or the immunities of the lessee under that section, or

(b) to authorise any forfeiture or impose on the lessee any penalty, disability or obligation in the event of the lessee enforcing or relying upon those obligations or immunities."

4E: Clause 3, page 2, line 28, at end insert—

"( ) Sections (*Costs arising from relevant notices or risk based guidance under the Fire Safety Order*) and (*Restriction on contracting out of section (Costs arising from relevant notices or risk based guidance under the Fire Safety Order*)) shall each come into force on the same day as section 1 comes fully or partially into force in respect of any premises in England."

The Lord Bishop of St Albans: My Lords, the rules are such that I am not allowed to make a speech. However, so that the other place can consider the very full reasons that the Minister gave, it is right and our duty to test the mind of the House. I beg to move.

3 pm

Division conducted remotely on Motion C1

Contents 326; Not-Contents 248.

Motion C1 agreed.

Division No. 1

CONTENTS

Adams of Craigielea, B.
Addington, L.
Adonis, L.
Alderdice, L.
Allan of Hallam, L.
Alli, L.
Alton of Liverpool, L.
Amos, B.
Anderson of Ipswich, L.
Anderson of Swansea, L.
Andrews, B.
Armstrong of Hill Top, B.
Bach, L.
Bakewell of Hardington Mandeville, B.
Bakewell, B.
Barker, B.
Bassam of Brighton, L.
Beith, L.
Benjamin, B.
Bennett of Manor Castle, B.
Berkeley, L.
Best, L.
Billingham, B.
Blackstone, B.
Blencathra, L.
Blower, B.
Blunkett, L.
Boateng, L.
Bonham-Carter of Yarnbury, B.
Bowles of Berkhamsted, B.
Bowness, L.
Boyce, L.
Bradley, L.
Bradshaw, L.
Bragg, L.
Brennan, L.
Brinton, B.
Broers, L.
Brooke of Alverthorpe, L.
Brown of Cambridge, B.
Browne of Ladyton, L.
Bryan of Partick, B.
Bull, B.
Burnett, L.
Burt of Solihull, B.
Butler of Brockwell, L.
Butler-Sloss, B.
Campbell of Pittenweem, L.
Campbell of Surbiton, B.
Campbell-Savours, L.
Canterbury, Abp.
Carlisle, Bp.
Carter of Coles, L.
Cashman, L.
Chakrabarti, B.
Chandos, V.
Chapman of Darlington, B.
Chartres, L.
Chidgey, L.
Clancarty, E.
Clark of Kilwinning, B.
Clark of Windermere, L.
Clement-Jones, L.
Cohen of Pimlico, B.
Colville of Culross, V.
Cooper of Windrush, L.
Corston, B.
Coussins, B.
Cox, B.
Craig of Radley, L.
Craigavon, V.
Crawley, B.
Crisp, L.
Cromwell, L.
Cunningham of Felling, L.
Curry of Kirkharle, L.
Dannatt, L.
Davidson of Glen Clova, L.
Davies of Brixton, L.
Davies of Oldham, L.
Davies of Stamford, L.
Deech, B.
Derby, Bp.
Desai, L.
Devon, E.
Dholakia, L.
Donaghy, B.
Donoughue, L.
Doocey, B.
Drake, B.
D'Souza, B.
Dubs, L.
Eames, L.
Eatwell, L.
Elder, L.
Falkner of Margravine, B.
Faulkner of Worcester, L.
Featherstone, B.
Field of Birkenhead, L.
Filkin, L.
Finlay of Llandaff, B.
Foster of Bath, L.
Foulkes of Cumnock, L.
Fox of Buckley, B.
Fox, L.
Gale, B.
Garden of Frognal, B.
Geidt, L.
German, L.
Glasgow, E.
Gloucester, Bp.
Goddard of Stockport, L.
Golding, B.
Goldsmith, L.
Goudie, B.
Grantchester, L.
Greaves, L.
Greengross, B.
Greenway, L.
Grender, B.
Grey-Thompson, B.
Griffiths of Burry Port, L.
Grocott, L.
Hain, L.
Hamwee, B.
Hanworth, V.
Harries of Pentregarth, L.
Harris of Haringey, L.
Harris of Richmond, B.
Haskel, L.
Hastings of Scarisbrick, L.
Haworth, L.
Hay of Ballyore, L.
Hayman of Ullock, B.
Hayman, B.
Hayter of Kentish Town, B.
Healy of Primrose Hill, B.
Henig, B.
Hilton of Eggardon, B.
Hoey, B.
Hogan-Howe, L.
Hollick, L.
Howarth of Newport, L.
Humphreys, B.
Hunt of Kings Heath, L.
Hussain, L.
Hussein-Ece, B.
Hutton of Furness, L.
Janke, B.
Jay of Paddington, B.
Jolly, B.
Jones of Cheltenham, L.
Jones of Moulsecoomb, B.
Jones of Whitchurch, B.
Jones, L.
Judd, L.
Kennedy of Cradley, B.
Kennedy of Southwark, L.
Kennedy of The Shaws, B.
Kestenbaum, L.
Khan of Burnley, L.
Kilclooney, L.
Knight of Weymouth, L.
Kramer, B.
Laming, L.
Lawrence of Clarendon, B.
Layard, L.
Lea of Crondall, L.
Lee of Trafford, L.
Leeds, Bp.
Leitch, L.
Lennie, L.
Levy, L.
Liddell of Coatdyke, B.
Liddle, L.
Lincoln, Bp.
Lipsey, L.
Lister of Burtersett, B.
London, Bp.
Low of Dalston, L.
Ludford, B.
Mackay of Clashfern, L.
MacKenzie of Culkein, L.
Mackenzie of Framwellgate, L.
Mallalieu, B.
Manchester, Bp.
Mandelson, L.
Mann, L.
Marks of Henley-on-Thames, L.
Massey of Darwen, B.
Maxton, L.
McAvoy, L.
McConnell of Glenscorrodale, L.
McDonagh, B.
McIntosh of Hudnall, B.
McKenzie of Luton, L.
McNally, L.
McNicol of West Kilbride, L.
Meacher, B.
Mendelsohn, L.
Miller of Chilthorne Domer, B.
Mitchell, L.
Monks, L.
Morgan of Drefelin, B.
Morris of Yardley, B.
Murphy of Torfaen, L.
Murphy, B.
Neuberger, B.
Newby, L.
Newcastle, Bp.
Northover, B.
Oates, L.
O'Loan, B.
Osamor, B.
Oxford, Bp.
Paddick, L.
Palmer of Childs Hill, L.
Parekh, L.
Parminter, B.
Patel of Bradford, L.
Patel, L.
Pinnock, B.
Pitkeathley, B.
Ponsonby of Shulbrede, L.
Prashar, B.
Prescott, L.
Primarolo, B.
Prosser, B.
Purvis of Tweed, L.
Puttnam, L.
Quin, B.
Radice, L.
Ramsay of Cartvale, B.
Ramsbotham, L.
Randall of Uxbridge, L.
Randerson, B.
Ravensdale, L.
Razzall, L.
Rebuck, B.
Redesdale, L.
Rees of Ludlow, L.
Reid of Cardowan, L.
Rennard, L.
Ritchie of Downpatrick, B.
Roberts of Llandudno, L.
Robertson of Port Ellen, L.
Rooker, L.
Rosser, L.
Rowe-Beddoe, L.
Rowlands, L.

Royall of Blaisdon, B.
Russell of Liverpool, L.
Sandwich, E.
Scott of Needham Market, B.
Scriven, L.
Sharkey, L.
Sheehan, B.
Sherlock, B.
Shipley, L.
Sikka, L.
Simon, V.
Singh of Wimbledon, L.
Smith of Basildon, B.
Smith of Finsbury, L.
Smith of Gilmorehill, B.
Smith of Newnham, B.
Snape, L.
Somerset, D.
Southwark, Bp.
St Albans, Bp.
St John of Bletso, L.
Stephen, L.
Stern, B.
Stevens of Kirkwhelpington, L.
Stevenson of Balmacara, L.
Stone of Blackheath, L.
Stoneham of Droxford, L.
Strasburger, L.
Stunell, L.
Suttie, B.
Taverne, L.
Taylor of Bolton, B.
Taylor of Goss Moor, L.
Teverson, L.
Thomas of Gresford, L.
Thomas of Winchester, B.
Thornhill, B.
Thornton, B.
Thurso, V.
Tope, L.
Touhig, L.
Triesman, L.
Truscott, L.
Tunnicliffe, L.
Turnberg, L.
Tyler of Enfield, B.
Tyler, L.
Uddin, B.
Verjee, L.
Walker of Aldringham, L.
Wallace of Saltaire, L.
Wallace of Tankerness, L.
Walmsley, B.
Walney, L.
Warwick of Undercliffe, B.
Watkins of Tavistock, B.
Watson of Invergowrie, L.
Watts, L.
West of Spithead, L.
Wheeler, B.
Whitaker, B.
Whitty, L.
Wigley, L.
Wilcox of Newport, B.
Willis of Knaresborough, L.
Wills, L.
Winchester, Bp.
Winston, L.
Wood of Anfield, L.
Woodley, L.
Woolf, L.
Worcester, Bp.
Wrigglesworth, L.
Young of Hornsey, B.
Young of Norwood Green, L.
Young of Old Scone, B.

NOT CONTENTS

Aberdare, L.
Agnew of Oulton, L.
Ahmad of Wimbledon, L.
Altmann, B.
Anelay of St Johns, B.
Arbuthnot of Edrom, L.
Arran, E.
Ashton of Hyde, L.
Astor of Hever, L.
Astor, V.
Baker of Dorking, L.
Balfe, L.
Barran, B.
Barwell, L.
Bates, L.
Bellingham, L.
Benyon, L.
Berridge, B.
Bertin, B.
Bethell, L.
Bhatia, L.
Bichard, L.
Black of Brentwood, L.
Blackwood of North Oxford, B.
Bloomfield of Hinton Waldrist, B.
Borwick, L.
Botham, L.
Bourne of Aberystwyth, L.
Brabazon of Tara, L.
Brady, B.
Bridgeman, V.
Bridges of Headley, L.
Brown of Eaton-under-Heywood, L.
Browne of Belmont, L.
Browning, B.
Brownlow of Shurlock Row, L.
Caine, L.
Caithness, E.
Callanan, L.
Carrington of Fulham, L.
Carrington, L.
Cathcart, E.
Cavendish of Little Venice, B.
Chalker of Wallasey, B.
Chisholm of Owlpen, B.
Choudrey, L.
Clarke of Nottingham, L.
Coe, L.
Colgrain, L.
Colwyn, L.
Cormack, L.
Courtown, E.
Couttie, B.
Crathorne, L.
Cruddas, L.
Cumberlege, B.
Davies of Gower, L.
De Mauley, L.
Deben, L.
Deighton, L.
Dobbs, L.
Dodds of Duncairn, L.
Duncan of Springbank, L.
Dundee, E.
Dunlop, L.
Eaton, B.
Eccles of Moulton, B.
Eccles, V.
Erroll, E.
Etherton, L.
Evans of Bowes Park, B.
Fairfax of Cameron, L.
Fairhead, B.
Farmer, L.
Fellowes of West Stafford, L.
Fink, L.
Finkelstein, L.
Finn, B.
Fleet, B.
Flight, L.
Fookes, B.
Foster of Oxton, B.
Framlingham, L.
Freud, L.
Frost, L.
Fullbrook, B.
Gadhia, L.
Gardiner of Kimble, L.
Gardner of Parkes, B.
Garnier, L.
Geddes, L.
Glenarthur, L.
Godson, L.
Goldie, B.
Goldsmith of Richmond Park, L.
Goodlad, L.
Goschen, V.
Grade of Yarmouth, L.
Greenhalgh, L.
Griffiths of Fforestfach, L.
Grimstone of Boscobel, L.
Hailsham, V.
Hamilton of Epsom, L.
Hannan of Kingsclere, L.
Harris of Peckham, L.
Haselhurst, L.
Hayward, L.
Henley, L.
Herbert of South Downs, L.
Hodgson of Abinger, B.
Hogg, B.
Holmes of Richmond, L.
Hooper, B.
Hope of Craighead, L.
Horam, L.
Howard of Lympne, L.
Howard of Rising, L.
Howe, E.
Howell of Guildford, L.
Hunt of Wirral, L.
James of Blackheath, L.
Jenkin of Kennington, B.
Johnson of Marylebone, L.
Jopling, L.
Judge, L.
Kakkar, L.
Kalms, L.
Kamall, L.
Keen of Elie, L.
King of Bridgwater, L.
Kirkham, L.
Kirkhope of Harrogate, L.
Lamont of Lerwick, L.
Lancaster of Kimbolton, L.
Lang of Monkton, L.
Lansley, L.
Leigh of Hurley, L.
Lexden, L.
Lilley, L.
Lindsay, E.
Lingfield, L.
Liverpool, E.
Livingston of Parkhead, L.
Lothian, M.
Lucas, L.
Mancroft, L.
Manzoor, B.
Marland, L.
Marlesford, L.
McColl of Dulwich, L.
McCrea of Magherafelt and Cookstown, L.
McGregor-Smith, B.
McInnes of Kilwinning, L.
McLoughlin, L.
Mendoza, L.
Meyer, B.
Mobarik, B.
Mone, B.
Montrose, D.
Morgan of Cotes, B.
Morris of Bolton, B.
Morrissey, B.
Morrow, L.
Moylan, L.
Moynihan, L.
Naseby, L.
Nash, L.
Neville-Jones, B.
Neville-Rolfe, B.
Newlove, B.
Nicholson of Winterbourne, B.
Noakes, B.
Northbrook, L.
Norton of Louth, L.
O'Neill of Bengarve, B.
Pannick, L.
Parkinson of Whitley Bay, L.
Patten of Barnes, L.
Pearson of Rannoch, L.
Penn, B.
Pickles, L.
Polak, L.
Popat, L.
Powell of Bayswater, L.
Price, L.
Rana, L.
Ranger, L.
Reay, L.
Redfern, B.
Renfrew of Kaimsthorn, L.
Ribeiro, L.
Ridley, V.
Risby, L.
Robathan, L.
Rock, B.
Rogan, L.
Rotherwick, L.
Saatchi, L.
Sanderson of Welton, B.
Sarfraz, L.
Sassoon, L.
Sater, B.
Scott of Bybrook, B.
Seccombe, B.
Selkirk of Douglas, L.
Shackleton of Belgravia, B.
Sharpe of Epsom, L.
Sheikh, L.
Shephard of Northwold, B.
Shields, B.
Shrewsbury, E.
Smith of Hindhead, L.
Stedman-Scott, B.
Sterling of Plaistow, L.
Stewart of Dirleton, L.
Stirrup, L.
Strathclyde, L.
Stroud, B.
Stuart of Edgbaston, B.
Sugg, B.
Suri, L.

Swinfen, L.
Taylor of Holbeach, L.
Taylor of Warwick, L.
Tebbit, L.
Thurlow, L.
Trefgarne, L.
Trenchard, V.
True, L.
Tugendhat, L.
Udny-Lister, L.
Ullswater, V.
Vaizey of Didcot, L.
Vere of Norbiton, B.
Verma, B.
Vinson, L.
Wakeham, L.
Wasserman, L.
Wei, L.
Wharton of Yarm, L.
Whitby, L.
Willetts, L.
Williams of Trafford, B.
Wilson of Dinton, L.
Wolfson of Tredegar, L.
Wyld, B.
Young of Cookham, L.
Younger of Leckie, V.

Motion C2 not moved.

Arrangement of Business

Announcement

3.14 pm

The Deputy Speaker (Lord McNicol of West Kilbride) (Lab): My Lords, we come to day four of Report on the Domestic Abuse Bill. I will call Members to speak in the order listed. Short questions of elucidation after the Minister's response are discouraged. Any Members wishing to ask such a question must email the clerk. The groupings are binding. A participant wishing to press an amendment other than the lead amendment in a group to a Division must give notice in the debate or by emailing the clerk. Leave should be given to withdraw amendments. When putting the Question, I will collect voices in the Chamber only. If a Member taking part remotely wants their voice accounted for if the question is put, they must make this clear when speaking on the group. We will now begin.

Domestic Abuse Bill

Report (4th Day)

3.15 pm

Relevant documents: 21st and 28th Reports from the Delegated Powers Committee

The Deputy Speaker (Lord McNicol of West Kilbride) (Lab): As it was not possible to proceed with a Division on this Bill on Monday, I will call for the deferred Division on Amendment 87, which was fully debated and pressed to a Division on Monday. No further speeches will be heard on this amendment. We begin with the deferred Division on Amendment 87, moved by the noble Baroness, Lady Hamwee. The Question will be decided by a remote Division. I instruct the clerk to start a remote Division.

3.16 pm

Division conducted remotely on Amendment 87

Contents 310; Not-Contents 232.

Amendment 87 agreed.

Division No. 2

CONTENTS

Aberdare, L.
Adams of Craigielea, B.
Addington, L.
Adonis, L.
Allan of Hallam, L.
Alli, L.
Alton of Liverpool, L.
Amos, B.
Anderson of Ipswich, L.
Anderson of Swansea, L.
Andrews, B.
Bach, L.
Bakewell of Hardington Mandeville, B.
Bakewell, B.
Barker, B.
Bassam of Brighton, L.
Beith, L.
Benjamin, B.
Bennett of Manor Castle, B.
Berkeley of Knighton, L.
Berkeley, L.
Best, L.
Bichard, L.
Billingham, B.
Birt, L.
Blackstone, B.
Blower, B.
Blunkett, L.
Boateng, L.
Bonham-Carter of Yarnbury, B.
Bowles of Berkhamsted, B.
Bowness, L.
Bradley, L.
Bradshaw, L.
Bragg, L.
Brennan, L.
Brinton, B.
Broers, L.
Brooke of Alverthorpe, L.
Browne of Belmont, L.
Browne of Ladyton, L.
Bruce of Bennachie, L.
Bryan of Partick, B.
Bull, B.
Burnett, L.
Burt of Solihull, B.
Butler-Sloss, B.
Cameron of Dillington, L.
Campbell of Pittenweem, L.
Campbell of Surbiton, B.
Campbell-Savours, L.
Carlile of Berriew, L.
Carter of Coles, L.
Cashman, L.
Chakrabarti, B.
Chandos, V.
Chapman of Darlington, B.
Clark of Kilwinning, B.
Clark of Windermere, L.
Clement-Jones, L.
Cohen of Pimlico, B.
Collins of Highbury, L.
Colville of Culross, V.
Cooper of Windrush, L.
Corston, B.
Coussins, B.
Cox, B.
Craig of Radley, L.
Crawley, B.
Crisp, L.
Cromwell, L.
Cunningham of Felling, L.
Davidson of Glen Clova, L.
Davies of Brixton, L.
Davies of Oldham, L.
Davies of Stamford, L.
Desai, L.
Devon, E.
Dholakia, L.
Dodds of Duncairn, L.
Donaghy, B.
Donoughue, L.
Doocey, B.
Drake, B.
D'Souza, B.
Dubs, L.
Eames, L.
Eatwell, L.
Elder, L.
Erroll, E.
Etherton, L.
Evans of Watford, L.
Falkner of Margravine, B.
Faulkner of Worcester, L.
Featherstone, B.
Field of Birkenhead, L.
Finlay of Llandaff, B.
Foster of Bath, L.
Foulkes of Cumnock, L.
Fox, L.
Freyberg, L.
Gale, B.
Garden of Frognal, B.
German, L.
Glasgow, E.
Golding, B.
Goldsmith, L.
Goudie, B.
Grantchester, L.
Greaves, L.
Greengross, B.
Grender, B.
Grey-Thompson, B.
Grocott, L.
Hain, L.
Hamwee, B.
Hannay of Chiswick, L.
Hanworth, V.
Harries of Pentregarth, L.
Harris of Haringey, L.
Harris of Richmond, B.
Haskel, L.
Hastings of Scarisbrick, L.
Haworth, L.
Hay of Ballyore, L.
Hayman of Ullock, B.
Hayman, B.
Hayter of Kentish Town, B.
Healy of Primrose Hill, B.
Helic, B.
Hendy, L.
Henig, B.
Hilton of Eggardon, B.
Hollick, L.
Hollins, B.
Hope of Craighead, L.
Howarth of Newport, L.
Hoyle, L.
Hughes of Stretford, B.
Humphreys, B.
Hunt of Bethnal Green, B.
Hunt of Kings Heath, L.
Hussain, L.
Hutton of Furness, L.
Inglewood, L.
Janke, B.
Janvrin, L.
Jay of Paddington, B.
Jolly, B.
Jones of Cheltenham, L.
Jones of Moulsecoomb, B.
Jones of Whitchurch, B.
Jones, L.
Judd, L.
Judge, L.
Kakkar, L.
Kennedy of Cradley, B.
Kennedy of Southwark, L.
Khan of Burnley, L.
Kidron, B.
Knight of Weymouth, L.
Kramer, B.

Laming, L.
Lane-Fox of Soho, B.
Lawrence of Clarendon, B.
Lea of Crondall, L.
Lee of Trafford, L.
Lennie, L.
Levy, L.
Liddell of Coatdyke, B.
Liddle, L.
Lincoln, Bp.
Lipsey, L.
Lister of Burtersett, B.
Loomba, L.
Low of Dalston, L.
Ludford, B.
Lytton, E.
Macdonald of River Glaven, L.
MacKenzie of Culkein, L.
Mackenzie of Framwellgate, L.
Macpherson of Earl's Court, L.
Mair, L.
Mallalieu, B.
Manchester, Bp.
Mandelson, L.
Mann, L.
Marks of Henley-on-Thames, L.
Masham of Ilton, B.
Massey of Darwen, B.
Maxton, L.
McAvoy, L.
McConnell of Glenscorrodale, L.
McDonagh, B.
McIntosh of Hudnall, B.
McKenzie of Luton, L.
McNally, L.
McNicol of West Kilbride, L.
Mendelsohn, L.
Miller of Chilthorne Domer, B.
Mitchell, L.
Monks, L.
Morgan of Drefelin, B.
Morgan of Huyton, B.
Morris of Aberavon, L.
Morris of Yardley, B.
Morrow, L.
Murphy of Torfaen, L.
Murphy, B.
Neuberger, B.
Newby, L.
Northover, B.
Nye, B.
Oates, L.
O'Loan, B.
Osamor, B.
Paddick, L.
Palmer of Childs Hill, L.
Pannick, L.
Parminter, B.
Patel, L.
Pinnock, B.
Pitkeathley, B.
Ponsonby of Shulbrede, L.
Prashar, B.
Primarolo, B.
Prosser, B.
Puttnam, L.
Quin, B.
Radice, L.
Ramsay of Cartvale, B.
Ramsbotham, L.
Randerson, B.
Razzall, L.
Rebuck, B.
Redesdale, L.
Rees of Ludlow, L.
Reid of Cardowan, L.
Rennard, L.
Ritchie of Downpatrick, B.
Rooker, L.
Rosser, L.
Rowe-Beddoe, L.
Rowlands, L.
Royall of Blaisdon, B.
Russell of Liverpool, L.
Sandwich, E.
Scott of Needham Market, B.
Scriven, L.
Sharkey, L.
Sheehan, B.
Sherlock, B.
Shipley, L.
Sikka, L.
Simon, V.
Singh of Wimbledon, L.
Smith of Basildon, B.
Smith of Finsbury, L.
Smith of Gilmorehill, B.
Smith of Newnham, B.
Snape, L.
Soley, L.
Somerset, D.
Stern, B.
Stevens of Kirkwhelpington, L.
Stevenson of Balmacara, L.
Stirrup, L.
Stone of Blackheath, L.
Stoneham of Droxford, L.
Strasburger, L.
Stunell, L.
Suttie, B.
Taverne, L.
Taylor of Bolton, B.
Teverson, L.
Thomas of Gresford, L.
Thomas of Winchester, B.
Thornton, B.
Thurlow, L.
Thurso, V.
Tope, L.
Touhig, L.
Truscott, L.
Tunnicliffe, L.
Turnberg, L.
Tyler of Enfield, B.
Tyler, L.
Uddin, B.
Verjee, L.
Walker of Aldringham, L.
Wallace of Saltaire, L.
Wallace of Tankerness, L.
Walmsley, B.
Warwick of Undercliffe, B.
Watkins of Tavistock, B.
Watson of Invergowrie, L.
Watts, L.
West of Spithead, L.
Wheeler, B.
Whitaker, B.
Whitty, L.
Wigley, L.
Wilcox of Newport, B.
Willis of Knaresborough, L.
Wills, L.
Wilson of Dinton, L.
Winchester, Bp.
Winston, L.
Worcester, Bp.
Young of Old Scone, B.

NOT CONTENTS

Agnew of Oulton, L.
Ahmad of Wimbledon, L.
Altmann, B.
Anelay of St Johns, B.
Arbuthnot of Edrom, L.
Ashton of Hyde, L.
Astor of Hever, L.
Baker of Dorking, L.
Balfe, L.
Barwell, L.
Bates, L.
Benyon, L.
Berridge, B.
Bethell, L.
Bhatia, L.
Black of Brentwood, L.
Blackwell, L.
Blackwood of North Oxford, B.
Blencathra, L.
Bloomfield of Hinton Waldrist, B.
Borwick, L.
Botham, L.
Bourne of Aberystwyth, L.
Brabazon of Tara, L.
Brady, B.
Bridges of Headley, L.
Brookeborough, V.
Brown of Eaton-under-Heywood, L.
Browning, B.
Brownlow of Shurlock Row, L.
Buscombe, B.
Butler of Brockwell, L.
Caine, L.
Caithness, E.
Callanan, L.
Carey of Clifton, L.
Carrington of Fulham, L.
Carrington, L.
Cathcart, E.
Chalker of Wallasey, B.
Chartres, L.
Chisholm of Owlpen, B.
Choudrey, L.
Clarke of Nottingham, L.
Coe, L.
Colgrain, L.
Colwyn, L.
Cormack, L.
Courtown, E.
Couttie, B.
Craigavon, V.
Crathorne, L.
Cruddas, L.
Cumberlege, B.
Dannatt, L.
Davies of Gower, L.
De Mauley, L.
Deech, B.
Dobbs, L.
Duncan of Springbank, L.
Dunlop, L.
Eaton, B.
Eccles of Moulton, B.
Eccles, V.
Evans of Bowes Park, B.
Fairfax of Cameron, L.
Fall, B.
Fellowes of West Stafford, L.
Fleet, B.
Flight, L.
Fookes, B.
Forsyth of Drumlean, L.
Foster of Oxton, B.
Fox of Buckley, B.
Framlingham, L.
Fraser of Craigmaddie, B.
Freud, L.
Frost, L.
Fullbrook, B.
Gadhia, L.
Gardiner of Kimble, L.
Gardner of Parkes, B.
Garnier, L.
Geddes, L.
Gilbert of Panteg, L.
Glenarthur, L.
Godson, L.
Goldie, B.
Goldsmith of Richmond Park, L.
Goodlad, L.
Grade of Yarmouth, L.
Green of Deddington, L.
Greenhalgh, L.
Greenway, L.
Griffiths of Fforestfach, L.
Grimstone of Boscobel, L.
Hailsham, V.
Hammond of Runnymede, L.
Harris of Peckham, L.
Haselhurst, L.
Hayward, L.
Henley, L.
Herbert of South Downs, L.
Hodgson of Abinger, B.
Hodgson of Astley Abbotts, L.
Hoey, B.
Hogg, B.
Holmes of Richmond, L.
Horam, L.
Howard of Lympne, L.
Howe, E.
Howell of Guildford, L.
James of Blackheath, L.
Jenkin of Kennington, B.
Jopling, L.
Kalms, L.
Keen of Elie, L.
Kilclooney, L.
King of Bridgwater, L.
Kirkham, L.
Lamont of Lerwick, L.
Lancaster of Kimbolton, L.
Lang of Monkton, L.
Leigh of Hurley, L.
Lexden, L.
Lindsay, E.
Lingfield, L.
Liverpool, E.
Livingston of Parkhead, L.
Lothian, M.
Lucas, L.
Mackay of Clashfern, L.
Mancroft, L.
Marland, L.
Marlesford, L.
Maude of Horsham, L.
Mawson, L.
McColl of Dulwich, L.
McGregor-Smith, B.
McInnes of Kilwinning, L.

McLoughlin, L.
Mendoza, L.
Meyer, B.
Mobarik, B.
Mone, B.
Montrose, D.
Moore of Etchingham , L.
Morgan of Cotes, B.
Morris of Bolton, B.
Morrissey, B.
Moylan, L.
Moynihan, L.
Naseby, L.
Nash, L.
Neville-Jones, B.
Neville-Rolfe, B.
Nicholson of Winterbourne, B.
Noakes, B.
Norton of Louth, L.
O'Neill of Bengarve, B.
O'Shaughnessy, L.
Parkinson of Whitley Bay, L.
Patten, L.
Penn, B.
Pickles, L.
Pidding, B.
Polak, L.
Popat, L.
Porter of Spalding, L.
Powell of Bayswater, L.
Price, L.
Rana, L.
Randall of Uxbridge, L.
Rawlings, B.
Reay, L.
Redfern, B.
Renfrew of Kaimsthorn, L.
Ribeiro, L.
Ridley, V.
Risby, L.
Robathan, L.
Rock, B.
Rose of Monewden, L.
Rotherwick, L.
Saatchi, L.
Sanderson of Welton, B.
Sarfraz, L.
Sassoon, L.
Sater, B.
Scott of Bybrook, B.
Seccombe, B.
Selkirk of Douglas, L.
Shackleton of Belgravia, B.
Sharpe of Epsom, L.
Sheikh, L.
Shephard of Northwold, B.
Sherbourne of Didsbury, L.
Shields, B.
Shinkwin, L.
Shrewsbury, E.
Smith of Hindhead, L.
Spencer of Alresford, L.
Stedman-Scott, B.
Sterling of Plaistow, L.
Stewart of Dirleton, L.
Strathclyde, L.
Stroud, B.
Sugg, B.
Swinfen, L.
Taylor of Holbeach, L.
Taylor of Warwick, L.
Tebbit, L.
Trefgarne, L.
Trenchard, V.
Trimble, L.
True, L.
Tugendhat, L.
Udny-Lister, L.
Ullswater, V.
Vaizey of Didcot, L.
Vere of Norbiton, B.
Verma, B.
Wakeham, L.
Wasserman, L.
Wei, L.
Wharton of Yarm, L.
Whitby, L.
Williams of Trafford, B.
Wolfson of Tredegar, L.
Wyld, B.
Young of Cookham, L.
Younger of Leckie, V.

3.28 pm

Debate on Amendment 87A resumed.

Baroness Butler-Sloss (CB) [V]: My Lords, I have had more emails asking me to support Amendment 87A than any other part of the Bill—I am sure that that is true for many other Members of this House. There is clearly not only great support for it across the country but a major concern about the impact on children of access to online pornography and its link with domestic abuse.

As noble Lords know, pornography is easy to access online, and we know that children are susceptible. I remember being told by the manager of a refuge about a little boy of five hitting his younger sister, who was four; when he was asked why he did it, he said, "That is what daddy does to mummy every day". Noble Lords may remember that the 10 year-old killers of the little Bulger boy had watched the most appalling videos before they carried out this tragic murder, copying some of what they had watched.

Since age verification has been approved by both Houses, I share the view across the House that it should now be implemented in this Bill.

3.30 pm

Lord Morrow (DUP) [V]: My Lords, I again commend the Government for bringing forward the Bill, as I have done throughout its passage through this House. I thank the Minister for the work that has been undertaken thus far. However, as the tragic events in Clapham so shockingly remind us, speed is of the essence when it comes to changing the attitude of men and boys towards women and girls in our society.

The Minister has been keen to point out that the Government's own pornography research does not prove causation—how could it? It does demonstrate a clear association between pornography consumption and male aggression and sexual violence, as does other research in the field. In this context, addressing the impact of pornography consumption on male aggression towards women must form part of a credible legislative approach to violence against women and a credible response to the outpouring of stories that we have all been moved by this week.

In recent debates, much has been said about how Part 3 of the Digital Economy Act protects children from pornographic websites through age verification. That is certainly very important because, if Part 3 was in place now, children today would be less likely to be exposed to pornographic websites. It would therefore be less likely that they would move into adulthood with the expectation that violence is a natural part of sexual relationships, with all that this means for behaviour.

