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**HOUSE OF COMMONS
OFFICIAL REPORT**

**PARLIAMENTARY
DEBATES**

(HANSARD)

Monday 13 June 2016

House of Commons

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The House met at half-past Two o'clock

PRAYERS

[MR SPEAKER *in the Chair*]

Oral Answers to Questions

HOME DEPARTMENT

The Secretary of State was asked—

Border Force Personnel

1. **Mr John Spellar** (Warley) (Lab): What estimate she has made of changes in the number of Border Force personnel over the course of this Parliament. [905348]

4. **Diana Johnson** (Kingston upon Hull North) (Lab): What estimate she has made of changes in the number of Border Force personnel over the course of this Parliament. [905351]

The Secretary of State for the Home Department (Mrs Theresa May): I recognise that there is an urgent question on the tragic circumstances of Orlando later, but I am sure that the thoughts and prayers of the whole House are with the victims of this appalling terrorist attack and their families.

Over the course of the financial year, the number of full-time equivalent staff in Border Force is expected to remain flat. Budgets have not been finalised beyond the current financial year, so I am unable to provide an estimate of staffing levels for subsequent years.

Mr Spellar: I thank the Home Secretary for that reply and I endorse her sentiments about the appalling events in Orlando.

What impression of the UK does the right hon. Lady feel people get at our airports when faced with huge immigration queues, yet vast numbers of immigration officers' desks are unoccupied? Does the Home Office not know what is going on, or does it not care? What is she going to do about it?

Mrs May: I am pleased to say that we have made a significant difference over recent years in how Border Force manages its workforce. When we came into power, we discovered that under the last Labour Government, the workforce schedules did not match the peak requirements of people arriving at the airports. We have changed that, and we have significantly increased the number of e-gates, which means that people do not have to go through the individually manned desks because they can go through the e-gates instead.

Diana Johnson: Ports such as Hull are being targeted by traffickers and illegal immigrants, as was shown in February when 18 illegal immigrants were found on the dockside in Hull. Many staff have contacted me to say that, as a result of the cuts, they are worried because they are unable to provide the level of service that they

want to at the border. What extra resources will places such as Hull and other ports around the country get to help them to do the job they want to do?

Mrs May: We are very clear that Border Force has sufficient resources in place to carry out its mandated duties at ports across Humberside and to mount effective operations to identify and intercept smuggled contraband goods and clandestine migrants. What Border Force has done is to ensure that there is a greater flexibility in the workforce, so it can be managed rather better according to risk and need.

Damian Green (Ashford) (Con): One thing that makes Border Force more effective in protecting the border in Kent is the ability to operate in Calais rather than in Dover as it used to do. Does my right hon. Friend agree that anything that gave the French the temptation to move our border back to Dover would serve to weaken our borders?

Mrs May: My right hon. Friend is absolutely right. As not only a former Immigration Minister but a Kent MP, he is aware of the importance of our juxtaposed controls in France. I am very clear that those juxtaposed controls are a significant benefit. They help us to secure our border and we wish them to stay in place.

Martin Vickers (Cleethorpes) (Con): Following on from the question put by the hon. Member for Kingston upon Hull North (Diana Johnson), I welcome the greater flexibility in Border Force's approach, but businesses and residents in the Humber region are extremely concerned, following the report recently issued by the National Crime Agency. I recently met the Immigration Minister, who provided some reassurance, but can the Home Secretary give an absolute assurance that additional resources will be put into Humber ports, if required?

Mrs May: My hon. Friend makes an important point and I hope I can reassure him. We have announced that Border Force will be provided with £31 million over the next four years to deploy more staff to undertake counter-smuggling work at ports across the country. This will lead to the deployment of more Border Force staff at maritime ports, including those on Humberside.

Keith Vaz (Leicester East) (Lab): I congratulate the Home Secretary on passing another milestone and becoming the third longest-serving Home Secretary in history. The number three is very important, because it is the number of Border Force vessels available to patrol 7,223 miles of coastland, whereas the Italians have 600. Will she look further at the need to provide more resources? I know she has talked about the £31 million, but at this moment criminal gangs are targeting the English channel and going into small ports with their cargo. May we have action much sooner than in the few years that she mentioned?

Mrs May: I suspect that the right hon. Gentleman may very well be the longest-serving Chairman of the Home Affairs Committee. I apologise for not having looked in the record books yet, but perhaps that fact can enter them now.

In comparing the number of Italian vessels with the number of Border Force vessels, the right hon. Gentleman is not comparing like with like. In Border Force, we have given consideration to the suitability of vessels and

what vessels are required, which is why there will be some changes. In the strategic defence and security review that was published last November it was announced that we would seek to ensure that all maritime assets could be deployed most effectively in dealing with risks and threats of this kind.

Tim Loughton (East Worthing and Shoreham) (Con): Will the Home Secretary publish the internal review by the National Crime Agency which highlighted the weaknesses in patrols at our small ports and marinas? My constituency contains the closest channel port to London. Will the Home Secretary now, as a matter of urgency, tell the House what she will do to reconfigure the way in which Border Force patrols beaches and inlets, particularly those in the south-east of England, which are now very vulnerable to people traffickers coming here directly from the continent?

Mrs May: It is important to bear in mind that dealing with the potential threat of people trying to enter the United Kingdom clandestinely through smaller ports is not just about physical policing of the coastline, but about understanding intelligence, and, in particular, about the work that is being done to counter organised criminal gangs. The National Crime Agency has set up an organised immigration crime taskforce, which is working not just here in the United Kingdom but with its French counterparts and elsewhere on the continent to ensure that we can stop those movements before they reach our shores.

Calais and Dunkirk Camps

2. **Peter Grant** (Glenrothes) (SNP): What discussions she has had with charities and non-governmental organisations on conditions in the camps at Calais and Dunkirk. [905349]

The Minister for Immigration (James Brokenshire): While the management of the camps is a matter for the French Government, there is close engagement between the United Kingdom and France on all matters relating to the migration situation in Calais. Through the August 2015 joint declaration, the Home Secretary and the French Interior Minister set up a project that is being delivered by the French non-governmental organisation France terre d'asile to identify vulnerable migrants and direct them towards existing protection, support and advice.

Peter Grant: May I associate myself and my colleagues with the Home Secretary's earlier comments about the dreadful killings in Orlando?

The Red Cross has issued the following recommendation:

"The UK Government should be proactive in identifying unaccompanied minors with a UK connection and help guide them through the process of finding protection in the UK".

What exactly are the Government doing to comply with that, and what have the results been so far?

James Brokenshire: As I have said, France terre d'asile, to which the United Kingdom Government is giving financial support, is doing precisely that. It is going into the camps to identify young people and to ensure that we have a good understanding of the work that is being done there. Separately, our own advisers are going into

the camps to provide appropriate advice. What is of key importance, however, is getting those young people into the French asylum system.

Keir Starmer (Holborn and St Pancras) (Lab): On behalf of Labour Members, may I echo the Home Secretary's comments about Orlando?

Research published this week by UNICEF shows that children in refugee camps in Calais and Dunkirk are experiencing violence, sexual exploitation and abuse on a daily basis. Clearly, for those who are entitled to be reunified with their families, speed is of the essence, but UNICEF estimates that, at the current rate, it could take up to a year to process the children who are already in Calais and Dunkirk and who have a legal right to be reunited with their relations in the United Kingdom. What steps are the Government taking to address that, and can the Minister tell me how many Home Office staff are currently based in France and working to speed up the process?

James Brokenshire: I entirely agree with the hon. and learned Gentleman about the need to ensure that those cases are processed as quickly as possible. The most effective way to do that is to provide teams that link up with the best expertise on both sides of the channel, and that is exactly what we have done with the French authorities. The process will not take as long as he suggested. We are seeing cases being processed in a matter of weeks, which is precisely what we want.

Migrants: Illegal Working

3. **Jack Lopresti** (Filton and Bradley Stoke) (Con): What steps she is taking to ensure that illegal migrants cannot profit from working in the UK. [905350]

The Minister for Immigration (James Brokenshire): The Government are committed to tackling illegal working. The Immigration Act 2016 makes illegal working a criminal offence in its own right, which ensures that wages paid to illegal migrants can be seized as the proceeds of crime, and assets may be confiscated on conviction. The Government are prioritising the implementation of that provision, which will take place on 12 July.

Jack Lopresti: Does my right hon. Friend consider that tackling illegal working has been made easier or harder by the 2014 judgment of the European Court, which forbids the United Kingdom from requiring migrants to have documentation issued by the British Government, although a High Court judge has said that documents issued by other EU member states are systematically forged?

James Brokenshire: I can reassure my hon. Friend on the steps that Border Force takes to check documentation and the fact that under this Government we have 100% checks of all scheduled passengers arriving here precisely to identify where fraudulent documents are used. The most important thing is the join-up across government in identifying where these activities are taking place, which is precisely what is happening.

Neil Coyle (Bermondsey and Old Southwark) (Lab): On 11 May I wrote to the Home Secretary regarding an illegal worker in the care sector in the UK. I have not received a reply to that letter, but over a month later can

the Minister or Home Secretary explain why that illegal worker is still working in the United Kingdom and why anyone seeking to report illegal workers is referred by the Home Office to Crimestoppers rather than the Department dealing with it itself?

James Brokenshire: I can certainly assure the hon. Gentleman of the steps that immigration enforcement is taking in a number of sectors where abuse has been highlighted, including construction and the care sector. I will certainly follow up on the point he raised about the letter he has sent to ensure that it is being appropriately followed up.

Mr Speaker: Mark Garnier. Not here. *[Interruption.]* I have no idea about the whereabouts of the chappie, but we must move on.

Unaccompanied Children (Family Reunification)

6. **Angela Crawley** (Lanark and Hamilton East) (SNP): What steps her Department is taking to accelerate the family reunification process for unaccompanied children in Europe with family in the UK. [905353]

The Parliamentary Under-Secretary of State for Refugees (Richard Harrington): Ministers and senior officials have formally opened consultations with Greece, Italy and France to identify and transfer to the UK unaccompanied refugee children where it is in their best interests. We are also consulting local authorities, non-governmental organisations and UNHCR. In addition, we have worked with France to improve the operation of the Dublin family reunification process.

Angela Crawley: May I associate myself with the comments of the Home Secretary and other hon. Members on the homophobic, hate-based atrocity that has taken place in Orlando this week?

International Red Cross has stated its concern for children in Dunkirk. It has highlighted the length of the asylum process, the lack of official information and the domination of smugglers as factors that prevent the Dublin system from even getting off the ground. What progress is being made in overcoming these challenges to ensure that children are swiftly reunited with family in the UK?

Richard Harrington: I can assure the hon. Lady that we are doing all we can to get children in the asylum system and, once they are in the system, to make sure the procedure happens as quickly as possible. We are having regular meetings with the relevant NGOs, including quite a big one on Thursday, to find out how we can speed this up. The records show that the system is operating much faster and with many more numbers than in 2015, and we are doing our absolute best to speed it up as much as we can.

Mr David Burrowes (Enfield, Southgate) (Con): What progress have we made in despatching the 75 experts to Greece, into the hotspots around Europe and also into Calais to ensure that there is robustness and confidence in the process of vulnerable children going into the system and then having their family reunion application processed, rather than going into the hands of the smugglers and traffickers?

Richard Harrington: On the officials due to go out to the hotspots, that is well under way. Many have already gone and a lot more will be going in the next few weeks. My hon. Friend has taken a keen interest in this and I am very pleased that, along with my right hon. Friend the Immigration Minister, we have worked together on many things. We take this very seriously. We are putting a lot of resource into it, and I hope in future to be able to report to the House the positive results that I know my hon. Friend wants.

Fiona Mactaggart (Slough) (Lab): How many unaccompanied children from France have been admitted since the Minister took on this role?