However, after the events of last week, it is also important to stress that another feature of Part 3—namely, the regulator's power to take robust action against websites showing illegal extreme pornography, regardless of age verification—is important, because it will help foster an environment that challenges the normalisation of violence against women. It is a vital change that women and children could benefit from right now, that could have brought huge benefits from last year and, crucially, that could bring huge benefits very quickly, for reasons I will explain, if the Government implement Part 3.

The latest letter on this from the Minister comes with an estimated timetable of between 22 and 27 months for implementing Part 3 of the Digital Economy Act 2017, with a new regulator. This is perhaps the finest example of a cannot-do, rather than a can-do, attitude to emerge from Whitehall since Sir Humphrey Appleby took his retirement. It is deeply problematic for at least two reasons. First, it clearly draws out the process to the greatest possible extent, making it as long as possible. Secondly, it rests upon a strategy that hopes that none of us will be cute enough to spot the elephant in the room.

The truth is that, if the Government were prepared to redesignate the BBFC as the regulator for Part 3 during the interim period, while the online harms Bill is being developed, then women and children would benefit within a matter of months from the very important protections that this House has already sanctioned in relation to pornographic websites. The taxpayer would also see a return on the £2.2 million investment in the steps taken in preparing for implementing Part 3.

The question the Government must answer is this: is bowing to their preference that Ofcom be the regulator, rather than the BBFC, so important that they are prepared to demand that the price for it is that women and children should be denied the protections that this House has sanctioned for them for a period of years? We can argue about how long it might take for the online harms framework to reach the point of implementation, but if we use the Digital Economy Act as a model, we can assume that the time from the arrival of the primary legislation in Parliament to the point at which it and the attendant secondary legislation and guidance are passed will be about three years. Is the Prime Minister prepared to tell the women and children of the United Kingdom that his preference for Ofcom over the BBFC is so great that women and children should be denied these important protections from pornographic websites for some years, even though he can still have Ofcom when the online harms regime comes into play? Is he prepared to ignore Women's Aid? Are the Government saying that, because they cannot consent to this, we should cease support for this amendment and all those who want implementation now?

I trust that the Prime Minister still has his political wits about him. I trust that he will think better of taking a different position from all these bodies and the noble Baroness, Lady Benjamin, whom the people of this country hold in such high regard. Redesignation would take 40 days, as per Section 17 of the 2017 Act, where it was agreed that we should give the websites three months to get ready.

By my reckoning, if the Government show a fraction of the determination that we saw at the vigil in Clapham on Saturday night, Part 3, with all its protections for women and children, could be in force before this House rises for the Summer Recess. It is my great hope that the Government will do the right thing today and tell the Minister before she gets to her feet that she can announce that the Government will now implement Part 3, so that the noble Baroness, Lady Benjamin, whose leadership on this issue demands our great respect, can withdraw her amendment.

Baroness O'Loan (CB) [V]: My Lords, I am pleased to speak today in support of the amendment in the name of the noble Baroness, Lady Benjamin. I am grateful too for the powerful briefings and extensive correspondence on this amendment that I have received from several organisations and individuals.

Like other noble Lords who have spoken, I have seen the Government's letter of 8 March. I found it unconvincing and I am concerned that there is a danger of completely missing the point of the amendment. As we saw over the weekend, the country is very concerned about attacks on women. I think, too, that we are all concerned about the level of violence against children, and indeed against men, in our society. It is clear that the consumption of pornography is associated with aggression and violence against women, men and children. This is an issue on which we can act today.

Had the Government implemented Part 3 of the Digital Economy Act as planned, we would have had a functioning regulator today. He or she would have been able to take a series of robust actions against any pornographic website showing illegal extreme pornography. We would have seen the introduction of age verification on pornographic websites.

Today, 14 women's organisations, including Women's Aid, have written to the Prime Minister asking him to instruct his Ministers to respond to the debate by making a commitment to implement Part 3 of the Digital Economy Act as an interim measure to protect women and children, treating them with dignity between now and when the online harms regime will be ready, probably in three years.

The suggestion in the Government's letter that

"commencing Part 3 of the 2017 Act as an interim measure would … create a confusing and fragmented regulatory landscape"

is unconvincing; it is also regrettable.

The online harms Bill is not yet before Parliament; it will take time to pass through Parliament and, even if it is passed as suggested and the Government commence implementation immediately, the interim arrangements proposed today would be in place and working for two or three years before it would be realistically possible for any benefit to be experienced through such an Act. That would be years of additional protection before any further legislation was operative.

If providing a greater measure of protection for women and children is a critical issue, as the Government have said, they cannot continue to argue that the legislation that we have passed should not be implemented now, even as work proceeds on developing even better legislation for the future. With child-on-child sexual abuse, we know that between 2012 and 2016 there was a 78% rise in England and Wales. Research from 2017 on preventing harmful sexual behaviour involved interviews with young sexual offenders, asking them what might have stopped them. Their answers included "help in management of pornography". Implementing Part 3 would do this; it would help to save and protect until new legislation is enacted.

I urge the Government to respond positively to noble Lords who have spoken in favour of this amendment and the many women's groups that have written to the Prime Minister today, and I shall support the noble Baroness, Lady Benjamin, if she divides the House on this amendment.

Baroness Finlay of Llandaff (CB) [V]: We should all thank the noble Baroness, Lady Benjamin, for Amendment 87A. It has been thrown into stark relief by the terribly tragic death of Sarah Everard.

In 2017, Parliament agreed powers to take action against any website showing illegal extreme pornography, yet although we have agreed that non-fatal strangulation is a crime, we still face the cultural normalisation of aggressive sexual activity, of which strangulation activities are the most extreme example. Fuelling such activities is violent pornography and the underlying problem of sex addiction, as explained by the noble Lord, Lord McColl of Dulwich. As with any addiction, the person requires ever more potent dosages of the source of their addiction, whether drugs, alcohol, gambling or abnormal sex. When sexual potency appears to fail, the man seeks greater stimulation in an attempt to achieve satisfaction, developing psychological tolerance to abhorrent acts. The pornography sought gradually

[Baroness Finlay of Llandaff]
becomes ever more extreme, with films and images made exploiting those who are vulnerable, often underage, enslaved or both. This is not about choice or self-control; the addict has surrendered choice—they are controlled by their addiction, compulsively drawn by dependence to extreme pornography. That does not absolve them from responsibility at all but, by leaving the extreme pornography there, we do not just normalise these practices but fuel the addiction, similar to the drug trafficker providing cocaine to the addict.

The Government's own research into the impact of pornography on male aggression reported in February 2020 that

"there is substantial evidence of an association between the use of pornography and harmful sexual attitudes and behaviours towards women".

We need robust action against websites based anywhere in the world, accessing the UK with illegal extreme pornography. Age-verification checks would ensure that children are significantly less likely to be exposed to pornographic websites, which have negative implications for their development and give an expectation that violence is a natural part of sexual relationships, with all this means for their behaviour. The terrible costs of not implementing Part 3 of the Digital Economy Act are evident. As has been said:

"It's now easy to find content on the major porn sites of women being hung, strangled, suffocated, garrotted—and with 'choking' content often featuring on the front page."

Moreover, on September 2019, the *Journal of Criminal Law* noted:

"Evidence suggests that the mainstream online pornography websites, while declaring such material as contravening their terms and conditions, continue to host such material".

We cannot wait for the online harms Bill. Women up and down the country—[*Inaudible.*]

The Deputy Speaker (Lord McNicol of West Kilbride) (Lab): I suggest that we move to the noble Lord, Lord Paddick. If we can reconnect with the noble Baroness, Lady Finlay, we will return to her after the Minister.

3.45 pm

Lord Paddick (LD) [V]: First, I want to acknowledge that noble Lords all around this House are concerned about the link between violent pornography and violence against women and girls. I accept that this is an important issue that needs to be debated and addressed, but I remind noble Lords of what the amendment actually says. It would require an investigation into the link between children accessing online pornography and domestic abuse. It would require the person appointed by the Secretary of State to conduct an investigation into whether such a link exists and for that person then to decide whether to implement Part 3 of the Digital Economy Act if that person thinks that implementing Part 3 would prevent domestic abuse.

Part 3 of the Digital Economy Act is about preventing children under 18 from accessing online pornography. It does nothing to control adults accessing violent pornographic content unless that content is extreme and, therefore, illegal. Extreme pornography is defined by Section 63 of the Criminal Justice and Immigration Act 2008 as

"grossly offensive, disgusting or otherwise of an obscene character".

Examples are given in the Act, which I shall not quote directly, but they are such things as an act that threatens a person's life; an act that causes serious injury to intimate areas of a person's body; sex with dead bodies; and sex with animals. When it says extreme, it really does mean extreme.

Part 3 requires only the policing of content that would be banned from sale in a sex shop. When we debated these measures, many noble Lords said that Part 3 did not go far enough. This amendment, if passed, would do nothing to prevent adults viewing violent pornography, other than extreme pornography, which is already illegal. The amendment would attempt to prevent those aged under 18 accessing any kind of pornography from commercial pornographic websites. Of course, I accept the argument that children under 18 should not be able to access pornography, whether from commercial websites or when it is shared on social media, which Part 3 does not cover. Part 3 provides inadequate protection for children online and does nothing to address noble Lords' wider concerns about adults accessing violent pornography and the link to violence against women and girls.

This amendment is about preventing children accessing online pornography, because there is believed to be a link between viewing pornography and domestic abuse. The amendment would force the Government to implement Part 3 of the Digital Economy Act if such a link was proved and it was believed that implementing Part 3 would reduce domestic abuse. The Government, as I am sure we will hear from the Minister in a moment, have decided not to implement Part 3 of the Digital Economy Act because they want to incorporate different ways in which to protect children into the online harms Bill instead.

We support what my noble friend Lady Benjamin is trying to achieve in protecting children from pornography, but there are also issues with the wording of her amendment. As I said, the amendment requires the person nominated by the Secretary of State to investigate whether there is a link between children accessing pornography and domestic abuse and report within three months—a very short timescale. If the link is proved and the nominated person believes that Part 3 would prevent domestic abuse, the Government would have to implement Part 3; the decision to implement it would be taken out of their hands.

We believe that any decision to implement Part 3 should be taken by a Secretary of State, who would be accountable to Parliament for that decision, not by a person nominated to undertake a review. We also believe that the issue of protecting children from accessing pornography is wider than domestic abuse. Even if the link between children accessing pornography and domestic abuse were not established, children should still be protected from online pornography.

For those reasons, those of us on our Front Bench for this Bill cannot support the amendment. However, I can assure noble Lords that Liberal Democrats will be holding the Government to account to ensure that effective and proportionate measures are introduced in the online harms Bill to protect children online.

Lord Ponsonby of Shulbrede (Lab) [V]: My Lords, I pay tribute to the noble Baroness, Lady Benjamin, for her commitment on this issue—a commitment that all speakers in the debate share. As the noble Lord, Lord Paddick, said, all Peers who have spoken have acknowledged the link between pornography and violence against women.

Of course, we strongly agree that there needs to be a mechanism to prevent children accessing pornographic material. We also believe that the Government have failed to show leadership on that matter and have dragged their feet. They should already have brought the online harms Bill forward.

As Part 3 of the Digital Economy Act was going through, we in the Labour Party criticised it as inadequate because it failed to focus on where some of the most serious harm was caused—for example, by not tackling social media sufficiently. The noble Lord, Lord Paddick, also made that point.

My understanding is that we now have a timeline for the online harms Bill, with pre-legislative scrutiny expected immediately after the Queen's Speech—before the Summer Recess—and that Second Reading would be expected after the Summer Recess. I would be grateful if the Minister could confirm that my understanding of the timetable is correct.

We think that there are real inadequacies in Part 3 of the Digital Economy Act, and that the best way to deal with this matter is in full, and as a priority, in the online harms Bill. That will give time for the Commons to consider the amendments to this Bill that we have already sent back to it, including the supervision of dangerous perpetrators, ensuring that all women have access to life-saving services, and ensuring that child contact centres are regulated to protect our children.

I freely acknowledge that the decision we have taken to abstain on this matter has been a difficult one—but I think it would be wrong to give a misleading sense of certainty by passing this amendment, when that certainty is not merited by the Digital Economy Act. For that reason, we shall abstain on this vote.

Lord Parkinson of Whitley Bay (Con): My Lords, as the noble Baroness, Lady Benjamin, outlined on Monday when we began this debate, her Amendment 87A would require the Government to undertake an investigation of the impact of children's access to online pornography on domestic abuse, and to review the commencement of Part 3 of the Digital Economy Act 2017.

Her Majesty's Government are committed to ensuring that the objectives of Part 3 of the Digital Economy Act will be delivered by the online harms framework. Children will be at the heart of our new online safety Bill, which will bring in a new era of accountability for online services. I am afraid I cannot comment on the timings that the noble Lord, Lord Ponsonby, asked about, as announcements about the Queen's Speech and other things have not yet been made. I am sorry to disappoint the noble Lord on that.

We are confident that the online safety Bill will provide much greater protection for children than would have been the case with Part 3 of the 2017 Act. Unlike that Act, the online harms regime will capture both the most visited pornography sites and pornography on social media, thereby covering the vast majority of sites where children are most likely to be exposed to pornography.

One of the criticisms of the 2017 Act was that its scope did not cover social media companies, where a considerable quantity of pornographic material is available to children. Research by the British Board of Film Classification published last year found that across a group of children aged between 11 and 17, 44% intentionally accessed pornography via a social media site, compared to 43% for dedicated pornography websites and 53% via an image or video search engine.

Crucially, however, just 7% of children accessed pornography only through dedicated pornography sites. Most children intentionally accessing pornography were doing so across a number of sources, including social media, as well as video-sharing platforms, fora, and via image or video search engines, the majority of which would not fall within scope of the Digital Economy Act, but will fall within the scope of online harms legislation.

Implementing Part 3 of the 2017 Act would therefore leave a significant gap in meeting the Government's objective of preventing children from accessing pornography—an objective that has also been raised by noble Lords who have spoken in the debate. Our online harms proposals will achieve a more comprehensive approach and allow us to address children's access to pornography in the round, and avoid children moving from one, more regulated, area of the internet to another, less regulated, area to access pornography.

In addition, recent technological changes could render Part 3 of the 2017 Act ineffective in protecting children if it were introduced as an interim measure. One of the Act's enforcement powers was the power to require internet service providers to block access to material on non-compliant services. Internet service providers themselves have made it clear that they are no longer the sole gatekeepers to the internet. Current and future developments in the way the architecture of the internet functions mean that they may not always be able to offer effective blocking functions, which might make this power obsolete. These potential enforcement challenges could make age-verification very difficult to enforce via the 2017 Act, even as an interim measure.

The most recent prominent change is the introduction of DNS over HTTPS—that is a bit of a mouthful; it is also known as DoH—which, in specific implementation models, could provide an alternative route to access online content that bypasses the current filtering function of internet service providers. Other proposed internet encryption standards may in future limit even further the ability of providers to filter. The Government are actively engaging with the industry to ensure that the spread of DoH and future internet encryption standards do not cause unintended consequences. For example, specific implementation models of DoH could circumnavigate the current filtering mechanisms of internet service providers, which are used to block access to child abuse content.

The noble Lord, Lord Browne of Belmont, raised the definition of internet service providers in the Digital Economy Act. A reference in legislation to internet

[Lord Parkinson of Whitley Bay]
service providers or similar is usually applied in the traditional sense, requiring the major internet service providers to block access to certain websites. The Secretary of State would have to prepare revised guidance to the regulator to implement Part 3 of the 2017 Act. As the noble Lord has said, this guidance, coupled with the broader terminology of an "internet access service", as used in European Union legislation, might offer sufficient flexibility to extend the duty for internet service providers to cover other means of accessing the internet, where technically feasible. However, the key point that my noble friend Lady Williams of Trafford set out in her letter to the noble Baroness, Lady Benjamin, was that, given the evolving nature of how internet services are provided, this approach lacks the necessary certainty.

4 pm

The proposals in the online safety Bill will future-proof the legislation, and address anticipated, longer-term changes to the architecture of the internet, by enabling the regulator to require alternative third parties to carry out blocking measures. This includes any organisation in the internet infrastructure supply chain which facilitates access to a non-compliant service to restrict that access.

It would also not be a quick solution to commence Part 3 as an interim measure, and this would take much longer than the three months that the noble Baroness suggested on Monday. The Government announced in October 2019 that they would not be commencing Part 3 of the Digital Economy Act and, as part of this, took steps to de-designate the British Board of Film Classification as the age-verification regulator. The Government would therefore need to identify a new regulator and ensure that the necessary arrangements were in place before proceeding with formal designation of that regulator. That regulator would then need to produce statutory guidance, as required under the 2017 Act, and consult publicly on this, and the Government would then need to lay regulations and this statutory guidance before Parliament ahead of any new regime coming into force.

As an indication of the potential timescales that would involve, the implementation period for Part 3 of the 2017 Act took over two years, following Royal Assent in April 2017, to the then proposed commencement date of 15 July 2019. Our analysis indicates that it would take a minimum of just under two years to implement the provisions of Part 3 of the 2017 Act. Such a lead-in time, in addition to the nine-month period set out in the noble Baroness's amendment, would run well into the online safety legislative process, so any benefits of an interim measure would be minimal at best.

Finally, commencing Part 3 of the 2017 Act as an interim measure would create a confusing and fragmented regulatory landscape. It would also require aligning two different enforcement regimes. The regulatory regime under Part 3 of the 2017 Act focuses on a specific requirement on industry to address a specific harm, rather than the wider, more holistic approach to systems and processes under our online harms proposals, which will deliver more comprehensive protections for children as well as for adults.

All pornography services in scope of the duty of care will need to tackle illegal content on their services. Where content is illegal under any criminal law, this will be captured by the online harms duty of care. As the possession of extreme pornography imagery is illegal under existing legislation, it will fall within the duty of care. Our new approach will be more robust than the Digital Economy Act, as it will capture extreme pornography as well as other illegal pornography, including non-photographic child sexual abuse content, which is not included in the definition of extreme pornography referred to in the Digital Economy Act. Companies will need to ensure that illegal content is removed expeditiously and that the risk of it appearing is minimised through effective systems.

In addition, any pornography sites which are designated as category 1 providers will be required to take action on content and activity that is legal for adults but which may be harmful. We expect that priority categories of legal but harmful content for adults set out in secondary legislation will include violent or abusive content. Category 1 services will need to be clear on their platforms about what is acceptable in their terms and conditions and enforce them consistently and transparently.

Given the timeframes for implementing the regulatory framework under the 2017 Act, it is also possible that we would be asking the industry to prepare to comply with the provisions of Part 3 at the same time as the forthcoming online safety legislation, which could distract attention and divert companies' resources away from preparing for that new legislation, which will deliver better outcomes for children.

We are clear that companies should not wait for legislation to take action to protect children from accessing online pornography, and we are encouraging companies to take steps ahead of the legislation to do just that. To help achieve this, we are working closely with people across the industry to establish the right conditions for the market to deliver age-assurance and age-verification technical solutions ahead of the legislative requirements coming into force. In addition, alongside the full government response, we published an interim code of practice on the steps that companies can take to tackle online child sexual exploitation and abuse.

I can reassure the noble Baroness, Lady Benjamin, and other noble Lords, that we are working at pace to develop online harms legislation and that the online safety Bill will be ready this year. The Government will continue to work closely with your Lordships' House and others over the coming months as we prepare this vital legislation. We are already working closely with Ofcom to ensure that the implementation period following passage of the legislation will be as short as possible.

The Government also recognise the vital role that education can play in supporting children to navigate the online world safely. A number of noble Lords mentioned that in their contributions. In England, the Department for Education introduced the statutory relationships, sex, and health education curriculum in September last year, alongside the computing curriculum. Both support children's online safety. The secondary school component of the relationships, sex, and health

curriculum includes teaching that specifically sexually explicit material, for example pornography, presents a distorted picture of sexual behaviours, and can damage the way people see themselves in relation to others and negatively affect how they behave towards sexual partners.

Finally, the noble Baroness has previously raised concerns about Ofcom's ability to block non-compliant sites and take enforcement action on companies based overseas. I reassure noble Lords that Ofcom will have a robust range of enforcement powers available to use against companies which fail to fulfil the duty of care, or which fail to put in place appropriate measures after being alerted to an issue, no matter where companies are based. Ofcom will be able to issue fines and take business disruption measures against them. This may include removing access to key services to limit the commercial effectiveness of the organisation. For the most serious and egregious failures, Ofcom will be able significantly to restrict access to the services from the United Kingdom. We anticipate that, as other countries introduce similar laws, Ofcom will be able to work with its counterparts overseas to support compliance.

We will be able to deliver the strongest possible protections for children through the online harms framework, rather than Part 3 of the Digital Economy Act. I hope that I have provided some further reassurance that Amendment 87A is not necessary. The Government have demonstrated their strong commitment to protecting children online, a point which ran through all the contributions in this debate. I hope that, on that basis, the noble Baroness, Lady Benjamin, will be willing to withdraw her amendment.

The Deputy Speaker (Baroness Watkins of Tavistock) (CB): My Lords, I have received requests to ask a short question from the noble Lord, Lord McColl of Dulwich, and the noble Lord, Lord Morrow. I call the noble Lord, Lord McColl of Dulwich, to ask a short question for elucidation.

Lord McColl of Dulwich (Con) [V]: The Minister has continued to suggest that it will take a long time to implement Part 3. Why would that be the case if the Government used the BBFC as the regulator, as everything is in order in that regard, save the need to formally redesignate it, which Section 17 of the Digital Economy Act defines as needing only 40 days?

Lord Parkinson of Whitley Bay (Con): My Lords, I hope that my noble friend in her letter, and I in my contribution, explained the reasons why we think it would take so long, because it has been de-designated. As the noble Lord will know, work is already going on in relation to Ofcom in preparation for the online safety Bill which, for the reasons I have outlined, we think better addresses the concerns that he and other noble Lords have raised in this debate.

Lord Morrow (DUP) [V]: My question is quite similar. Why is it more important not to have the BBFC and leave women and children with no protection at all for three years? As has already been said, if you used the BBFC, it would just take over three months to have that.

Lord Parkinson of Whitley Bay (Con): I hope that in my contribution I covered the points about the role that Ofcom can and will play in the new online harms framework, including the point I made at the end of my speech about the enforcement action that it will be able to take, not just in the UK but overseas as well.

Baroness Benjamin (LD) [V]: My Lords, I thank all noble Lords who have taken part in this debate, both on Monday night and today, and the Minister for his response. Today, we are confronted with another pandemic, one that ruins lives and for some is the cause of death. That pandemic is violence by men against women. I am very grateful to all those who have spoken in support of my amendment, which attempts to deal with this pandemic. I am also touched and encouraged by the huge amount of support I have received from NGOs and members of the public. I am grateful to them.

I am, of course, very disappointed by the Government's response, especially as the Minister cannot confirm that the online harms Bill will be debated soon. I am disappointed that, even though those who spoke so passionately in support of my amendment made it clear that we are not opposing the online harms Bill—I want it to come to the House as soon as possible—so much of the Minister's response was devoted to that issue. I am also disappointed the Minister's response addressed Part 3 as though it was narrowly concerned with child protection. Of course it is about child protection, but it is also very relevant to stopping domestic violence, because it would make it less likely that children are exposed to pornographic websites as they move into adulthood with the expectation that violence is a normal part of sexual relationships.

The noble and learned Lord, Lord Mackay, and speaker after speaker have highlighted the fact that, if Part 3 had been implemented, we would today have a regulator that would take robust action against any website showing illegal, violent, extreme pornography in the UK. As we contemplate what is happening in our country at the moment and the concerns about violence against women, the very least the Government could do would be implement Part 3 so that we can create an environment that is less hostile to women by tackling illegal, violent, extreme pornography on pornographic websites.

The Minister also said that it would take far longer than I have suggested to implement Part 3. Apart from the fact that it would take less time to implement primary legislation that has already been passed than primary legislation that has not even been published, the Minister failed to engage with the very serious point that I, the noble and learned Lord, Lord Mackay, and others made that Part 3 could be in place in months if the BBFC was used as a regulator. It is capable of doing that. It is all set up to do that.

At the present time, the argument that the Government do not want to use the BBFC because they prefer Ofcom is not convincing. Nor is the argument about changes in technology; this does not hold water. The Government can use Ofcom as a regulator for the online harms Bill legislation when it is implemented, but, as a powerful open letter to the Prime Minister published today by women's organisations makes clear,

[Baroness Benjamin]
if the Government try to suggest that the safety of women should be needlessly compromised over the next few years just because they do not want to designate the BBFC as an interim regulator, that will go down very badly with the public. The public have told me that, and Members across the House have seen what the public feel about that.

The noble Baronesses, Lady Grey-Thompson and Lady Finlay, reminded us of the evidence of how the compulsive use of pornography can affect the brain and the decision-making process of the user over time. This is something we have to take very seriously indeed.

The Prime Minister quite rightly says he wants to protect women and children from violent attacks. My amendment will allow him to do so immediately, by enforcing legislation that has already been passed. Waiting on the online harms Bill means we will continue to create a conveyor belt of sexual predators who commit violence against women because of the porn they watch as boys and men.

There are times in life when we have to do the right thing, especially in the context of the current outpouring of concern about women's safety. I believe that, regardless of what great protections an online harms Act eventually provides, history will judge that, from the perspective of the best interest of the safety of women and children in the second half of 2021, and 2022 and 2023, the non-implementation of Part 3 was a grave mistake. This is why I simply cannot let this matter go. I would be failing in my duty as a parliamentarian whose life has been devoted to promoting the best interests of women and children. Therefore, it is with a heavy heart that I wish to test the opinion of this House.

The Deputy Speaker (Baroness Watkins of Tavistock) (CB): I will now put the Question on Amendment 87A. We heard a Member taking part remotely say they wished to divide the House in support of this amendment, and I will take that into account.

4.16 pm

Division conducted remotely on Amendment 87A

Contents 125; Not-Contents 242.

Amendment 87A disagreed.

Division No. 3

CONTENTS

Addington, L.
Adebowale, L.
Adonis, L.
Alderdice, L.
Alton of Liverpool, L.
Bakewell of Hardington Mandeville, B.
Beith, L.
Benjamin, B.
Best, L.
Bonham-Carter of Yarnbury, B.
Bowles of Berkhamsted, B.
Bowness, L.
Bradshaw, L.
Bragg, L.
Browne of Belmont, L.
Butler of Brockwell, L.
Campbell of Pittenweem, L.
Campbell of Surbiton, B.
Chalker of Wallasey, B.
Clement-Jones, L.
Cox, B.
Craig of Radley, L.
Crisp, L.
Curry of Kirkharle, L.
Dannatt, L.
Deech, B.
Desai, L.
Dodds of Duncairn, L.
Donoughue, L.
D'Souza, B.
Eames, L.
Erroll, E.
Etherton, L.
Featherstone, B.
Finlay of Llandaff, B.
Foster of Bath, L.
Fox, L.
Framlingham, L.
Geidt, L.
Goddard of Stockport, L.
Greaves, L.
Green of Hurstpierpoint, L.
Greenway, L.
Grender, B.
Grey-Thompson, B.
Griffiths of Burry Port, L.
Hannay of Chiswick, L.
Harries of Pentregarth, L.
Harris of Richmond, B.
Hastings of Scarisbrick, L.
Hay of Ballyore, L.
Houghton of Richmond, L.
Humphreys, B.
Hunt of Bethnal Green, B.
Hussain, L.
Inglewood, L.
Janke, B.
Jolly, B.
Jones of Cheltenham, L.
Jordan, L.
Kennedy of Cradley, B.
Kerslake, L.
Kilclooney, L.
Kramer, B.
Leitch, L.
Lincoln, Bp.
London, Bp.
Loomba, L.
Ludford, B.
Lytton, E.
Mackay of Clashfern, L.
Mann, L.
Masham of Ilton, B.
Massey of Darwen, B.
McColl of Dulwich, L.
McCrea of Magherafelt and Cookstown, L.
McNally, L.
Miller of Chilthorne Domer, B.
Morrow, L.
Neuberger, B.
Northover, B.
Oates, L.
O'Loan, B.
O'Neill of Bengarve, B.
Osamor, B.
Parminter, B.
Pinnock, B.
Ponsonby of Shulbrede, L.
Prashar, B.
Ramsbotham, L.
Randerson, B.
Razzall, L.
Redesdale, L.
Ritchie of Downpatrick, B.
Rowe-Beddoe, L.
Russell of Liverpool, L.
Scott of Needham Market, B.
Sharkey, L.
Sheehan, B.
Shipley, L.
Singh of Wimbledon, L.
Smith of Newnham, B.
Somerset, D.
St John of Bletso, L.
Stevens of Kirkwhelpington, L.
Storey, L.
Stunell, L.
Taylor of Goss Moor, L.
Thomas of Cwmgiedd, L.
Thomas of Gresford, L.
Thomas of Winchester, B.
Thornhill, B.
Thurso, V.
Tyler of Enfield, B.
Uddin, B.
Verjee, L.
Walker of Aldringham, L.
Wallace of Saltaire, L.
Walmsley, B.
Willis of Knaresborough, L.
Wilson of Dinton, L.
Winchester, Bp.
Woolley of Woodford, L.
Wrigglesworth, L.
Young of Hornsey, B.

NOT CONTENTS

Aberdare, L.
Agnew of Oulton, L.
Ahmad of Wimbledon, L.
Allan of Hallam, L.
Altmann, B.
Anelay of St Johns, B.
Arbuthnot of Edrom, L.
Arran, E.
Ashton of Hyde, L.
Astor of Hever, L.
Astor, V.
Baker of Dorking, L.
Balfe, L.
Barran, B.
Bates, L.
Bellingham, L.
Benyon, L.
Berkeley of Knighton, L.
Berridge, B.
Bethell, L.
Bhatia, L.
Black of Brentwood, L.
Blackwood of North Oxford, B.
Blencathra, L.
Bloomfield of Hinton Waldrist, B.
Borwick, L.
Botham, L.
Bottomley of Nettlestone, B.
Bourne of Aberystwyth, L.
Brabazon of Tara, L.
Brady, B.
Bridgeman, V.
Bridges of Headley, L.
Brougham and Vaux, L.
Brown of Eaton-under-Heywood, L.
Browning, B.
Brownlow of Shurlock Row, L.
Buscombe, B.
Caine, L.
Caithness, E.
Callanan, L.
Cameron of Dillington, L.
Carey of Clifton, L.
Carrington of Fulham, L.

Carrington, L.
Cathcart, E.
Cavendish of Little Venice, B.
Chartres, L.
Chisholm of Owlpen, B.
Choudrey, L.
Clarke of Nottingham, L.
Coe, L.
Colgrain, L.
Colwyn, L.
Cormack, L.
Courtown, E.
Couttie, B.
Craigavon, V.
Cruddas, L.
Davies of Gower, L.
De Mauley, L.
Deighton, L.
Devon, E.
Dobbs, L.
Duncan of Springbank, L.
Dunlop, L.
Eccles of Moulton, B.
Eccles, V.
Empey, L.
Evans of Bowes Park, B.
Fairfax of Cameron, L.
Fall, B.
Faulks, L.
Fellowes of West Stafford, L.
Fink, L.
Finkelstein, L.
Fleet, B.
Flight, L.
Fookes, B.
Forsyth of Drumlean, L.
Foster of Oxton, B.
Fox of Buckley, B.
Fraser of Craigmaddie, B.
Freud, L.
Frost, L.
Gadhia, L.
Gardiner of Kimble, L.
Gardner of Parkes, B.
Garnier, L.
Geddes, L.
Gilbert of Panteg, L.
Glenarthur, L.
Godson, L.
Gold, L.
Goldie, B.
Goodlad, L.
Grade of Yarmouth, L.
Greengross, B.
Grimstone of Boscobel, L.
Hailsham, V.
Hamilton of Epsom, L.
Hannan of Kingsclere, L.
Harris of Peckham, L.
Haselhurst, L.
Hayward, L.
Henley, L.
Herbert of South Downs, L.
Hill of Oareford, L.
Hodgson of Astley Abbotts, L.
Hogan-Howe, L.
Hogg, B.
Holmes of Richmond, L.
Hooper, B.
Hope of Craighead, L.
Horam, L.
Howard of Lympne, L.
Howard of Rising, L.
Howe, E.
Howell of Guildford, L.
Hunt of Wirral, L.
James of Blackheath, L.
Jenkin of Kennington, B.
Jopling, L.
Kalms, L.
Kamall, L.
Keen of Elie, L.
King of Bridgwater, L.
Kirkham, L.
Kirkhope of Harrogate, L.
Laming, L.
Lamont of Lerwick, L.
Lancaster of Kimbolton, L.
Lang of Monkton, L.
Lansley, L.
Leigh of Hurley, L.
Lexden, L.
Lilley, L.
Lindsay, E.
Lingfield, L.
Liverpool, E.
Mancroft, L.
Manzoor, B.
Marland, L.
Marlesford, L.
Maude of Horsham, L.
Mawson, L.
McInnes of Kilwinning, L.
McLoughlin, L.
Mendoza, L.
Meyer, B.
Mone, B.
Montrose, D.
Moore of Etchingham , L.
Morgan of Cotes, B.
Morris of Bolton, B.
Morrissey, B.
Moylan, L.
Moynihan, L.
Murphy, B.
Naseby, L.
Nash, L.
Neville-Rolfe, B.
Nicholson of Winterbourne, B.
Noakes, B.
Northbrook, L.
O'Shaughnessy, L.
Pannick, L.
Parkinson of Whitley Bay, L.
Patten, L.
Penn, B.
Pickles, L.
Pidding, B.
Polak, L.
Popat, L.
Powell of Bayswater, L.
Price, L.
Rana, L.
Ranger, L.
Rawlings, B.
Reay, L.
Redfern, B.
Renfrew of Kaimsthorn, L.
Ridley, V.
Risby, L.
Robathan, L.
Rock, B.
Rotherwick, L.
Saatchi, L.
Sanderson of Welton, B.
Sarfraz, L.
Sassoon, L.
Sater, B.
Scott of Bybrook, B.
Seccombe, B.
Selkirk of Douglas, L.
Shackleton of Belgravia, B.
Sharpe of Epsom, L.
Sheikh, L.
Shephard of Northwold, B.
Sherbourne of Didsbury, L.
Shields, B.
Shinkwin, L.
Shrewsbury, E.
Smith of Hindhead, L.
Smith of Kelvin, L.
Stedman-Scott, B.
Sterling of Plaistow, L.
Stewart of Dirleton, L.
Stirrup, L.
Strathclyde, L.
Stroud, B.
Stuart of Edgbaston, B.
Sugg, B.
Suri, L.
Swinfen, L.
Taylor of Holbeach, L.
Taylor of Warwick, L.
Tebbit, L.
Trenchard, V.
Trimble, L.
True, L.
Tugendhat, L.
Tyrie, L.
Udny-Lister, L.
Ullswater, V.
Vaizey of Didcot, L.
Vaux of Harrowden, L.
Vere of Norbiton, B.
Verma, B.
Vinson, L.
Wakeham, L.
Waldegrave of North Hill, L.
Warsi, B.
Wasserman, L.
Watkins of Tavistock, B.
Wei, L.
Wharton of Yarm, L.
Williams of Trafford, B.
Wolfson of Tredegar, L.
Wyld, B.
Young of Cookham, L.
Younger of Leckie, V.

4.28 pm

The Deputy Speaker (Baroness Watkins of Tavistock) (CB): We now come to the group consisting of Amendment 87B. Anyone wishing to press this amendment to a Division must make that clear in debate.

Amendment 87B

Moved by ***Baroness Kennedy of Cradley***

87B: After Clause 72, insert the following new Clause—

"Guidance on domestic abuse and offences involving hostility based on sex or gender

(1) The Secretary of State must issue guidance under this section which takes account of evidence about the relationship between domestic abuse and offences involving hostility based on sex or gender.

(2) In preparing guidance under subsection (1) the Secretary of State must require the chief officer of police of any police force to provide information relating to—

(a) the number of relevant crimes reported to the police force; and

(b) the number of relevant crimes reported to the police force which, in the opinion of the chief officer of police, have also involved domestic abuse.

(3) In this section—

"chief officer of police" and "police force" have the same meaning as in section 70 of this Act;

"relevant crime" means a reported crime in which—

(a) the victim or any other person perceived the alleged offender, at the time of, or in a recent period before or after, the offence, to demonstrate hostility or prejudice based on sex or gender, or

(b) the victim or any other person perceived the crime to be motivated (wholly or partly) by hostility or prejudice towards persons who are of a particular sex or gender."

Baroness Kennedy of Cradley (Non-Afl): My Lords, as is customary, I make it clear at the start of this debate that I may wish to test the opinion of the House on my amendment, though I say to the Government that if, after reflecting on the debate today and in Committee, they are willing to engage constructively with the issue of data collection and the intention behind this amendment, of course I will withdraw it.

[Baroness Kennedy of Cradley]

In the last two weeks, women and men across the country have come forward to demand action. In sadness and in anger, there is solidarity. The question before us now is whether we will heed their call for change. Will we take a decision that will help ensure that all women, everywhere, can enjoy the same freedoms as men when it comes to being able to go where we want and do what we want without fear?

Our hearts go out to the family of Sarah Everard. She walked down well-lit streets and she wore bright clothes, yet today we stand here knowing that she was not safe. Since Sarah's tragic murder came to public attention, women everywhere have shared their stories of harassment, abuse and violence at home and on the streets, and their frustration that all too frequently these crimes are not treated with the seriousness they deserve. This amendment is about how we can change that and, in the process, ensure that every police force in England and Wales learns from the best practice in this area from across the country.

Violence against women and girls does not occur in a vacuum. Hostility towards women and girls generates a culture in which violence and abuse is tolerated, excused and repeated. Gathering evidence about the extent, nature and prevalence of hostility towards women and girls and how these interplay with the experience of domestic abuse is crucial to recognising these connections. Last week, UN Women released a report which found that, among women aged between 18 and 24, 97% said they had been sexually harassed, while 80% of women of all ages said they had experienced sexual harassment in public spaces. Critically, 96% of respondents said that they did not report these incidents, with 45% saying it was because it would not change anything. It is not hard to understand why they feel this way.

Rape convictions have been dropping since 2017, and fell to a record low this year: only 1.4% of cases reported resulted in a charge. At least 1,000 fewer men accused of rape are currently being prosecuted than two years ago. A recent report by the End Violence Against Women Coalition found that almost one in three women aged between 16 and 59 will experience domestic abuse in their lifetime. More than half a million women are raped or sexually assaulted each year. There are more than 135,000 women and girls affected by FGM living in England and Wales. During the first national lockdown, the National Domestic Abuse Helpline saw an 80% increase in calls, and Karma Nirvana, which supports victims of so-called honour-based abuse and forced marriage, reported a 162% average increase in its case load. We need to explicitly acknowledge this epidemic of violence against women and girls. To do that does not mean we are saying that men are not attacked or abused; it is to recognise that these crimes are disproportionately affecting women.

Some 92% of defendants in domestic abuse-related prosecutions last year were male and 77% of victims were female. When other groups in society are targeted for a fundamental element of their being—the colour of their skin, their religious identity or their sexuality—we rightly say that this should be recognised and addressed. Amendment 87B is about doing the same for sex and gender.

This approach, and treating misogyny as a hate crime, was piloted in Nottinghamshire in 2016, under the leadership of former Chief Constable Sue Fish, who explained:

> "Making misogyny a hate crime was one of the simplest tasks I've ever done working in the police—and yet the results that we saw were incredible. Some of the feedback we had was that women, for the first time, described themselves as walking taller and with their 'heads held high'."

The Crime Survey for England and Wales shows that 36% of hate crime victims said they were "very much affected", compared with 13% for all crime. The survey also found that gender was perceived to be the motivation for more than half of hate crimes reported by women.

So we women know that we are being targeted, but the police do not. Amendment 87B is about ensuring that all police forces do something which increases the confidence of victims to report crime and helps improve their detection. In areas where misogyny has been included in hate crime reporting, there has been an increase in reporting. As police get better at identifying the motivation behind crimes, women feel more confident in coming forward.

If there is so much to support, why would anyone oppose this? I will take each concern I have heard in turn. First, some will say we should wait for completion of the Law Commission review on hate crime. I welcome that review. It has been running for nearly three years and has called for misogyny to be included in our hate crime rubric; I hope to see its outcome realised in the sentencing Bill. However, we do not have to wait for this review to ask all police forces to follow best practice and start gathering data on where existing crimes are targeted at women. We can take this step now and start benefiting from it now.

Some will say that the police do not have the resources to do everything. One chief constable actually said, "I am questioning whether a criminal offence is the best way of dealing with what is essentially an issue about how we all treat each other." The women in Nottinghamshire were not reporting men for not opening doors for them or calling them rude names. They were reporting incidents that are crimes—sexual assault, abuse and violence. These crimes need to be recorded so that they can be properly addressed.

In addition, 11 out of the 43 police constabularies in England and Wales are currently recording misogyny as a hate crime, have trialled the policy or are actively considering implementing it—North Yorkshire, Avon and Somerset, Devon and Cornwall, Gloucester and Northamptonshire are some of the forces already putting this into practice. This approach also has the support of the national policing adviser for hate crime and metro mayors Andy Burnham, Steve Rotheram, Sadiq Khan and Dan Jarvis, and many police and crime commissioners and multiple councils around the country are passing motions in support.

Some will query the wording of this amendment, which talks about recording crimes that are motivated by sex or gender; this is the wording used by the Law Commission. The issue here should not be whether someone was born a woman or becomes one, but identifying and stopping those who target women, full stop. Indeed, while trans identity is currently protected

by hate crime, sex is not. Worded in this way, the amendment ensures that no one can avoid accountability for their behaviour through discriminating or further demeaning the victim.

Some will say, "What about misandry?" Whenever a crime is motivated by hate, it needs to be recorded. But, as we have seen from the data so far, the vast majority of victims coming forward are women. For example, in the first two years in Nottinghamshire, of the 265 misogyny hate crime victims who were recorded, 243 were female and six were male.

Finally, some will rightly worry about this being part of a Bill on domestic violence and the risk of creating a hierarchy of sexual violence or reducing sentences for such crimes. This amendment is not about the sentencing element of recognising misogyny as a hate crime; it is about the data required to identify crimes and the interconnections between violence against women in the home and in the community. It complements the Law Commission's work but is not dependent on it. It would require the police to report on those connections, rather than denying them or missing them, to the detriment of our policing.

In closing, I acknowledge the wide breadth of support for this proposal and those who have campaigned for it for many years: Citizens UK, Stonewall, Refuge, the Fawcett Society, Tell MAMA, the Jo Cox Foundation, HOPE not hate, Plan UK, Our Streets Now, Centenary Action Group, UN Women UK, the Foundation for People with Learning Disabilities, JUNO Women's Aid and Muslim Women's Network UK. All of them are asking for our support for this amendment today.

Across the country, women everywhere are looking to us not just to express sympathy with their concerns but to act: to stop telling them to stay at home and be careful and start finding those responsible for the violence. If we are not recording crime that is targeted at women, how can we effectively address violence against women and girls and the police's response to it? What is happening to women of all ages, colours and backgrounds is illegal, but clearly it is not being effectively addressed. Let us take the opportunity to put that right with this amendment. I beg to move.

Lord Young of Cookham (Con): My Lords, it is a pleasure to follow the noble Baroness, Lady Kennedy, who has made a powerful speech on her amendment, to which I will add a fairly brief footnote.

As she said, over the last few days we have seen growing pressure on the Government to alter the terms of trade, the balance of power, between men and women. The murder of Stephen Lawrence in the 1990s marked a turning point in our attitudes towards race in this country; the murder of Sarah Everard may do the same for attitudes towards women. Other noble Lords may have had telephone calls yesterday from women asking for support for this amendment. Elesa Bryers rang me, asking if she could send me a petition she had started which had some 700 signatures. I readily agreed.

It is crucial for the Government to strike the right balance in response, avoiding a knee-jerk reaction and a headline-grabbing solution that does not stand the test of time but recognising that, after careful analysis, we have to move on from where we are. I can think of few people better placed to help make that judgment than my noble friend the Minister who is replying to this debate.

Turning to the amendment, no one could say that this is a knee-jerk reaction to the tragic events of last week, as, of course, the case for it was made last month in Committee by the noble Lord, Lord Russell, and others. I have reread the reply that the Minister gave on that occasion. My noble friend said:

"Given the range and depth of the work undertaken by the Law Commission, we do not think it would be appropriate to prejudice the outcome of its work, including by issuing guidance or requiring the collection of statistics along the lines proposed by the amendment. As I have said, the noble Lord rightly wants to see evidence-based policy. The work of the Law Commission will add significantly to that evidence base." —[*Official Report*, 8/2/21; col. 59.]

"We do not think it would be appropriate" is not a total rejection of what we were asking for. Indeed, one could argue that the amendment would add significantly to the evidence base that the Minister referred to in her reply, because it would broaden that evidence base beyond the 11 police forces which currently collect the relevant statistics. I wonder whether my noble friend has sought the views of the Law Commission on this amendment as it completes its work.

We know that the domestic abuse commissioner is supportive of the principles behind the amendment and strongly welcomes proposed subsection (2) about issuing guidance. I was pleased to hear in her interview on Friday that the domestic abuse commissioner said she was listened to by the Government, and my noble friend can build on that basis of trust in her response today.

Winding up the debate in Committee, the noble Lord, Lord Russell, offered a way forward by suggesting that we should

"try to send some message to police forces about the benefits that other police forces which have trialled this are having from it, and to encourage them to look at it seriously." —[*Official Report*, 8/2/21; col. 61.]

Perhaps that offers us the way forward today.

Rereading the briefing for this amendment, I was struck by the evidence from Citizens UK and from the organisation HOPE not hate that ideological misogyny is emerging in far-right terrorist movements, and that there has been a growth in online misogynistic abuse. Hate motivated by gender is a factor in a third of all hate crimes, the same briefing tells us—all of which reinforces the case for a fresh look at this issue.

As other noble Lords have said, we need to rebuild confidence in the police. The noble Baroness, Lady Kennedy, referred to the case of Nottingham and the survey, where they have already adopted the measures outlined in this amendment, as she said. That survey showed, first, that the problem was taken seriously by the police and, secondly, that what Nottingham did increased public confidence in the police in the county. Adopting this amendment could do the same for the police nationally.

Lord Russell of Liverpool (CB): My Lords, I was very happy to put my name to this amendment, and I pay tribute to the noble Baroness, Lady Kennedy, for the eloquent and detailed way in which she has introduced it.

[Lord Russell of Liverpool]

At Second Reading on 5 January, I mentioned that I would raise the issue of misogyny and probably put forward an amendment in Committee. First, those of your Lordships who, like me, laboured through the Second Reading—there were no less than 90 contributors—were brave, but, secondly, it is interesting to note that, of all the contributors, I think I was the only one to actually mention the dreaded noun "misogyny". I was not surprised when the Minister, in her summing up of so many contributions, also did not mention misogyny.

We fast forward to Committee, and on 8 February—the fifth day in Committee—I put forward an amendment, ably assisted by the noble Lord, Lord Young, and the noble Baronesses, Lady Bull and Lady Jones of Moulsecoomb, to all of whom I am extremely grateful. As the noble Lord, Lord Young, said, the Minister basically said, "We can see it is quite a good idea, but we have asked the Law Commission to look at this, and we will wait and see what it recommends".

Now we fast forward to today—17 March—the fourth day of Report, and Amendment 87B. Harold Wilson once said that one week is a long time in politics. I do not know about the rest of your Lordships, but, for me, the last 10 weeks since Second Reading have felt like a lifetime in politics. But more to the point, as the noble Baroness, Lady Royall of Blaisdon, said very movingly on Monday, the last 10 weeks have not only seemed like a lifetime, they have also seen the loss of no less than 30 lives—30 women killed by men, whose names she read out on Monday.

4.45 pm

I pay tribute to the police forces that have decided, on their own initiative, to start recording incidents of misogyny as perceived by women and have started tabulating that properly, listening to the women and taking note of what they say. I especially pay tribute to Nottinghamshire, which was the pioneer in this, starting in April 2016, and to the chief constable at the time, Sue Fish, who was mentioned by the noble Baroness, Lady Kennedy. Coincidentally, she happened to be on "Woman's Hour" yesterday. I would like your Lordships to listen and reflect on what Sue Fish, the retired chief constable of Nottinghamshire, said. She said that while for herself reporting a crime against a property would not be "an issue" if she was going to the police, for a crime committed against herself, she would "probably struggle" reporting that to the police because she would be concerned about how she would be judged. She said:

"I also know in terms of conviction rates and the challenges of going through the criminal justice system, as a woman, it's thankless … Endless repeated humiliation, telling your story over and over again, worrying whether you're ever going to be believed, putting yourself through that repeatedly, as well as the shame of what's happened to you."

Turning to the police forces in general in England and Wales, while admitting that many of our police are wonderful in every way and are completely aligned with what we are trying to achieve in this amendment, she also said:

"I think there is still significant parts of policing where there is a very toxic culture of sexism, of misogyny that objectifies women".

That gives us something to reflect upon.

I pay tribute to the person who has been the most vocal in Parliament raising this as an issue over several years: Stella Creasy. I pay tribute to the noble Baroness, Lady Kennedy, and thank her for taking on the baton from me from Committee. I also thank the Minister, who has been, as usual, extremely helpful during this process. I know she has been listening. I know this is something that she feels personally, and I am looking forward very much to her response. If it is positive, I will jump up and down with joy.

I would like to leave your Lordships with one other thought. It comes from earlier on today, after Prime Minister's Questions in another place. Laura Kuenssberg, the BBC's chief political reporter, wrote on BBC online:

"From a political point of view, there is no agreement on how to tackle the issue of violence against women, and what the next steps should be."

As I am a Cross-Bencher, noble Lords would expect me to take a rather dim view of that. But I really do think that the issues we are discussing about violence against women—predominantly male violence against women—have absolutely nothing to do with politics whatever. They are to do with fundamental human rights, dignity and respect for one another.

Every single one of us in this Chamber was born of a mother; many of us have daughters, sisters, nieces and grandchildren. It is unacceptable. We have to start moving forward, and I think this amendment would be an excellent way for the Government to indicate that they are really listening and for the majority of the police forces that I am sure are considering this to actually take the plunge and do it.

Baroness Fox of Buckley (Non-Afl): My Lords, outside this place the amendment is causing quite a lot of excitement and anticipation—certainly a lot of interest—on social media, in the press and among the NGO world and women's groups, as we have heard. It has been directly linked to the tragic and brutal murder of Sarah Everard. The Fawcett Society, which, along with other groups such as HOPE not hate, the White Ribbon Association, Tell MAMA and others that we have heard about have focused their lobbying on the need to act now against violence against women. We are told that now is the time to change. That was echoed by the noble Baroness, Lady Kennedy of Cradley, when she introduced the amendment.

We have been asked to vote for the amendment because it will make misogyny a hate crime and will require all police forces to record where crimes are motivated by hatred of women. However, there is a lot of smoke and mirrors here. We need to be careful about allowing an emotive tragedy to be exploited in a way which will not help women and not enhance the Bill. I understand that when something as brutal as Sarah's murder captures the public imagination, there is a desire to do something. For any of us who have been unfortunate victims on the receiving end of a violent sexual attack, let me tell noble Lords that I empathise with those expressing sorrow, anger and a feeling that they need to act, whether by attending a vigil, going on a protest—legal or otherwise—lighting a candle or even demanding more laws.

Here in this House, we need dispassionate, cool heads and to scrutinise exactly what amending the law in this way will achieve. It is hard to be objective when

discussing the murder or abuse of women, of course. There may be a temptation to rush to appropriate blame beyond the perpetrator or to ascribe social and cultural explanations beyond the immediate crime. However, what are asserted as facts are often, at the very least, contentious or contested political concepts. Misogyny is one of those. It is popularly understood as hatred of women but in the past week, and even today, as has been hinted at, the police have been described as institutionally misogynist. Is it true that the police hate women? Should we repeat the mantra that society is suffering an epidemic of misogynist violence? I do not recognise that nightmarish catastrophising vision.

In the Nottinghamshire pilot on measuring misogynist hate crime that has been mentioned, misogyny can include cat-calling, following and unwelcome approaches, which can be conflated with flashing, groping and then more serious assaults. That is all thrown into the misogynist hate-crime category. Meanwhile, as we have heard from another noble Lord, HOPE not hate's lobbying email for the amendment told us that ideological misogyny is increasingly at the core of far-right thinking, including the threat of far-right terrorism. So, we have gone from wolf-whistling to terrorism. We cannot therefore assume that there is any shared meaning of misogyny and it is therefore unhelpful to tack it on to a Bill on domestic violence or abuse.

I do not think that misogyny is widespread in society and I certainly do not believe that domestic abuse is driven by ingrained hatred of women. That flies in the face of all the nuance, complexity and evidence that we have heard in the many hours of our discussion on the Bill, whether it is our understanding of the impact of alcohol or mental health, the recognition that there are male victims or the debate that we have just had on pornography.

I understand that perhaps opinions are not enough. I acknowledge that the amendment is an attempt at collecting data to assess how much domestic abuse is driven by prejudice, anti-women prejudice. However, if we want accurate data, we should not look to hate-crime solutions because hate is almost impossible to objectively define. The amendment states that the person who defines this hate is the complainant. The police will be asked to collate data based on what

"the victim or any other person perceived the alleged offender, at the time of, or in a recent period before or after, the offence, to demonstrate hostility or prejudice".

What would be recorded is when an accuser

"perceived the crime to be motivated (wholly or partly) by hostility or prejudice".

That is not a reliable way in which to collect accurate data and will not help us understand perpetrators' behaviour as it is based on perceptions, dangerously subjective and untestable legally. There are also some wholly undesirable potential outcomes. It can only encourage individuals to attribute motives to others. Even if they are completely wrong about those motives or intentions, the police will record them as hate-driven. This floats dangerously close to legislating thought crime and could well lead to finger-pointing, malicious allegations, the stigmatising of all manner of behaviour and the labelling of all manner of speech as hateful prejudice.

We already know that the fear of being accused of prejudice or hate is one key factor in chilling free speech. Being officially counted by the police as a bigot would inevitably affect free expression and close down debate. No doubt, some noble Lords will say that I should stop privileging free speech over the amendment because it will mandate the police, to quote the charities, to gather crucial

"evidence about the extent, nature and prevalence of hostility towards women and girls"

and how it relates to domestic abuse. But let us be clear. This is an illusion, too, even a deception because to present the amendment as having anything to do with women or girls is not true. Women are not mentioned in the wording and they are not the focus at all of the amendment. In fact, the language used is particular and purposeful. An amendment championed in the public realm as anti-misogyny and assumed to be about women talks of hostility towards persons who are of a particular sex or gender. That can only muddy the waters and make any data collection unreliable and opaque. Citing the Law Commission as an explanation for the wording does not work because the Law Commission has not yet reported.

Gender is not defined in UK law and is a cultural identity—malleable, subjective and one of choice. Sex is, however, a material objective reality. The Office for Statistics Regulation recently emphasised the need for clarity about definitions and stressed that sex and gender should not be used interchangeably in official statistics, and gave the example of criminal justice statistics. Highlighting that variation in the way in which data about sex is captured across the system means that it is not possible to know which definition of sex is being captured. This, in turn, places limitations on how some criminal justice statistics can be interpreted and used. I should say, in referencing the new resource Sex Matters, that by adding the word gender into this confusing mix the amendment undermines any possibility of accurate information being accrued, let alone of addressing the prior problem that that information is based on subjective perception. If our intention is for the police to track whether domestic abuse crimes against women are based on prejudice and hatred, that should be simple enough to do if the police have a clear definition and a reliable data field for the sex of victims and perpetrators. The amendment will not help and will confuse the situation.

If there is one example of misogyny in plain sight, it is surely here. If I thought that erasing the word "woman" from the maternity Bill was bad, not naming women in an amendment on misogyny seems to be even worse. More grotesquely, it could mean that women will be labelled by the police as misogynistic perpetrators if they are perceived as hostile to a person's gender in a domestic setting. Is the mother who misgenders their child the perpetrator, the hate criminal? Should the position on sex-based rights and service provision of female staff at a women's refuge be perceived as motivated by prejudice? The highly charged and febrile atmosphere of the past week, of which I am sensitive, in focusing on violence against women, must not pressurise us into passing an amendment that will allow the Bill to be the midwife of criminalising

[Baroness Fox of Buckley]
women with gender-critical views. It will not, anyway, help us to understand or help any victim of domestic abuse.

Lord Paddick (LD) [V]: My Lords, for those who are wondering why I am at this position in the list, it is because I wanted to speak personally on this issue, rather than as the Liberal Democrat Front-Bench spokesperson on the Bill. Having just listened to the noble Baroness, Lady Fox of Buckley, that turns out to have been a wise decision. I remind the House of my experience of 30 years as a police officer in the Metropolitan Police service and as a survivor of same-sex domestic violence. Those are the positions from which I make this speech, rather than as the Liberal Democrat Front-Bench spokesman on the amendment.

I want to start by saying that, obviously, I cannot talk about the substance of this amendment without addressing the context of last week's events. I echo the comments of former Chief Constable Sue Fish, quoted by the noble Lord, Lord Russell of Liverpool. I did not hear Sue Fish on "Woman's Hour", but I want to echo what she said.

5 pm

As I said in the House yesterday, a serving police officer has been charged with kidnap and murder. He is innocent until proven guilty, and the matter is sub judice. Other Metropolitan Police officers are awaiting trial in connection with sharing selfies taken with the bodies of two women who had been murdered. Some years ago, there was an investigation into officers sharing violent pornography while on duty. I believe that there is a prima facie case for an investigation into whether a toxic macho culture exists in the Metropolitan Police Service. Sue Fish thinks that it should go broader than that, beyond any investigation into these specific incidents.

There is also a prima facie case that politics is becoming increasingly populist—not just in this country—and that this facilitates and encourages

"misogyny, xenophobia and intolerance of diversity."—[*Official Report*, 16/3/21; col. 186.]

I do not care which political party noble Lords are from or whether they belong to none, if we advocate for or acquiesce to the erosion of civil liberties and support an authoritarian approach to issues that require a far more nuanced approach just to gain votes, we are facilitating and encouraging that culture. It is time politicians woke up and accepted responsibility for what is happening in our country.

The noble Baroness, Lady Fox of Buckley, questioned whether this amendment would result in trivial offences being kidnapped and the development of thought police. I am reminded of the time many years ago when the probation service had a rule that it would not engage with racist offenders. It changed its mind on that approach because it felt that it could do some good with these offenders. Its report was called *From Murmur to Murder*, because people who expressed racist views could end up murdering on the basis of their hatred. I am not suggesting that trivial offences should be recorded as misogyny; I am suggesting that crimes should be recorded as misogynistic if it is suspected that the motivation of the offender was hatred on the basis of sex and gender. I will come to the noble Baroness's concerns about including gender a little later.

Some people claim that this amendment would make misogyny a hate crime. It does not. It requires police forces to record offences only where someone perceives that the offender demonstrated

"hostility or prejudice based on sex or gender".

I have seen emails urging noble Lords to vote for this amendment, one of them written after the author witnessed the appalling scenes at Clapham Common on Saturday evening. It says about offences motivated by misogyny:

"Only when all police forces treat these incidents seriously and with compassion will women begin to rebuild their trust in the police."

After the week we have had, they may well be right, but nothing in this amendment requires the police to treat offences motivated by misogyny seriously and with compassion.

I want misogyny to be treated as a hate crime comprehensively—not only for the police to record it but for them to provide an enhanced response to victims and provide more support, as is the case with other hate crimes. I also want the courts to treat misogyny as an aggravating factor when it comes to sentencing. When offences are motivated by misogyny, the criminal justice system's response should be better for victims and make things worse for perpetrators. The Law Commission is looking at doing just that in its review of all hate crimes. The last thing I want is for the Government to say to the Law Commission, "Relax, we dealt with this in the Domestic Abuse Bill", when this amendment does not do the job.

Hate crimes are crimes against a vulnerable group whose members are targeted because of their membership. I know; I am gay. On Sunday, a government Minister claimed that misogyny cannot be a hate crime because women are not a minority. Hate crimes require an enhanced response from the criminal justice system because victims are targeted because they are vulnerable, not because they are in a minority. In the case of misogyny, on average, women are physically vulnerable to male violence. Men abuse women because they can—because the power in a patriarchal society rests predominantly with them. That makes women vulnerable to abuse because they are women, which is why misogyny should be treated as a hate crime. Being targeted because of your vulnerability demands enhanced victim support and demands that offenders are treated more severely by the courts. This amendment does neither of those things.

I am very concerned—even more so now—about violence and harassment directed at women and girls on the streets. However, this Bill is about domestic abuse against all victims—including male ones, who make up a third of all victims of domestic abuse. Men are three times less likely to report being a victim of domestic abuse than women. There is a danger that this amendment would further discourage such reporting if it were included in this Domestic Abuse Bill. The noble Lord, Lord Russell of Liverpool, and the noble Baroness, Lady Kennedy of Cradley, referred to retired Chief Constable Sue Fish, who argues that women are less reluctant to come forward once misogyny is recorded.

However, the underreporting of domestic abuse is even worse when the victim is male or in a same-sex relationship than it is with women victims of male domestic abuse. Associating domestic abuse with misogyny could make that underreporting worse; for example, by leading to a victim thinking, "I am a male victim but this can't be domestic abuse as it's not motivated by misogyny".

As I said in Committee last week, the essence of a coercive and controlling relationship is when

"compliance is rewarded and defiance is punished."—[*Official Report*, 10/3/21; col. 1736.]

I know; I have been there. In the domestic abuse setting, it is difficult to differentiate those elements of coercive and controlling behaviour that are motivated by misogyny from those that are simply the exercise of power by one partner over another. There were no amendments to this Bill seeking domestic abuse to be recorded as motivated by race or by homophobia, because domestic abuse is a serious offence in its own right. Any enhanced victim support or aggravating factor for it to be treated as a hate crime is eclipsed by the seriousness of the substantive offence of domestic abuse.

I am not yet convinced that the downsides of this amendment in relation to domestic abuse, and the potential for shifting the dial further towards the exclusion of victims of domestic abuse who are not victims of male violence against women, have been adequately addressed.

That having been said, we need to reverse the tide of populism and its associated impact on the way that women are being mistreated on our streets, but not by simply requiring the police to record misogyny as a motivation and leaving it at that, as this amendment does. I could not vote for this amendment because it does not go far enough, and it potentially provides the Government with an excuse not to do what really needs to be done: to make misogyny a hate crime with enhanced care for victims and harsher penalties for offenders.

I thank the Minister for advance sight of her speech on this amendment—assuming that she has not changed it since Monday. I agree that Section 44 of the Police Act 1996 makes Amendment 87B unnecessary if, and only if, the Government use existing legislation to require police forces to record offences in accordance with the amendment. I will listen carefully to the Minister, but the Government's concession does not go as far as the amendment and is in danger of creating unintended consequences.

Here I return to the comments of the noble Baroness, Lady Fox of Buckley, considering gender. If the Government only require police forces to record crimes where the victim perceives them to have been motivated by hostility based on the victim's sex, which is what I believe the Government's concession consists of, it does not go far enough. Current hate crime offences are recorded when anyone perceives the offence to have been motivated by hatred, not just the victim. The amendment includes sex and gender, and this is important. If an offender believes the victim is a woman, and anybody perceives that the offence was motivated by hatred of women, it should be recorded as a crime motivated by hatred of women. It makes no difference in these circumstances whether the victim is a transgender woman. Where the victim or a witness believes that they were attacked because they were a woman because they perceive the offender believed the victim was a woman, it should be recorded as such. The use of the term "sex" on its own may exclude some offences, and the whole purpose of recording these offences is to ensure the recording of any attack motivated by hatred of women. Whether they are allegedly by some people who think that trans women are not real women does not make any difference; if that is what they thought the person they were attacking was, it should be recorded as misogyny.