Richard Harrington: The most recent figures published are that, I believe, more than 30 children from France have come over here—that is in the period up to April 2016—and I can assure the right hon. Lady that we are expecting this to increase very significantly. But we cannot take these duties lightly. For example, we have carefully read the survey, or census as it calls it, by terre d’asile on most of the Calais camp. It identified about 180 children of which 50 claim family reunion connections with the UK. We are doing everything we can to quantify exactly who are the ones with family reunification links with this country, and doing our best to speed up reunions. However, I am sure the right hon. Lady will agree that we have to take this seriously and make sure that they have proper connections with the UK, and if it is proved that they do, which is a very quick process, that they are brought over here very quickly.

20. [905367] **Stephen Gethins** (North East Fife) (SNP): Further to the question from the right hon. Member for Slough (Fiona Mactaggart), does the Minister think that 30 is an adequate number? How quickly does he think he can get the children who have been identified reunited with their families?

Richard Harrington: As I explained to the right hon. Lady, I think the number will be increasing significantly in the future. The most significant thing is the speed this takes once a child claims asylum; it takes a short period—in many cases, it is two weeks—and I am hoping to improve on that.

Newhaven Port

8. **Maria Caulfield** (Lewes) (Con): What steps she is taking to ensure the security of the UK border at Newhaven port. [905355]

The Minister for Immigration (James Brokenshire): Border Force officers in Newhaven maintain 100% checks of arriving passengers and undertake intelligence-led activity to tackle both people-based and commodity-based threats. They collaborate effectively with the police, the National Crime Agency and their French counterparts in Dieppe to identify and disrupt attempts to smuggle migrants and commodities into the UK illegally through that port.

Maria Caulfield: I thank the Minister for his reply. I recently met Newhaven Port Authority to discuss the future of the Newhaven ferry, and I was told that last year was its most successful ever, with a 50% increase in

passengers and freight. That is welcome, but it is putting extreme pressure on the existing Border Force officials. Will the Minister reassure me that this Government are doing everything they can to ensure that this vital travel and trade link is kept secure?

James Brokenshire: I congratulate the port operators on the work they have done to see the success that my hon. Friend has highlighted, and I am sure her work has given them support, too. I assure her that Border Force's model operates not only to ensure that we have the necessary core team to tackle business-as-usual activity, but to surge additional resource, in line with intelligence, where we have identified particular threats.

Albert Owen (Ynys Môn) (Lab) *rose*—

Mr Speaker: Newhaven is a considerable distance from the constituency of the hon. Gentleman, but I am sure his ingenuity will avail him.

Albert Owen: Principal ports—major ferry ports—such as Newhaven and Holyhead in my area are under extreme pressure because Border Force vessels are used in smaller ports in close proximity. May I help the Minister by suggesting that offshore vessels that are not used in the North sea on wind farms could be adapted by Border Force to close these gaps?

James Brokenshire: I congratulate the hon. Gentleman on his ingenuity in asking the question. The Home Secretary has already responded on the strategic review that is being undertaken, and we are looking at all available Government assets to ensure that we pull them together. The National Maritime Information Centre is designed to assist with that, and we will continue with that work.

Richard Arkless (Dumfries and Galloway) (SNP) *rose*—

Mr Speaker: The hon. Gentleman is going to tell us about Stranraer I dare say.

Richard Arkless: The previous coalition Government removed the Border Force staff from my home port of Stranraer, in my constituency, a number of years ago. Given the increased threats that we face from contraband and puppy smuggling from the rest of the European Union, will the Secretary of State commit to re-examine that decision, so that we can have appropriate defences at our port in Stranraer?

James Brokenshire: The Home Secretary has already indicated that £63 million of additional resource is being made available precisely to focus on smuggling. I am happy to discuss further with the hon. Gentleman any particular issues he may have, but I can assure him about the intelligence-led approach that Border Force takes and how we will deploy resources dynamically to meet any challenges.

Police Reforms

9. **Marcus Fysh** (Yeovil) (Con): What steps she is taking to ensure that police forces implement reforms to increase their effectiveness. [905356]

The Minister for Policing, Fire, Criminal Justice and Victims (**Mike Penning**): We have established and continue to strengthen the system whereby police and crime commissioners provide real local accountability on how chief constables' forces perform. Her Majesty's inspectorate of constabulary inspects efficiency and the effectiveness

of force activity, and the College of Policing creates an evidence base as to best practice and sets out professional standards.

Marcus Fysh: Will my right hon. Friend please comment on the reform of the Independent Police Complaints Commission, whose processes have caused some issues for officers in my constituency and whose effectiveness is vital for public confidence in the police?

Mike Penning: With the Policing and Crime Bill that is going through the House at the moment, we intend to instil that confidence in the IPCC not just by changing its name, but by strengthening its role. It is absolutely imperative that the public have confidence in the police, as the vast majority of them do a fantastic job.

Ian Austin (Dudley North) (Lab): Will these reforms help solve unsolved crimes? Nobody who grew up in Dudley will forget the shocking murder of 13-year-old paperboy Carl Bridgewater, and no one who watched last night's documentary on the case will believe that the new evidence it revealed should not be looked at. Will the Minister and the Home Secretary ask the police and the Crown Prosecution Service to review the new evidence to see whether this case can finally be solved and whoever was responsible be brought to justice?

Mike Penning: No one will forget that terrible case, no matter how long ago it was, and our thoughts are still with the parents. It is not the role of the IPCC to instruct the police how to investigate, but we will look at the case and at the ongoing evidence. Perhaps the hon. Gentleman and I could meet to discuss it further.

Nicola Blackwood (Oxford West and Abingdon) (Con): Having pleaded guilty to the manslaughter of Justin Skrebowski claiming diminished responsibility, Trevor Joyce was sentenced last week to life imprisonment. Justin's brave widow, Gulsen Alkan, has already met Ministers in her campaign against knife crime, but this case also raises questions about how well mental health services work with the police. What steps are the Government taking to improve that, and will the Minister please meet us once more to prove that lessons can be learned from this case, and that such a horrific case can never happen again?

Mike Penning: I am pleased that the family has the courage to want to campaign on knife crime. It is very important that victims feel that they have the confidence to come forward. I am sure that either the Under-Secretary of State for the Home Department, my hon. Friend the Member for Staffordshire Moorlands (Karen Bradley), or I will be more than happy to meet to discuss this matter. The issue around mental health is at the core of the Bill that is going through the House at the moment. The police must be used as a last resort when it comes to safety. We must make sure that we have a better understanding of mental health issues. Street triage and other such work that is going on at the moment has really helped us with the type of policing that we want to see in the 21st century.

Mr David Hanson (Delyn) (Lab): One thing that makes the police extremely effective is the co-operation that we receive from our European partners. What will the Minister say on 25 June if we are no longer eligible to be in Europol?

Mike Penning: We will work with our European partners and other partners around the world to ensure that our criminal justice system works.

Sarah Champion (Rotherham) (Lab): To be effective, the police need to be trusted by the community that they serve. Truth is built by being honest about the past. Will the Home Secretary finally do the right thing and grant the request of the Orgreave Truth and Justice campaign and nearly 100 cross-party MPs for a full inquiry into what exactly happened on 18 June 32 years ago in the battle of Orgreave?

Mike Penning: The hon. Lady raises a very, very important point, and, as Hillsborough has proved, the Home Secretary has a track record of looking at that sort of thing with a very open mind and in a way that perhaps no Home Secretary has ever done. We will look at Orgreave—indeed we are looking at it at the moment. Confidence in our police can be there only if we have a transparent system for dealing with complaints, and that is exactly what the Bill that is going through the House is all about.

Cybercrime

10. **Alberto Costa** (South Leicestershire) (Con): What steps the Government are taking to tackle cybercrime. [905357]

The Parliamentary Under-Secretary of State for the Home Department (Karen Bradley): This Government take the threat of cybercrime very seriously, which is why, through the national cyber-security programme, we invested more than £90 million during the previous Parliament to build specialist capabilities and improve the law enforcement response at local, regional and national levels, and we will continue to invest. As my right hon. Friend the Chancellor announced last November, this Government have committed to spending £1.9 billion on cyber-security, which includes tackling cybercrime, over the next five years.

Alberto Costa: Leicestershire police, whose hard-working officers I shadowed on patrol last Friday, provide a range of cybercrime information on their website. Does my hon. Friend agree that effective partnership between the police and other agencies is key to maintaining adequate defences against the growing and real threats that cybercrime poses to our society?

Karen Bradley: My hon. Friend makes an incredibly important point. It is vital that we work with the police and others. Leicestershire police are a shining example of proactive working to ensure that people understand the threats, understand the risks and understand how to stay safe online.

Jack Dromey (Birmingham, Erdington) (Lab): Operation Vigo saw British nationals based in Spain who were mugging online British businesses and British pensioners brought to justice. Does the Minister agree that, whether it means combating rapidly growing cybercrime, counter-terrorism, human trafficking or the drugs trade, or ensuring that there is no hiding place in Europe for

Europe's most serious criminals, European collaboration, including with the European arrest warrant, is absolutely key?

Karen Bradley: I do agree with the hon. Gentleman. He is absolutely right. I visited Spain when that operation was tackling the boiler room fraud that was going on in Spain, and only because of that co-operation and bilateral work, using European Union mechanisms, were we able to have such success in that operation.

Mrs Maria Miller (Basingstoke) (Con): There are currently 30 pieces of legislation being used against online crimes. There is clearly a need to consolidate and simplify offences, so that the legislation that is effective is more likely to be used to ensure justice. Will the Minister meet me to discuss this further? Important amendments tabled for debate this afternoon would provide part of the solution. We need far more co-ordination, and I am sure that the Minister would benefit from further discussions with other stakeholders on this issue.

Karen Bradley: My right hon. Friend and I had a conversation about this earlier with reference to the debate that will happen later, and I am more than happy to meet her, with my noble Friend Baroness Shields, who has responsibility for digital security on the internet.

Andrew Gwynne (Denton and Reddish) (Lab): According to Childnet, 82% of children between the ages of 13 and 17 have seen hateful things on the internet. In addition, the National Society for the Prevention of Cruelty to Children is saying that children as young as 11 have been victims of revenge porn, so what more can the Minister do, and what assurances can she give to the House that children will always be protected from the worst aspects of the internet?

Karen Bradley: The hon. Gentleman raises an incredibly important issue. The internet provides a fantastic opportunity for us all, and it is amazing that my children can play games with friends hundreds of miles away and across the world. That is an amazing opportunity, but there are risks and threats to being on the internet. That is why we are legislating to insist on age verification for pornographic websites, so that children do not have access to them, and that is why we are working with colleagues across the Government—with the Departments for Education and for Culture, Media and Sport, in particular—to ensure that we do everything we can, working with industry, to keep children safe online.

Extremism and Radicalisation

11. **Kevin Hollinrake** (Thirsk and Malton) (Con): What progress the Government are making in tackling extremism and radicalisation. [905358]

The Secretary of State for the Home Department (Mrs Theresa May): We have improved our understanding of extremism and radicalisation. We have built partnerships with over 350 community groups and introduced the Prevent duty, and trained over 450,000 people since 2011. I have excluded over 100 hate preachers and

worked with social media providers to remove over 180,000 pieces of terrorism-related content online since 2010.

Kevin Hollinrake: I am grateful to the Home Secretary for that response. Ofsted admitted to me in a letter that it failed properly to inspect the Zakaria Muslim Girls High School in Batley in October 2015, run by a conservative Muslim sect, because the inspector felt unable to speak to pupils or staff—apparently, the inspector was told that it was Eid, when it was not actually Eid—despite the fact that the report commented on the school's policies on radicalisation. Does my right hon. Friend agree that we need to ensure that all Government agencies use every means at their disposal to drive out extremism from every corner of society?