If noble Lords or Members of the other place do not think we should wait for the Law Commission's report, there is an imminent legislative opportunity to make sure that hatred of women is treated in every way as a hate crime. We could work cross-party to amend the Police, Crime, Sentencing and Courts Bill, which is being debated in the Commons, to make misogyny a hate crime in every sense of the term. Even if the noble Baroness is not convinced by the Government's concession, we do not need to rush this amendment through now when the ideal legislative opportunity is at our fingertips.

Lord Parkinson of Whitley Bay (Con): My Lords, we are clearly not going to finish our scrutiny of this Bill before 6 pm, which is the time on the Order Paper suggested for the Statement which follows. Given that there is quite a lot of business still to get through, I gently appeal to noble Lords for brevity in their contributions.

5.15 pm

Baroness Bennett of Manor Castle (GP) [V]: My Lords, I can only begin speaking on this amendment by taking a moment to think of the victims of the Atlanta spa shootings and their families. It is very early to understand motives for a deadly mass attack, but it is hard not to suspect a link to the kind of hate crime, possibly intersectional hate crime, that we are discussing today.

I want to pay tribute to the noble Baroness, Lady Kennedy of Cradley, and the noble Lords, Lord Russell of Liverpool and Lord Young of Cookham, for their work on this amendment and their powerful presentations for it. Had I known there was a space, I or my noble friend Lady Jones of Moulsecoomb, who backed a similar amendment in Committee, would certainly have joined them.

I will be fairly brief, noting the intervention we have just had, but it is important to note that this amendment marks a potential national step forward for a grass-roots movement which, as other noble Lords have noted, started in Nottingham. This amendment has not, as the noble Lord, Lord Paddick, identified, gone as far as Nottingham in data collection, but it is certainly a step in that direction. The recording of misogyny by police in Nottingham can be taken as a case study of how political campaigning works and how grass-roots, community-centred action can make a big difference in the individual community and far beyond. Now,

[Baroness Bennett of Manor Castle]
11 out of 43 police constabularies in England and Wales have made recording misogyny a hate crime part of their practices or are actively considering the policy.

How did this all start? It started with a community group called Nottingham Citizens, which conducted a survey that found that 38% of women had reported a hate crime that was explicitly linked to their gender and that one in five hate crimes that took place were reported. Nottingham Women's Centre held a conference about street harassment at which the police and crime commissioner asked those who had experienced misogyny to raise their hand. The police and crime commissioner, Paddy Tipping, was quoted afterwards as saying "I just thought people should not be treated like this." Since the change has been made in police recording in Nottingham, reports indicate that women say that they have been able to walk down the street with their heads held higher and debate and action have made a lot of men recognise the extent of the problem. I urge the House to listen to the experiences of the women of Nottingham and of the increasing areas of the country where people have had their experience understood and recorded and apply that to the victims of domestic abuse.

The noble Baroness, Lady Fox, linked the amendment and support for it to the current level of rightful anger in the country following the death of Sarah Everard, but as the noble Lord, Lord Russell, pointed out, the proposal originated far before that. Indeed, I have to pay tribute to the deputy leader of the Green Party of England and Wales, Amelia Womack, who has bravely publicly identified herself as a victim of domestic abuse and who has been campaigning on this issue for many years.

In response to the concerns of the noble Baroness, Lady Fox, about potential confusion, any examination of what has happened in Nottingham shows that real-world experience does not demonstrate significant difficulties.

It is said often that we have an epidemic of misogyny and violence against women, but my science background makes me want to be precise in my use of epidemiological wording. We have endemic misogyny. "Endemic" defines a disease that is always present in a certain population or region. Smallpox was once an endemic disease in much of the world, but we have almost eradicated it. We need to have the same target in mind, as distant as it may look, for misogyny. That is the only way that women and girls can be safe. I do not think I can put it any better, so I will finish by quoting Mel Jeffs, the former CEO of Nottingham Women's Centre:

"Misogyny is the soil in which violence against women grows."

Baroness Grey-Thompson (CB) [V]: My Lords, I thank the noble Baroness, Lady Kennedy of Cradley, for her work in this area. The figures that she mentioned are terrifying, and I agree with many of her points.

I received a number of emails asking me to speak to this amendment because of the level of concern about misogyny. Like many others, I am tired of misogynistic behaviour and appalled by the way that women are still treated in society. However, what looks like a simple amendment that I could support is in fact far more complicated. The amendment does not explicitly state the word "misogyny", and to me the inclusion of the word "perception" is not precise enough.

I am grateful for the various views from other noble Lords and, as always, the noble Baroness, Lady Fox, has given me much to think about and challenged my views about what misogyny actually is. I am still inclined towards a legal framework for it, but I am tired of women having to change their behaviour because of it.

However, we need to consider what we can do to prevent, report and tackle it, and which legislation it should be placed in. Both men and women are affected by domestic violence and all those affected by it deserve protection, but women are undoubtedly more commonly victims. There is only one place in the Bill where the word "female" is used and we should take absolute care with it because it is the only place where women are centred in the legislation.

Domestic abuse legislation is complicated; it should not be, but it is. Last week the Government told me that including a specific provision in the Bill for disabled people who experience abuse in the domestic environment would be too complicated. I am strongly in favour of improving law enforcement around violence against women and girls, which we desperately need, but, while I am moving towards the idea of having a legal framework for misogyny, I do not think the Bill is the right vehicle for it. We should spend more time and care on the question of hate crimes—I am particularly keen to look at disability hate crimes—than on an amendment that comes towards the end of the Bill. We should have an opportunity to explore more options to enable us to do the job that we want it to: offering protection to women and girls.

Counting women should not be complicated. The amendment is largely about the counting aspect of hate crimes. How do the police measure how many crimes of male violence against women are reported and how many are prosecuted? That is fundamental, and this is where it does not need to be complicated. Scotland passed a Bill on hate crimes last week and excluded women and misogyny from it, saying that the issue was too complicated. There is a working group led by the noble Baroness, Lady Kennedy of The Shaws, and many will be interested in its outcome, but that will not be for many months.

I understand that the word "gender" was added to the amendment after previous stages in another place. Earlier versions used the correct legal definition of "sex" and did not have the late insertion of "or gender" so that has not been through lengthy scrutiny. I am concerned that adding "gender" here takes away from the clarity of Clause 73 in centering women. I reiterate that anyone who experiences domestic abuse deserves support and protection. Gender is neither definable nor defined in law, so including it here could undermine the single use of the word "female" in the Bill, again given that it is women who are disproportionately affected by domestic abuse. Surely we should be concerned about whether the police take crimes of violence, abuse and sexual harassment against women seriously, not what they perceive the attitude of the perpetrator towards the idea of sex or gender to be. Sex is a

protected characteristic and defined in law, and is adequate to cover the intention of the amendment if it goes forward.

The Law Commission is developing a proposal on reforming hate crimes legislation and has consulted on it. It has an open question on whether include sex or gender in future, and that section alone runs to 43 pages out of a 544-page document. I understand that it received a great number of responses but, again, it will not be reporting any time soon, so it is important that we do not prejudge that outcome. It is also notable that the Law Commission's proposal draws on the Office for National Statistics in setting out what it means by sex and gender. After the ruling announced this morning from the High Court, it may need to go back to the drawing board. My noble friend Lord Pannick, who is unable to be in his place today, has stated that he thinks it would be very unwise to legislate on this sensitive issue until we see the Law Commission consultation.

Scotland recently removed the word "gender" from a Bill on forensic medical services for victims of sexual offences to ensure that if a woman asks to be examined by a female doctor, there is no confusion or negotiation about what that means. I would also be really interested in the opinion of the domestic abuse commissioner on this amendment, particularly on the addition of the word "gender".

My worry is that including gender and sex as a caveat to the word "female" in the guidance would prevent domestic violence services being clear about sex. Women who have been victims of domestic abuse need to be able to access female-only services if they choose and, again, all victims of domestic abuse need to be able to access services that offer support and protection. We must take misogyny and violence against women seriously, not just seek to be seen to do something when the issue is in the headlines. It happens every single day.

The Government have just reopened the consultation on their violence against women and girls strategy. Surely that is the right place to be dealing with this complex issue, rather than via this last-minute amendment and its additional wording.

Lord Kennedy of Southwark (Lab Co-op): My Lords, I am pleased to speak in support of Amendment 87B, moved by my noble friend Lady Kennedy of Cradley and supported by the noble Lords, Lord Russell of Liverpool and Lord Young of Cookham. My noble friend gave the House some harrowing facts and figures today. They were shocking and, for me, illustrate why the Government need to act. This is not a time to hide away; it is the time to step up, and my noble friend's amendment does just that.

The noble Lord, Lord Russell of Liverpool, led the debate on misogyny in Committee. We have spent considerable time during the Bill talking about violence, and violence directed towards women. As the noble Lord told us, this hostility against women generates a culture in which violence and abuse are tolerated, excused and repeated. Understanding how that interplays with domestic abuse is important; I agree entirely with the noble Lord's comments and analysis there.

We need a culture change, from one where violence and abuse can be excused, tolerated and repeated to one where it is entirely unacceptable and not tolerated. To bring about that culture change, however, we need evidence, and that is what the amendment is all about. All through the passage of the Bill in your Lordships' House, we have heard appalling examples of violence and tragic outcomes, in which often women victims of violence have been killed. In the examples given to this House there is a common factor of repeated reports being made to the police and other authorities but little or no action being taken until, tragically, it is often too late.

Several police forces have started to record misogyny as a hate crime, and that is enabling valuable data to be collected. The amendment from my noble friend Lady Kennedy of Cradley would move us further forward and require all police forces to record this information and access how it influences the incidence of domestic abuse. That would add to our understanding and help the Government in their difficult task of addressing this truly terrible situation. Sadly, that has been brought sharply into focus by the murder of Sarah Everard and the events on Clapham Common last weekend.

I am also clear that both men and women may experience incidents of violence and abuse. Nothing that I have said previously detracts from that, and we have all been moved by the contributions of the noble Lord, Lord Paddick, in previous debates. I agree with many of his points today, but possibly not with his conclusion. I think the amendment is a step forward, and this is an issue on which many of us agree. The noble Lord knows that I like and respect him very much, but I believe that women are more likely to experience repeated and severe abuse, including sexual abuse. I remind him of the dreadful fact that my noble friend Lady Royall of Blaisdon told the House: 30 women were killed by their partner or ex-partner between Second Reading of the Bill and Committee on Monday night, and she read out the names of those women to the House.

I too pay tribute to Sue Fish, the retired chief constable of Nottinghamshire, for the work that she and all the officers and staff of Nottinghamshire Police have done in this area since 2016. It has become the first police force to enable women and girls to report cases of abuse and harassment as misogyny. As my noble friend Lady Kennedy of Cradley said, thanks to the work taking place there, women in Nottinghamshire have been coming forward and reporting crimes. The noble Lord, Lord Russell, reminded us in Committee that to recognise misogyny as a category of hate crime would not make anything illegal that was not already illegal; instead, the amendment would enable a better understanding of the forms of violence and abuse that women experience by ensuring that they are all recorded effectively.

I am aware of the Law Commission's review that is presently under way. I believe that the amendment would help it with that review, even just for a few months before it reports, and would further supplement the Government's work in looking at the review and give them valuable data to enable them to respond positively. I am also aware of the interim report from the Law Commission and its views on sex and gender.

[Lord Kennedy of Southwark]

I concur with the comments of the noble Lord, Lord Young of Cookham. I believe that the intent behind this amendment will assist the Government in dealing with the appalling events that have been brought more sharply into focus not only last weekend but also during the discussions on this Bill.

The contribution of the noble Baroness, Lady Fox of Buckley, was interesting, although it is not one that had much in it that I can agree with. For me, this is not an issue of free speech; it is an issue of dealing with the most appalling violence against women and girls and how we can deal with that effectively. I support my noble friend Lady Kennedy of Cradley, and the Labour Benches will support her if she decides to divide the House. However, I hope that the noble Baroness, Lady Williams of Trafford, will respond positively and thus make a vote unnecessary.

5.30 pm

Baroness Williams of Trafford (Con) [V]: My Lords, I thank all noble Lords who have spoken in what has been an incredibly thoughtful debate, and I thank the noble Baroness, Lady Kennedy of Cradley, for her rather timely retabling of this amendment, which in Committee was tabled by the noble Lord, Lord Russell of Liverpool. The noble Baroness has highlighted how the collection of data could add to our understanding of the nature of hate crimes against women and thereby find ways of tackling it, and I agree on that. Perhaps I may make it absolutely clear to the noble Baroness that we are more than willing to engage on the issue of data collection. Not only is it crucial to our understanding of the issue, it will enable us to find solutions to some of the problems we face.

I have read the article about Sue Fish's appearance on "Woman's Hour". I was rather taken aback that the woman who had instigated the collection of data in Nottingham said that she would be reluctant to come forward about something that happened to her personally because of some of the prejudice that she felt she might face. That should give us all pause for thought about the issue at hand.

I join with other noble Lords in being appalled and shocked at the killing of Sarah Everard, and again our thoughts and prayers are with her family and friends. As the noble Lord, Lord Paddick, has pointed out, criminal proceedings are under way, but this brings into sharp focus the need to protect women and girls from violence. The Government are of course deeply committed to tackling all forms of violence against women and girls, and this Bill is a testament to that. We have also brought forward a number of measures in the Police, Crime, Sentencing and Courts Bill, which just last week was introduced in the House of Commons, to strengthen the management of sex offenders and those who pose a risk.

I agree with my noble friend Lord Young of Cookham, who said that we should not react in a knee-jerk way. I do not think that we have done that in this Bill, but I have given this issue much thought. We need to do more to keep women and girls safe from harassment, abuse, sexual and other violence, That is why in December we launched a call for evidence to inform our forthcoming *Ending Violence Against Women and Girls* strategy. When it closed last month, it had already received more than 19,000 responses, and in recognition of the renewed debate on women's safety in recent days, we have now reopened it for a further two weeks to 26 March. We have already received over 120,000 responses and I would encourage the public to share their views. We will use the responses to develop a strategy to better target perpetrators and to support victims and survivors. Our aim is to publish the new strategy by the summer.

I cannot but agree wholeheartedly that all hate crimes are abhorrent and should be dealt with using the full force of the law, regardless of gender or any other characteristic. I made the position of the Government quite plain in Committee that all crimes motivated by hatred are totally unacceptable and have no place in our society. I also set out that this was the reason why, in 2018, as part of the Government's updating of our hate crime action plan, we asked the Law Commission to undertake a review of the current hate crime legislation. This includes a review of whether other protected characteristics such as sex, gender and age should be included.

During the course of the review in 2019 and last year, the Law Commission organised events across England and Wales, speaking to as many people as possible who have an interest in this area of the law. We asked the commission to look at the current range of offences and aggravating factors in sentencing, and to make recommendations on the most appropriate models to ensure that the criminal law provides consistent and effective protection from conduct motivated by hatred towards protected groups or characteristics. In addition, the review took account of the existing range of protected characteristics to identify potential gaps in the legislation so that the review could make recommendations to ensure consistency of approach. As noble Lords will know, the consultation of the Law Commission to support the review closed in December. In that consultation, it focused on the issue of whether sex or gender should be added to hate crime law, noting that adding misogyny by itself might introduce inconsistencies to hate crime laws.

The Law Commission has pointed out that this is complex. Its consultation has highlighted a number of issues that need further consideration to ensure that adding sex or gender to the hate crime framework brings greater rather than less effectiveness to the law. This includes ensuring that linking domestic abuse and sex-based hostility does not create a hierarchy of harm in those cases of abuse where a sex-based hostility is more difficult to demonstrate and is seen as being less important. The Law Commission also talked about the need to ensure that the law itself is coherent, which is why it has been discussing the possibility of carve-outs to ensure that domestic abuse legislation does not conflict with how hate crime laws operate. These are just two examples of the complexity of this issue that the Law Commission is still working through.

I shall go back to the point made by my noble friend Lord Young of Cookham. Before we make long-term decisions on changes to police recording practices in this area, I still think that we should wait for the outcome of the Law Commission's review, which is an in-depth and wide-ranging one into the

complex area of hate crime. Moreover, I do not think that further legislation is required. Section 44 of the Police Act 1996 already allows the Secretary of State to require chief officers of police to provide information relating to policing in their area. This might include statistical or other information related to policing, crime and disorder. It provides the statutory basis for the annual data requirement from police forces in England and Wales, which includes recorded hate crime.

While the amendment is not needed, as the necessary powers are already in place to require forces to provide information of this kind, we agree that data can be helpful and we know that some police forces like Nottingham are already collecting it. I advise the House that, on an experimental basis, we will ask police forces to identify and record any crimes of violence against the person, including stalking and harassment, as well as sexual offences where the victim perceives it to have been motivated by a hostility based on their sex. As I have said, this can then inform longer-term decisions once we have considered the recommendations made by the Law Commission. We will shortly begin the consultation with the National Police Chiefs' Council and forces on this with a view to commencing the experimental collection of data from this autumn.

In response to the question put by the noble Baroness, Lady Kennedy, and the noble Lords, Lord Russell and Lord Paddick, the detail of the consultation is still to be worked through. That is not to exclude gender, but just to say that the detail remains to be worked out. In giving this undertaking and in the knowledge that the necessary legislation is already in place, I hope that the noble Baroness, Lady Kennedy, will be happy to withdraw her amendment.

The Deputy Speaker (Lord Duncan of Springbank) (Con): I have received two requests to speak after the Minister, from the noble Lords, Lord Hunt of Kings Heath and Lord Russell of Liverpool. I will call them in that order.

Lord Hunt of Kings Heath (Lab) [V]: My Lords, I warmly thank my noble friend Lady Kennedy and the Minister for her response. Can the Minister confirm that the Nottinghamshire Police official definition is the following:

"Incidents against women that are motivated by an attitude of a man towards a woman and includes behaviour targeted towards a woman by men simply because they are a woman"?

I take it that there is no question of introducing the sex or gender terminology used in this amendment, which is different from the amendment moved in Committee, and has certainly not been endorsed by the Law Commission.

Baroness Williams of Trafford (Con) [V]: The noble Lord, Lord Hunt of Kings Heath, is absolutely correct about what Nottinghamshire Police records. I cannot confirm what the conclusion will ultimately be, but I have said that I will consult.

Lord Russell of Liverpool (CB): I thank the Minister very much for that helpful response. I would like clarification on how we are going to proceed. Does she agree that the police forces currently recording crimes such as misogyny are doing so slightly differently in each case, because each police force has decided to interpret it in its own way? What the Minister's department is about do to with the National Police Chiefs' Council is to look at the different ways different police forces currently collect this data. I imagine she will also work with the Law Commission to take into account its evidence taken on sex and gender and its interim recommendations. Therefore, she will come out with a clarification of the guidance to be given to all police forces in England and Wales.

Baroness Williams of Trafford (Con) [V]: I can confirm that to the noble Lord. I think a bit of consistency here would be very helpful to give us the information we seek.

Baroness Kennedy of Cradley (Non-Afl): My Lords, I thank all noble Lords who have spoken today, in particular the noble Lords, Lord Russell of Liverpool and Lord Young of Cookham, who championed this amendment in Committee and again in this debate. I also pay tribute to the many campaigners and women who have taken time to contact noble Lords, as outlined by the noble Lord, Lord Young of Cookham. I also pay tribute to my colleagues in the other place, namely the Member of Parliament for Walthamstow, Stella Creasy, and the Member of Parliament for Birmingham Yardley, Jess Phillips, for all their determined work in fighting for action to end violence against women and girls.

I particularly agree with the comments of the noble Lord, Lord Young of Cookham. This data would add to the Law Commission's consultation and broaden the evidence base to allow us to move forward. I agree with the noble Lord, Lord Russell of Liverpool, who gave us a poignant reminder of the shocking figure of the number of women who have lost their lives since we started the debate. I agree with his assessment that this amendment would help us deal with the culture of misogyny and sexism in our country.

Regarding the comments made by the noble Lord, Lord Paddick, I respect his knowledge and experience as a former serving police officer. His insight is invaluable, and I hope he will support the offer from the Minister today and agree that this is a first step to record data. If data is not recorded, it is hidden. Data shines a light on an issue and allows it to be addressed. I will be with him, by his side, in future legislation to ensure that misogyny becomes a hate crime, which I believe the majority of the House wishes to see.

I thank the noble Baroness, Lady Bennett of Manor Castle, for reminding us to think of the victims of the Atlanta shooting—our thoughts are with them—and for her clear explanation of her support and of why and how the work of Nottinghamshire Police has been important. I agree with the noble Baroness, Lady Grey-Thompson: women are tired—tired of changing our behaviour to keep ourselves safe.

Therefore, I thank the Minister for her response and her confirmation that, starting this autumn, the Government will require police forces to record and flag any crimes of violence against the person, including stalking, harassment and sexual offences, where the

[Baroness Kennedy of Cradley]
victim perceives it as motivated by sex and gender-based hostility. I thank the noble Lord, Lord Russell of Liverpool, for seeking that clarification. This commitment is extremely welcome.

In the police forces already doing this, not only has it helped with detecting crime, it has helped with confidence in the police and changing the culture within the police about how to deal with violence against women. I thank the noble Baroness for confirming that the Government will move forward in this way and thank her for the way she has, as always, sought to engage positively with Members of this House to reach a consensus.

5.45 pm

Now all police forces will begin to record this critical data from the autumn. By recording crime targeted at women, I believe we can more effectively address violence against women and girls and the police response to it. As the noble Lord, Lord Russell of Liverpool, said, we should remind ourselves that violence against women and girls should be an issue that unites us, not divides us. As such, I withdraw my amendment.

Amendment 87B withdrawn.

The Deputy Speaker (Lord Duncan of Springbank) (Con): The noble Baroness, Lady Deech, indicated that she may press Amendment 87C to a Division. Does she wish to move it?

Amendment 87C

Tabled by ***Baroness Deech***

87C: After Clause 72, insert the following new Clause—

"Transfer of joint tenancies and survivors of domestic abuse

(1) This section applies where there are two or more joint tenants under a secure or assured tenancy and the landlord is a local housing authority or a private registered provider of social housing.

(2) If one joint tenant ("A") has experienced domestic abuse from another joint tenant ("B") then A may apply to the county court for an order that B is removed as a joint tenant, such application to be on notice to B, any other joint tenant, and the landlord.

(3) For the purposes of subsection (2) it is sufficient that the domestic abuse was directed at A or to anyone who might reasonably be expected to reside with A.

(4) On such an application, the court must take the following approach—

(a) the court must be satisfied that the tenancy is affordable for A, or will be so within a reasonable period of time;

(b) if the court is so satisfied, then—

(i) if B has been convicted of an offence related to domestic abuse against A or anyone who might reasonably be expected to reside with A, the court must make an order under this section;

(ii) if B has been given a domestic abuse protection notice under section 20, or a domestic abuse protection order has been made against B under section 26, or B is currently subject to an injunction or restraining order in relation to A, or a person who might be reasonably expected to reside with A, the court may make an order under this section;

(iii) if the application does not fall within sub-paragraph (i) or (ii), then the court may make such an order if it thinks it fit to do so;

(c) for the purposes of subsection (4)(b)(ii), the court must adopt the following approach—

(i) if B does not oppose the making of such an order, then the court must make it;

(ii) if B does oppose the making of such an order then it is for B to satisfy the court that, as at the date of the hearing, there are exceptional circumstances which mean that the only way to do justice between A and B is for the order to be refused.

(5) Where A has made such an application to the court, any notice to quit served by B shall be of no effect until determination of A's application or any subsequent appeal.

(6) Notwithstanding any rule of common law to the contrary, the effect of an order under this section is that the tenancy continues for all purposes as if B had never been a joint tenant, save that B remains liable on a joint and several basis for any debts, arrears or penalties accrued prior to the making of an order under this section.

(7) For the purposes of this section, an offence related to domestic abuse includes, as against A or anyone who might be reasonably expected to reside with A, an offence of violence, threats of violence, criminal damage to property, rape, other offences of sexual violence or harassment, coercive control, breach of injunction, breach of restraining order, or breach of domestic abuse protection order.

(8) In section 88(2) of the Housing Act 1985, after "section 17(1) of the Matrimonial and Family Proceedings Act 1984 (property adjustment orders after overseas divorce, &c.)" insert ", or section (Transfer of joint tenancies and survivors of domestic abuse) of the Domestic Abuse Act 2021,".

(9) In section 91(3)(b) of the Housing Act 1985, after sub-paragraph (iv), insert—

"(v) section (Transfer of joint tenancies and survivors of domestic abuse) of the Domestic Abuse Act 2021;".

(10) In section 99B(2)(e) of the Housing Act 1985 (persons qualifying for compensation for improvements), after sub-paragraph (iv) insert—

"(v) section (Transfer of joint tenancies and survivors of domestic abuse) of the Domestic Abuse Act 2021;".

(11) This section comes into force on a day appointed by the Secretary of State in regulations."

Baroness Deech (CB) [V]: My Lords, relying on the Minister's very constructive commitment that there will be a consultation in the summer, followed by action as speedily as possible and legislation if appropriate, this amendment is not moved.

Amendment 87C not moved.

Clause 73: Power of Secretary of State to issue guidance about domestic abuse, etc

Amendment 88

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

88: Clause 73, page 58, line 19, at end insert—

"( ) section (Controlling or coercive behaviour in an intimate or family relationship),"

Member's explanatory statement

This amendment is consequential on the proposed new Clause in the name of Baroness Lister of Burtersett that amends section 76 of the Serious Crime Act 2015.

Amendment 88 agreed.

Amendments 89 and 89A

Moved by ***Lord Parkinson of Whitley Bay***

89: Clause 73, page 58, line 19, at end insert—

"( ) section (Strangulation or suffocation),"

Member's explanatory statement

This amendment is consequential on the proposed new Clause in the name of Baroness Newlove that provides for an offence of strangulation or suffocation.

89A: Clause 73, page 58, line 21, at end insert ", or

( ) section (Prohibition on charging for the provision of medical evidence of domestic abuse) so far as relating to England;"

Member's explanatory statement

This amendment gives the Secretary of State power to issue guidance about the proposed amendment in the name of Lord Wolfson of Tredegar which prevents certain health care professionals who either assess a patient under an NHS contract, or provide services wholly or mainly under an NHS contract, from charging victims of domestic abuse for the provision of evidence of their injuries.

Amendments 89 and 89A agreed.

Amendment 90 not moved.

The Deputy Speaker (Lord Duncan of Springbank) (Con): We now come to the group consisting of Amendment 91. Anyone wishing to press this amendment to a Division must make that clear in debate.

Amendment 91

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

91: Clause 73, page 58, line 32, at end insert "and any strategy to end violence against women and girls adopted by a Minister of the Crown."

Member's explanatory statement

This amendment ensures that statutory guidance issued alongside the Domestic Abuse Bill takes into account any violence against women and girls (VAWG) strategy adopted by the Government, so that efforts to prevent and address domestic abuse are linked to integrated and coordinated responses to tackle VAWG.

Baroness Lister of Burtersett (Lab) [V]: My Lords, I speak to Amendment 91 in my name and those of the right reverend Prelate the Bishop of Gloucester and the noble Baroness, Lady Hodgson of Abinger. I am grateful for their support on this important issue. I am also grateful to the End Violence Against Women Coalition, which has helped with the amendment.

The amendment is very modest. It simply ensures that the statutory guidance on the Bill takes into account any violence against women and girls strategy adopted by the Government, to ensure that efforts to prevent and address domestic abuse are co-ordinated and integrated with wider VAWG strategies.

We have retabled this amendment on Report, in part because it rather got lost in debate on the lead amendment it was grouped with in Committee, but more importantly because we were at a loss at to why the Government did not feel able to accept an amendment which does no more than give legislative underpinning to what they claim is their intention.

We are extremely grateful to the Minister, who found time to see us and for the frank discussion we had. However, we came away even more puzzled because it seemed that we agreed on all the arguments relating to the amendment other than the need for the amendment itself.

The amendment has the support of the domestic abuse commissioner-designate and is also one of a small number of amendments that the EHRC have briefed in support of. The latter points out the overlap between domestic abuse and many other forms of VAWG, such as rape and sexual assault. They cite statistics that show that most rapes and sexual assaults are carried out in the context of domestic abuse. Indeed, a Home Office fact sheet on the domestic abuse commissioner states:

"We believe that there is merit in introducing a Domestic Abuse Commissioner specifically to focus on the issues affecting victims of Domestic Abuse. However, we know that a large proportion of sexual violence occurs within a domestic context, and the Commissioner will play an important role in raising awareness and standards of service provision across all forms of Violence Against Women and Girls."

Why is there resistance to an amendment that simply reflects this position?

The Home Office statement shows that it is quite possible to make an explicit link with to VAWG without in any way diluting the focus on domestic abuse. Moreover, the Minister acknowledged in Committee that

"domestic abuse is, at its core, a subset of wider crimes against women and girls",—[*Official Report*, 10/2/21; col. 427.]

which is not to deny that men and boys can also be victims. So in the interests of coherence and a holistic approach, it surely makes sense for the statutory guidance explicitly to reflect that.

The Minister also said in Committee:

"We know that victims' needs must be at the centre of our approach to domestic abuse."—[*Official Report*, 10/2/21; col. 425.]

As the Minister well knows, as evidenced by the lived experience of organisations on the ground, in practice those needs all too often cannot be neatly separated out into domestic abuse and other forms of VAWG. Again, this needs to be recognised in the statutory guidance. Yet in Committee, the Minister said that the amendment was not necessary and that Clause 73(3), which the amendment seeks to augment, is sufficient. That really was her only argument against it. The existing subsection, which was inserted by the Government in response to calls for an explicitly gendered approach, requires account to be taken, so far as is relevant, of the fact that the majority of domestic abuse victims are female, but it says nothing about violence against women and girls as such. The amendment would complement and strengthen the subsection.

The EHRC certainly does not agree that the existing clause is sufficient, nor do the many organisations on the ground working with women subjected to violence in its many forms, including domestic abuse. I will not repeat their wider arguments about the separation of the domestic abuse and VAWG strategies that I made in Committee, but it is important to understand the sector's concern about this because it provides a context for the amendment. Indeed, EVAW and 11 other specialist organisations with expertise in supporting

[Baroness Lister of Burtersett]
survivors of domestic abuse and other forms of violence against women wrote to the Minister last week urging her to support the amendment. Please do not underestimate the message it is sending out to these and other stakeholders, which are already very unhappy about the separation of the strategies. If the Government continue to hold out against this minimalist amendment, I am pretty sure that it will be taken as evidence that, for all their fine words, they will not pursue an integrated approach to violence against women and girls and domestic abuse. Symbols matter, and refusal to accept the amendment will be seen as a pretty negative symbol.

Even if the sector's fears are unfounded, there is another reason why the amendment is necessary. We all appreciate the commitment of the noble Baroness, Lady Williams, and Victoria Atkins, the other Minister with responsibility for these matters, but Ministers do not remain in their positions forever. Indeed, I have already read speculation that the latter might be heading for the Cabinet. Future Ministers might not share their understanding of the symbiotic relationship between VAWG and domestic abuse. Requirement by law of explicit reference to that in the guidance would future-proof the guidance. Moreover, it would help to ensure compliance with Article 7 of the Istanbul convention, which requires

"a holistic response to violence against women",

which of course includes domestic abuse.

At a time when public attention is rightly focused on violence against women in the public sphere, it is all the more important that the Bill, through the statutory guidance, makes explicit the link between domestic abuse and the many forms of violence against women that are even more prevalent in the private domestic sphere. It is not too late for the Government to accept this extremely modest amendment, or to signal that they will bring forward their own amendment at Third Reading. There really is no convincing argument against it and recent distressing events have strengthened the arguments for it. I beg to move.

Baroness Hodgson of Abinger (Con) [V]: My Lords, I shall speak in support of Amendment 91, to which I added my name, and which has been so ably moved by the noble Baroness, Lady Lister. I note my interests in this area as declared in Committee.