Mrs May: I absolutely agree with my hon. Friend, and the point of putting the Prevent duty on a statutory basis is to ensure that people in the public sector recognise their responsibility in dealing with extremism, in identifying extremism and ensuring that action is taken. We have seen from the Trojan horse example in education how important it is that all those responsible for ensuring that what is happening in schools is right and proper and that British values are being taught take that responsibility seriously and can fulfil it.

Ann Clwyd (Cynon Valley) (Lab): Will the Secretary of State explain why the Government have placed female genital mutilation, forced marriage and honour-based violence in the UK counter-extremism strategy?

Mrs May: Yes. It is because we have looked at ways in which people can operate within communities to try to create an attitude, particularly towards women in those communities, that effectively treats women as second-class citizens, which is counter to the British values that we have in our society as a whole. We take issues associated with forced marriage, so-called honour-based violence and female genital mutilation extremely seriously, and we have taken action against these issues. We want to see more action being taken in order to bring more prosecutions in these areas, but it is important that we recognise that there are some attitudes that help to create divisions in society. We do not want those divisions; we want to ensure that there is proper respect, regardless of gender, faith, background, class or ethnicity.

Sir Edward Leigh (Gainsborough) (Con): One of the best ways to stop extremism and radicalisation is to keep radicals and extremists out of the country in the first place. Often these people have a criminal record, although they may not necessarily show up on lists of terrorists. Can the Home Secretary confirm that when an EU citizen arrives at one of our borders, their passport is checked against the criminal record check bureau of their own country? Is that happening?

Mrs May: I have made it plain to my hon. Friend on a number of occasions that the information we have at our borders through our membership of Schengen Information System II in the European Union is an important strand of information which enables our border officials and others to make decisions about individuals who are coming across the border. I am sure that, as my hon. Friend says, he does not want people who are preaching extremism to come into the United

Kingdom, so I hope that he will congratulate the Government on the fact that as Home Secretary I have excluded more hate preachers from this country than any previous Home Secretary.

Ms Tasmina Ahmed-Sheikh (Ochil and South Perthshire) (SNP): First, may I join others in condemning the despicable acts in Orlando? We should be clear that these are homophobic and criminal acts.

There is ongoing concern that rather than defeating Daesh, the military action in Syria has merely displaced criminals and terrorists to other parts of the region and in many ways encouraged people to engage in acts closer to home. What action has been taken to address these developments? Can we be reassured that action to tackle such behaviour will not wholly eclipse the good efforts of many to prevent extremism at source in this country?

Mrs May: The hon. Lady is right to say that there are many good efforts being made in communities to prevent extremism within communities. The Government want to support that and to give voice to those mainstream voices working to promote the values that we share across our society. In relation to the threat from Daesh and the threat from Islamist terrorism, we of course watch carefully how matters are developing. It is the case that the threat arises from specific groups, from people who are inspired by groups, not just Daesh but al-Qaeda as well, and people who may be inspired online on the internet. That is why it is so important that we deal not just with physical presence, but with the bigoted ideology that underlies the terrorist threat, because it is only by dealing with that ideology that we will be able to deal with the terrorist threat.

Lyn Brown (West Ham) (Lab): In the light of last week's conviction of the man who launched an unprovoked knife attack at Leytonstone tube station, and some unverified reports that the Orlando shooter suffered from bipolar disorder, we should be mindful of the Royal United Services Institute's estimate that in 35% of cases of lone wolf terrorism, there was an indication of a mental health disorder. What action has the Home Secretary taken, and what information and guidance have been issued to GPs and other health professionals on assessing the risks of radicalisation of their patients?

Mrs May: I referred earlier to the Prevent duty, which covers the whole of the public sector. That is why we have been conducting significant training within the public sector, including in the health service, about issues associated with radicalisation. Alongside that, I am sure that, given her question, the hon. Lady will welcome the parity of esteem that the Government are now giving to mental health and physical health inside the NHS.

Violent Acid Attacks

12. **Gareth Johnson (Dartford) (Con):** What steps the Government are taking to reduce the number of violent acid attacks. [905359]

The Parliamentary Under-Secretary of State for the Home Department (Karen Bradley): I am very aware of the life-changing impact and distress to victims caused

by acid attacks, and I am currently working with retailers to identify the best means of restricting sales of products with a high acidic content.

Gareth Johnson (Dartford) (Con): Attacks involving acid are, by their very nature, particularly nasty offences. Will the Minister please assure the House that she will work with the Ministry of Justice to ensure not only that adequate resources are made available to tackle the problem, but that deterrent sentences are imposed that properly reflect the life-changing nature of these offences?

Karen Bradley: I assure my hon. Friend that I do work closely with the Ministry of Justice. In fact, my right hon. Friend the Policing Minister, who is also a Justice Minister, is on the Front Bench, and I can assure my hon. Friend that we work very closely on this issue. He is right to say that not only do we want the perpetrators caught and stopped but we want appropriate sentences for this behaviour.

Juxtaposed Border Controls

13. **Henry Smith** (Crawley) (Con): What steps the Government have taken to improve checks at juxtaposed border controls in preparation for the summer. [905360]

The Minister for Immigration (James Brokenshire): We have invested tens of millions of pounds to reinforce border security at the juxtaposed ports, including through the installation of security fencing, floodlighting, anti-intrusion detection technology, and additional freight-searching contractors, dogs and security personnel. This has been complemented by increased French police numbers.

Henry Smith: I welcome the UK border enhancements over the coming summer period. Will there be an exchange of information about those leaving the UK as well as those entering it?

James Brokenshire: My hon. Friend makes an important point about the sharing of information and intelligence between the UK and France, and it is an essential point to stress in the context of organised immigration crime that may be taking place across the channel. We have significantly stepped up our activities with the French authorities, and that will have a continuing impact in the fight against those who are simply seeking to traffic people into this country.

Cat Smith (Lancaster and Fleetwood) (Lab): The school summer holidays are also known to some as the “cutting season”, when young girls can be flown from the UK to have female genital mutilation forced on them in other countries. What steps are the Government taking to ensure that Border Force is equipped to stop young girls being flown out of the UK to be mutilated?

James Brokenshire: The hon. Lady makes a compelling and important point—indeed, I understand that it may well be debated in this afternoon’s consideration of the Policing and Crime Bill. I will certainly continue to discuss the issue with colleagues across the Home Office, but I can assure her that steps are being taken to ensure

that Border Force officers are trained and that we recognise this really appalling crime to a much greater extent.

Kevin Foster (Torbay) (Con): Given England’s inevitable progression towards the Euro 2016 final, will the Minister reassure me that the juxtaposed border controls will have the resources they need to deal with the number of fans who want to go to France, and to work with the French authorities to deal with the morons who have shamed our country over the last week?

James Brokenshire: I am sure that all of us would absolutely condemn the actions of anyone who has gone not to watch football but to become involved in violence. We also want to see all the home nations do well in the days and weeks ahead. However, my hon. Friend makes a point about security, and security is being maintained. We have stepped up security screening externally as well as internally, and the French authorities have maintained security at the juxtaposed ports at this increasingly challenging time for the French Government.

Ian C. Lucas (Wrexham) (Lab): Please will the Minister join me, as a Member from Wales, in commending Wales as the first home nation to win its first game at the European championships? Does he believe that the exchange of information with our allies will be improved or worsened by Britain voting to leave the European Union on 23 June?

James Brokenshire: I think I commended all the home nations in my initial contribution. The point the hon. Gentleman makes is important: we benefit from being able to use European systems to screen people at the border and from being able to have Europol working with joint investigation teams and with police and law enforcement agencies across Europe. I absolutely believe that our position in terms of safety and security is strengthened by being part of those mechanisms and being part of the EU.

Immigration Rules (Constituent Parts of the UK)

14. **Callum McCaig** (Aberdeen South) (SNP): If she will make an assessment of the potential merits of applying different immigration rules to Scotland and other constituent parts of the UK. [905361]

The Minister for Immigration (James Brokenshire): Our immigration system is designed to work for the whole of the United Kingdom. Applying different rules would lead to migrants applying in one part of the UK and then moving to another, as happened—as the Scottish Government’s own research shows—with the “fresh talent” scheme.

Callum McCaig: That is the scheme that the Government abolished. I thank the Minister, but that was an inadequate answer, quite frankly. I draw his attention to the fact that Australia and Canada have introduced substate immigration rules to ensure that migrants are encouraged to live where they are most needed. Will the Government look seriously at how this can be implemented in the UK, as the Justice Secretary has suggested today in Scotland?

James Brokenshire: Experience of the “fresh talent” scheme indicated that only 44% of applicants had remained in Scotland at the end of their two years’ leave on the scheme. We asked the Migration Advisory Committee to look at whether differentials would work in terms of the overall salary thresholds, but it advised that that would not be appropriate and, indeed, that it would lead to the setting of higher salary thresholds in Scotland as contrasted with the rest of the UK, therefore not achieving the objective for which I think the hon. Gentleman is trying to argue.

Joanna Cherry (Edinburgh South West) (SNP): Scotland needs different immigration rules because it faces very different demographic challenges from those in London and the south-east, yet the needs of London and the south-east determine British immigration policy. Why will not the Government exclude Scotland from the net migration target and work with the Scottish Government to pursue policies that are tailored for Scotland’s needs?

James Brokenshire: I do not agree with the hon. and learned Lady’s analysis. The shortage occupation list recognises the different skills shortages that may need to be addressed in Scotland. Under the Scotland Act 2016, the Scottish Government have new powers to make Scotland a more attractive place to come to, live in and work in, in order to boost the tax take and grow the population. I encourage the Scottish Government to use those powers.

Joanna Cherry: As the Minister very well knows, immigration is still a reserved matter. I am interested to hear that he accepts the principle that different rules can apply to different parts of the UK by highlighting differences in the shortage occupation list. Having accepted that principle, why will he not work with the Scottish Government to pursue other policies that are designed to meet the specific demographic challenges that Scotland faces?

James Brokenshire: I did not say what the hon. and learned Lady suggested. We always welcome the opportunity to continue discussions with the Scottish Government on these issues, recognising that immigration remains a reserved matter. We will look carefully at the Scottish Affairs Committee’s report and respond to it shortly. We are very clear that there needs to be a policy for immigration across the UK, and that is what this Government will continue to adopt.

Topical Questions

T1. [905339] **Lucy Frazer (South East Cambridgeshire) (Con):** If she will make a statement on her departmental responsibilities.

The Secretary of State for the Home Department (Mrs Theresa May): The violence in Marseilles surrounding England’s match against Russia was deeply disturbing. Seven English fans are still in hospital, two with very severe injuries, and our thoughts are with them. The French authorities had to deal with trouble involving England supporters on Thursday, Friday and Saturday around the city, and there were alarming clashes inside the stadium at the end of the match. The French and UEFA will rightly be asking themselves searching questions about how the segregation of fans within the Vélodrome

stadium broke down. There will be lessons to be learned surrounding the wider policing operation. I am in no doubt that co-ordinated groups of Russian supporters bear a heavy responsibility for instigating violence.

We must also ensure, however, that we have our own house in order. Some among the England contingent in Marseilles behaved inexcusably. Anyone who has travelled to France to cause trouble has let down their nation and does a disservice to all genuine England fans. In co-operation with the French Government, we are going to do all we can to ensure that such scenes are not repeated. I have spoken to the Interior Minister, Bernard Cazeneuve. Plans are in place to ensure that there are more British police spotters in Lens for the match between England and Wales. We have prevented nearly 1,400 people with a history of football-related violence from travelling, and an extension of the ban on alcohol sales around key matches announced yesterday is a positive step. Above all, I appeal to the English and Welsh fans travelling to Lens this Thursday. UEFA has made it clear that the penalties for bad behaviour for individuals and for the teams they support will be severe. I have every confidence that the fans will respond in the right spirit and we can all get back to enjoying the tournament.