I too am very grateful to my noble friend the Minister for finding the time to talk to us about this. However, as I have said before, it is important that the VAWG strategy is referenced in the Bill, because separate domestic abuse and violence against women strategies, albeit complementary ones, will not be more effective than an integrated one. As we have already heard, it is something that a number of organisations working in this space have highlighted as a gap that is very important to address, especially in the light of the events of this past week. This short amendment would neatly remedy this issue, and I hope that the Minister will undertake to think again and accept it.

The Lord Bishop of Gloucester [V]: My Lords, I shall also speak to Amendment 91. I am very grateful to the noble Baronesses, Lady Lister and Lady Hodgson, for their very clear explanations of it.

The Government have said that they will ratify the Istanbul convention with this Bill. Article 7 requires "a holistic response" to ending violence against women and girls. As has been said, all that Amendment 91 seeks to ensure is that there is coherent join-up. The statutory guidance issued alongside the Bill must be linked with any violence against women and girls framework.

It was very good to hear the Minister, the noble Lord, Lord Wolfson, say last week in response to the amendments on Jewish marriage that a larger section on faith and spiritual abuse is in the draft guidance, following work with the Faith and VAWG Coalition, which a number of us have requested. Amendment 91 simply seeks to add similar coherence.

As has been said, I am extremely grateful to the Ministers here now, who are passionate about the Bill and committed to ensuring that we join the dots, but that might not always be so. Therefore, we cannot rely on good intention alone.

I confess that I am utterly bewildered and baffled as to why the amendment is being resisted, given that it would simply ensure that the guidance is clear about the right hand and the left hand being co-ordinated. If there is nervousness about a focus on women and girls, the reality is that the Government have committed to a VAWG strategy. They do not have a violence against men and boys strategy; if they did, we would ask for it to be named and linked in as well. Not accepting the amendment, which is simply about the statutory guidance, will make a very strong negative statement, not least at this poignant time.

Baroness Fox of Buckley (Non-Afl): My Lords, Clause 73(3) is the one and only reference in the Bill to the fact that the majority of victims of domestic abuse are female. This is therefore an important part of the guidance that should stand alone as fact, unencumbered. Also, adding in a link to

"any strategy to end violence against women and girls adopted by a Minister of the Crown"

seems far too open-ended politically. None of us here knows what the strategy might comprise. Will we agree with that strategy, and should we have blind trust in Ministers of the Crown? It seems like a rather unreliable hostage to fortune.

I am also nervous that this again takes us into the murky area of contested political explanations of domestic abuse, in the name of joining the dots. The Bill, rightly, gives both practical support to victims of domestic abuse, and criminal redress. Its job is not to supply a closed narrative. I am all for political debate on these issues, but statutory guidance could close down such a debate. There is a debate to be had on these matters, because we do not all agree—and we do not all need to agree—on the causes of violence against women or domestic abuse.

6 pm

As a generalisation, we can say that women have different and, sometimes, more negative experiences of dealing with public life than men. That does not mean that we can assume that all women share common experiences. Age, income, work, education and class

also shape women's lives. One of the most regressive aspects of today's identity politics is the tendency to assume that women's experiences are undifferentiated, that any violence aimed at women is one type of violence and that women's opinions about those experiences are uniform and easy to package up in a strategy. Take the way that Sarah's kidnap and murder have been linked to victims of domestic violence, her name read out alongside the names of female victims killed in very different circumstances and then explained as proof that we are witnessing misogynistic femicide. That makes me feel queasy.

Not all women and female victims agree with the idea that all men are a threat or that all women are vulnerable and need protection. Sadly, if one challenges the dominant narrative, one can get an unpleasant response. When criminologist Professor Marian FitzGerald pointed out, on Radio 4's "Today" programme, that women should not be unduly fearful, citing statistics such as 11% of women who are victims of homicide are murdered in public, compared to 33% of men, she was rounded on, denounced and abused—mainly by women activists, sadly—who accused her of downplaying the threat to women.

Similarly, Davina McCall, the TV presenter, wanted to temper quite a high-octane atmosphere on social media and tweeted to her 2.7 million followers that

"Female abduction/murder is extremely rare. Yes we should all be vigilant when out alone. But this level of fear-mongering isn't healthy. And men's mental health is an issue as well. Calling all men out as dangerous is bad for our sons, brothers, partners."

I thought it a well-intentioned tweet, reasonable and humane—a sentiment that she shared in good faith. But it led to a Twitter pile-on, vicious and nasty diatribes, uncharitable headlines and the infamous accusation that Davina McCall was one of those women suffering internalised misogyny. I say this because it is not good enough just to say that we all know what we mean by the continuum of domestic abuse and violence against women and girls. It is more complicated than that.

During all stages of this Bill, noble Lords shared testimonies for the record and I will give my last words to Helena Edwards, one of Sarah's friends who wrote an incredibly moving article that goes against the prevailing narrative but is worth listening to. This is what she said:

"As for us, her friends? Let us grieve for our loved one, brutally taken in such an awful way. The … misuse of it by those with an 'agenda' is not a comfort to us. As a 33-year-old woman, what will I take from this? I am reminded that life is short, and I will try to live mine to the full. Of course, I will be sensible and maybe take a few more taxis than I used to. But I will not live in fear. As soon as lockdown is over, I am going to go out, celebrate, get drunk with my mates in a pub … dance, laugh, cry, hug people and be grateful that I am alive."

We all deal with tragedies differently. We are all entitled to draw different lessons from events. Sarah's death has sparked a national conversation, but let us not allow it to become a one-sided monologue or an official strategy. Whatever one's view, the rightful place for such debates is lively discussion in the public square, not statutory guidance. There is much to admire in this Bill on domestic abuse, but linking it to the strategy to end violence against women and girls is a hostage to fortune that does the Bill no service. In that spirit, I am opposed to this amendment.

Lord Paddick (LD) [V]: My Lords, with the leave of the House, I just want to get something off my chest. With the greatest respect, I remind the noble Lord, Lord Parkinson of Whitley Bay, that this debate was delayed by 45 minutes because the previous business overran. It is essential that we give this important Bill the consideration that it deserves.

Clause 73(3) of the Bill, as currently drafted, requires that any guidance about domestic abuse issued by the Secretary of State

"must, so far as relevant, take account of the fact that the majority of victims of domestic abuse in England and Wales … are female."

I expressed concerns in Committee about the importance of not excluding victims of domestic abuse who are not women or victims of male violence from the provisions of the Bill, including any statutory guidance by the Secretary of State. One-third of all victims of domestic abuse are male, and some women victims will be in same-sex relationships—to give but two examples. I was reassured on these points by the Minister's response from the Dispatch Box in Committee.

But the majority of victims of domestic abuse are victims of male violence, and it makes absolute sense that any guidance about domestic abuse, as far as relevant, takes into account any government strategy to end violence against women and girls. We will support this amendment if the Minister cannot give sufficient reassurance that it is not necessary to include the wording in the Bill.

Baroness Wilcox of Newport (Lab) [V]: My noble friend Lady Lister said at Second Reading that

"the Bill should state explicitly that the statutory guidance must take account of the VAWG strategy. Failure to do so ignores the reality of women's experiences".—[*Official Report*, 5/1/21; col. 40.]

On that day in January, we could not have predicted that the violent reality of women's experiences would be brought into such sharp relief by the terrible tragedy of the abduction and murder of Sarah Everard last week and the subsequent scenes of protest by women across the United Kingdom.

Many decades ago, I taught at Priory Park School in Clapham. I lived in Helix Road in Brixton and walked those same streets as a young woman. They are some of the capital's most populated, brightly lit and well-walked paths. Women across the country took to social media to discuss their experiences of walking the streets and the lengths that they went to in feeling safe. Many testimonies exposed stories of being followed, harassed, catcalled, assaulted and exposed to by men. In the year to last March, 207 women were killed in Great Britain and 57% of female victims were killed by someone they knew—most commonly a partner or ex-partner.

The Prime Minister said about the Sarah Everard tragedy that her death

"must unite us in determination to drive out violence against women and girls and make every part of the criminal justice system work to protect and defend them."

I respectfully suggest to Mr Johnson that he begins by looking at some of the legislation already passed by the Welsh Government in this area. Their Violence against Women, Domestic Abuse and Sexual Violence

[Baroness Wilcox of Newport]
(Wales) Act 2015 required local authorities and health boards to prepare a strategy to tackle violence against women, domestic abuse and sexual violence.

As the leader of Newport, my cabinet approved the Gwent VAWDASV strategy in May 2018. It contained six regional priorities that are today being delivered locally. It is a tangible and practical application of lawmaking, which is helping to change perceptions and promote recognition of such suffering in our society. In this House and from this shadow Front Bench, I am determined to keep making those differences to people's lives in the wider context of the UK Government's ability to make laws that will help to prevent domestic abuse and support the survivors of such abuse. I strongly support the inclusion of Amendment 91 in the Bill.

Baroness Williams of Trafford (Con) [V]: My Lords, I start by acknowledging the comments of the noble Baroness, Lady Fox, on what Helena Edwards said—that is something upon which we should all reflect.

As the noble Baroness, Lady Lister, said, Amendment 91 relates to the linkages between domestic abuse and wider violence against women and girls. The Government are working on two new strategies, due to be published later this year, the first of which is a violence against women and girls strategy, replacing the old one, which expired in March 2020, followed by a complementary domestic abuse strategy. The amendment seeks to ensure that any guidance issued under Clause 73 of the Bill takes into account

"any strategy to end violence against women and girls adopted by a Minister of the Crown."

The main concerns raised by proponents of the amendment centre around the Government's decision not to produce a single, integrated violence against women and girls strategy that includes domestic abuse. This has wrongly been interpreted as an attempt to downplay the gendered nature of domestic abuse.

It is irrefutable that, while anyone can be a victim of domestic abuse, it is a crime of which the majority of victims are women. We recognise the gendered nature of domestic abuse, and the Bill acknowledges this in Clause 73(3), which provides:

"Any guidance issued under this section must ... take account of the fact that the majority of victims of domestic abuse ... are female."

The draft guidance we have published does just that. We have been clear that the two strategies will complement each other and that the Government fully recognise that domestic abuse is a subset of violence against women and girls.

The Bill is focused on domestic abuse, and for good reason. Domestic abuse is one of the most common crime types, with 2.3 million victims a year, and the cause of tackling it and providing better support and protection for victims is deserving and indeed requires its own Bill, commissioner and strategy. We are producing a separate but complementary domestic abuse strategy in order to continue working on the excellent provisions created by the Bill because, as I have said, domestic abuse deserves this unique consideration.

I reiterate that, in producing a discrete domestic abuse strategy, the intention is to create space to focus on this high-harm and high-prevalence form of VAWG, while allowing space for other VAWG crimes to be considered as part of the VAWG strategy. The two strategies will work together to drive down VAWG crimes and their impact on society, and both strategies will continue to recognise the gendered nature of these crimes. As I have said, the strategies will complement each other and share much of the same framework and evidence.

We recently concluded the call for evidence for the violence against women and girls strategy, through which we also welcomed evidence on domestic abuse. However, as I said in the previous debate—I now have an updated figure—we have reopened the call for evidence for two weeks to allow a further opportunity for everyone's voice to be heard. As of last night, the call for evidence had received just shy of an incredible 137,000 responses, and I hope that we will now receive many more.

As such, we fully acknowledge the direct link between domestic abuse and violence against women and girls, but the Government do not think that this amendment is necessary or appropriate for a domestic abuse Bill. The Bill already recognises the gendered nature of domestic abuse, and we do not think that a reference to a separate VAWG strategy is directly relevant to the Bill. If it were to refer to any strategy, it should be the planned domestic abuse strategy, but, for the avoidance of doubt, I am not advocating an amendment to this effect.

I do not think that I have persuaded the noble Baroness; I hope that I have and that she will be content to withdraw her amendment.

Baroness Lister of Burtersett (Lab) [V]: I thank noble Lords and all who spoke in support of this amendment. I was puzzled by the intervention of the noble Baroness, Lady Fox, because most of it did not seem to be relevant to this amendment at all. I am even more puzzled and disappointed by the Minister's response—I think she knew very well how I would respond. As far as I can see, the arguments have not moved on since Committee, whereas our argument has.

6.15 pm

I deliberately did not emphasise too strongly the point about gender, although I believe in that. However, I cite the point made by the right reverend Prelate about the need for a holistic response, as called for by the Istanbul convention. The Minister said that, if any strategy were to be referenced, it should be the domestic abuse strategy, but of course that is not referenced in the Bill—the Bill is about domestic abuse. However, she herself has acknowledged the symbiotic link between domestic abuse and VAWG, so I ask her whether—I will not test the opinion of the House, tempting as it is—while she refuses to put this in the Bill, she can give us an assurance that, when the final version of the domestic abuse strategy goes out for consultation, it will include a clear recognition of a link with the VAWG strategy?

She said that they will share a "framework" and "complement" each other. Could she assure us, on the record, that this will be made explicit in the statutory guidance that goes out under this Bill?

The Deputy Speaker (Baroness Watkins of Tavistock) (CB): I call the Minister to respond. Are you there?

Baroness Williams of Trafford (Con) [V]: My host muted me and I could not unmute—I apologise for that temporary blip that delayed my response.

On the question about whether it will be explicitly referenced, I say that the two are so closely interlinked. The noble Baroness asked that question in all good faith, so I will write to her, telling her and giving detail on how one will reference the other.

Amendment 91 withdrawn.

The Deputy Speaker (Baroness Watkins of Tavistock) (CB): We now come to the group consisting of Amendment 92. Anyone wishing to press this amendment to a Division must make that clear in the debate.

Amendment 92

Moved by ***Lord Ramsbotham***

92: Clause 73, page 58, line 32, at end insert—

"( ) Any guidance under this section must include information on—

(a) the links between—

(i) domestic abuse, and

(ii) speech, language and communication needs;

(b) the impact of witnessing domestic abuse on children's speech, language and communication;

(c) the services available to support people with speech, language and communication needs who are experiencing domestic abuse and their children, including how support provided by local authorities can be made inclusive and accessible to people with speech, language and communication needs."

Member's explanatory statement

This amendment would require that the guidance the Secretary of State issues under the Bill, including to local authorities, includes information on the links between domestic abuse and speech, language and communication needs, the impact of witnessing domestic abuse on children's speech, language and communication, and the services available to support people with those needs, and their children.

Lord Ramsbotham (CB) [V]: Amendment 92 is in my name and those of the noble Baronesses, Lady Finlay of Llandaff and Lady Whitaker, and the noble Lord, Lord Shinkwin. As in Committee, I declare an interest as co-chair of the All-Party Parliamentary Group on Speech and Language Difficulties.

In Committee, I tabled a number of amendments designed to have the speech, language and communication needs of victims of domestic abuse and their children included in the Bill. I am most grateful to the noble Lord, Lord Parkinson of Whitley Bay, for his response in Committee and for seeing me and a number of colleagues last week to discuss how this might be taken forward. I was particularly pleased to hear that officials were studying the issue, and I am pleased to learn from them that the Government are thinking of making revisions to the Bill before Royal Assent.

When moving a previous amendment, I reminded the House that many noble Lords often raised matters which they thought should be on the face of legislation during the detailed scrutiny that each Bill received in this House, which Bill teams almost invariably briefed their Ministers to turn down, but the method behind the apparent madness of the proposers of such amendments was that officials cannot be expected to know as much detail as professionals in the field, and their successors may well be grateful for having had their attention drawn to particular detail.

One example of this was quoted by the noble Baroness, Lady Newlove, very movingly on the first day on Report, when she referred to the traumas suffered by one of her daughters after witnessing the horrific murder of her father, following which she required speech therapy. If the traumatic effects on children of witnessing horrific events such as domestic abuse had been set down somewhere, officials might know what to advise the victims. It makes sense for a Government to draw on the advice of experts in drawing up a Bill and, as they draw up this piece of legislation, I appeal to them to listen to the expertise of the Royal College of Speech and Language Therapists, I CAN, the leading children's communication charity, and the Association of Youth Offending Team Managers, all of which support the amendment.

The ability to communicate is a vital life skill, and early speech and language training an important factor in every child's health and development—which I am glad the Minister recognises. As I said in Committee, those victims of domestic abuse who also face communication barriers are arguably among the most vulnerable, given the added difficulties that they face in asking for help. This is why the Government should make it abundantly clear that local authorities should consider what additional barriers they may have erected, preventing victims seeking refuge or access to other, safer accommodation services.

I have gone on quite long enough. My amendment is designed to provide a new opportunity for the Government to set out how they propose to issue guidance to local authorities under Part 4 of the Act. There are four aspects to any guidance, which will each be covered by a following speaker. The first is the link between domestic abuse and speech, language and communication needs. The second is the impact of witnessing domestic abuse on children's speech, language and communication needs. The third is the services available to support people with speech, language and communication needs who are experiencing domestic abuse; and the fourth is how support provided by local authorities can be made inclusive and accessible to people with speech, language and communication needs. I beg to move.

Baroness Andrews (Lab) [V]: My Lords, it is a pleasure to follow the noble Lord, Lord Ramsbotham, and to support the work that he has done on this amendment from the start of the Bill. I will not repeat the arguments for the amendment because, frankly, I think the Government have got the point that children and adults with speech and language difficulties are at greater risk of abuse than others and are therefore among the most vulnerable victims of domestic abuse. They have asked for, deserve and should now be given extra protection. In the debate we have heard powerfully from many noble Lords how much support there is for action in this Bill which will help these children and

[Baroness Andrews]
adults, because they face not only physical abuse but collateral dangers such as other mental health issues, substance misuse, literacy difficulties, learning disabilities, brain injury, neurodiversity, cognitive issues and, for many, rough sleeping and homelessness.

Including references to speech, language and communication needs in the Bill's statutory guidance is what we are after. If we do this, we can ensure that the issues can be properly addressed so that some of the most vulnerable people can access the support that they need. I think the Government will say this evening that they have listened, but what we are listening out for is assurances that the guidance itself will be explicit on this point.

To make the Government's task easier, the Royal College of Speech and Language Therapists has done the hard work. The experts to which the noble Lord, Lord Ramsbotham, referred have suggested a few specific ways of strengthening the guidance, and we are all grateful to them for their thoughtful and expert help throughout this Bill. They suggest:

"The Draft Statutory Guidance Framework might be strengthened by specifically referencing speech, language and communication needs in the following ways",

I ask the House to bear with me while I read what they said. In chapter 2, "Understanding Domestic Abuse", they said:

"Referring to speech, language and communication needs as a separate and specific intersectionality, inserting in Paragraph 58 that they are one of the barriers to people leaving … inserting in Paragraph 79 that they are one of the specific impairments that may result in people experiencing abuse."

In chapter 4, "Agency Response to Domestic Abuse", they suggest:

"Inserting in Paragraph 176 that they are a specific vulnerability and a barrier to disclosing information and seeking support".

Finally, in chapter 5, "Commissioning Response to Domestic Abuse", they say:

"Inserting a reference in Paragraph 232 that they are one of the diverse needs to which local strategies and services have to respond … Inserting a reference in Paragraph 247 that they are an additional barrier that people experiencing domestic abuse face. The Government could also usefully commit to ensuring that the national statement of expectations, which is due to be published later this year, references speech, language and communication needs."

I will press the Minister to give us an answer, because these are modest but powerful changes. They should be accepted and incorporated in the guidance. As I said, this hard work has already been done for the Government. It is the least that the Government can now do. Having recognised that there is a specific problem, it can be addressed here, even if not entirely solved. We seek the Minister's assurances that he will absolutely do this.

6.30 pm

Lord Shinkwin (Con): My Lords, it is a great pleasure to follow the noble Baroness, Lady Andrews. I shall focus my remarks on the first half of paragraph (c) in the amendment, which deals with

"the services available to support people with speech, language and communication needs who are experiencing domestic abuse and their children".

I am sure that all noble Lords welcomed the Government's assurance in Committee that they are committed to ensuring that victims of domestic abuse and their children get the right support to meet their individual needs. As we know, these are often multiple, complex and interlinked. That means that the right support will necessarily involve a whole range of different professionals in domestic abuse services, so that, first, those individual needs can be identified and, then, the appropriate support can be provided, both to the individuals and to the other professionals working with them.

It may sound to us like a no-brainer, but, of course, for those with communication needs, it is absolutely vital that the services provided include, as the noble Baroness, Lady Andrews, so cogently argued, speech and language therapy services. It is worth considering for a moment what difference that provision can make to people who have experienced domestic abuse, their children and the professionals working with and supporting them. Is it marginal or insignificant? Perhaps it is just an optional extra.

I suggest that, before we answer, we just pause and place ourselves in their shoes. Let us imagine how much being unable to communicate would compound our sense of vulnerability, anxiety and distress, not to mention the real danger in which we as a victim might still be. Only when we have answered that question can we presume to say whether support really matters.

What does that support look like? I suggest that it has three key aspects. First, it would ensure that any communication needs that people who had experienced domestic abuse, or their children or the perpetrators of domestic abuse, might have were identified in a timely and professional manner. Secondly, it would ensure that the communication barriers to referrals, risk assessments, support programmes and perpetrators' preventive and rehabilitative sessions were removed. Thirdly, and no less important, it would ensure that training was provided to professionals in communication needs, in how those needs present and in how to adapt assessments and interventions so that those with communication needs can access and benefit from risk assessments and support services. Such training would enable them to know when specialist involvement from speech and language therapy would be beneficial.

As the noble Baroness, Lady Andrews, explained, much has been made of the statutory guidance. We all know how important it is. That is why it is imperative that a reference to speech and language therapists be included as one of the professions that have a role to play in securing better outcomes for people who have experienced domestic abuse and their children, and in helping prevent domestic abuse by contributing to work with perpetrators.

How warmly an assurance on that point from my noble friend the Minister would be welcomed by me and other noble Lords, by the excellent Royal College of Speech and Language Therapists—of which I am proud to be a vice-president—and, of course, by victims of domestic abuse with communication needs, on whose behalf, as someone who himself has communication needs, I wholeheartedly support these amendments.

Lord Mann (Non-Afl): My Lords, I do not intend to replicate the points made by three excellent and very focused contributions; my comments will be not be instead of but additional and complementary to those, but I will stick to my complementary points because that will assist with brevity and perhaps even with clarity.

In backing the amendment, I want to bring to the House two examples from my experience. The first is the major investigation into heroin abuse that I carried out in 2002 in the mining villages of north Nottinghamshire, where I spoke to more than 300 local heroin users. I found one extraordinary correlation that I did not expect. While they had very different stories, backgrounds and situations, every single one of them bar none had suffered some form of major trauma in childhood. That trauma had not been noted by the system—by which I mean primarily schools and, in some instances, social services, but I am concentrating particularly on what schools missed—or, where it was noted, it was not addressed.

I cited in that inquiry specific examples of young children, primary school children, who got to school late because they did not know when they were meant to get up, because no parent was available to get them out of bed. So they would arrive at school at various times and in various forms of wear to try to participate. My experience was that they were not as successful in school as they could have been. But there was no additionality in the local authority, in its processes and in its funding to identify those problems.

Some children had experienced significant violence in their household, sometimes done to them, and, of course, where there was domestic violence against the mother, there was often violence also against the children. That was a critical part of the trauma in many cases. Such trauma can manifest in very different ways at an early age. One of the most common ways that I found was truancy; in other words, the simple act of not attending school, particularly when it was secondary school. What I noted with some disdain—and I continued to do so for many years, though I would argue against it—was how certain children were categorised as disruptive and their behaviour regarded as dysfunctional, which, on the face of it, it sometimes certainly was, and they did not attend school and school was often happy not to have them.

The fundamental problem that then arises is the effect on all the core communication skills, not least literacy. In a disproportionate number of cases, that directly correlates with domestic abuse, as spelled out in this Bill, in the household. That is example number one.

Example number two is that of a friend of mine, Terry Lodge. He was badly abused as a child. There was always violence, and as a consequence Terry did not go to school. He did not go to primary school as often as would have been helpful, and he did not go to secondary school at all. He was forced to work, and put into major industrial manual work at the age of 11 by his family.

Terry's is one of the cases I took to the national child abuse inquiry. I represented him there, and I still assist him. He has had a full apology from the local authority, but no compensation yet, four years after his apology. That is absurd and disgraceful—and, more importantly, in my view, damaging. All the way through, Terry Lodge has had one primary request: he never learned to read or write. Nobody is prepared to address that fully. His compensation, if it ever emerges, will be for being handicapped in the labour market, because he could not get to the levels he would have reached if he had been able to read and write.

That directly relates to this amendment, and what it would create. That requirement, in terms of what local authorities do and how they see the world that they are dealing with, is a fundamental weakness in our systems that still exists today. I therefore commend this amendment to the Government. It is vital, and I hope they will accept it.

Baroness Whitaker (Lab) [V]: My Lords, I declare an interest as vice-chair of the All-Party Parliamentary Group on Speech and Language Difficulties, as patron of the British Stammering Association, and as a stammerer myself. I warmly endorse all that previous speakers have said, and I thank the Minister for his helpful meeting a few days ago.

I shall briefly address the issue of local authority support, as addressed by paragraph (c) of this important amendment. It is good that the Government have confirmed that local authority strategies will be published, in line with the public sector accessibility regulations, but we need more. Local authorities must also ensure that those will be available in properly inclusive formats, which people without mobiles or access to the internet can see, and in languages other than English.

That is because speech and language therapists, as is mentioned in the useful briefing from the Royal College of Speech and Language Therapists, report that various domestic abuse assessments, often verbally communicated, have not always been understood by people with communication needs, because of the level of understanding, retention and processing required, and often also because of their state of mind, exacerbated by stress brought on by abuse. It is difficult for people who are accustomed to communicating with ease to understand the real impediments to understanding experienced by some of those with communication needs.

The consequence, of course, is that assessments will not reflect the problem, appropriate support will not be forthcoming, and any rehabilitation or prevention programme will fail. What a waste of time and resources. Sadly, it is not uncommon for people with learning disabilities, including children, to be abused, and they are at greater risk of an inadequate professional response if we cannot ensure an effective way to communicate with them.

We need more developed and targeted guidance on how to do this—for instance, following my noble friend Lady Andrews, we could insert references, at paragraphs 81 and 105 in chapter 2 of the draft statutory guidance framework, to accessible information and inclusive communication, and we could state explicitly, in Chapter 4, paragraph 125, that any reference to risk assessment must list speech, language and communication needs as a specific vulnerability which requires an appropriate format. Plain English would be a good start.

6.45 pm

Baroness Finlay of Llandaff (CB) [V]: My Lords, it is relevant to remind the House that I chair the National Mental Capacity Forum, working for those with a very wide range of impairments to mental capacity. It is a great pleasure to follow such excellent arguments made in support of the amendment moved by my noble friend Lord Ramsbotham.

The draft guidance currently includes a specific reference to special educational needs and disabilities. That is welcome, but not adequate. I greatly appreciate having been able to meet staff from the team writing the guidance and to be able to engage constructively to ensure that the communication needs of different groups are recognised and must be met. Communication is far more than expressing words. There is non-verbal communication, and there are language difficulties, word-finding difficulties and a wide range of developmental factors, particularly in children and young people, that need highly specialised speech and language therapy support. Going without such support will further damage the person's life chances and increase their risk of abuse.

Some speech, language and communication needs are the result of a lifelong condition or disability—some 10% of children and young people can have these—but speech, language and communication needs can also be the result of environmental factors. For instance, in areas of social disadvantage, up to 50% of children can start school with delayed language or other identified communication needs. Such needs are often overlooked and go unidentified for years.

All this is worsened by abuse. There is clear evidence that witnessing domestic abuse impacts on children's speech, language and communication. Speech and language therapists work with vulnerable children and young people—for example, in services for children in care, children in need, and those at risk of permanent exclusion or of involvement with youth justice services. The therapists report that large numbers of those children and young people have also experienced or witnessed domestic abuse. One speech and language therapy service alone reports that 58% of the children and young people on its caseload have witnessed or experienced domestic abuse.

A speech and language therapist working in a secure children's home reports a high prevalence of communication needs among children and young people who have experienced significant levels of abuse themselves. Many of them have also witnessed domestic abuse in their home settings. These children and young people have been placed in a secure home under welfare care orders rather than youth justice instructions. A secure home is considered the best place to keep them safe, given the significant challenges to their mental health and well-being associated with the trauma they have experienced, and provides a contained and therapeutic environment.

Take Faisal's experience. Taken into care as a young teenager after years of observing domestic abuse between his parents, at 15 Faisal had language disorders associated with learning difficulties and attachment difficulties. Joint working by the social worker and the speech and language therapist has been essential to improve his life chances.

Including specific references to speech, language and communication needs in the Bill's statutory guidance will help ensure better support for children and young people who have experienced or witnessed domestic abuse, by specifically referencing speech, language and communication needs in Chapter 3—"Impact on Victims". This should reference that deterioration in speech, language and communication can result from experiencing or witnessing domestic abuse, and should ensure that speech, language and communication needs are addressed, supported by ongoing academic research.

I hope the Minister will provide the assurance on the record tonight to strengthen the statutory guidance to include speech and language therapy, and confirm that this will be part of the domestic abuse strategy. My noble friend Lord Ramsbotham has led on a very important issue, and brought a previously overlooked need to the fore. If we do not have that assurance, my noble friend will be forced to test the opinion of the House.

Lord Paddick (LD) [V]: My Lords, this amendment seeks to ensure that guidance includes information on the link between domestic abuse and speech, language and communication needs, the impact of witnessing domestic abuse on children's speech, language and communication, and the services available to support victims of domestic abuse with speech, language and communication needs.

The noble Lord, Lord Ramsbotham, has been unwavering in bringing these important issues before the House. In answer to the noble Lord's amendment in Committee, the Minister spoke about the extensive engagement undertaken on the statutory guidance, including a specific working group focusing on disability, including learning disabilities. While that is welcome, I did not hear any commitment to address the specific issues raised in this amendment—in particular how, when children witness domestic abuse, it can lead to communication difficulties and the support required by those with speech, language and communication needs to help them to express the impact that domestic abuse has had on them. Can the Minister address those concerns? We support the amendment.

Lord Kennedy of Southwark (Lab Co-op): The speech, language and communication needs of victims of domestic abuse have to be properly addressed. I pay tribute to the noble Lord, Lord Ramsbotham, for bringing this issue to the Floor of the House, as he did in Committee. He is absolutely right to do so.

The noble Lord's amendment is important. If we are to have effective domestic abuse support for disabled people, it must be barrier-free and truly accessible. As the noble Lord told us, the ability to communicate is a vital skill. Those with communication difficulties are particularly vulnerable, which is why we need to ensure that local authorities, the police and all other agencies are able to address and ensure that they have provisions in place to make sure that people can make their points effectively and be understood, having their concerns met and needs addressed.

Today and in our previous debate, my noble friend Lady Andrews made the case for providing that extra support and ensuring that it is properly addressed in

the guidance. I endorse my noble friend's call for the guidance to be explicit, and I hope that the Minister can be absolutely explicit on that. The noble Lord, Lord Shinkwin, drew our attention to the needs of disabled people, which can be multiple and complex, and how effective communication plays such an important part, including the ability to communicate to public authorities. As the noble Lord said, just think if we could not communicate—how could we get anything done? It is not right that a victim of abuse is not listened to or heard.

My noble friend Lord Mann made very important points from his experience as a Member of Parliament for Bassetlaw of failings of schools and the social services in north Notts. I am sure that those failures are going to take place all over the country, and that is just one example. That is why we need to ensure that those issues are addressed. My noble friend Lady Whitaker drew attention to the particular risk that children find themselves in.

I hope that the Minister can address those issues; I am sure that he will be very aware of the potential of a vote on this amendment. He will not want to tempt the noble Lord to do that.

Lord Parkinson of Whitley Bay (Con): My Lords, I pay tribute to all noble Lords who have spoken in this short but powerful debate. As the noble Lord, Lord Ramsbotham, said in opening it, noble Lords bring a wealth of experience to the scrutiny of Bills and, in a short number of contributions, they have done that tonight—whether it is the noble Lord himself through his work as co-chair of the All-Party Parliamentary Group on Speech and Language Difficulties, the noble Baroness, Lady Finlay of Llandaff, in her role as chairman of the National Mental Capacity Forum or my noble friend Lord Shinkwin and the noble Baroness, Lady Whitaker, who speak from first-hand experience. Then there is the noble Lord, Lord Mann, with his constituency experience, and others. The noble Baroness, Lady Whitaker, reminded us that she speaks as a stammerer, just like the new President of the United States of America—and, as it is his birthday today, like my uncle, who is also a stammerer. I hope that people watching this debate will be inspired by their examples as well as by the content of what they have said.