Lucy Frazer: As a former barrister who specialised in insolvency law, I understand the civil remedies available to make recoveries from those involved in fraud. The economic crime prevention group has recovered £1.1 million and led to 10 disqualifications of directors since the insolvency pilot began in 2013. Does the Home Secretary plan to continue the pilot?

Mrs May: My hon. and learned Friend is right to point to the work that has been done so far by the ECPG, which is a joint public and private sector group across various agencies; indeed, the National Crime Agency is one of its sponsors. A report on the insolvency scheme to which she referred is due shortly, and the future of the project is being considered. The outcome of that report will be part of those considerations.

Mr Speaker: I gently remind Front Benchers that we must accommodate Back Benchers. I am not having the time eaten up by Front Benchers.

Andy Burnham (Leigh) (Lab): The Home Secretary is right: the terrible scenes of violence in Marseille this weekend have soured what should have been a great celebration of football. As ever, the vast majority have been let down by a hard-core minority, and their actions are all the more inexcusable given the serious terror threat hanging over the tournament. Although, as the Home Secretary has said, the England fans are not blameless, it is also the case that they were the subject of extreme provocation and that there were severe failings inside the stadium and concerns about policing. Given that this is a complex matter and that we need to establish all the facts ahead of the England-Wales game on Thursday, will the Home Secretary commit to making a fuller statement at her earliest opportunity, to ensure people’s safety and that there is no repeat?

Mrs May: The right hon. Gentleman is right: we obviously want to ensure that there are no repeats of the scenes we saw in Marseilles. That is precisely why

work is ongoing between the UK Government and the French Government to look at the steps that need to be taken, particularly in Lens, where the England-Wales match will take place, and Lille, where Russia will play very close to that time, and that work will continue.

Andy Burnham: Let me turn to Hillsborough and mention that I wrote to all parties in the House, asking for their support in making it a moment of real change. One of the reasons that the Hillsborough injustice stood for so long was the inadequacy of the original inquest, which imposed the 3.15 pm cut-off and at which families had to scabble around to raise funds for their own legal representation. The truth is that similar injustices are still happening today. Bereaved families are all too frequently thrown into courtrooms, raw with grief, to face adversarial questioning from highly paid QCs hired by the police and other public bodies. Later today I will put a proposal to this House to create parity of legal funding for families on the simple principle that public money should fund the truth, not the protection of vested interests. Will the Home Secretary say why she is opposing that move and whether she is prepared to work with us to establish that important principle?

Mrs May: The right hon. Gentleman has rightly raised an issue that has been a matter of significant concern to the families who were victims of the terrible tragedy in Hillsborough. He is right to say that the original inquest system did not serve those families well. I am pleased that my right hon. and learned Friend the Member for Beaconsfield (Mr Grieve), the former Attorney General, was able to reopen the inquest, with the results and verdicts that we have seen. I have asked Bishop James Jones, who chaired the independent panel that looked into the Hillsborough incident and who has also been chairing the family forums and has been my adviser on this matter, to work with the families, to hear directly from them their experiences. I expect experiences about the inquest process to be part of that, which is why I wish to look at this issue once we have the full picture from the families as a result of the review by Bishop James Jones. The right hon. Gentleman has raised a very important and valid point, but I think that we need to look at the issue in a wider sense and get all the experience from the Hillsborough families before we look at the inquest process.

T2. [905340] **Mr Nigel Evans** (Ribble Valley) (Con): The four agriculture students from Cirencester who were accused of rape prove that one does not have to be a celebrity to suffer the trauma of a case going on in the full glare of publicity. What protection can the Home Secretary give defendants, as is the case with the accuser, so that there is some sort of equality?

Mrs May: My hon. Friend raises a very important point that he has raised with me personally on a number of occasions, and the case to which he refers has brought it into sharp focus. The usual practice is that the police do not identify people before charge. However, we had a long debate on this issue about five years ago and there are cases where the identification of somebody can bring forward other victims and enhance the case against them, so this is not an easy area in which to operate.

T3. [905341] **Dr Lisa Cameron** (East Kilbride, Strathaven and Lesmahagow) (SNP): There have been grave reports by asylum seekers detained in immigration removal centres of sexual assault. What risk management measures have been put in place for vulnerable detainees, who may already have histories of trauma but who are detained alongside foreign national offenders who have histories of violence?

The Minister for Immigration (James Brokenshire): We take our duties in relation to the operation of immigration removal centres extremely seriously. That is why, under the Home Secretary, we engaged in the Shaw review and report on how we can better identify those who are vulnerable. We will implement further changes in the months ahead to ensure that those issues are very much brought to the fore.

T4. [905342] **Wendy Morton** (Aldridge-Brownhills) (Con): The internet has brought with it great opportunities but also, sadly, a much darker side and threats. What work is being done to ensure that paedophiles who operate anonymously online are brought to justice?

The Parliamentary Under-Secretary of State for the Home Department (Karen Bradley): My hon. Friend raises an incredibly important point. We need to make sure that there is no safe place for paedophiles to operate. I am sure she knows that all 43 forces have signed up to the child abuse image database that this Government introduced and that the Prime Minister instigated. It is really starting to get results in identifying and safeguarding child victims, finding perpetrators and making sure that they can be brought to justice.

T8. [905346] **Stuart C. McDonald** (Cumbernauld, Kilsyth and Kirkintilloch East) (SNP): Yesterday saw even more newspaper revelations about serious problems with COMPASS asylum accommodation contracts in Glasgow, yet emails from senior G4S staff and minutes of Home Office meetings suggest that these contracts are to be extended come hell or high water. Will not the Home Office at least have enough respect to wait for the Select Committee on Home Affairs to complete its inquiry before making any such decisions?

James Brokenshire: We are carefully considering the extension of the existing contracts in accordance with their terms. The introduction of the COMPASS contracts has improved the standards of accommodation, but where there are failings we will take action.

T5. [905343] **Mr Andrew Turner** (Isle of Wight) (Con): Last Monday, my hon. Friend the Member for Reigate (Crispin Blunt) asked how many EU citizens had been deported during the last four years. Now, as I understand it, the question has been answered and we are told that only 102 EU citizens have been deported. Does the Minister acknowledge that the deportation of such a small number is rather poor?

James Brokenshire: I remind my hon. Friend that the Government have removed more than 30,000 foreign national offenders since 2010. The number of offenders from EU countries who have been removed has more than tripled from 1,000 in 2010-11 to more than 3,400 in 2015-16.

Mr Alistair Carmichael (Orkney and Shetland) (LD): The Home Secretary will have seen the recent reports that Eliza Manningham-Buller, when she was head of MI5, wrote to the then Prime Minister protesting about MI6 involvement in rendition. This becomes particularly concerning in view of the reasons given by the Crown Prosecution Service last week for declining to prosecute a senior officer of MI6. Will the Home Secretary confirm that that letter was written by Eliza Manningham-Buller, and will she commit to having it put into the public domain?

Mrs May: The right hon. Gentleman will know that we do not comment on documents that have apparently been leaked from Government. That is the position, as it always has been.

T6. [905344] **Kelly Tolhurst** (Rochester and Strood) (Con): I have been contacted by a number of my constituents who have expressed concerns about the balance between privacy and security in the Investigatory Powers Bill. Will the Home Secretary explain how the implementation of the Bill will provide that balance but will also provide essential protections against terrorism?

Mrs May: My hon. Friend is right to mention this very important Bill. The measures in the Bill are essential to enable both law enforcement and our security and intelligence agencies to protect us from not only terrorism but serious and organised crime, paedophiles and others. I assure her that we are putting in place world-leading

safeguards and oversight arrangements, which will ensure that the balance between privacy and the need to exercise these powers is properly kept.

Several hon. Members rose—

Mr Speaker: If she can ask her question in one short sentence, I shall call Carol Monaghan.

Carol Monaghan (Glasgow North West) (SNP): Will the Secretary of State work with organisations such as the Red Cross to explore alternative ways of submitting family reunion applications, to avoid dangerous journeys to third-party countries?

Mr Speaker: The Minister has less than 15 seconds to respond.

James Brokenshire: I think I can safely say yes.

Mr Speaker: I am extremely grateful to the Minister. This shows what we can do when we try.

In respectful memory of the victims of the homophobic terrorist slaughter in Orlando, I should like to request of colleagues that at 3.30 we observe one minute's silence. Thank you.

3.30 pm

The House observed a minute's silence.

Mr Speaker: Colleagues and all of those observing our proceedings—thank you for that display of respect.

Orlando Attack: UK Security Measures

3.31 pm

Stephen Doughty (Cardiff South and Penarth) (Lab/Co-op) (*Urgent Question*): To ask the Home Secretary to make a statement on the terrorism threat and on wider security measures in the UK in the light of the horrific attacks on the lesbian, gay, bisexual and transgender community in Orlando, USA.

The Secretary of State for the Home Department (Mrs Theresa May): The attacks in Orlando on Saturday night were utterly evil and the Government condemn them completely. At least 49 people were murdered and a further 53 people were injured, many of them seriously. Those people were enjoying a night out when the attacks took place, and our hearts go out to them, their families and their friends. This is the deadliest mass shooting in US history. It was an outrage committed to spread fear and born out of hatred. As President Obama has said, the US authorities are treating it as a terrorist attack and Daesh has claimed responsibility. It is clear that such an attack has its roots in a twisted ideology which counts homophobia as a cornerstone of its warped world view.

This was not just an act of terror, but an act of homophobic hatred and I want to make it clear to all lesbian, gay, bisexual and transgender people in Britain and around the world that we will not tolerate such bigotry and violence. We will work closely with the United States and we will continue to offer them our assistance and support. We stand shoulder to shoulder with our allies and friends in the global fight against terrorism, fear and hatred. As the investigation into the attack continues, more information will emerge. However, we are not aware of any British nationals being caught up in the events on Saturday night. As should be expected in the light of this attack, UK police forces will be further reviewing plans for large-scale and other public events over the coming days and weeks. The police have not advised any organisers to cancel or postpone any LGBT-related events.

Hon. Members will be aware that since the start of 2015 we have seen 16 terrorist attacks in Europe including those in Brussels and Paris, as well as the atrocity in Tunisia, in which British people have been killed or injured. There have also been many attacks further afield, including in Bangladesh over the weekend. In the last 18 months, the police and security services have disrupted seven terrorist plots to attack the UK. All were either linked to or inspired by Daesh and its propaganda. The threat from international terrorism, set independently of Ministers by the Joint Terrorism Analysis Centre, remains at severe, meaning that an attack is highly likely. In March, the murder of prison officer Adrian Ismay reminded us that the threat from Northern Ireland-related terrorism also remains.

Each time I come before the House following a terrorist attack, I do so in the knowledge that people have died and others are suffering. I know that this House, and people around the world of all faiths and none, will want to join me in condemning this attack. This Government are determined to defeat the insidious ideologies that drive extremists. Let us be clear. There can be no justification for the mindless slaughter of innocent people. There can be no hiding place for those

who perpetrate these acts. And there is no doubt that we will fight and that we will prevail against the doctrines of hate and fear that lie behind such attacks.

Stephen Doughty: Thank you, Mr Speaker, for granting this urgent question today. I thank the Home Secretary for her statement.

We think we are making progress, and then we are faced with horrors such as this—an unspeakable act of both homophobia and terror, of murder and of hate, and an attack on the LGBT community, who are now mourning their loved ones in Orlando, and on equal love and equality worldwide. Orlando, we stand with you in this House. I stand with you as a gay man, and I know that millions across this country, of all faiths and of none, will do the same.

For all our progress, far too many around this world suffer death and attack every day in the LGBT community. There have been other attacks in the United States, such as the attempted firebombing in Seattle in 2014 or the horrific death of Matthew Shepard. Many have been thrown off buildings in Syria, whipped and chemically castrated in Saudi Arabia, tortured in Iran or Cameroon, and attacked in Uganda or Ethiopia and by right-wing death squads in Brazil and Mexico, and across many countries in the middle east and Africa—let alone those denied basic rights in so many other countries, and even still in parts of our own.

While our gut instinct is often, quite frankly, to stand up boldly to the homophobes, the transphobes, the haters and the terrorists—to go out in Pride, to go to our clubs and to stand with our partners—many will, understandably, be worried about our own safety. From the horrific Admiral Duncan attacks to the many reported and unreported hate crimes against LGBT+ people in this country, we all know that it could have been us.

I therefore want ask the Home Secretary three specific questions. She has quite rightly acknowledged that homophobia, transphobia and hate appear to have played a key part in this horrific attack, alongside terrorist motives, so will she look carefully at the threats to our own communities from all sources, not least the increase in hate crimes in this country? In 2014-15, there were 5,597 hate crimes against people because of their sexual orientation and 605 against people because of their transgender status. Will she ask all police forces to work closely with their communities, and especially with Prides, to support community safety—not just at specific events, but in the daily fight against hate crime? Will she outline what steps she will take on a pan-European basis to tackle any current or emerging threats, not least to stop the trafficking of assault weapons or any other weapon we have rightly banned in this country but which, tragically, are available in the United States.

Every bit of hate we chip away and replace with love is helping to change our world for the better, so we must never forget that love wins in the end, even in dark, horrific times. We should go out proud and march in Pride, hold hands with our loved ones, kiss them, stand up against the haters, the killers and the bigots, and never forget the slain of Orlando or so many who have stood up bravely in the cause of equality and love throughout our history.

Mrs May: May I commend the hon. Gentleman for the remarks he has just made? He has spoken movingly on this issue, and I am sure the thoughts he has expressed

[Mrs May]

are shared across the whole of this House. He is right: it is not just a question of standing in this Chamber and making statements; it is a question of how we approach these issues more widely, and of what we do in our day-to-day interactions with fellow citizens and other individuals.

The hon. Gentleman asked me three specific questions. Certainly, we of course look at all sorts of threats that could pose a risk to the lives of, or could endanger, our fellow citizens. In relation to hate crime, he is right that the figures have gone up. Certainly, a lot of that will be from increased reporting, and it is important that people have the confidence to feel able to report these crimes. On the other side of it, he mentioned police forces' reaction and interaction with groups, and that is important. It is of course important that the police understand the issues and are able to deal with them appropriately when those crimes are reported to them, and I think progress is being made in that area.

Finally, the hon. Gentleman asked me about firearms. We have been working across the European Union on this issue. An enhanced weapons directive was discussed at the Justice and Home Affairs Council on Friday. We have been encouraging and working with Europol in relation to its work on the trafficking of firearms. The National Crime Agency had a very successful case last year involving the interdiction of firearms, and there have been significant sentences off the back of that case. But, of course, we have to do more. It is important that we work co-operatively with others in looking at where firearms might be originating from, and ensuring that law enforcement agencies are taking appropriate action.

Crispin Blunt (Reigate) (Con): The freedom to be oneself has been hard won in this country over 60 years. As such, freedoms for LGBT people are symbolic of liberty in this country, as indeed is this place, and the armed forces, police services and security services who defend those liberties. Will the Home Secretary ensure that all those symbols of our freedom receive the necessary protection, because undoubtedly they are under threat, as symbols of everything that we have achieved as a country?

Mrs May: My hon. Friend is absolutely right. All those right hon. Members and hon. Members across the House who have stood up and proclaimed themselves as gay are an important symbol of freedom. That has been a very important statement for people outside this House, as well. I believe that we have more openly gay MPs in this House than there are in any other legislative Chamber in the world. That is something to be proud of.

Andy Burnham (Leigh) (Lab): The words of my hon. Friend the Member for Cardiff South and Penarth (Stephen Doughty) were powerful and intensely moving, and will reach well beyond this House. I echo everything that he has just said—and indeed that the Home Secretary has said—in condemning, on behalf of the Opposition, this sickening attack. The grief of the friends and families of those who died will be unbearable, and we send them our deepest sympathy and solidarity at this time.

This was an act of terrorism that targeted the gay community. As such, it brings back memories of the horrific bombing 17 years ago of the Admiral Duncan pub in Soho, in the heart of London's gay village. That too targeted innocent people, and today we think of everyone affected by it.

If yesterday's attack is eventually linked to Daesh, that will raise concerns among the LGBT community here and across the world about their safety. With that in mind, will the Home Secretary assure the House that the police and security services keep the safety of all communities, but the LGBT community in particular, under review? Will she tell us whether she has received any intelligence that something similar might happen here?

Over the weeks ahead, many Pride celebrations are planned across the UK, including large-scale events in London, Brighton and Manchester. People will rightly be concerned about the security of those events. They are planned and staffed by volunteers, and most Pride organisations pay for security themselves from the funds that they raise. Will the Home Secretary ensure that organisers receive updated advice, support and, where necessary, additional security, to provide reassurance that Pride events will be as safe as possible for all those attending this year?

It seems to be a facet of our times that rising hate, discrimination and inflammatory language are re-entering political discourse. Will the Home Secretary say whether she has seen a poster circulated this afternoon by Leave.EU, which sought to use events in Orlando for its own purposes? Will she join me in condemning that highly offensive piece of propaganda?

Terrorists want to divide our communities, and turn one set of people against another. Let everyone in this House say to them today that we will never, ever let them succeed in inciting hatred against the Muslim community or the LGBT community. We celebrate diversity and community in this country. We will not allow the haters and terrorists to foment division. Whatever it takes, we stand resolutely alongside the LGBT community and continue to fight hate and homophobia in all their forms.

Mrs May: The right hon. Gentleman rightly asked me about the police response. As I indicated in my response to the hon. Member for Cardiff South and Penarth (Stephen Doughty), the police's position at the moment is that they have no plans to cancel or postpone any LGBT events due to take place over the coming days and weeks. They will constantly assess that position, and if they need to give additional advice or take additional action, they will of course do so. Local police forces work very closely with Pride organisers to ensure that there is appropriate and proper security for Pride events.

The right hon. Gentleman also asked about the Leave.EU poster. I was shown a picture of it just before I came into the Chamber. I think it is utterly irresponsible. What took place is a terrible and horrific homophobic terrorist attack; attempts to link it into the issue of membership or otherwise of the European Union should rightly be condemned on all sides of this House.

Mr Nigel Evans (Ribble Valley) (Con): My stomach turned when I saw the scenes emerging from Orlando, and the brutal slaughter of so many innocent people,

and I think I speak for the whole House when I say that today we are all LGBT, irrespective of our sexuality. I am reassured by what the Home Secretary said about future festivities and Gay Pride, whether in London or other parts of the United Kingdom. Gay people need to feel safe when they go out in the evening or on festivities, and like many other MPs, I will be going to Soho later this evening to stand vigil in memory of those who were slaughtered.

The Home Secretary rightly spoke about sending a message throughout the world. A couple of years ago I asked for the Gay Pride flag to be flown above embassies and high commissions during Gay Pride Week, but that did not happen. Will she talk to Cabinet colleagues and the Foreign Secretary to see that that does now happen, so that we can send out a message of support for LGBT people throughout the world?

Mrs May: I am happy to raise that matter with the Foreign and Commonwealth Office, and to ask it to look specifically at that proposal.

Mr Speaker: The hon. Gentleman will be reassured to know that the rainbow flag will fly about Portcullis House throughout the appropriate weekend. That was decided some time ago; it is not something that I needed to announce, but it is pertinent to the point he has raised.

Joanna Cherry (Edinburgh South West) (SNP): On behalf of the Scottish National party, I extend my heartfelt condolences to the families and friends of the dead and to the injured in Orlando, and I condemn this terrible outrage unreservedly. I congratulate the hon. Member for Cardiff South and Penarth (Stephen Doughty) on securing this urgent question and on his moving words, and I thank the Home Secretary for acknowledging that these attacks were motivated by homophobia. Does she agree that it is important for everyone to acknowledge that these attacks were motivated by homophobia, both out of respect for the dead and injured, and in recognition of the very real threat of similar attacks on the LGBTI community?

I am proud to be a member of the LGBTI community. In years gone by, and when I came out 30 years ago, we used to be afraid of going into clubs and bars for fear of insults and violence from onlookers. We had hoped that those days were long gone, but this attack shows that there are still those out there who wish to attack our hard-won rights to coexist peacefully. As the Home Secretary will understand, we need to know that the authorities will take particular precautions to protect the LGBTI community from homophobic attacks, especially during the Pride season that is about to start across the United Kingdom. Will she reassure us that those precautions will be taken?

Mrs May: I entirely agree with the hon. and learned Lady, and it is important to recognise the homophobic nature of the attack that took place in Orlando. As I indicated earlier, it is right that the police consider security arrangements for the various Pride events that take place, and they will also assess at local level any other events that take place, or particular venues that are frequented by large numbers of people from the LGBT community. If additional action is necessary, they will of course take it.

Wendy Morton (Aldridge-Brownhills) (Con): The attacks on Saturday were deplorable. Will my right hon. Friend reassure us that although we must remain alert to such attacks, we must not allow them to alarm us and we must continue with our daily lives? The greatest thing that terrorists are looking for is to unnerve us and to spoil what we take to be our normal routines of life.

Mrs May: My hon. Friend is absolutely right. If we ceased to go about our business in the normal way, and if people from any community felt that they could not carry on living their life as they wished to do so, the terrorists will have won. That is why it is so important to be clear in our condemnation of these attacks, and—as has been shown across the House—clear in our intention to fight against the terrible ideology that is fuelling these attacks and to prevail against it.

Keith Vaz (Leicester East) (Lab): The whole House will want to associate itself with the comments of the Home Secretary and shadow Home Secretary. It is early days but claims have been made that the suspect in this terrible attack had been interviewed three times by the FBI. Does the Home Secretary agree that monitoring suspects is the highest possible priority for our security services but that they cannot do it on their own—they need the support of communities—and therefore any information about people behaving in a way that is not in the norm should be reported to the authorities and carefully monitored? The public might not know whether it is important, but the security services certainly will.

Mrs May: The right hon. Gentleman is absolutely correct to say that we need to ensure that information from communities is made available to the authorities, where there are concerns about the behaviour of individuals. As we have seen from attacks in various parts of the world, this is not just about groups of people planning attacks; it can just be about an individual who might show signs, through their behaviour, of a changed attitude and approach. I encourage communities, where they have concerns, to make those views known to the authorities, so that, even if there is nothing of concern, at least it can be looked at and that that can be ensured.

Sir Alan Duncan (Rutland and Melton) (Con): As the first openly gay Conservative MP, may I welcome the absolute and total unanimity of the House in sending a message of support and sympathy to the victims and the people of Orlando? May we hope that America is listening and fully understands the genuine nature of what we are trying to say!

Mrs May: I absolutely commend my right hon. Friend for his remarks. He took an important step many years ago—I remember because I was party chairman at the time. It was a significant step for him, for the Conservative party and for politics in general in the UK. As he says, our thoughts are with the people of Orlando at this time.

Mr Speaker: If memory serves me, it was in July 2002, so the 14th anniversary thereof will soon be upon us.

Mr Alistair Carmichael (Orkney and Shetland) (LD): The intended targets of this vicious and homophobic attack might have been the LGBT community of Orlando, but we should regard it as an attack on us all. In a free

[Mr Alistair Carmichael]

society, when a group is attacked because they are different and a minority, it is an attack on us all, and that is how we should see it. This is a time for mourning, but that time will pass eventually, and when it does, should the opportunity present itself to the Home Secretary, I hope that she will say, as a candid friend to our friends in America, that they really need to look again at the availability of guns in their country.

Mrs May: The right hon. Gentleman is right that this was an attack on the values we all share and an attempt to create division and hatred in society and between communities. We must all resist and fight against that and ensure that communities can come together with one voice and condemn such attacks. I think he will find that many people will be raising the issue of gun control in the United States.