As noble Lords have all rightly said, people with speech, language and communication needs can be especially at risk of harm and, of course, domestic abuse, as well as facing additional barriers in accessing services. As we said in Committee, we know that this is not a niche issue, nor should it be treated as such, especially in the context of domestic abuse, so we are grateful for the opportunity to continue the debate today.

In July 2020, the Government published the draft statutory guidance that will accompany the Bill, which made specific reference to special educational needs and disabilities. The Government have engaged widely on this already, including through a specific working group focusing on disability, deafness, and learning disabilities. I am pleased to say that, thanks to that engagement and the further engagement that we have had, including that which the noble Baroness, Lady Finlay, has had directly with officials involved in drafting, we will revise the guidance to make further express reference to speech, language and communication needs, in relation to not just those with special educational needs but the links between domestic abuse and those with communication needs, specifically children and young people. I am pleased to say that we will cover the points on which noble Lords have rightly pressed me again this evening.

We recognise the impact that domestic abuse can have on the development of children's speech and communication. We know that children can express themselves in a variety of ways, and it is important, as noble Lords have said, that we are all mindful of that —especially in the context of domestic abuse. For instance, children may display behaviour that might seem aggressive to mainstream professionals when, really, their communication needs are not being tailored appropriately. We are very clear that it is important that we give children and young people the right support as and when they need it because of their vulnerabilities. That is why the guidance issued under Clause 73 includes specific sections on children and how best to support what we know can be their unique needs.

We know that domestic abuse has a devastating impact on all its victims, and that recognising the needs of individual victims is essential, which is why the statutory guidance goes into this particular detail. The guidance also details how perpetrators can exploit these communication needs and requirements. Whether it is through a perpetrator insisting that they are the only person to interpret, preventing access to an external interpreter or removing the victim's hearing aids, these are horrific tactics, which we know are used to perpetuate abuse, and they will be covered in the guidance.

The Government continue to prioritise improving speech and language outcomes, based on early identification and targeted support. I have previously referred to Public Health England's excellent guidance, drafted in conjunction with the Department for Education. The guidance outlines the system-wide approach for commissioning early years support on speech, language and communication services. Additionally, speech, language and communication services for children and young people are covered by joint commissioning arrangements set out in the special educational needs and disabilities code of practice. Education, health services, local authorities and youth offending teams can come together to assess needs and agree a local offer. Joint commissioning gives agencies the opportunity to consider the wider factors and interdependencies, such as domestic abuse, and design services accordingly.

In conclusion, we recognise that speech, language and communication needs are extremely important, which is why they will be expressly covered in guidance. There is a wealth of guidance already available, and we intend to augment this with the statutory guidance to be issued under Clause 73. That guidance will be subject to formal consultation following Royal Assent, and I shall ensure that the all-party group which the noble Lord jointly chairs has an opportunity to take part in that process. The forthcoming domestic abuse strategy will afford a further opportunity for us to ensure that we are adopting a whole-system approach when tackling this crime and these unique needs.

[Lord Parkinson of Whitley Bay]

I hope that in the light of my reassurances and with my renewed thanks for his and other noble Lords' engagement on this important issue, the noble Lord will be content to withdraw his amendment.

7 pm

Lord Ramsbotham (CB) [V]: My Lords, I thank the Minister for his considered response, particularly his assurance that the Government will be revising the guidance. I also thank all noble Lords who have spoken in support of the amendment, indicating as they did so their expertise in, and knowledge of, the issue. Ministers and officials are clearly seized of the need to satisfy speech, language and communication needs and, from that point of view, to include them in the statutory guidance to be issued to all local authorities. In that spirit, and in the hope that Ministers and officials will also study what has been said in this debate and earlier ones, I beg leave to withdraw my amendment.

Amendment 92 withdrawn.

Clause 74: Power of Secretary of State to make consequential amendments

Amendment 93

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

93: Clause 74, page 59, line 23, after "section" insert "(Controlling or coercive behaviour in an intimate or family relationship) or"

Member's explanatory statement

This amendment is consequential on the proposed new Clause in the name of Baroness Lister of Burtersett that amends section 76 of the Serious Crime Act 2015.

Amendment 93 agreed.

Amendments 94 to 95C

Moved by ***Lord Parkinson of Whitley Bay***

94: Clause 74, page 59, line 23, after "section" insert "(Threats to disclose private sexual photographs and films with intent to cause distress) or"

Member's explanatory statement

This amendment is consequential on the proposed new Clause in the name of Baroness Morgan of Cotes, which extends the offence under section 33 of the Criminal Justice and Courts Act 2015 to threats to disclose private sexual photographs and films.

95: Clause 74, page 59, line 23, after "section" insert "(Strangulation or suffocation) or"

Member's explanatory statement

This amendment is consequential on the proposed new Clause in the name of Baroness Newlove that provides for an offence of strangulation or suffocation.

95A: Clause 74, page 59, line 25, at end insert—

"(1A) The appropriate national authority may by regulations make provision that is consequential on any provision made by or under section (Prohibition on charging for the provision of medical evidence of domestic abuse).

(1B) In subsection (1A) "the appropriate national authority" means—

(a) in relation to England, the Secretary of State;

(b) in relation to Wales, the Welsh Ministers."

Member's explanatory statement

This amendment is consequential on the proposed amendment in the name of Lord Wolfson of Tredegar which prevents certain health care professionals who either assess a patient under an NHS contract, or provide services wholly or mainly under an NHS contract, from charging victims of domestic abuse for the provision of evidence of their injuries.

95B: Clause 74, page 59, line 26, after "power" insert "of the Secretary of State"

Member's explanatory statement

This amendment is consequential on the Minister's amendment at page 59, line 25.

95C: Clause 74, page 59, line 29, at end insert—

"(3) The power of the Welsh Ministers to make regulations under this section may, in particular, be exercised by amending, repealing, revoking or otherwise modifying any provision made by or under primary legislation passed or made before, or in the same session of Parliament as, this Act.

(4) In subsection (3) "primary legislation" means—

(a) an Act of Parliament;

(b) a Measure or Act of the National Assembly for Wales or an Act of Senedd Cymru."

Member's explanatory statement

This amendment is consequential on the Minister's amendment at page 59, line 25.

Amendments 94 to 95C agreed.

Clause 75: Power to make transitional or saving provision

Amendment 96

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

96: Clause 75, page 59, line 35, after "section" insert "(Controlling or coercive behaviour in an intimate or family relationship) or"

Member's explanatory statement

This amendment is consequential on the proposed new Clause in the name of Baroness Lister of Burtersett that amends section 76 of the Serious Crime Act 2015.

Amendment 96 agreed.

Amendments 97 to 98B

Moved by ***Lord Parkinson of Whitley Bay***

97: Clause 75, page 59, line 35, after "section" insert "(Threats to disclose private sexual photographs and films with intent to cause distress) or"

Member's explanatory statement

This amendment is consequential on the proposed new Clause in the name of Baroness Morgan of Cotes, which extends the offence under section 33 of the Criminal Justice and Courts Act 2015 to threats to disclose private sexual photographs and films.

98: Clause 75, page 59, line 35, after "section" insert "(Strangulation or suffocation) or"

Member's explanatory statement

This amendment is consequential on the proposed new Clause in the name of Baroness Newlove that provides for an offence of strangulation or suffocation.

98A: Clause 75, page 59, line 37, at end insert—

"(1A) The appropriate national authority may by regulations make such transitional or saving provision as the authority considers appropriate in connection with the coming into force of section (Prohibition on charging for the provision of medical evidence of domestic abuse).

(1B) In subsection (1A) "the appropriate national authority" means—

(a) in relation to England, the Secretary of State;

(b) in relation to Wales, the Welsh Ministers."

Member's explanatory statement

This amendment is consequential on the proposed amendment in the name of Lord Wolfson of Tredegar which prevents certain health care professionals who either assess a patient under an NHS contract, or provide services wholly or mainly under an NHS contract, from charging victims of domestic abuse for the provision of evidence of their injuries.

98B: Clause 75, page 59, line 43, after "(1)" insert ", (1A)"

Member's explanatory statement

This amendment is consequential on the Minister's amendment at page 59, line 37.

Amendments 97 to 98B agreed.

Clause 76: Regulations

Amendments 98C to 99C

98C: Clause 76, page 60, line 5, leave out "or Lord Chancellor" and insert ", the Lord Chancellor or the Welsh Ministers"

Member's explanatory statement

This amendment is consequential on the proposed amendment in the name of Lord Wolfson of Tredegar which prevents certain health care professionals who either assess a patient under an NHS contract, or provide services wholly or mainly under an NHS contract, from charging victims of domestic abuse for the provision of evidence of their injuries.

99: Clause 76, page 60, line 22, after "section" insert "(Duty to report on domestic abuse services in England)(4),"

Member's explanatory statement

This amendment is consequential on the proposed new Clause in the name of Baroness Williams of Trafford imposing a duty to report on domestic abuse services in England, and provides that regulations made by the Secretary of State to extend the 12-month period for making the report are not subject to Parliamentary procedure.

99A: Clause 76, page 60, line 24, leave out "or" and insert—

"( ) regulations of the Secretary of State under section (Prohibition on charging for the provision of medical evidence of domestic abuse)(6), or"

Member's explanatory statement

This amendment provides for regulations under subsection (6) of the proposed new Clause in the name of Lord Wolfson of Tredegar, which prevents certain health care professionals who either assess a patient under an NHS contract, or provide services wholly or mainly under an NHS contract, from charging victims of domestic abuse for the provision of evidence of their injuries, to be subject to the draft affirmative procedure.

99B: Clause 76, page 60, line 25, after "regulations" insert "of the Secretary of State"

Member's explanatory statement

This amendment is consequential on the Minister's amendments at page 59, lines 25 and 29.

99C: Clause 76, page 60, line 27, at end insert—

"(7) A statutory instrument containing regulations made by the Welsh Ministers under this Act is subject to annulment in pursuance of a resolution made by Senedd Cymru, unless the instrument—

(a) is required by subsection (8) or any other enactment to be laid before, and approved by a resolution of, Senedd Cymru, or

(b) contains only regulations under section 75.

(8) A statutory instrument that contains (with or without other provisions)—

(a) regulations of the Welsh Ministers under section (Prohibition on charging for the provision of medical evidence of domestic abuse)(6), or

(b) regulations of the Welsh Ministers under section 74 that amend or repeal primary legislation (within the meaning of section 74(4)),

may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, Senedd Cymru."

Member's explanatory statement

This amendment is consequential on the proposed amendment in the name of Lord Wolfson of Tredegar which prevents certain health care professionals who either assess a patient under an NHS contract, or provide services wholly or mainly under an NHS contract, from charging victims of domestic abuse for the provision of evidence of their injuries.

Amendments 98C to 99C agreed.

Clause 78: Extent

Amendments 100 to 101

100: Clause 78, page 60, line 36, after "3" insert "or Schedule (Strangulation or suffocation: consequential amendments)"

Member's explanatory statement

This amendment is consequential on the proposed new Schedule in the name of Baroness Newlove relating to the proposed new offence of strangulation or suffocation.

101: Clause 78, page 60, line 36, after "extent" insert "within the United Kingdom"

Member's explanatory statement

This amendment is consequential on the proposed new Schedule in the name of Baroness Newlove relating to the proposed new offence of strangulation or suffocation.

Amendments 100 to 101 agreed.

Amendment 102 not moved.

Clause 79: Commencement

Amendments 103 to 103A

Moved by ***Lord Parkinson of Whitley Bay***

103: Clause 79, page 61, line 23, after "Sections" insert "(Threats to disclose private sexual photographs and films with intent to cause distress),"

Member's explanatory statement

This amendment provides for the proposed new clause in the name of Baroness Morgan of Cotes, which extends the offence under section 33 of the Criminal Justice and Courts Act 2015 to threats to disclose private sexual photographs and films, to come into force two months after Royal Assent.

103A: Clause 79, page 61, line 29, at end insert—

"( ) Section (Prohibition on charging for the provision of medical evidence of domestic abuse) comes into force on 1 October 2021."

Member's explanatory statement

This amendment provides for the proposed new Clause in the name of Lord Wolfson of Tredegar, which prevents certain health care professionals who either assess a patient under an NHS contract, or provide services wholly or mainly under an NHS contract, from charging victims of domestic abuse for the provision of evidence of their injuries, to come into force on 1 October 2021.

Amendments 103 to 103A agreed.

In the Title

Amendments 104 to 106

104: In the Title, line 6, after "circumstances;" insert "to make further provision about orders under section 91(14) of the Children Act 1989;"

Member's explanatory statement

This amendment is consequential on the proposed new Clause in the name of Lord Wolfson of Tredegar, which makes further provision about orders under section 91(14) of the Children Act 1989.

105: In the Title, line 6, after "circumstances;" insert "to provide for an offence of threatening to disclose private sexual photographs and films with intent to cause distress;"

Member's explanatory statement

This amendment is consequential on the proposed new Clause in the name of Baroness Morgan of Cotes, which extends the offence under section 33 of the Criminal Justice and Courts Act 2015 to threats to disclose private sexual photographs and films.

106: In the Title, line 6, after "circumstances;" insert "to provide for an offence of strangulation or suffocation;"

Member's explanatory statement

This amendment is consequential on the proposed new Clause in the name of Baroness Newlove that provides for an offence of strangulation or suffocation.

Amendments 104 to 106 agreed.

Integrated Review

Statement

The following Statement was made in the House of Commons on Tuesday 16 March.

"With permission, Mr Speaker, I will make a Statement on the Government's *Integrated Review of Security, Defence, Development and Foreign Policy*, which we are publishing today.

The overriding purpose of this review, the most comprehensive since the Cold War, is to make the United Kingdom stronger, safer and more prosperous, while standing up for our values. Our international policy is a vital instrument for fulfilling this Government's vision of uniting and levelling up across our country, reinforcing the union, and securing Britain's place as a science superpower and a hub of innovation and research. The review describes how we will bolster our alliances, strengthen our capabilities, find new ways of reaching solutions, and relearn the art of competing against states with opposing values. We will be more dynamic abroad and more focused on delivering for our citizens at home.

I begin with the essential fact that the fortunes of the British people are, almost uniquely, interlinked with events on the far side of the world. With limited natural resources, we have always earned our living as a maritime trading nation. In 2019, the UK sold goods and services overseas worth £690 billion—fully a third of our gross domestic product—sustaining millions of jobs and livelihoods everywhere from Stranraer to St Ives, and making our country the fifth biggest exporter in the world. Between 5 million and 6 million Britons—nearly one in 10 of us—live permanently overseas, including 175,000 in the Gulf and nearly 2 million in Asia and Australasia, so a crisis in any of those regions or in the trade routes connecting them would be a crisis for us from the very beginning.

The truth is that even if we wished it, and of course we do not, the UK could never turn inward or be content with the cramped horizons of a regional foreign policy. For us, there are no far-away countries of which we know little. Global Britain is not a reflection of old obligations, still less a vainglorious gesture, but is a necessity for the safety and prosperity of the British people in the decades ahead.

I am determined that the UK will join our friends to ensure that free societies flourish after the pandemic, sharing the risks and burdens of addressing the world's toughest problems. The UK's presidency of the G7 has already produced agreement to explore a global treaty on pandemic preparedness, working through the World Health Organization to enshrine the steps that countries will need to take to prevent another Covid. We will host COP 26 in Glasgow in November and rally as many nations as possible behind the target of net zero by 2050, leading by example since the UK was the first major economy to accept this obligation in law. Britain will remain unswervingly committed to NATO and preserving peace and security in Europe.

From this secure basis, we will seek out friends and partners wherever they can be found, building a coalition for openness and innovation and engaging more deeply in the Indo-Pacific. I have invited the leaders of Australia, South Korea and India to attend the G7 summit in Carbis Bay in June, and I am delighted to announce that I will visit India next month to strengthen our friendship with the world's biggest democracy. Our approach will place diplomacy first. The UK has applied to become a dialogue partner of the Association of Southeast Asian Nations, and we will seek to join the trans-Pacific free trade agreement.

But all our international goals rest upon keeping our people safe at home and deterring those who would do us harm, so we will create a counterterrorism operations centre, bringing together our ability to thwart the designs of terrorists, while also dealing with the actions of hostile states—it is almost exactly three years since the Russian state used a chemical weapon in Salisbury, killing an innocent mother, Dawn Sturgess, and bringing fear to a tranquil city. I can announce that the National Cyber Force, which conducts offensive cyber operations against terrorists, hostile states and criminal gangs, will in future be located in a cyber corridor in the north-west of England.

We will also establish a cross-government situation centre in the Cabinet Office, learning the lessons of the pandemic and improving our use of data to anticipate and respond to future crises.

The first outcome of the integrated review was the Government's decision to invest an extra £24 billion in defence, allowing the wholesale modernisation of our Armed Forces and taking forward the renewal of our nuclear deterrent. The new money will be focused on mastering the emerging technologies that are transforming warfare, reflecting the premium placed on speed of deployment and technical skill, and my right honourable friend the Defence Secretary will set out the details next week.

Later this year, "HMS Queen Elizabeth" will embark on her maiden deployment, leading a carrier strike group on a 20,000-mile voyage to the Indo-Pacific and

back, exercising with Britain's allies and partners along the way and demonstrating the importance that we attach to freedom of the seas.

By strengthening our Armed Forces, we will extend British influence, while simultaneously creating jobs across the United Kingdom, reinforcing the union and maximising our advantage in science and technology. This Government will invest more in research and development than any of our predecessors because innovation is the key to our success at home and abroad, from speeding our economic recovery, to shaping emerging technologies in accordance with freedom and openness. We will better protect ourselves against threats to our economic security.

Our newly independent trade policy will be an instrument for ensuring that the rules and standards in future trade agreements reflect our values. Our newly independent sanctions policy already allows the UK to act swiftly and robustly wherever necessary, and we were the first European country to sanction the generals in Myanmar after the coup last month.

In all our endeavours, the United States will be our greatest ally and a uniquely close partner in defence, intelligence and security. Britain's commitment to the security of our European home will remain unconditional and immoveable, incarnated by our leadership of NATO's deployment in Estonia.

We shall stand up for our values, as well as for our interests, and here I commend the vigilance and dedication of honourable Members from all parties, because the UK, with the wholehearted support of this whole House, has led the international community in expressing our deep concern over China's mass detention of the Uighur people in Xinjiang province, and in giving nearly 3 million of Hong Kong's people a route to British citizenship.

There is no question but that China will pose a great challenge for an open society such as ours, but we will also work with China where that is consistent with our values and interests, including in building a stronger and positive economic relationship and in addressing climate change.

The greater our unity at home, the stronger our influence abroad, which will, in turn, open up new markets and create jobs in every corner of the UK, not only maximising opportunities for the British people, but, I hope, inspiring a sense of pride that their country is willing to follow in its finest traditions and stand up for what is right. With the extra investment and new capabilities of the integrated review, the United Kingdom can thrive in an ever more competitive world and fulfil our historic mission as a force for good. I commend this Statement to the House."

7.04 pm

Baroness Smith of Basildon (Lab): My Lords, I start with my usual caveat about what a shame it is we are not hearing the Statement in full. It might be a relief to the Leader, but it would be good to hear Statements as important as prime ministerial ones repeated.

Two significant developments since the last Statement on the integrated review provide a new optimism: first, the success of vaccines against Covid-19; and secondly, the election of the new US President. President Biden's recent speech on America's place in the world highlighted that his Administration are different in style, values and substance from that of his predecessor. In redefining how the US views its place in the world, he said:

"we must start with diplomacy rooted in America's most cherished democratic values: defending freedom, championing opportunity, upholding universal rights, respecting the rule of law, and treating every person with dignity."

At a time when challenges have never seemed so complex or diverse, the power of this change of approach should not be underestimated. Now, our Prime Minister has to decide how the UK will meet those same challenges.

We need the integrated review to succeed to keep our citizens safe and to secure Britain as a moral force for good in the world. But it is against a backdrop whereby the two previous reviews, as well as recent actions taken by the Government, have weakened the foundations. There has been an £8 billion cut to the defence budget and a reduction of 45,000 in Armed Forces personnel. Our reputation as a defender of the rule of law has been damaged by the Internal Market Bill, and now, there is the decision to break the legal commitment on international aid. After an "era of retreat," as Boris Johnson previously described the last 10 years of Conservative Governments, this review cannot repeat the mistakes of the lost decade for Britain's foreign and security policy.

The number one priority for any Government is national security, and security has to begin at home, as we have seen during the pandemic. That is why announcements of a national resilience strategy, a counterterrorism operations centre and greater partnership with business are all encouraging.

The threats to our national security are proliferating and the traditional certainties are less stable; while we welcome that the review recognises the threats of space and cyber, the conventional risks have not gone away. Our commitment to NATO must be unshakable, our support for nuclear deterrence must be non-negotiable and our obligations to international law, human rights, multilateral treaties and organisations must be enshrined in policy and practice.

Today's review accepts that the events of March 2018 in Salisbury indicate that the threat from Russia remains acute. Yet the recommendations of the Russia review 18 months ago remain just that—recommendations. I hope the Leader can today assure us that the legislation to counter state threats will address this and the Government will now set about implementing the outstanding recommendations with some sense of urgency.

Ambiguity in relation to China must also be addressed. Given the importance of security to our national infrastructure, can the Leader explain why the Government have spent years encouraging Chinese Government-backed companies to invest in sensitive areas such as nuclear power and 5G?

Our ambition must be to enhance Britain's reputation abroad with a foreign policy that appreciates that our values and the national interest are indivisible. We need to build deeper political and economic ties with new and emerging powers, including, as referenced in the review, within the Asia-Pacific. But we also need the anchor of strong, effective relationships with Europe and the US and a defined role in the global institutions we helped to establish. This means providing leadership

[Baroness Smith of Basildon]
at NATO to counter threats and aggression, including from Russia. It means being a competent and coherent voice at the G7, leading the global economic recovery—as we did in 2008 with Gordon Brown—and using our position on the UN Security Council to call out human rights violations, even if it is inconvenient.

To realise those ambitions, we have to be consistent and we have to earn trust. It is not enough to refer to Yemen as the worst humanitarian situation in the world, and then continue to sell arms that can be used in the conflict there. It is not enough to host COP 26 if plans to open a new coal mine are then pushed through. It is not enough to talk about a value-driven trade policy, but then reject human rights protections in the Trade Bill.

The decision to cut £5 billion from foreign aid and abandon our commitment to 0.7% of GNI undermines that ambition. The Government say that cut is temporary, but it was this Government who enshrined that commitment in legislation. Why do that if, at the first challenge, that commitment is just abandoned? When will Parliament be able to vote on this? Because the Government need to find a way to make their own actions lawful. On a not unrelated matter, if the Government are serious about our role as a soft power superpower, as the review suggests, surely they could not even contemplate ending funding for VSO. I hope the noble Baroness will address these issues.

I also raise a specific matter about the Advanced Research and Invention Agency, which the review talks up as expanding our science and technology base for strategic advantage. The Government's press release says that the Business Secretary will have powers for

"directing the agency to cease collaboration with certain hostile actors".

I am genuinely puzzled about this. Why would the agency be collaborating with hostile powers in the first place? Perhaps the Minister will shed some light on what this actually means.

Despite this being billed as the "strategic defence review", there are many questions that will have to be addressed in the defence Command Paper. It has been reported that the Army will be cut by 10,000 personnel and armoured vehicles scrapped. If the strategy wants to

"deploy more of our Armed Forces overseas more often and for longer periods of time",

how will these cuts assist in achieving that?

While our support for the nuclear deterrent is non-negotiable, serious questions remain about the hike in warhead numbers, which breaks the commitments of successive Governments, both Labour and Conservative. Since the Prime Minister was unable to address this when he was asked in the other place, can the noble Baroness explain something about the strategic purpose of this decision? In his Statement, Mr Johnson describes the US as "our closest ally" and "a uniquely close partner". Given that President Biden has expressed a different approach, was this decision discussed with the US?

In the past year, we have all witnessed the resilience of the British public, particularly but not exclusively those working in our health and care services. The pandemic was a threat that few expected and that, for a whole host of reasons, we were inadequately prepared for. It has brought home how, in future, our preparation against threats and risk has to cover many bases. To effectively prepare for such risks, it is not a question of using headline-friendly rhetoric, getting through the latest crisis or finding warm words for each occasion; it is about careful, strategic planning, listening to wise counsel, diplomacy based on principles and values and delivering the resources that our military, our agencies and our public services need. The test of that is not for today, but it will be judged in the months and years ahead.

Lord Newby (LD): My Lords, the integrated review is an extremely sobering document. In part, this is because of the new and changing security threats it outlines, but it is also because the Government's policy is riddled with flaws and inconsistencies, which means that it does not offer a credible basis for achieving its aims. These are, as the Prime Minister, said,

"to make the United Kingdom stronger, safer and more prosperous, while standing up for our values."

Will the review do so? Take its central strategic tenet. According to the Statement:

"Our approach will place diplomacy first."

For a nation of our size, military capabilities and history, this is a very sensible priority. But what have the Government done to demonstrate that they understand what such an approach requires?

The first requirement is that the UK should be a trusted partner. Here, the Government's track record is dire. They have twice in the past year broken their pledges under the EU withdrawal Act and Irish protocol and find themselves being taken to court by our most important trading and security partner for breaking the law. Other countries are watching and asking how much our word is now really worth.

The Government cannot be trusted either on their legal commitments to development assistance. They have cut development aid, and with it our ability to wield soft power, at a time when such assistance was never more needed. The Prime Minister says that the cut will be restored when the fiscal situation allows. Is it not the truth, however, that the Government used the pandemic as a convenient pretext to make the cut and have no intention whatsoever of reversing it any time soon?

Another aspect of wielding soft power is to stand up for the values that we wish to promulgate. These include the promotion of human rights. Yet the Government make it pretty clear in the document that trade will trump human rights, not least in our dealings with China. The Foreign Secretary admitted as much yesterday, saying that the UK would be willing to strike trade deals with countries that violate international standards and human rights. Will the Minister tell us whether that is really the Government's position? If so, what does their alleged commitment to human rights actually amount to?

Throughout the review, the Government largely airbrush out the importance to the UK in every possible respect of the EU. They fail to admit that Brexit will make us poorer, less secure and less influential internationally. Instead, they blandly state that,

"we will enjoy constructive and productive relationships with our neighbours in the European Union."

I wonder if anybody has told the noble Lord, Lord Frost.

When it comes to military spending, the additional £16 billion promised last autumn does not even fill the black hole in the procurement budget. Our Armed Forces will remain short of armed vehicles, fighter planes, submarines and frigates. Yet the Prime Minister is proposing a tilt to the Indo-Pacific that does not just involve diplomacy and trade but the sending of an aircraft carrier, wholly dependent on US escorts and planes, to the South China Sea. This is but one example of our being increasingly dependent on the United States. It is certainly not the action of a sovereign global power.

The one area where the review sets out a wholly new commitment is the proposed increase in nuclear warheads to 260, some 45% more than the number planned for the mid-2020s by the coalition Government. The review says that this is necessary,

"in recognition of the evolving security environment".

What on earth does that mean? The review states that the Government might consider using nuclear weapons against chemical or biological attacks or cyberattacks, even by non-nuclear states. This is a massive expansion of the potential role of nuclear weapons and appears to be in breach of our obligations under the nuclear non-proliferation treaty. How can the Government possibly justify such a reckless, dangerous and potentially illegal policy shift?

When it comes to trade, the review repeats the Government's commitment to have a trade agreement in place to cover 80% of our trade by 2022. Surely, this is completely unrealistic. Our combined trade with the US, India and China comes to more than 20%, and there is no chance of reaching a trade agreement with any of them in the foreseeable future. Why, then, is the completely unachievable 80% target repeated? It is simply pie in the sky.

The document is suffused with such fanciful and misleading assertions. To pick one from many: it trumpets the support the Government have given to our creative and cultural sectors, yet their failure to maintain the ability of our creative and cultural sectors to perform in the EU is decimating them. Try telling a young musician, facing the cancellation of all her European work, to pivot to the east. It would be a joke if it were not so serious.

This review demonstrates the Prime Minister's trademark policy of trying to have your cake and eating it. It avoids hard choices, particularly in relation to China, instead of making them. By pivoting away from Europe, it ignores both history and the basic rule that security, defence and foreign policy should start, not finish, with your neighbours. It is a truly depressing document from a truly depressing Government.

The Lord Privy Seal (Baroness Evans of Bowes Park) (Con): I was going to thank the noble Baroness and the noble Lord for their comments, but I might just thank the noble Baroness in the light of the noble Lord's comments. However, I will try to address some of the criticisms that he somewhat unfairly levels at this document.

The noble Baroness began her comments on the approach of the new Administration. We believe this review aligns well with the US vision, highlighting the need to build back better and the importance of science and technology, climate change, health resilience and protecting our democracies. We look forward to working with them on all of those. She also asked about the counter state threats legislation, which I can confirm will provide the security services and law enforcement agencies with the necessary tools to tackle evolving state threats. It will create new offences, tools and powers to criminalise other harmful activity conducted by and on behalf of states.

Both the noble Lord and the noble Baroness talked about China. As this document sets out, we believe there is scope for positive and constructive engagement with China, for instance on things such as trade co-operation and tackling climate change. However, we are very clear-sighted about the challenges. To reassure the noble Baroness, we will always protect our vital interests, including sensitive infrastructure, and will not accept investment that compromises our national security.

The noble Lord asked about trade and human rights. I say categorically that we are clear that trade does not come at the expense of human rights. Our experience is that having strong economic relationships with partners enables us to have open discussions with them on a range of issues, including human rights, and we most certainly do so. I remind the noble Lord that under our global human rights sanctions regime we have designated 68 individuals and three entities from nine countries—including Russia, Saudi Arabia, Pakistan, Venezuela and Ukraine—around the world for a variety of human rights abuses or violations. We will continue to take these issues extremely seriously.

The noble Lord and the noble Baroness rightly spoke about our leadership on the global stage. This will be a year for our leadership that will set the tone for our international engagement for the decade ahead, in our presidency of the G7, which we have also invited the leaders of Australia, South Korea and India to attend, the Global Partnership for Education and COP 26 in Glasgow in November. I say to the noble Lord that we will continue to have a strong, positive relationship with our European friends and partners. That will continue to be a priority for us.

Both the noble Lord and the noble Baroness spoke about international development spending. The document clearly states that we are committed to returning to spending 0.5% of GNI on ODA as soon as the economic situation allows—

A noble Lord: Oh!

Baroness Evans of Bowes Park (Con): Sorry, 0.7%—I apologise.

We are acting compatibly with the International Development Act and will set out more detail on steps in due course. I remind the House that we remain a world-leading aid donor and will spend more than £10 billion this year to address poverty, tackle climate change, fight Covid and improve global health. This year, we will continue to be the second-most generous ODA-spending country in the G7 as a percentage of our national income.

The noble Baroness asked about the VSO. I am afraid that all I can say is that at this point no decisions have yet been made on the volunteering for development

[Baroness Evans of Bowes Park]
grant. She also asked about the advanced research and invention agency, which will be operational from 2022. We will invest at least £800 million to set up this body, which will focus on high-risk, high-reward research and have significant freedom to experiment with funding models. Its structure and operating model will empower scientists to make funding decisions and start and stop projects quickly. Of course, as the legislation comes through this House, there will be plenty of opportunity to discuss some of the issues she raised on it.

Both the noble Lord and the noble Baroness talked about defence spending. We are increasing our defence spending by over £24 billion over the next four years, which is £16.5 billion more than our manifesto commitment. We are certainly investing in defence. There will be no Armed Forces redundancies during any restructuring, but the Army will be transformed to meet the threats of the coming decade. Our soldiers will have some of the best equipment in the world, including new vehicles, drones, electronic warfare and cyberspace capabilities. Next week, I think on Monday, the Secretary of State for Defence will set out those plans and your Lordships' House will have the chance to look at them when they are published.

Both the noble Baroness and the noble Lord talked about nuclear weapons. As they say, the review details our intent to increase the limit of our overall nuclear weapons stockpile to no more than 260 warheads. This is a ceiling, not a target, and it is not our current stockpile number; we will continue to keep this under review. We remain fully compliant with the non-proliferation treaty and absolutely committed to the collective long-term goal of a world without nuclear weapons. However, in the review, we detailed some of the possible areas that might affect us in future—notably, for instance, the potential for the development of technologies that could have a comparable impact to weapons of mass destruction.

Finally, the noble Lord asked about trade and the figure of 80%. As he rightly said, we aim to secure agreements with countries accounting for 80% of the UK's total trade within three years. So far, we have secured trade agreements with countries worth 67% of total UK trade in 2019 and, in addition to the agreement that we signed with the EU, we have secured FTAs with 66 non-EU countries. We have also applied for accession to the CPTPP.

The Deputy Speaker (Lord McNicol of West Kilbride) (Lab): My Lords, we now come to the 20 minutes allocated for Back-Bench questions. I ask that questions and answers be brief so that I can call the maximum number of speakers.

7.26 pm

Lord Lancaster of Kimbolton (Con): My Lords, the level of ambition in this review is commendable. Take, for example, the desire for the UK to be a global superpower in science and technology by 2030. The biggest challenge will be the divide between the public and private sectors. Will we follow the example of Israel, which already punches above its weight in this area, and take a whole-of-society approach? How will we bridge that divide when it comes to sharing skills and investment?

Baroness Evans of Bowes Park (Con): I thank my noble friend. As he rightly states, we aim to secure our status as a science and technology superpower by 2030. As I mentioned, the defence Command Paper, which will be published on Monday, and the subsequent defence and security industrial strategy will set out more details on exactly the issues that he raises, including government, defence, the security industry, the public and private sectors, and investment. This will be very much at the forefront of our mind as we take it forward in the coming months.

Lord Ricketts (CB) [V]: My Lords, having overseen the 2010 review as the then National Security Adviser, I know how much work goes into a document such as this. I congratulate the team on it.

A good strategy should set out both goals and priorities. This one has plenty of ambitious goals in all directions, such as taking on new tasks in the Indo-Pacific, becoming a science and technology superpower, leading on climate, reshaping the international system and much else. What I do not see are any clear choices among all these priorities. Indeed, I see that the review dropped the prioritised list of national security risks, which we introduced in 2010. Can the Minister tell us what the UK will be doing less of to free up the people and money for these new endeavours?

Baroness Evans of Bowes Park (Con): I can certainly say—I am sure that the noble Lord, with his experience, recognises this—that we believe that this review brings together national security and international policy in a way that previous reviews have not, and establishes a clearer connection between our domestic priorities and international objectives. These are some of the review's key conclusions: we must do more to sustain our "strategic advantage" in science and technology, as has already been mentioned; we must take a more active role in

"shaping the open international order of the future";

we must strengthen our security and defence; and we must bolster our resilience. Those will be the key priorities shaping the work that we take forward in the coming decades.

The Lord Bishop of Winchester [V]: My Lords, I am pleased to see that the broad scope of the review covers a wide range of vital areas. However, given that defence and security remain the core focus of this review, can the Minister say more about how the review relates to Her Majesty's Government's commitment to the UN sustainable development goals, identified in the review as a principal continuity? This is of special concern given that the SDGs offer a values framework of mutual and practical support, which is part of good international relations. We on this Bench welcome the review's specific commitment to upholding freedom of religion or belief. It is from this perspective that I ask my question, because of the wide-scale commitment to sustainable development among people of faith.

Baroness Evans of Bowes Park (Con): I thank the right reverend Prelate for his question. Indeed, he will see within the review that part of the definition or

explanation we include of what being "a force for good" means—which is obviously one of the themes running through this—is remaining a world-leading international development donor and supporting the sustainable development goals. Certainly, as I have already mentioned, we are absolutely committed to continuing our work in these areas. In fact, within the development space, we will also sharpen our focus on seven key priorities, including climate change and biodiversity, Covid and global health security, girls' education, science and research, open societies and conflict resolution, and humanitarian preparedness and response, so we will continue to be a leading player in this very important field.

Lord Robertson of Port Ellen (Lab) [V]: My Lords, it would be nice to welcome the integrated review, because much of it is sensible, thought through and comprehensive. But if it is to be more than just fine sentiments and big, bold ambitions, we have to ask the question: where is the beef? Where are the priorities? For example, when the Prime Minister says, "diplomacy first", does that mean that the relentless year-on-year cutting of the diplomacy budget will be reversed? Secondly, if we are to champion the rule of law, how will that sit with breaking our own development law and using the overseas operations Bill to break international humanitarian law?

Baroness Evans of Bowes Park (Con): As I said, the review makes quite clear that we are committed to spending 0.7% of GNI on ODA as soon as the economic situation allows, and we believe that we are acting compatibly with the International Development Act. We believe that this review will once again put us at the forefront of global leadership in a whole array of areas. We will look forward to working with partners in Europe, around the globe and, obviously, in the Indo-Pacific region, which we have also pointed out, in order to advance open and fair democracies and societies.

Baroness Northover (LD) [V]: My Lords, the review puts science and technology front and centre. How does the noble Baroness square that with Universities UK stating today that the Government have failed to provide more than £1 billion for its membership of the Horizon programme? The UK's national research funding agency—UKRI—is being forced to make cuts of £125 million because of ODA cuts. Is she aware that it was ODA money that helped to fund the Oxford Jenner Institute vaccine work?

Baroness Evans of Bowes Park (Con): We certainly have an incredibly strong record on science and technology. We are ranked fourth in the Global Innovation Index, and we will invest £14.6 billion in R&D across government in 2021-22. We have reached agreement to take part in Horizon Europe, which is an excellent outcome. We are currently working through the details of the costs and where they fall, but we have always been clear that Horizon funding complements domestic programmes and have made a public commitment that there will be no loss of investment in R&D in the UK on leaving the EU.

Lord Hamilton of Epsom (Con): My Lords, I congratulate the Government on an integrated review that brings together all the assets that this country has and uses them to give us a direction of where we should be going in the future. But does my noble friend not share my concern that, at the same time as increasing the defence budget, we are actually reducing the number of servicemen? This might have been something of an answer to the noble Lord, Lord Ricketts. The British Army and our Armed Forces have been involved in low-intensity warfare in recent active service conflicts, and it seems to me that we are highly likely to have more of these in the future. Is it right to reduce the number of men who might be involved in this?

Baroness Evans of Bowes Park (Con): As I say, I think more details will be announced on Monday. As the review says, we believe that we need to stop thinking about the strength of the Army purely in numbers of soldiers and focus on how it is equipped and what we want it to do. For instance, we believe that, with this additional investment, the Army will be transformed to meet the threats of the coming decade. We will ensure that our soldiers have the best equipment in the world, including new vehicles, drones and cyberspace capabilities. As I mentioned earlier, and would just like to reiterate, there will be no Armed Forces redundancies as part of any restructuring. We are incredibly grateful for the fantastic work our Armed Forces do, and we want to provide them with effective kit and tools so that they can undertake their important work around the globe on our behalf.

Lord Houghton of Richmond (CB) [V]: My Lords, I congratulate the Government on the sophistication of the review document, much of which I thought was excellent. However, the real challenge is in translating that document into an effective strategy, particularly one that is so fundamentally reliant on allies and alliances. Therefore, from a defence perspective, I ask the Minister: to what extent has the strategic bet on technology, digitally enabled capability, autonomous systems and novel nuclear options been harmonised with NATO deterrence doctrine and with the force structure development of close allies, or is it currently a wholly national initiative?

Baroness Evans of Bowes Park (Con): Obviously as the strategy and the way we work roll out, we will be working with allies. But in the development of this review there was thorough engagement with our allies and partners abroad, and also with civil organisations and businesses. We facilitated 11 round-table discussions and workshops, and had input from more than 100 external experts from 23 countries. The call for evidence which helped to inform the review received more than 450 submissions, so we are very conscious about our relationships with our allies. We have talked to them as we have been developing the review, and we will of course continue to work with them in order to deliver the ambitions we set out within it.

Lord West of Spithead (Lab): My Lords, CASD ensures our nation's security and deters aggression, every hour of every day, and I am pleased that we will

[Lord West of Spithead]
reverse the coalition Government's decision and will no longer disclose deployed warhead and missile numbers. The 45% increase in operational stockpiles is more problematic, and I would love to know what has made that necessary. More worrying still, it would seem that we intend to use Trident as a war-fighting weapon, yet until recently the use of nuclear weapons for war-fighting, as distinct from deterrence and retaliation, was considered deranged. Why are we doing it?

Baroness Evans of Bowes Park (Con): As I said, we remain fully compliant with the non-proliferation treaty and deeply committed to our collective goal of a world without nuclear weapons. But we also remain committed to maintaining the minimum destructive power needed to guarantee that the UK's nuclear deterrent remains credible and effective against the full range of state nuclear threats from any direction.

Baroness Smith of Newnham (LD) [V]: My Lords, when the defence expenditure increase was announced, I welcomed it from these Benches. It never occurred to me that the increase in defence expenditure was in order to have more nuclear warheads. The noble Lord, Lord West, has already pointed out that this is problematic. Can the noble Baroness explain to the House how it would be in line with Article VI of the non-proliferation treaty? Surely by increasing our nuclear holdings we are not doing anything to help nuclear disarmament.

Baroness Evans of Bowes Park (Con): As I said, the review details our intent to increase the limit of our overall nuclear weapons stockpile. It is a ceiling, not a target. As I have also said, we remain fully compliant with the non-proliferation treaty.

Lord Robathan (Con): My Lords, there is much to welcome in this review, and I welcome it. Following my noble friend Lord Hamilton, I shall home in on one specific issue. The Prime Minister specifically said yesterday that

"by strengthening our armed forces, we will extend British influence".—[*Official Report*, Commons, 16/3/21; col. 162.]

One small, if you like, example of that influence is the number of overseas students who come to Sandhurst and other staff colleges. If we diminish the size of the Army and are no longer seen as a viable and respected force around the world, they will no longer wish to come, and that will diminish our influence. Will my noble friend tell the Prime Minister that it is not from the "Ladybird book of defence", as the Secretary of State for Defence suggested in the Commons on Monday, to say that we will not be taken seriously by our allies or our adversaries if we shrink the size of the Army?

Baroness Evans of Bowes Park (Con): As I have said, and as my noble friend knows, we are increasing defence spending and modernising our Armed Forces to help us achieve the full range of our security and prosperity goals. I believe our Armed Forces have an excellent reputation globally, and that will continue. My right honourable friend the Secretary of State for Defence will be setting out our plans in more detail on Monday, which I hope will reassure my noble friend about our intentions.

Lord McDonald of Salford (CB): The integrated review identifies Russia as the country that poses the most immediate threat to the United Kingdom. Fair enough—from the poisoning of Alexander Litvinenko to the poisoning of Dawn Sturgess, the UK has experience of Putin's Russia. Nevertheless, can the noble Baroness confirm that Her Majesty's Government are open to building a constructive working relationship with Moscow based on mutual respect? From dealing with climate change to the business of the Security Council, we need to work together.

Baroness Evans of Bowes Park (Con): The noble Lord has much recent experience of this, so I bow to his knowledge and expertise. He will know, but I can say, that we maintain functional channels of engagement with the Russian Government to raise concerns and discuss global challenges. As he says, we are using our COP 26 presidency to engage Russia on climate change and clean energy. As fellow P5 members, we continue to engage on international peace and security, so there are open channels. But, as he will know, at the same time we are committed to maintaining a robust response to malign activity by Russia. We also use these channels to make clear that there can be no normalisation of the relationship until Russia stops destabilising behaviour, both towards us and our allies.

Lord Liddle (Lab): I welcome this paper, in the sense that we desperately need a hard-headed, realistic debate about our national strategy post Brexit. I ask about the "tilt to the Indo-Pacific"; how serious a military and security commitment is envisaged? Is this seen as a reversal of the decision that the Labour Government famously took in 1968 to withdraw east of Suez? Are the main security challenges that we face not still in Europe's neighbourhood—Russia, terrorism, chaos in north Africa, the possibility of further troubles in the Balkans and all the rest? Is that not the area on which we should concentrate? Do we not have to accept that we are a strong but medium-sized European power and that, if we try to do too much, we risk a problem of overstretch, which will put our Armed Forces in an impossible position?

Baroness Evans of Bowes Park (Con): As I am sure the noble Lord knows, we already have a significant presence in the Indo-Pacific and we will invest more deeply in our relationships with key partners, which includes seeking ASEAN dialogue partner status and, as I mentioned, applying to join the CPTPP. But I reassure him that this is not at the expense of our close relationship with our European allies, which remains critical. One example of further engagement with the Indo-Pacific region is that, later this year, HMS "Queen Elizabeth" will lead a British and allied task group on our most ambitious deployment for two decades, which will visit the Mediterranean, Middle East and Indo-Pacific.

Lord Purvis of Tweed (LD): My Lords, Section 2(4) of the International Development (Official Development Assistance Target) Act 2015 states that the Government

"must … describe any steps that the Secretary of State has taken to ensure that the 0.7% target will be met"

in any subsequent year, if it was met in the previous year. The noble Lord, Lord Ahmad, told me that

"we are looking at legislation to ensure that we fulfil those obligations to Parliament."—[*Official Report*, 2/12/20; col. 755.]

There has been no legislation, so does that mean that the Government are legally committed to meeting 0.7% in 2022, as the Secretary of State has indicated?

Baroness Evans of Bowes Park (Con): As I have said, and am sure the noble Lord knows, the document makes clear that we intend to return to 0.7% spending. We are acting compatibly with the Act, which explicitly envisages circumstances where the target might not be met. As I said in my first answers, we will set out more details on next steps in due course.

Lord Truscott (Non-Afl): My Lords, I look forward to a full debate in your Lordships' House on the integrated review but, in the meantime, the Indo-Pacific tilt is realistic only if proper resources are allocated to it. A number of noble Lords have made the point about resources. How does that square with our existing commitments to NATO? Finally, is increasing the UK's nuclear deterrent while reducing the size of the Army the right set of priorities?

Baroness Evans of Bowes Park (Con): NATO certainly remains the cornerstone of our defence and we are exceeding our NATO spending commitments, now at 2.2% of GDP. That cements our position as the largest defence spender in Europe and the second largest in NATO. I have already answered several questions on nuclear. As I say, we take our commitments to NATO extremely seriously. It is the cornerstone of our defence.

The Deputy Speaker (Lord McNicol of West Kilbride) (Lab): the noble Baroness, Lady Chalker, has withdrawn. I call our final question from the noble Baroness, Lady Goudie.

Baroness Goudie (Lab) [V]: My Lords, I welcome the review at long last. Despite MPs raising concerns about Beijing—its actions in Hong Kong and those against the Uighurs—the Prime Minister warned against a new cold war in China. It has emerged that Foreign Secretary Dominic Raab told officials that the UK would strike trade deals with countries, even if they did not meet our standards on human rights. Also, what is meant by "girls' education"?

Baroness Evans of Bowes Park (Con): I hope that I made clear in a previous answer that trade does not come at the expense of human rights and that we stand up and speak on human rights, as we have done with China over the issues that the noble Baroness raises. As for girls' education, we are championing two global targets—40 million more girls in school and one-third more girls reading by the age of 10 in lower middle-income countries by 2025. We intend to use our G7 presidency this year to rally the international community to support those global goals. I am sure that the noble Baroness knows that we are proud to be the largest bilateral donor to the two biggest global education funds—the Global Partnership for Education and Education Cannot Wait.

The Deputy Speaker (Lord McNicol of West Kilbride) (Lab): My Lords, we have completed all the Back-Bench questions. We shall take just one minute to rearrange the seating and then we will carry straight on with the next Report stage.

Arrangement of Business

Announcement

7.48 pm

The Deputy Speaker (Lord McNicol of West Kilbride) (Lab): We now come to Report on the Non-Domestic Rating (Public Lavatories) Bill. I will call Members to speak in the order listed. Short questions of elucidation after the Minister's response are discouraged. Any Member wishing to ask any question must email the clerk. The groupings are binding. A participant who wishes to press an amendment other than the lead amendment in a group to a Division must give notice in the debate or by emailing the clerk. Leave should be given to withdraw amendments. When putting the question, I will collect voices in the Chamber only. If a Member taking part remotely wants their voice accounted for if the question is put, they must make that clear when speaking on the group. We will now begin.

Non-Domestic Rating (Public Lavatories) Bill

Report

7.49 pm

Clause 1: Relief from non-domestic rates for public lavatories

Amendment 1

Moved by ***Lord Greaves***

1: Clause 1, page 1, line 6, leave out "consists wholly or mainly of" and insert "is used wholly or mainly as"

Lord Greaves (LD): My Lords, I shall speak also to Amendment 2, which is in the same group. This follows what I thought was an interesting and useful discussion in Committee on the meaning of the words "wholly or mainly" when it came to defining whether a hereditament qualified for the zero rating under business rates as a public lavatory. In Committee I probed whether "mainly" was about the area it covered, perhaps the floor area, the value or the use. The Minister made it very clear that it was about the use; I have been reading what he said in Committee and that is very clear indeed. I will come back to that because Amendment 1 is the more important of these two amendments.

Amendment 2 is about the percentage use of the hereditament that qualifies for non-payment of any business rates. In Committee the Minister made it clear that the words "wholly or mainly" were put in because, he said, they are commonly used words in this kind of legislation, particularly in relation to charities. He referred to case law and to local authorities having some flexibility in whether they decide it is a public hereditament. He said:

"The use of 'mainly' means that an authority may, for example, look at the floor area of a building and see that less than 50% is being used directly as a public lavatory, but it may still feel that it

[Lord Greaves]

meets the criteria … because the remaining area is used as storage or for other matters of little consequence."—[*Official Report*, 24/2/21; col. 852.]

The useful discussion that we had there again put the emphasis upon the use of the hereditament. The Minister went on to refer to the Local Government Finance Act 1988 and its reference to charities.

The interesting thing is that it is not entirely clear that 50% is absolutely clear and written into the legislation. The Minister kept saying that he did not want greater burdens to be put on local authorities and did not want them to spend more time on this, yet there seems to be some disagreement, in the context of business rates relating to use for charitable purposes, about whether the proportion of the use that is taking place has to be 50% or more. The Charity Tax Group says in its briefing:

"In order to benefit from the mandatory exemption from business rates it is important to understand the meaning of 'wholly or mainly used for charitable purposes'. Case law suggests that 'mainly' probably means 'more than half'; but there is a certain amount of ambiguity about this and the interpretation may vary from local authority to local authority"

which is unsatisfactory.

"It is sometimes argued that 'mainly' in fact means more than 75 per cent. Charities may have to try to negotiate this with their local authority."

I am no expert on this area and I do not know how much of that goes on, but it seems sensible that if "mainly" means 50% or more that ought to be written into the Bill.

Amendment 1 would put into the legislation the exact words in the charitable legislation and the exact words that the Minister said in Committee referred to this legislation. I looked it up. Section 45A(2)(b) of the Local Government Finance Act 1988 reads, for charitable relief,

"it appears that when next in use the hereditament will be wholly or mainly used for charitable purposes."

There is then another paragraph that refers to community amateur sports clubs that has the same wording.

I am therefore trying, in an attempt to be really helpful to the Government, which I always attempt to do in legislation because if we get good legislation it is clear what it means and it is workable, to put into the Bill the wording in the Local Government Finance Act, which in Committee the Minister said applied to this Bill, which is to say that it is not, as this Bill states at the moment

"consists wholly or mainly of",

but

"is used wholly or mainly"

for public lavatory purposes.

This is a very sensible little amendment. The Government ought to say, "Yes, of course. It's sensible. Let's put it in." I beg to move.

Baroness Pinnock (LD) [V]: My Lords, I draw the House's attention to my interests in the register as a member of Kirklees Council and as a vice-president of the Local Government Association. I must say that I enjoyed the forensic probing that my noble friend Lord Greaves has undertaken. The words in the Bill that he is keen to clarify are ones that legislators frequently use. One wonders whether this is for the precise purpose of storing up business for lawyers when a challenge is made and the words then have to be to defined. My noble friend has done his research and quoted case law. The Minister's response will be of interest to many of us because it will relate not only to this Bill but to others where charitable institutions are involved.

My noble friend also drew our attention to the difference in the use of "consists" and "used". As he rightly pointed out, a "well used" facility may not get relief, whereas one that consists "wholly or mainly" may well do. Perhaps the Minister will be able to explain the reasoning behind the use of the words in the Bill that my noble friend is questioning. I look forward to what I am sure will be a most informative response.

Lord Kennedy of Southwark (Lab Co-op): My Lords, I declare my interest as a vice-president of the Local Government Association. I thank the noble Lord, Lord Greaves, for tabling the amendment. We debated issues around similar words in Committee. I thank him for raising these important matters again because we have to be clear. I was very struck by the points he made towards the end of his remarks about how important it is to get legislation right and to have good legislation. If we are not clear what we mean and mean what we say we will have all sorts of problems.

This gives the noble Lord, Lord Greenhalgh, the opportunity to be very clear about what the Government mean. We need to be clear when we have words such as "mainly" and whether it is "more" or "less". If we do not get these things clear then we get confusion. That leads to bad law and might potentially involve the courts. It potentially involves wasting more time in this House clarifying what we should have clarified in the first place.

The noble Lord, Lord Greaves, is very good at picking these things up. I remember the debate that we had on rogue landlords, when he tabled an amendment on what was meant by the word "rogue". It is important that we get these things right because then we will not need to clarify them. I thank the noble Lord for that. I look forward to the Minister's response on the amendment.

8 pm

Lord Greenhalgh (Con): My Lords, I draw attention to my residential and commercial property interests as set out in the register. I thank the noble Lord, Lord Greaves, for these two amendments which would change the way a public toilet is defined for the purposes of qualifying for the relief within this Bill.

As currently drafted, the 100% business rates relief will be available to any eligible hereditament which consists wholly or mainly of public lavatories. The first amendment of the noble Lord, Lord Greaves, would amend this so that eligibility is determined on the use of the hereditament.

The Government aim to make this relief as simple as possible to administer for local councils. When determining whether to award the relief, local authorities should be able to apply a degree of common sense and ask the essential question: "Does it look like a public lavatory"? Therefore, the Government favour an approach based on the physical characteristics of a hereditament, and "consists" achieves this better than "used" does.

While I appreciate the intention of the noble Lord in bringing forward this amendment, I hope that the House will agree that the extent to which a hereditament consists of public lavatories is less likely to be subject to change than the extent to which it is used as a public lavatory. As such, the approach chosen by the Government will result in fewer reassessments of awards of the relief being required.

Furthermore, the Government do not consider that the adoption of either option would result in a material difference to ratepayers. A hereditament consisting of a public toilet is unlikely to be used for any purpose other than that for which it has been designed. This contrasts with the business rates relief available to charities, which hinges on the use of the hereditament. The wording of the charity rate relief reflects that, for example, a hereditament consisting of a shop may be used for either charitable or non-charitable purposes. I do not consider there to be an equivalent issue in the case of public toilets.

I would like to reassure the noble Lord that it is not the Government's intention for this relief to be available to toilets which are permanently closed and out of use. That is why the Bill amends only Section 43 of the Local Government Finance Act 1988—the section relating to occupied hereditaments. As such, the relief will not apply to unoccupied public lavatories.

The second amendment would define the meaning of the word "mainly" for the purposes of awarding the relief in the Bill as meaning "at least 50%". As I have set out, it is councils and not central government which are responsible for determining eligibility for business rates relief and it is right that there is some element of discretion in this process. The use of the word "mainly", which is used elsewhere in rates legislation where it remains undefined, achieves this.

It is right that local authorities have the ability to take a common-sense approach in marginal cases and to reflect on their own local knowledge, as well as any relevant case law and guidance, when making their decisions. I thank the noble Lord, Lord Greaves, for his proposals. However, on the basis of the points made I hope he will agree to withdraw the amendment.

Lord Greaves (LD): My Lords, I am grateful to the Minister for devoting some brainpower to this, actually thinking about it and coming up with sensible arguments. On balance, I do not agree with him. It seems that common sense would be to make it as simple as possible —his words—for local authorities, using exactly the same wording they are used to for other things.

I am particularly grateful for his use of the term "common sense". He may find himself quoted from *Hansard* in future, when local authorities, as they sometimes do, make completely stupid decisions. It is now written down; it is laid down that common sense has to be used. I should declare my interest as a member of Pendle Borough Council.

I have tried to bring this into line—it will not destroy the Bill. The Minister said that the physical characteristics of public lavatories are very clear and do not change—but their uses do change. We once had a planning application for turning a public lavatory into an ice cream parlour, but I do not think that that succeeded. I think that, had they tried to sell ice cream from it, people would not have thought that it was still a public lavatory, but it is still very true.

I am grateful for what the Minister said; I am sorry that he will not accept my amendments, but I will not push them to a vote—they are not of that degree of importance. I beg leave to withdraw Amendment 1.

Amendment 1 withdrawn.

Amendment 2 not moved.

The Deputy Speaker (Lord Russell of Liverpool) (CB): We now come to the group beginning with Amendment 3. Anyone wishing to press this or anything else in this group to a Division must make that clear in the debate.

Amendment 3

Moved by ***Baroness Randerson***

3: After Clause 2, insert the following new Clause—

"Review: impact of the Act on provision of public lavatories

(1) Within 12 months of this Act coming into force the Secretary of State must undertake and publish a review of its impact on the provision of public lavatories in England.

(2) The review must make reference in particular to the impact of the Act on—

(a) the number and distribution of public lavatories and whether this provision is adequate to meet the needs of communities,

(b) the number of accessible toilets in England, including Changing Places toilets,

(c) the cleanliness and maintenance of public lavatories, and

(d) the provision of baby changing facilities.

(3) The review must make a recommendation as to whether further measures should be introduced in order to address the requirements in subsection (2).

(4) The Secretary of State must lay a report on the review before both Houses of Parliament."

Member's explanatory statement

This amendment would require the Secretary of State to publish a review of the impact of the Act on the provision of public lavatories in England, with particular focus on number and distribution, accessible toilets, cleanliness, and baby changing facilities.

Baroness Randerson (LD) [V]: My Lords, in moving Amendment 3, to which I have added my name, I indicate my support for the other amendments in this group.

I thank the Minister for being so generous with his time. I also thank the British Toilet Association for attending the meeting with the Minister and providing advice that underlined the crisis that this country faces with public toilet provision. I believe that those of us with amendments today are, generally, not intending to impede the passage of this Bill. We support its modest aims, but it is far too modest to make any real difference, as is the price tag the Government have attached to it. The view of the British Toilet Association is that it will not create any more public toilets, but it may stem the tide of closures. If that is the case, it is, I suppose, a small success.

[Baroness Randerson]

Amendment 3 is designed to encourage the Government to be much more ambitious. Already, there has been a consultation on some aspects of toilet provision, but too many government consultations seem to run into the sand, so this amendment requires a government review of the success of this legislation, looking specifically at aspects of public toilet provision that I hope we can all agree are modest social requirements for the 21st century.

The amendment specifically refers to accessible toilets; with an ageing population, we need many more of these. It also refers to baby changing facilities, which need to be clean and available to men as well as women. Modern fathers and grandfathers face a real challenge finding such facilities when out with young children. The amendment refers to cleanliness—the pandemic has emphasised the importance of this aspect. It refers specifically to communities: the Government must recognise and cater for the needs of a modern, diverse society. Indeed, the Minister is himself Minister for Communities. I know that, with his considerable experience of local government and distinguished record, the noble Lord will be very aware of the challenges and choices facing local authorities.

In Wales, where I live, a public health Bill put responsibility on local authorities to develop a strategy for the provision of public toilets: at last, there begins to be a longer-term view. Numbers count, and they dwindle all the time. Financially stretched councils often feel forced to cut funding to non-statutory services and, astonishingly, public toilets are a discretionary service. For example, both Birmingham and the City of London recently announced widespread closures of public toilets, and this comes at a time when we are less likely to be able to pop into a shop, pub or cafe to use their facilities.

In his opening speech at Second Reading, the Minister told us about government participation in the excellent community toilet scheme. The problem is that many such facilities are unlikely to reopen because the Covid lockdown has destroyed so many high streets and small businesses. Yet the availability of decent public toilets will be key to the revival of town centres after the pandemic.

We are talking about basic human rights and basic human needs; we are all experts on this topic. We do not intend to push this amendment to the vote today, but I appeal to the Minister to use this opportunity to build on the work that the Government are already doing and to commit to bringing a report and, I hope, more ambitious proposals to this House in the foreseeable future.

Amendment 4 (to Amendment 3)

Moved by ***Lord Greaves***

4: After paragraph (2)(a) insert—

"(aa) the provision of public lavatories by town and parish councils,"

Lord Greaves (LD): My Lords, I first pay tribute to my noble friend Lady Randerson for the campaigning which she does on this issue, together with colleagues and campaigning organisations. Not very long ago—perhaps 15 or 20 years ago—there was a view that public lavatories were on their way out. I hate to say this, but they were being flushed away, first because it was thought that they were not necessary and, secondly, because of cuts in local government spending which, as we know, have been particularly strong in the last 10 years. The organisations and groups that campaigned for them then were felt to be rather old-fashioned and out of date. That view has substantially changed now. People are coming to understand that they are so important if we want people to spend time on British beaches, at holiday resorts, using car parks in the hills, and going to town centres, particularly ones which do not have large, emporium-type shops whose lavatories you can use.

But who provides them? I do not know what proportion of public lavatories in this country are provided by town and parish councils, but I suspect that it is a lot higher than the proportion of the population of the country that is covered by them. They tend to cover wider, rural areas that tourists go to, main roads and so on. As my noble friend said, it is getting increasingly difficult to find public lavatories in big cities. They are being closed down. In cities, you can usually find somewhere to go in a pub, a restaurant or a large shop. That is not so in the countryside. It is very difficult to find a parish council, of any size, or a town council that does not own and run at least one public lavatory. Many of them have more than that. They are vital.

I will now get on to something which is a hobby-horse of mine at the moment. I spoke on it in the debate on the Budget last week and I will speak on it on every available occasion that comes up. These democratically elected local bodies called town councils are becoming increasingly important in towns—small and medium-sized ones particularly, but some large ones—which have lost their own local authority councils and which are increasingly losing them as the country moves towards unitary authorities. In place after place, it is these councils, the representatives of the local community, which are providing public lavatories.

In most cases, that is because they are heritage lavatories, in the sense that they were bequeathed to them by a previous town council or, in many cases, the district councils and unitary councils in the boroughs, which previously ran the facilities, where they have a town or parish council, are passing them over to them and saying, "Here it is—we'll give it to you. It's not exactly an asset, but nevertheless we will give it to you. It'll cost you money to run, and it is your responsibility to decide whether you want to keep this going in your area, because we cannot afford it anymore." That is happening in more and more places.

The problem is that, when a town or parish council decides that it wants a new public lavatory, how is it going to finance it? Very often, town councils are now charging levels of council tax which only a few years ago would have been thought extraordinarily high and impossible, because they are taking on more and more facilities such as parks, leisure centres, community centres and all sorts of things and having to pay for them. The boroughs, districts and unitary authorities are not doing them anymore and cannot afford them, whereas the town councils can put the council tax up and, if local people agree to it, they can keep those facilities going.

8.15 pm

How do they get new public lavatories? The problem is that the Government do not have a funding relationship with parish and town councils. I have asked various questions of the Minister who is sitting here tonight about this, and the answer that I get all the time is that the Government have no powers to fund parish and town councils. I find that extraordinary, as they have powers to do everything else; they have powers to buy new nuclear warheads and all sorts of other things, but apparently they cannot fund parish councils. That is what the Minister keeps telling me, although I do not believe it. I think that there are ways in which they could—but, if they cannot, the law needs changing.

With regard to revenue spending, the money goes to the districts, counties or unitaries, and the Government claim that they advise those bodies to pass money on to the parishes. Nobody in the parishes ever hears about that advice or knows where it comes from, but that is what the Government are saying—but these are strapped authorities that cannot possibly afford that. When they have special funding, such as revenue funding for all the work that has been done for Covid, it goes to the principal councils, and the towns, which might well have put in a huge amount of time and effort and done wonderful work on Covid, miss out. When they want new public lavatories, they cannot get the grants to do it.