Iain Stewart (Milton Keynes South) (Con): One of the most poignant comments I have read on the atrocity in Orlando came from the mother of a young man who is currently unaccounted for. She said: “We have relatively few years on this planet. Why do we spend so much time hating each other?” This atrocity has a terrorist link, but so many attacks on us do not. Will the Home Secretary reassure me that she will work with colleagues in Government to do everything possible across government to stamp out homophobia and transphobia through things such as school anti-bullying programmes? It is so important.

Mrs May: My hon. Friend is absolutely right: this issue has a wider resonance, and we must do everything we can. Much has already been done but I suggest that we will never be able to say that we have done all the work we need to. Throughout the education system and in our attitudes and approaches as a Government and as politicians, we must show that we are all one community and that we must resist those who attempt to divide us and sow hatred, of whatever sort, in our communities.

Jim Shannon (Strangford) (DUP): I want to express the sympathies of the Democratic Unionist party; our thoughts and prayers are very much with those affected by this dreadful atrocity. I commend the work of those on the ground who offered first aid and tried to prevent more deaths. The FBI had marked Omar Mateen as presenting a low security risk, and did not know that he would carry out unspeakable murder. This is the latest example of people who are only noted on the radar but then go on to commit murder or join Daesh. Those known to the security services, but who are seen as a low-security risk, are, more than ever, resorting to wicked and evil criminality. Is it now time to review the security system, especially with respect to those who feature on the so-called lower levels?

Mrs May: The hon. Gentleman is right. The job done by the security services, day in and day out, is a difficult and complex one. By definition, they have to decide who presents the greatest risk of taking action, but the task is made more difficult by the fact that people simply sitting at home, looking at things on the internet, can then be inspired to go out and commit terrible atrocities. It is a job that our security services and law

enforcement agencies do very well every day of the week. They keep us safe, and I think Members should thank them and show our gratitude to them for all they do.

Kevin Foster (Torbay) (Con): I am sure the Home Secretary will agree that using this incident as means of debating border controls ignores the fact that this was an attack in the United States by a US citizen who was able to give vent to his murderous hatred because of the availability of firearms that results from the lack of US gun control. Does she agree that the key is to tackle the sort of ignorance that drives the prejudice that turns into hatred, and that our Government will continue to do that in this country?

Mrs May: My hon. Friend puts it extremely well. He is absolutely right that dealing with that level of ignorance is crucial to ensuring that we do not see these sorts of attitudes and that we are able to deal with them.

Mr David Winnick (Walsall North) (Lab): On gun controls, are we not fortunate that legislation was brought in during the closing years of the last century, which has, to say the least, been very good for the country? I am glad that the Home Secretary mentioned Bangladesh. Is it not the case that in recent weeks, gays, atheists and free thinkers have all been murdered? While deploring the terrible atrocity that happened in the US on Sunday, we should not forget for a moment what has been happening in Bangladesh and other places—people murdered by Islamists just because those Islamists disagree with their sexuality or lack of religion, as the case may be.

Mrs May: The hon. Gentleman is absolutely right. We have some of the toughest, if not the toughest, gun controls in the world. Those, of course, were born out of tragedy here in the United Kingdom. The hon. Gentleman is also right that although the size of the attack in Orlando was significant—the biggest loss of life in a mass shooting in the US—atrocities are also being undertaken elsewhere in the world in the name of this terrible warped Islamist ideology. That is why it is so important for us to defeat that ideology.

Cat Smith (Lancaster and Fleetwood) (Lab): Homophobia can, sadly, be part of the daily reality for LGBT people at home and abroad. What makes this attack particularly upsetting is that it took place in a gay club—a place where LGBT people can feel safe to love the person they love quite publicly. As we approach Pride season, what reassurance can the right hon. Lady give my constituents that it is safe to take part in the celebrations of our diverse community? What conversations is she having with the Secretary of State for Education to tackle homophobia in schools and to have comprehensive sex and relationships education that says love is stronger than hate?

Mrs May: I can give the reassurance again that the police will, of course, be making very careful assessments of security issues relating to events in particular, but also venues, for people from the LGBT community. Obviously, if any specific action is necessary, they will take that action.

The Secretary of State for Education was present earlier, and will have heard some of the questions that have been asked. She is also the Minister for Women and Equalities and I know that she takes her responsibility for equalities very seriously. I used to have that responsibility myself, and I can assure the hon. Lady that in considering issues relating to those who wish to divide our communities and sow hatred, we work very closely with the Department for Education.

Angela Crawley (Lanark and Hamilton East) (SNP): May I associate myself with the Home Secretary's comments and those of other Members? As an out and proud gay woman, I know that the atrocities in Orlando were directed at members of the LGBT community—my community; our communities. This act of clear homophobic hate crime in Orlando must be challenged. It is a stark reminder of the prejudice and discrimination that lesbian, gay, bisexual, transgender and intersex people continue to face. It serves to remind us how far we have come, and how far we still have to go. Does the Home Secretary agree that we must make every effort to challenge all forms of homophobic hate crime, and must agree that #loveislove?

Mrs May: I entirely agree with the comments that the hon. Lady has put on the record. I think it important for all of us to take that message out and about, and for the whole House to make it clear that, as she has said, we absolutely condemn this sort of hatred.

Wes Streeting (Ilford North) (Lab): In my constituency, Muslims do not murder gay people; they elect them.

I know that I speak on behalf of all the diverse faith communities in my constituency in expressing my solidarity with the LGBT community in Orlando. The truth is, however, that this attacker was not a lone wolf when it comes to hatred of LGBT people. It may be an uncomfortable truth for some people in this country and around the world, but the fact that he carried bullets does not mean that the prejudice that they carry makes them any better.

May I ask the Home Secretary to work with the Secretary of State for Education to ensure that the excellent work that is taking place in schools to tackle homophobic and transphobic bullying continues, and is built on further to ensure that all children, irrespective of their backgrounds and the types of school that they attend, are taught that in this country, in standing up for human rights, we do not tolerate or in any way accept discrimination against people on the basis of their sexual orientation or gender identity?

Mrs May: The hon. Gentleman is absolutely right. We must ensure—and this is part of the work that the Government are trying to do in the Home Office, in the Department for Education and elsewhere—that we send that clear message about the values that underpin our society here in the United Kingdom and make it such a great place to live, one of which is absolute respect for everyone, regardless of their sexuality, background, ethnicity, faith or none. It is important for us to ensure that those are the values that are being taught.

Fiona Mactaggart (Slough) (Lab): The Home Secretary has, I think, expressed the views of us all. The unanimity of the House has been impressive, and I think we should communicate that to all the people who have lost loved ones in this atrocity.

It is true that the motivation for the outrage was hatred and terror, but what enabled it to happen was the availability of guns. More American citizens have been murdered in mass shootings than all the Americans who were killed in wars between the end of the civil war and the war in Iraq. Will the Home Secretary personally commit herself to conveying to the American Government our fear that if they continue not to act, they will lose more of their citizens to this hatred and terror?

Mrs May: The right hon. Lady is absolutely right. Gun availability is an important part of the overall issue. As I said earlier, we hear many voices in the United States—sadly—on both sides of the argument, because there are those who strongly claim that the right to carry arms should enable guns of this sort to be more freely available and ever present. I should be happy to raise the issue with the American Administration, because I think it important that we can see the dangers. We have suffered a tragedy here that led to the tightening of our gun laws, and I think we are all grateful for the fact that we now have the toughest, or some of the toughest, gun laws in the world.

John Nicolson (East Dunbartonshire) (SNP): I am a gay man, and let us all say unambiguously what happened in Orlando yesterday: it was a premeditated slaughter of gay people because they were gay by a man who we are told had been outraged because he recently saw two men kissing. It was the worst mass killing of gay people in our lifetime. Does the Home Secretary agree that homophobia is not intrinsic to the human condition? It is too often taught in homes, in school classrooms and playgrounds and in places of worship. Anyone who has ever winced when they saw two men kissing, muttered loathing when they saw two women holding hands or who has invoked God in justification for a human prejudice is complicit in creating a climate of poisonous intolerance. Will the Home Secretary therefore agree that love and tolerance should serve as the epitaph for those who have died so monstrously?

Mrs May: The hon. Gentleman is right, and I think we should take that message of love and tolerance, and we should be very clear that we condemn these sorts of prejudices that, as he says, can be taught and encouraged and sadly in some places are being taught and encouraged. They are not part of the society that we wish to live in, the values we share and the tolerance and respect for others that we want to see across the whole of the United Kingdom.

Derek Twigg (Halton) (Lab): I want to place on record my condemnation of the terrible attacks in Orlando. It seems that ISIS is being pushed back in certain parts of the middle east and we are seeing fighters fleeing from its strongholds, a number of whom are coming across to Europe, and some may come back to the UK. Given that, is the Secretary of State satisfied that extra measures are in place to deal with this possible influx of additional ISIS fighters coming back to Europe and that co-operation is of a sufficient level with other European countries?

Mrs May: Yes, of course we look at people who are returning on a case-by-case basis to see what action is necessary. We increased the powers of the police in the

[Mrs May]

Counter-Terrorism and Security Act 2015, not least with the temporary exclusion orders that enable the police to work with other countries, in Europe particularly, and with places in the UK where someone might be returning to from Syria. They help to manage the return of any such individuals, and we do co-operate very closely with EU colleagues on these matters.

Mrs Sharon Hodgson (Washington and Sunderland West) (Lab): In the light of this horrific homophobic attack in Orlando, will the Home Secretary urgently support the call from across the House for compulsory sex and relationships education in all our schools, to educate everyone that love is love and it is okay to be yourself? No one should fear coming out or being themselves, especially after this horrific event, so does she agree that we need to take every opportunity to educate our children so that extremist prejudice does not take hold?

Mrs May: It is very important in education to make sure that we do everything we can to see that extremist prejudice does not take hold. This is something that I know the Secretary of State for Education is looking at very closely.

Diana Johnson (Kingston upon Hull North) (Lab): The Defence Secretary has written to me to say that 850 UK-linked individuals of national security concern have travelled to take part in the Syrian conflict and just under half have returned. In light of the Home Secretary's answer to my hon. Friend the Member for Halton (Derek Twigg), could she say how many of those over 400 citizens are on that managed return scheme she talked about, making sure we know who they are talking to and what they are doing?

Mrs May: I fear that there may be a misunderstanding of what the managed return scheme is about: that is about the managed return of an individual where it is felt necessary to manage their return across the border. The issue of what action is taken for an individual once they have returned to the UK, which is determined on a case-by-case basis, is a separate matter.

Dr Lisa Cameron (East Kilbride, Strathaven and Lesmahagow) (SNP): I would like to associate myself with the collegiate views of this House. Given the atrocity in Orlando, home-grown terrorism has been recognised as a significant risk. Reports indicate that radicalisation may be occurring in UK prisons, with young men who have histories of violence. What policies are being introduced to address this very important issue?

Mrs May: My right hon. Friend the Secretary of State for Justice has initiated a review of the issue of extremism in prisons, and the Home Office will be working with the Ministry of Justice when it is possible to work on the recommendations from that review. We are all very clear that, in an environment where it is possible for terrorist offenders to come into contact with serious and organised criminals, it is important to

ensure not only that that is managed very carefully, but that we deal with the potential for radicalisation and extremism.

Mike Gapes (Ilford South) (Lab/Co-op): A number of countries have sent messages of solidarity with the United States and the people of Orlando, but some of those countries, including Egypt and Saudi Arabia, themselves have the death penalty for homosexuality and have arrested hundreds of people in the past two years. Is it not time that all those countries came into the 21st century and recognised that they have to match their words with deeds and legislation?

Mrs May: I am very clear in my views—and I am sure other Members of this House are clear in theirs—on issues associated with the death penalty, including the death penalty for the sort of issue the hon. Gentleman has raised. This is of course a matter for those countries themselves, but these subjects are regularly raised by British Ministers when they are in discussion with those countries.

Stewart Malcolm McDonald (Glasgow South) (SNP): May I begin by thanking you, Mr Speaker, for the extraordinary leadership you have shown, not only on the back of these events, but more widely, with the way in which you have absolutely established yourself as a friend of the LGBT community? The ostentatious flair of my community may be slightly restrained for the next few days as we think of those who were needlessly taken from us, but despite that the rainbow flag still flies high and proud over Pride season. It flies high because too long has passed between now and the days gone by when we spent time living anonymously and in fear. Solidarity is stronger than fear, so will the Home Secretary join me in encouraging all our friends and allies around the country to go to a Pride march this summer, to give money to an LGBT charity, to stand up for the kid in your school who is being picked on? Those kinds of acts, I promise, you will not regret.

Mrs May: The hon. Gentleman raises an important point, which goes to the heart of the initial comments made by the hon. Member for Cardiff South and Penarth (Stephen Doughty), who said that it is not just about standing up and saying things—it is actually about doing as well. There are many ways in which people can show their solidarity with members of the LGBT community, and I would encourage them to do so.

Mr Speaker: I thank the hon. Member for Cardiff South and Penarth (Stephen Doughty), the Home Secretary, the shadow Home Secretary, the spokesperson for the Scottish National party and all colleagues for what they have said over the past 40 minutes or so and for the obviously sincere, eloquent and compelling way in which they have said it. I hope that in the light of the sentiments expressed by colleagues, they will approve when I say that, on their behalf and in all of our names, I intend to write to the Mayor of Orlando. In doing so, I write both to convey our profound shock and absolute sympathy, and to underline the fact of our complete solidarity with the LGBTI community in Orlando, with the LGBTI community across the United States, and indeed with all the people of the United States at this exceptionally difficult and trying time.

Point of Order

4.13 pm

Ian Blackford (Ross, Skye and Lochaber) (SNP): On a point of order, Mr Speaker. I am delighted to see the Minister for Immigration in his place, because I wish to refer to his response to an urgent question on 26 May. When he responded to me, he indicated in good faith that the Brain family had come to the United Kingdom after the post-study work visa had been removed. I wish to ask him to clarify his remarks, because the family were granted a visa to come to the United Kingdom on 20 December 2010—before the post-study work visa had expired. That is a crucial point, because I have always argued that the family should be given the right to work here while they fulfil the demands of the tier 2 work visa, and that point is instrumental to the case that they are bringing. I ask your forbearance, Mr Speaker, as I seek to bring this matter to the attention of the House and have the Minister correct the record, if he is prepared to do so.

Mr Speaker: I have sought to display my usual generosity of spirit to an exceptionally dedicated and assiduous constituency Member, which the hon. Gentleman undoubtedly is. However, I hope that he will take it in the right spirit if I say that that was not a point of order. Moreover, it was patently not addressed in any meaningful sense to, and could not be intended for, the Chair. It was really a request to the Minister on the Treasury Bench. Accordingly, it is best communicated directly to the Minister in writing or through a meeting, rather than across the Floor of the House. On this one occasion, and this one occasion only—I realise the seriousness of the matter—I will say that if the Minister wants very briefly to respond, even if only to indicate a willingness to engage, so be it, but he is under no obligation to do so. In future, the hon. Gentleman should give me notice of an intention to raise such a point of order, in which case I will wisely counsel him against doing so.

James Brokenshire: Further to that point of order, Mr Speaker. I am content to write to the hon. Gentleman in respect of the point that he has raised so that I am able to consider it properly.

Mr Speaker: I hope that the hon. Member for Ross, Skye and Lochaber (Ian Blackford) is satisfied for now.

Policing and Crime Bill

[2ND ALLOCATED DAY]

Further consideration of Bill, as amended in the Public Bill Committee.

New Clause 48

INSPECTION OF FIRE AND RESCUE AUTHORITIES

“(1) The Fire and Rescue Services Act 2004 is amended as follows.

- (2) In section 28 (inspectors), before subsection (1) insert—
- ‘(A1) Her Majesty may appoint such number of inspectors of fire and rescue authorities in England (the ‘English inspectors’) as the Secretary of State may determine.
- (A2) Of the persons appointed under subsection (A1) one is to be appointed as the chief fire and rescue inspector for England.
- (A3) The English inspectors must inspect, and report on the efficiency and effectiveness of, fire and rescue authorities in England.
- (A4) The English inspectors must carry out such other duties for the purpose of furthering the efficiency and effectiveness of fire and rescue authorities in England as the Secretary of State may from time to time direct.
- (A5) The chief fire and rescue inspector for England may appoint assistant inspectors and other officers for the purpose of assisting the English inspectors.
- (A6) When carrying out an inspection under subsection (A3) of a fire and rescue authority created by an order under section 4A, an English inspector must not review or scrutinise decisions made, or other action taken, by the fire and rescue authority in connection with the discharge of an excluded function.
- (A7) For the purposes of subsection (A6), the following are excluded functions in relation to a fire and rescue authority—
- (a) the function of preparing a fire and rescue plan and a fire and rescue statement (within the meaning of Schedule A2);
- (b) the functions that the authority has in its capacity as a major precepting authority for the purposes of Part 1 of the Local Government Finance Act 1992;
- (c) the function of appointing a chief finance officer under section 4D(4);
- (d) where functions of the authority have been delegated to a chief constable under an order under section 4H, the functions conferred on the authority by section 4J(4) and (5);
- (e) functions specified, or of a description specified, in relation to that authority in an order made by the Secretary of State.
- (A8) The power under subsection (A7)(e) may be exercised in relation to—
- (a) all fire and rescue authorities created by an order under section 4A,
- (b) a particular fire and rescue authority created by an order under section 4A, or
- (c) a particular description of fire and rescue authorities created by an order under section 4A.
- (A9) Schedule A3 makes further provision in relation to the English inspectors.’
- (3) In section 28, in subsection (1)(a), after “fire and rescue authorities” insert “in Wales”.
- (4) After section 28 insert—

“28A Inspection programme and inspection framework etc: England

- (1) The chief fire and rescue inspector for England must from time to time prepare—
- a document setting out what inspections of fire and rescue authorities in England the English inspectors propose to carry out under section 28(A3) (an ‘inspection programme’);
 - a document setting out the manner in which the English inspectors propose to carry out the function conferred on them by section 28(A3) (an ‘inspection framework’).
- (2) The chief fire and rescue inspector for England must obtain the approval of the Secretary of State to an inspection programme or inspection framework before the English inspectors act in accordance with it.
- (3) The Secretary of State may at any time require the chief fire and rescue inspector for England to carry out, or arrange for another English inspector to carry out, an inspection under section 28(A3) of—
- a fire and rescue authority in England;
 - all fire and rescue authorities in England;
 - all fire and rescue authorities in England of a particular type.
- (4) A requirement imposed under subsection (3) may limit the inspection to a particular matter.
- (5) The chief fire and rescue inspector for England or, at the request of that inspector, any other English inspector may carry out an inspection under section 28(A3) of a fire and rescue authority in England that has not been set out in an inspection programme (and has not been required under subsection (3)).
- (6) Before deciding to carry out, or to request another English inspector to carry out, an inspection of a fire and rescue authority in England that has not been set out in an inspection programme, the chief fire and rescue inspector for England must consult the Secretary of State.
- (7) Nothing in an inspection programme or inspection framework is to be read as preventing an English inspector from making a visit without notice.
- (8) In this section ‘English inspector’ means an inspector appointed under section 28(A1).”
- (5) After section 28A (as inserted by subsection (4)) insert—

“28B Publication of inspection reports etc: England

- (1) The chief fire and rescue inspector for England must arrange for a report prepared under section 28(A3) to be published in such manner as appears to him or her to be appropriate.
- (2) But the chief fire and rescue inspector for England must exclude from publication under subsection (1) anything that he or she considers—
- would be against the interests of national security, or
 - might jeopardise the safety of any person.
- (3) The chief fire and rescue inspector for England must—
- send a copy of the published report to the Secretary of State, and
 - disclose to the Secretary of State anything excluded from publication by virtue of subsection (2).
- (4) The chief fire and rescue inspector for England must in each year submit to the Secretary of State a report on the carrying out of inspections under section 28(A3) (during the period since the last report).
- (5) A report under subsection (4) must include the chief fire and rescue inspector for England’s assessment of the efficiency and effectiveness of fire and rescue authorities in England for the period in respect of which the report is prepared.

- (6) The chief fire and rescue inspector for England must lay before Parliament a copy of a report submitted under subsection (4).

- (7) In this section ‘English inspector’ means an inspector appointed under section 28(A1).”

(6) In Schedule A2 (application of legislation relating to police and crime commissioners) (as inserted by Schedule 1 to this Act), in paragraph 8(2) (powers of police and crime panels: modifications of section 28 of the Police Reform and Social Responsibility Act 2011), after paragraph (c) insert—

“(ca) the references in subsection (6) to the commissioner’s functions were to the functions of the relevant fire and rescue authority that are excluded functions for the purposes of section 28(A6) of this Act (see section 28(A7)).”

(7) After Schedule A2 insert the new Schedule A3 set out in Schedule (Schedule to be inserted as Schedule A3 to the Fire and Rescue Services Act 2004) to this Act.

(8) A person appointed, before the coming into force of this section, under section 28 of the Fire and Rescue Services Act 2004 for the purpose of obtaining information in relation to the functions of fire and rescue authorities in England (including a person taken to have been so appointed by virtue of subsection (3) of that section) is to be taken—

- if an inspector, to have been appointed under subsection (A1) of that section, and
- if an assistant inspector or other officer, to have been appointed under subsection (A5) of that section.”

—(Mike Penning.)

The new clause amends, in relation to England, the provision in the Fire and Rescue Services Act 2004 about inspections. New subsections (A1), (A2) and (A5) change the process for appointing inspectors, assistant inspectors and other officers and provide for one of the inspectors appointed to be the chief fire and rescue inspector for England. That person will have to prepare documents setting out details of proposed inspections (see new section 28A). New section 28B of the 2004 Act will impose new reporting requirements

Brought up, and read the First time.

4.16 pm

The Minister for Policing, Fire, Criminal Justice and Victims (Mike Penning): I beg to move, That the clause be read a Second time.

Mr Speaker: With this it will be convenient to discuss the following:

Government new schedule 1—*Schedule to be inserted as Schedule A3 to the Fire and Rescue Services Act 2004.*

Government new clause 30—*Public records.*

New clause 63—*Police and Crime Commissioners: parity of funding between police and families at inquests—*

“(1) A police and crime commissioner has the duties set out in this section when the police force they are responsible for is a Properly Interested Person for the purposes of—

- an inquest into the death of a member of an individual’s family, or
- an inquest into the deaths of members of a group of families,

under the Coroners Act 1988.

(2) The police and crime commissioner must make recommendations to the Secretary of State as to whether the individual’s family or the group of families at the inquest require financial support to ensure parity of legal representation between parties to the inquest.

(3) If a police and crime commissioner makes a recommendation under subsection (2) then the Secretary of State must provide financial assistance to the individual’s family or the

group of families to ensure parity of funding between families and the police.

(4) The individual's family or the group of families may use funding authorised under this section solely for the purpose of funding legal representation at the inquest."

This new clause would put into law the principle of parity of funding between police and families at inquests. It would ensure that funding to a bereaved family, or a group of bereaved families, for purposes of legal representation during an inquest is an amount broadly equal to the level of funding that the police force receives. This new clause seeks to place an obligation on the PCC to recommend to the Home Secretary as to whether a bereaved family, or a group of bereaved families requires funding to support their legal representation at the inquest. The Home Secretary must provide such funding if it is recommended.

New clause 64—Police complaints and the media—

"(1) Subject to subsection (3), the Prime Minister must commission an independent inquiry into the operation of the police complaints system in respect of relationships between the police and media.