The amendment from my noble friend Lady Pinnock mentions Changing Places. It is an excellent scheme, but I am told by the parish councils that it does not apply to town and parish councils; they cannot apply for Changing Places grants for producing new and better amenities for disabled people as the other authorities can. There seems to be a complete void of government thinking with regard to town and parish councils and the fact that they can often do things, including providing public lavatories, which are much more economic and often better than the authorities from which they have taken things on.

This is a little tangential to the purpose of this Bill but, nevertheless, it is a point that I will make time and again until somebody in government starts listening.

Baroness Greengross (CB) [V]: My Lords, Amendment 6 in my name would require the Secretary of State to publish an assessment of the number of public lavatories kept open by the rates release provided by this Bill. I also want to speak in favour of Amendment 3, tabled by the noble Baroness, Lady Pinnock, which requires the Secretary of State not only to review the number of public lavatories in England but also to assess their distribution and whether the provision meets the needs of the community and also the cleanliness of public lavatories and whether baby-changing facilities are provided.

I very much regret that I was unable to speak in Committee due to sickness. I note the Minister's offer to meet to discuss the issues that my amendment raises. I have since written to him saying that I would very much like to meet him, and I await his response eagerly.

I also want to thank the Minister for confirming in Committee that there are currently 3,990 public toilets in England and Wales. How does this figure compare with the figures of a decade earlier? According to the BBC report, "Reality Check: Public toilets mapped", released in August 2018, there was a 13% decline in the number of public toilets provided by local authorities in the UK between 2010 and 2018.

We know that since the start of the Covid-19 pandemic many more public lavatories have closed. As I outlined in my letter to the Minister, the provision of public lavatories is an issue that has an impact on everyone in this country. To date, there has been a lack of data on public lavatory provision in the United Kingdom.

According to NHS England, 14 million adults in the UK have problems controlling their bladder, and 6.5 million have issues regarding their bowel. For too many, bladder or bowel continence issues are a significant barrier to living full and independent lives. As joint chair of the All-Party Parliamentary Group for Bladder and Bowel Continence Care, I know well that a Royal Society for Public Health survey in 2018 found that one in five people did not feel able to go out as often as they would like due to the lack of public toilets available in England. The same survey found that 56% of respondents restricted their fluid intake before going out, trying to reduce the need to find a toilet.

The provision of public lavatories is a significant public health issue that requires far more attention than it currently receives. As part of the Government's strategy to support people enjoying at least five extra healthy and independent years of life by 2035, serious consideration must be given by policymakers to how we can support people living with continence issues. The provision of public lavatories is clearly a critical part of this.

The aim of this Bill in providing rates relief for the providers of public lavatories is a good one that I hope will help keep more of these facilities open. The purpose of my amendment, and that in the name of the noble Baroness, Lady Pinnock, is to ensure that the Government track the success of this initiative and, more generally, that they gather more useful data regarding the provision of public lavatories.

Given that the scope of the Bill is limited to rates relief, it was not possible to table amendments to address some of the broader policy issues regarding public lavatories and continence care. That will have to wait till another day. My amendment aims to improve our evidence base on public lavatory provision in this country to assist the Government with any future policy decisions in this area. I shall not put it to a Division, but I hope that the Government will agree to it being added to the Bill.

Lord Lucas (Con) [V]: My Lords, I thoroughly support the amendments, not to the point of wishing to divide on them but to say that the provision of public toilets is something that Parliament should have its eye on and that the Government should keep us in touch with. I do not believe for a moment that any of us want to go back to the condition of a few centuries ago when there were no such things. Those of us who are my age will have had the chance to sample such environments on our travels. Although I can attest for the sheer romance of being out on a dark evening and listening to the dung beetles scenting what is going on and humming towards you, that is really not the way that we, or anyone else in this world, should seek to run our towns.

[LORD LUCAS]

I very much hope that the Government, in their attention in this Bill and in the consultation that they are conducting on toilets generally, will evolve a system of making sure that our provision of public toilets is not only sufficient to ensure that we have clean and hygienic towns and cities but that all those who might otherwise be restricted in their access to the world by a lack of public toilet provision are not so restricted. I encourage the Government, even if they do not accept these amendments today, to put the feeling that lies behind them into practice and, in due course, into law.

Baroness Andrews (Lab) [V]: My Lords, I can speak very briefly to Amendments 3 and 6, which I sincerely support. A review after 12 months and annual reviews thereafter are essential if we are going to get a real grip on how effective this Act has been, and we all want it to succeed. There may well be other ways of collecting statistics, but a specific return is very important, not least for planning for the future, and that is where I shall place my emphasis.

The Minister was very kind and met us this week. He seemed to share our concern that we must not go backwards in the provision of public lavatories and our feeling that this is an opportunity to start to plan much more strategically and successfully for the future. The Victorians, with their deep awareness of the priority of public health, infectious diseases and the rights of men and women, were in no doubt about the importance of public lavatories. We ought to take our lead from them, because Covid has had a devastating effect on public services. Provision of, and the priority we have given to, decent public lavatories has deteriorated.

As we heard from the British Toilet Association this week, there is no doubt that this service is in crisis. That is not a word it uses loosely. Covid has shown what happens when public loos are shut with no thought for what else might happen when everything around them is also shut—all the ancillary provision in shops, public buildings and so on. It matters now that there are only public loos available, and it has proved a real nightmare in some places, with the cuts in services—we have heard about Birmingham and the City of London already this evening.

This is a moment of opportunity which may override a sense of despair for three reasons. First, there is now a wider understanding than ever before of public health and how disease spreads, and people are aware of the need to take responsibility for their own health.

Secondly, public lavatories are now the only lavatories available to people in public spaces. When they are closed or in a disgusting state, it is no wonder that people are not very happy about leaving home and tend to reconcile themselves to staying in and feeling trapped and claustrophobic in the way we have all experienced to some extent during Covid.

Thirdly, this has direct economic consequences. It is not simply a right; it is a social and economic function. It means, in particular, that our town centres, which are suffering so badly, will have less appeal and less reason to be visited. They have taken the brunt of Covid in so many ways—there are forests of estate agents' signs in the town I live in. If the Government are serious about making town centres the centre of our communities again, they have to prioritise the provision of public loos.

8.30 pm

Finally, this brings me on to a wider point. The British Toilet Association has called for a national strategy. It recognises of course that public authorities have to provide and that Wales has set—as the noble Baroness, Lady Randerson, has already said—a really important example in the Public Health (Wales) Act 2017, which specifically provided for a duty to be put on local authorities so they would plan strategically for access and for keeping loos open and decent. And it provided guidance to go with it. I know Wales often shows the way forward these days, specifically with the Well-being of Future Generations (Wales) Act, which is such a useful discipline on public policy, but it seems self-evident that, if Wales can do it, the other countries of the UK, especially England, can as well. It is part of preparing for the future. Not least, it is part of preparing for future pandemics and infectious diseases and recognising, and acting to address, the deep inequalities in public provision, and private provision, too, that trap older people in particular at home.

I hope the noble Lord, who seemed to be taken with our arguments earlier this week, will take this opportunity and seize the moment to think more radically and widely about what the country needs and how it might be provided. Of course we want this Bill to go through, and we certainly do not want to impede it, but we need to think more creatively about what can be provided.

Baroness Thomas of Winchester (LD) [V]: My Lords, Amendment 3 seeks to exploit the opportunity—as the noble Baroness, Lady Andrews, said—that the Bill gives the Government to find out whether we have enough public lavatories throughout England, particularly for the growing number of disabled and elderly people, and whether this Bill, after a year, will have had the impact we all hope it will have.

I too am grateful to the Minister for arranging a meeting with the British Toilet Association. However, I am afraid, as I think the Minister realised, we learned that things were even worse than we thought, with a great many public lavatories closed, whether through fear of spreading the disease or because cleaning could not be undertaken. I myself have not been out and about for months, as I am in the "extremely vulnerable" category, but my friends tell me there is such a shortage of open public lavatories that there is evidence of people using front gardens to relieve themselves.

In Committee, I asked the Minister whether he would update the House on the Changing Places facilities. Muscular Dystrophy UK, which is co-chair of the Changing Places consortium, has been working with the Government to help identify how best to direct the funding. Could the Minister give us more detail on how this is going? Brilliant though Changing Places is, the country also needs a greater number of more modest disabled loos. We should take this opportunity, as a matter of urgency, to find out just how many open public lavatories we have for everyone.

The Earl of Lytton (CB) [V]: My Lords, I warmly commend the four noble Baronesses who have put their names to Amendments 3 and 6. In speaking to this group, I declare my professional involvement with non-domestic rating as a vice-president of the Local Government Association and as head of the National Association of Local Councils, and through my involvement with rural tourism and public access generally. So I hope noble Lords will forgive me for having a slightly dry, technical assessment of this approach.

It is right that, in the light of mass closures of public lavatories up and down the country, we should have a better idea of the provision and what is happening in terms of trends. I do not have the figures to hand, but my expectation as a chartered surveyor would be that in the context of the overall cost of the facility of heating, lighting, water supply, cleaning, building repairs, insurance and maintenance, the business rate element of a public lavatory would not be a tremendously significant factor. However, I stand to be corrected. Maybe a superior facility would indeed attract a willing payment per use at economically viable levels. Certainly, some municipalities are starting to buck the trend, and I am very pleased to note that Wales is leading the way—a point made so eloquently by the noble Baroness, Lady Randerson.

The measure demanded here would obviously involve devoting some government resources to the review referred to. The distribution of Changing Places facilities is known, if I apprehend correctly from the British Toilet Association's information. However, those run by other organisations—parishes, municipalities, venue and beauty spot managers, stately homes, royal parks, shopping centres and so on—is information not necessarily collected in one place. Though the dispersed knowledge must be held somewhere, it is not comprehensibly in the rating lists, for instance, which only record those separately in assessment. However, I do think that there is a collective will to close this information gap if the Government were so minded to tap into it.

As we have heard, public lavatories are clearly part of essential infrastructure. The old, the young, those with medical conditions, and the fit and healthy, all need access to decent lavatory accommodation. Manifestly, there are gaps in provision, because I am certain that we are all, like the noble Baroness, Lady Thomas, aware of unsuitable areas being used for informal toilet purposes. This is a personal hygiene and general public health issue, potentially damaging to the general environment, and must be addressed.

Regarding Amendment 4, I applaud and support the noble Lord, Lord Greaves, in advocating the role of parish and town councils. Many parish councils would willingly take on public lavatories, but as we have heard, are no more able to raise the money to run them than the principle authorities who may run them now. Even in transferring responsibility to parish councils, as happens, it is commonplace for the financial provisions not to form part of the transfer. This adds to the problem, and the essential funds for this essential infrastructure are therefore not ring-fenced. This is part of the process of attrition.

Beyond that, it is a matter of economic consequence for optimising the use of destinations to which the public may resort, and the public enjoyment of urban and rural space for shopping, recreation and so on. I find it tragic to hear, as we just have, of people who dare not venture far from home because of distance from suitable facilities or certainty of any provision whatsoever. I am mindful of the gross indignity that such an absence of facilities can create. These issues are very important. I am less certain that they are necessarily a matter for the Bill, given its long title, but having been accepted as amendments, I assume that they are in scope. Accordingly, I accept the general thrust of these, and look forward with interest to the Minister's comments.

The Deputy Speaker (Lord Russell of Liverpool) (CB): The noble Baroness, Lady Jones of Moulsecoomb, has withdrawn from this group, so I call Baroness Pinnock.

Baroness Pinnock (LD) [V]: My Lords, my noble friend Lady Randerson has a wealth of knowledge of the value and importance to our communities, large and small, of the provision of clean, well-maintained public toilets. Her argument is a powerful one. We learned from the meeting that we had with the representatives of the British Toilet Association and the Minister that, in fact, there is no longer accurate mapping of open public toilets around the country. During these 12 months of Covid closures, public toilets have been shut out of concern that their use might enable virus transmission. As the country seeks to return to a more normal way of life, what is vital is that public toilets are available in every community. All noble Lords who have spoken so far have made that point. That is why I totally agree with my noble friend that this Bill lacks ambition and what is needed is a strategy for public toilets from a public health perspective.

I have a suggestion for the Minister. The Government are allocating funding via a Towns Fund to help regeneration. Perhaps he can urge his department to attach a requirement to successful grant applications that towns ensure, as a minimum, that they have a well-maintained and accessible public toilet for the disabled.

My noble friend Lord Greaves pointed out how important parish and town councils are in maintaining existing public toilets. He also pointed out the difficulty that those councils have in accessing capital money in order to restore or build new facilities. That, too, is something to which I hope the Minister will respond.

The noble Baroness, Lady Andrews, urges us, as a society, to recognise the essential need for decent public loos, and that their provision is in crisis. I agree wholeheartedly when she says, "If Wales can do it, so can England." It was well said.

My noble friend Lady Thomas speaks with long experience of the barriers that are unwittingly created for disabled people by the rest of the community. There has been a failure to provide public toilets that are both available and accessible. If we all had to plan our days out shopping or visiting on the basis of the availability of an accessible toilet, my hunch is that many more would soon be provided.

[Baroness Pinnock]

I thank the noble Baroness, Lady Greengross, for pursuing a similar amendment and for supporting the purpose the amendments in the names of my noble friends. Of course, we on this side totally support this Bill. It will have some limited impact that might well ensure that some public toilets remain open. Unfortunately, it fails to address the wider issues of comprehensive provision and the role of government in encouraging and supporting the funding of such facilities. Hence, I fully support all the amendments in this group. Perhaps the Minister can provide some hope that the Government will return to the lack of provision of public toilets in future legislation. Better still, they could use the current funding regime to make their provision a priority for grants. I hope that the Minister will be able to offer some evidence that the Government take the matter seriously, and I look forward to his response.

Lord Kennedy of Southwark (Lab Co-op): My Lords, Amendment 3 in the name of the noble Baroness, Lady Randerson, is a good amendment and I support it. I look forward to the Minister's response. The noble Baroness is absolutely right to highlight these issues. An ageing population needs more facilities; parents need facilities for their children. The point the noble Baroness made about changing facilities for fathers and male guardians is very well made. We also need to ensure that proper facilities are provided for disabled people, so I very much agree with the noble Baroness on that.

The noble Lord, Lord Greaves, spoke to an amendment to the lead amendment. He was absolutely right in talking about people visiting town centres, beaches and so on. We are all looking forward to the lifting of lockdown over the next few months. The Government are going to say, "Get out there. Go out there and spend some money, visit some places and meet your family and friends". I want to do that.

8.45 pm

However, I am reminded of the time when, before lockdown, my noble friend Lady Kennedy of Cradley and I went to Stratford for the weekend. We were walking out and about but could not find a public loo. Luckily, we were due to go to the Royal Shakespeare Company later that evening, so I went in there to use the toilet, but it is ridiculous. You just cannot find anything. There was a sign up saying "Public loo this way". I walked around, but could I find it? No. I went round and round in circles. Luckily, at that point, I was able to go somewhere else and use the loo, but you cannot do that at the moment. Of course, even with the easing of lockdown, certain places may well be reluctant to let people in to use their toilets. We need to support our town councils, community councils and parish councils. The noble Lord's point about funding was well made. We have to get these things right.

I am also in agreement with the noble Lord, Lord Lucas, about the importance of making these facilities available. People, especially older people and people with issues and worries, will not go out. They will not risk going out if they cannot find a place to use the toilet when they need to, because of the embarrassment and other problems. The fact that people will be restricted in doing that is a matter of much regret.

My noble friend Lady Andrews made an important public health point in respect of ensuring that we have proper facilities in place for people. That is really important.

I will leave it there, but I hope for a positive response from the Minister on the important issues raised in the debate.

Lord Greenhalgh (Con): My Lords, I thank the noble Baronesses, Lady Pinnock, Lady Randerson, Lady Thomas and Lady Greengross, and the noble Lord, Lord Greaves, for their amendments, which would require the Government to publish a review of the impact of this Bill on the provision of public toilets.

Every year, the Valuation Office Agency publishes a snapshot of the number of separately assessed toilets as of 31 March. In response to the noble Baroness, Lady Greengross, my brief research indicates that there were 6,087 public toilets in 2000, and that number had reduced dramatically to 4,627 by 2014 and to 4,383 by 2016. I do not have the exact figure for 2010 but it is clear that we have seen a dramatic reduction over many decades. As I mentioned in Committee, the current figure stands at 3,990 such facilities in England and Wales. This annual data release also breaks the aggregate total down to a local authority level, thus giving an overview of the distribution of these facilities across the country. The VOA will continue to make this data publicly available each year. Any future trends in the total provision of separately assessed public toilets, as well as their distribution across the country, will therefore be apparent.

Of course, the Government do not want to see further reductions in this figure. However, it is important to recognise that the ability for any public toilet to remain open is based on a number of issues. This does not diminish the importance of this Bill, but it does mean that hanging any trends in the provision of toilets solely on this business rates relief would not be the right thing to do. Operators of public toilets—in many cases, local councils—make decisions on the provision of public toilets in their area having reflected on relevant building regulations and their equality duty, as well as financial considerations.

In the first instance, the provision of toilets reflects the relevant building regulations. For example, under current building regulations, all new non-domestic buildings are expected to include a unisex, wheelchair-accessible toilet. Furthermore, I appreciate that Amendment 3 refers specifically to Changing Places toilets. I am pleased to be able to say that a major change in building rules in England made at the start of this year means that it is now compulsory to include a Changing Places facility in certain new public buildings. This is estimated to add these crucial facilities to more than 150 new buildings each year.

The House may also be interested to hear that the Government are currently undertaking a review of Part M of the statutory building regulations, which covers the access to and use of public toilets. This review will cover issues of mobility, demography and wider inclusion, and it will look at the size and layouts of toilets alongside the range of facilities needed to meet the requirements of people with different needs. This review will therefore look at the need to make any

changes to building regulations in the context of the need for a fair provision of accessible toilets—including Changing Places facilities—and baby-changing facilities.

Clearly, a one-size-fits-all approach to toilet provision would not be appropriate, and it is important that any support given to the total provision of public toilets is not blind to the need to ensure that the needs of all are met by this provision. That is why my department is undertaking a technical review of toilets which will consider the ratio of female toilets required versus the number for men, as well as the need for a fair provision of accessible and gender-neutral toilets. We have received over 17,000 responses to this review as part of the call for evidence, which ran from 31 October 2020 to 26 February this year. The Government are now considering these representations and will respond in due course.

As well as the important measure in the Bill, the Government are providing significant grant funding to directly support the provision of public toilets. In response to the question from the noble Baroness, Lady Thomas of Winchester, I am happy to give some more detail on the £30 million fund put in place by the Government to support the provision of Changing Places toilets. I am happy to say that the Minister for Regional Growth, Minister Hall, has now announced that this funding will be provided to councils on an opt-in basis so that they can install facilities in their local areas and boost the number of Changing Places toilets in existing buildings. District and unitary authorities in England will be invited to complete a short expression of interest and will soon receive full details of how they can access this funding.

I can also confirm that the Government are partnering with the charity Muscular Dystrophy UK—as mentioned by the noble Baroness, Lady Thomas—to develop guidance to support the allocation of this funding. Muscular Dystrophy UK is an expert in this field and co-chairs the Changing Places consortium. I am sure that the House will agree that this partnership is a positive and important element of a significant multiyear programme to accelerate the provision of these vital facilities.

Finally, I would like to take the opportunity to thank those from across the House who took time to meet me and representatives from the British Toilet Association earlier this week. It was a valuable and constructive meeting and there was broad agreement on the importance of this measure in supporting toilet provision. While I do not think that an assessment of toilet provision in the context of the business rates system would be appropriate, I would be happy to meet again with any Peers who have an interest, as well as with the British Toilet Association, the National Association of Local Councils and the Local Government Association. I hope that this will provide us with an opportunity to further explore what is clearly an important issue, not just to those in this House but to many people across the country, and to build that ambition around the future provision of public toilets that has been called for by so many in this House.

I thank the noble Baronesses, Lady Pinnock, Lady Randerson, Lady Thomas and Lady Greengross, and the noble Lord, Lord Greaves, for their amendments, which recognise the importance not just of the total provision of public toilets but of having appropriate facilities which meet the needs of all. However, on the basis of the points I have made to the House, I hope that the noble Baroness, Lady Randerson, will withdraw her amendment.

Lord Greaves (LD): My Lords, along with others, no doubt, I thank the Minister for his great interest in this area. I should apologise for not being able to make the meeting on Monday. I intended to, but I was caught up in a site meeting on ward issues. They are pretty difficult to organise at the moment, so it took rather longer. I apologise for that, but I have had good reports.

The only point I want to make is to thank the Minister for underlining what I was trying, less effectively, to say about the opt-in provision for new Changing Places-type provision and the fact that it does not apply to town and parish councils. However, major public buildings in a small town—a big community centre, a town hall or a leisure facility—may well belong to and be operated by the town council, and often are. The larger town councils at least ought to be included in that, and I wonder whether the Minister could go back and have a look at that. On that basis, I beg leave to withdraw the amendment.

Amendment 4 (to Amendment 3) withdrawn.

Baroness Randerson (LD) [V]: My Lords, this has been an excellent short debate and I thank all noble Lords who have participated. I note the cross-party support for the proposals here. I particularly thank the noble Lord, Lord Greaves, for reminding us that, while in this House we often speak of lofty ideals, in practice, out there on the streets of this country, it is the local facilities—the bus shelters, the bus timetables, the street lights and the public toilets—which make a world of difference to the quality of life of people who live here. And when those facilities are not good enough, they really complain. Many of those who have spoken in this debate have been or are councillors, and it is the councillors of this country who deal with these essential daily issues.

I particularly thank the Minister for his response. He provided some useful statistics to underline the need for the kind of report that the amendment suggests and outlined to us the details of the government review. I think the number of responses to it emphasises how important the issue is, and that there is clearly something wrong in the eyes of many people. I very much welcome the news about the government partnership with Muscular Dystrophy UK. I hope the Minister will think about this issue further and that, in due course, he will provide firmer details about future government action, because he clearly accepts that there is a need for action.

I particularly hope that the Minister will be able to address the issue that the noble Lord, Lord Greaves, raised about the ability of town and parish councils to apply for funding for changing places. There is really no logical reason why they should not be able to do so.

I hope my noble friend Lady Pinnock will be satisfied that she has had a long and very fruitful day speaking in this House. I thank her especially for being the lead signature to this amendment.

[Baroness Randerson]

So although I am disappointed that the Minister did not give us a categorical assurance on the sorts of actions we all want, I am hopeful for the future. I beg leave to withdraw the amendment.

Amendment 3 withdrawn.

The Deputy Speaker (Lord Russell of Liverpool) (CB): We now come to the group consisting of Amendment 5. Anyone wishing to press this amendment to a Division must make that clear in debate.

Amendment 5

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

5: After Clause 2, insert the following new Clause—

"Report on the number of public lavatories and changing place facilities

(1) Within 12 months of the passing of this Act, and every 12 months thereafter, a Minister of the Crown must lay a report before both Houses of Parliament.

(2) The report must consider whether the Act has led to an increase in the number of public lavatories and changing place facilities in England and Wales.

(3) The report must be produced in consultation with relevant stakeholders independent from the Government.

(4) The report must consider whether, for the purposes of subsection (2), rate relief should be extended to include—

(a) local authority property, libraries and community centres that are free of charge to enter and contain a public lavatory that is free of charge for anyone to use,

(b) premises that consist partly of public lavatories, or

(c) premises that contain a changing place facility.

(5) If the report makes any recommendations in relation to subsection (4), a Minister must lay a statement before both Houses of Parliament detailing the steps that will be taken by the Government as a result."

9 pm

Lord Kennedy of Southwark (Lab Co-op): My Lords, the amendment seeks to add a new clause. Its purpose is to require a report to be laid before both Houses of Parliament on the number of public lavatories and changing place facilities within 12 months of the passing of the Act, and every 12 months after that.

The report has to address a number of important points and consider whether the Act has increased the closure of public lavatories and, importantly, changing place facilities. We need to have proper conversations with the relevant stakeholders. Like the noble Lord, Lord Greaves, I was sorry that I was unable to get to the meeting with the British Toilet Association because I was here, considering the Domestic Abuse Bill at the time. However, I welcome the offer from the noble Lord, Lord Greenhalgh, to talk further on these issues, along with stakeholders such as the British Toilet Association, which does invaluable work for us.

Proposed subsection (4) of the amendment refers to whether the relief should be extended. That is very important. How does one extend rate relief? If the legislation is working, if the number of toilets is increasing and they are not being lost, we may well need to extend that rate relief. I make the point about changing place facilities because they are important. As I mentioned previously, there is now a changing place facility in the Tower of London. It is good enough for one of our historic royal palaces, so we should ensure that many other public buildings provide such a facility.

In the previous debate, I was reminded by my noble friend Lady Andrews of the importance of public health. I love the London Borough of Southwark—Southwark is in my title. The old town hall has a sign saying:

"The health of the people is the highest law".

It was put there in Victorian times by the old St Mary Newington Vestry Hall. It is absolutely right. Think about what was being done in those times in terms of public health, sanitation and all the important things that had to be addressed. That motto is relevant today in terms of moving forward and ensuring that we address public health by having enough proper toilets available.

If the amendment is agreed, the Government will be asked to bring reports back to this House every 12 months. I suppose that the Minister is not going to accept the amendment. I may be wrong, but I hope that he can respond positively and genuinely because the Government need to arm themselves with that sort of information in order to get this matter right and ensure that the situation is improved for all our citizens.

Lord Greaves (LD): My Lords, I support the amendment. I do not need to say any more about it. It concerns a slightly different aspect of what we have been talking about. Apart from that, I have made the points that I wanted to make. All that I will say is that I will keep on making them until the Government wake up and understand the role of town and parish councils. Having said that, I will sit down.

The Deputy Speaker (Lord Alderdice) (LD): The noble Baroness, Lady Jones of Moulsecoomb, has withdrawn, so I call the noble Baroness, Lady Andrews.

Baroness Andrews (Lab) [V]: My Lords, I am going to follow the lead of the noble Lord, Lord Greaves, and commend the amendment that was moved very eloquently by my noble friend on the Front Bench. I have said everything I wanted to say about the importance of keeping accurate records, and a regular and transparent check on how effective the legislation is and the difference that it is making. That is sufficient from me this evening as well

The Deputy Speaker (Lord Alderdice) (LD): The noble Earl, Lord Lytton, has withdrawn, so I call the noble Baroness, Lady Pinnock.

Baroness Pinnock (LD) [V]: My Lords, I shall follow the previous two speakers in keeping my comments brief. That is not because the amendment does not have merit—on the contrary, it does—but because a lot of the issues it raises have been discussed in full earlier. The noble Lord, Lord Kennedy is right to pursue the extent of rate relief provision. There is an anomaly in restricting relief to standalone public toilets. We heard

from the Minister during the debate in Committee that it would be difficult to achieve rate relief for public toilets in public buildings for reasons of complexity for the Valuation Office.

I appreciate those challenges in the administration of such a change, but where there is a will, there is a way. If rate relief were granted for public toilets within public buildings, it might just be the sort of relatively minor additional support that kept the toilets, the building and the facility provided there open. That would be a triple benefit.

What concerns me is that the Government are less than willing to find a way to enable more public toilets to remain open by extending rate relief. I understand that that is difficult—but let us hope that the Minister will be able to have a good think about it and come up with an answer. Maybe the report provision in the amendment offers a way forward; perhaps he will be able to agree to accept that part of it. Whatever happens, we have had a good debate on an important issue concerning public health and public facilities that is of concern to many people. I thank all noble Lords for their contributions, and I hope the Government are listening. I know the Minister has been listening.

Lord Greenhalgh (Con): My Lords, I am conscious that everybody has kept their remarks relatively brief, so I am busily trying to pare down my speech in response to the noble Lord, Lord Kennedy.

I appreciated the point made by the noble Lord, Lord Greaves, about the importance of town and parish councils in providing public toilets, and the fact that they have facilities that would benefit from, for instance, the Changing Places scheme. Because of the points that he has raised this evening, it is important for me to say that we will be looking at including in the guidance and the prospectus a call for councils at all levels to work together to think about provision, which I hope will help to ensure that town and parish councils are more involved than they otherwise would be. I thank the noble Lord for raising that point.

I also thank the noble Lord, Lord Kennedy, for tabling the amendment, which is similar to those previously discussed. I realise that his intention is to understand the difference this legislation has made, and I assure him that the Government keep under review the effectiveness of all business rates reliefs.

Nevertheless, as I set out earlier, the ability to keep a public lavatory open depends on a number of factors, and I do not think it would be possible to separate out the impact that this relief has had from the other aspects which determine local toilet provision. In addition, the amendment would require a report to consider whether the scope of the relief should be extended. I recognise that this is an issue in which many noble Lords are interested, so I am grateful to the noble Lord, Lord Kennedy, for the opportunity to set out why the Government have designed the scope of the Bill as we have.

Subject to Royal Assent, this Bill will deliver a 100% business rates relief for properties that consist wholly or mainly of public toilets in England and Wales. The relief has been deliberately designed to benefit those toilets for which removing the cost of business rates will make the greatest difference to the operators' ability to keep the facilities open, and stem the decline that we have seen over many decades in public toilet provision.

Officials from my department regularly engage with the Valuation Office Agency and the Local Government Association ahead of the introduction of any business rates measures. Depending on the way in which the scope of the relief was extended, it might be necessary for an additional valuation exercise to be carried out by the VOA. I understand that the VOA has advised that such an exercise could require the assessment of hundreds of thousands of properties, at an estimated cost of around £90 to £120 per property. The total cost of carrying out an additional valuation exercise would therefore be significant, and would be disproportionate to the potential benefits to ratepayers of expanding the scope of the relief.

A different approach to extending the scope of the relief could reduce the burden on the Valuation Office Agency but instead require local authorities to identify qualifying hereditaments. On the basis of conversations with the LGA, my department considers that this would be likely to create additional administrative burdens and costs for councils, which would have to go beyond simply using the existing "public conveniences" category on rating lists, and would have to make decisions on a case-by-case basis.

The noble Lord, Lord Kennedy, suggested in Committee that most qualifying ratepayers would self-identify, therefore reducing the burden on local authorities. I agree that this could be the case, but some element of scrutiny would still be likely to be required on the part of each council to identify fraudulent or spurious claims, so the creation of administration and oversight would remain unavoidable.

While the Government set the legislation which informs the structure of the business rates system, the burden of implementing a relief of this sort and the process of ensuring that it is operationally sound fall to local councils and the Valuation Office Agency.

In the case of this relief, the Government consider that this balance has been met in the Bill as currently drafted. By ensuring that the criteria for the relief reflect a pre-existing category on rating lists, we have found a happy medium between ensuring that the measure delivers value for money and is straightforward for local authorities to implement, while providing targeted support for those facilities for which removing business rates costs will make the greatest difference.

It would be extremely difficult to isolate the changes this measure has had on increasing the number of toilets and changing places facilities from wider factors. Nor do I agree that it would be a good measure of the impact of the relief. However, I can assure the House that we will continue to keep all reliefs under review and, together with my colleagues in the Treasury, to listen to representations on how to improve the business rates system. I hope that, on this basis—and on the basis of the points made earlier this evening—the noble Lord, Lord Kennedy, will agree to withdraw his amendment.

Lord Kennedy of Southwark (Lab Co-op): My Lords, I thank the noble Lord for that detailed reply to my amendment, which I will withdraw. We have had a good debate this evening on various aspects of the Bill and the rate relief that has been offered. We need to keep it under review. I am very pleased the noble Lord said that the Government will do that as we all want to see public facilities maintained and hopefully improved and increased. We all want this rate relief to work, so I hope that, if we find evidence that things are not working well, the noble Lord, his department and other colleagues in government will look at those representations carefully to see whether we can improve or enhance what has been offered here. I thank him for his response and all speakers in this short debate for their contributions. At this stage, I am happy to beg leave to withdraw my amendment.

Amendment 5 withdrawn.

Amendment 6 not moved.

House adjourned at 9.12 pm.