(2) The inquiry must include, but is not limited, to—

- (a) how adequately police forces investigated complaints about police officers in dealing with people working within, or connected to, media organisations,
- (b) the thoroughness of any reviews by police forces into complaints specified in subsection (a),
- (c) in the cases where a complaint in subsection (a) led to a criminal investigation, the conduct of prosecuting authorities in investigating the allegation,
- (d) the extent to which police officers took illegal payment to suppress investigations of complaints of relationships between police officers and people working within, or connected to, media organisations,
- (e) the implications of subsections (a) to (d) for the relationships between media organisations and the police, prosecuting authorities, and relevant regulatory bodies, and recommended actions.

(3) The inquiry can only commence once the Secretary of State is satisfied that it would not prejudice any ongoing relevant legal cases."

This new clause would compel the Prime Minister to instigate an independent inquiry such as Leveson 2 into the relationships between the press and police and the extent to which that has operated in the public interest.

New clause 65—IPCC functions following complaints about the police's handling of an event which has led to large scale loss of life—

"(1) The Independent Police Complaints Commission (the 'Commission') shall undertake the functions set out in subsection (3) to (5) when—

- (a) there has been an event which has led to large scale loss of life, and
- (b) the conditions in subsection (2) have been met.

(2) Subsection (1) applies when, for that event—

- (a) the Commission has received complaints of a serious nature about the actions of the police either before, during or in response to the event, or as part of a police investigation into the event,
- (b) the Commission has been asked to undertake such action by fifty per cent plus one or more of the total of—
 - (i) representatives of those deceased due to the event, and
 - (ii) any injured survivors of the event.

(3) The Commission shall report to the individuals identified in section 2(b) during any police investigation into the disaster regarding the progress of the investigation, and how the individuals identified in section 2(b) can assist with it, including, if there are no lawyers representing the individuals identified in section 2(b), the implications of engaging lawyers at that stage.

(4) Following a further request to the Commission by fifty percent plus one or more of the representatives of those deceased due to the event, the Commission shall set up a panel (the "Commission's Panel") which shall register as a data controller under the Data Protection Act 1998 and review all documentation relating to the event, the deceased and the representatives and report thereon.

(5) In establishing the Commission's Panel under subsection (4), the Commission must consult the individuals identified in subsection 2(b).

(6) The Secretary of State must lay a copy of the report in subsection (4) before Parliament.

(7) While a review under subsection (4) is in progress, the Commission's Panel must report to the individuals identified in section 2(b) every three months on the progress of the review."

Government amendments 85, 22 to 30, 86, 87 and 31.

Amendment 126, in clause 27, page 42, line 38, leave out from "(a)" to end of subsection, and insert—

"(iii) but the period between the allegation first coming to the attention of a person mentioned in paragraph (a) and any initiation of disciplinary proceedings does not exceed the period specified in the regulations.

(3A) The regulations under this section must specify that there is no maximum period time after which historic allegation of misconduct cannot be investigated for cases which meet the following conditions—

- (a) the case involves allegations of gross misconduct,
- (b) the case is certified by the Secretary of State to be liable to lead to serious loss of confidence in the police service and the Secretary of State determines that investigating and, if appropriate, hearing the case is necessary and proportionate.

(3AA) The provisions of this section apply where the alleged misconduct, inefficiency or ineffectiveness took place prior to this Act coming into force.

(3AB) Regulations under this section must include sanctions for disciplinary proceedings in respect of a person defined under subsection (3A)."

This amendment would provide for disciplinary proceedings to take place a specified period after the allegation first comes to light, instead of a limit based on when the person concerned left a police force. It would also provide for this time period to be extended in cases of serious misconduct. It would also allow for proceedings to apply to retrospective cases and provides for sanctions for disciplinary proceedings.

Amendment 127, in clause 31, page 48, line 24, after "the", insert "Independent".

This amendment would retain the word "Independent" in the Office for Police Conduct (the new title for the current Independent Police Complaints Commission).

Amendment 128, page 48, line 28, after "The", insert "Independent".

Please see explanatory statement for Amendment 127.

Amendment 129, page 48, line 33, after "the", insert "Independent".

Please see explanatory statement for Amendment 127.

Amendment 131, page 49, line 6, leave out subsection (6) and insert—

"(6) In subsection leave out "chairman of the Commission, or as another member of the Commission" and insert "Director General, or as another member of the Office".

This amendment would ensure that both the Director General of the Independent Office for Police Conduct, and any member of the Office, must not have held any of the roles set out in Section 9(3) of the Police Reform Act 2002.

Amendment 130, page 49, line 14, after "the", insert "Independent".

Please see explanatory statement for Amendment 127.

Government amendments 32 to 61, 88, 63 to 84 and 14 to 17.

Government new clause 49—*Retention of fingerprints and DNA profiles: PACE.*

Government new clause 50—*Retention of fingerprints and DNA profiles: Terrorism Act 2000.*

Government new clause 51—*Extension of cross-border powers of arrest: urgent cases.*

Government new clause 52—*Cross-border enforcement: powers of entry to effect arrest.*

Government new clause 53—*Cross-border enforcement: minor and consequential amendments.*

New clause 12—*Deaths in custody: mental health—*

“(1) Section 1 of the Coroners and Justice Act 2009 is amended as follows.

(2) In Section 1(2)(c), at end insert ‘other than while deprived of their liberty under Schedule A1 to the Mental Capacity Act 2005.’”

New clause 22—*Surrender of travel documentation—*

“(1) This section applies where—

- (a) a person is arrested under section 24 of the Police and Criminal Evidence Act 1984, or under article 26 of the Police and Criminal Evidence (Northern Ireland) Order 1989 (S.I. 1989/1341 (N.I.12) S.I. 1989/1341 (N.I.12), in respect of an offence mentioned in section 41(1) or (2) of the Counter Terrorism Act 2008,
- (b) the person is released without charge and on bail under Part 4 of the 1984 Act or (as the case may be) Part 5 of the 1989 Order, and
- (c) the release on bail is subject to a travel restriction condition.

(2) If police are satisfied that a person is in possession of travel documents, as a pre-condition of release from custody, the person must surrender their travel documentation.”

This amendment would require terrorist suspects to surrender passports and any other travel documentation as a condition of release from custody.

New clause 23—*Powers to require removal of disguises—*

“(1) The Criminal Justice and Public Order Act 1994 is amended as follows.

(2) Omit section 60AA (Powers to require removal of disguises) and insert—

‘Section 60AA Powers to require removal of disguises.’

- (1) Where a constable in uniform reasonably believes that an offence has been, or is being, committed he may—
 - (a) require any person to remove any item which the constable reasonably believes that person is wearing wholly or mainly for the purpose of concealing his identity;
 - (b) seize any item which the constable reasonably believes any person intends to wear wholly or mainly for that purpose.
- (2) A person who fails to remove an item worn by him or her when required to do so by a constable in the exercise of his power under this section shall be liable, on summary conviction, to imprisonment for a term not exceeding one month or to a fine not exceeding level 3 on the standard scale, or to both.
- (3) The powers conferred by this section are in addition to, and not in derogation of, any power otherwise conferred.
- (4) This section does not extend to Scotland.”

This new clause would remove the requirement for prior authorisation in existing section 60AA so that where a constable reasonably believes that an offence has been, or is being, committed they may require the removal of items where they are used wholly or mainly for the purpose of concealing identity.

New clause 24—*Access to Independent Mental Health Advocates—*

“(1) A person detained in a place of safety under section 135 or 136 of the Mental Health Act 1983 shall have the right to an independent mental health advocate (see section 130A of the Mental Health Act 1983).”

This new clause would extend the right to an independent mental health advocate to those detained under sections 135 or 136 of the Mental Health Act 1983.

New clause 25—*Child sexual exploitation: duty to share information—*

“The local policing body that maintains a police force shall have a duty to disclose information about children who are victims of sexual exploitation or other forms of abuse to relevant child mental health service commissioners in England and Wales.”

This new clause would place a duty on local police forces to store information with their local commissioners of child and adolescent mental health services (CAMHS) to improve local commissioning of mental health support for victims of child sexual exploitation.

New clause 26—*Detention under the Mental Health Act 1983: training—*

“(1) The chief police officer of every police force must ensure that provision is made for training police officers in the exercise the powers granted to them by sections 136 and 137 of the Mental Health Act 1983.

(2) The training provided under subsection (1) must include material on—

- (a) diversity and equality, and
- (b) cultural issues that police officers should be aware of when exercising power under the Mental Health Act 1983.

(3) The chief police officer of each police force must make an annual report to the Home Secretary on the provision they have made to comply with the requirements of this section.”

This new clause would require each police force to provide its officers with training on how to exercise power under the Mental Health Act, with particular reference to diversity issues.

New clause 29—*Access to legal advice—*

“(1) A person detained against their will in a place of safety under section 135 or 136 of the Mental Health Act 1983 shall have the right to ask for and receive independent legal advice.”

This new Clause would ensure the individual detained under section 135 or 136 of the Mental Health Act has access to legal advice.

New clause 40—*Disallowing use of tasers on psychiatric wards—*

“A police officer may not use a taser or electroshock weapon during a deployment on a psychiatric ward.”

This new clause would prohibit the use of tasers by police officers on psychiatric wards.

New clause 42—*Deployment of police officers on psychiatric wards: reporting—*

“(1) Any incident of police officers being deployed on a psychiatric ward must be reported to the Home Secretary by the chief police officer of the relevant force within one week of the incident.

(2) The report under subsection (1) must contain the following information—

- (a) the nature of the incident,
- (b) the number of police officers who were deployed,
- (c) the actions taken by the officers during their deployment, and
- (d) the outcome of the incident.”

This new clause would require the Home Secretary to be notified whenever police officers are deployed on psychiatric wards.

New clause 43—*Use of tasers on psychiatric wards: reporting*—

“(1) Any incident of a police officer using a taser during a deployment on a psychiatric ward must be reported to the Home Secretary by the chief police officer of the relevant force within one week of the incident.

(2) The report under subsection (1) must contain the following information—

- (a) the reason for the use of the taser,
- (b) the action taken following the use of the taser, and
- (c) the process that will be followed for reviewing the incident.”

This new clause would require the Home Secretary to be notified whenever a police officer uses a taser on a psychiatric ward.

New clause 45—*Child sexual exploitation: assessment of needs for therapeutic support*—

“(1) Where the police or a local authority have a reasonable belief that a child has been sexually exploited or subject to other forms of child abuse, the police or local authority must refer the child to a named mental health service.

(2) The named mental health service must conduct an assessment of the child’s needs and where appropriate make necessary arrangements for the child’s treatment or care.

(3) The Secretary of State must by regulations—

- (a) define ‘named mental health service’ for the purpose of this section;
- (b) specify a minimum level of “necessary arrangements” for the purpose of the section.”

This new clause would place a duty on the police or local authority to ensure that children who are believed to have experienced sexual abuse or exploitation are referred to an appropriate mental health service for assessment and appropriate support.

New clause 58—*Prohibition on using a person’s home as a place of safety*—

“(1) The Mental Health Act 1983 is amended as follows.

(2) In section 136, leave out subsection (1) and insert—

- “(1) If a person appears to a constable to be suffering from mental disorder and to be in immediate need of care or control, the constable may, if he thinks it necessary to do so in the interests of that person or for the protection of other persons—
 - (a) remove the person to a place of safety within the meaning of section 135, or
 - (b) if the person is already at a place of safety within the meaning of that section, keep the person at that place or remove the person to another place of safety.
 - (c) For the purposes of this subsection, a suitable place as defined by section 135(6) shall not include a house, flat or room where a person is living.”

This amendment would prevent a person’s home from being used as places of safety for the purposes of section 136 of the Mental Health Act 1983.

New clause 59—*Detention under the Mental Health Act 1983: Access to an appropriate adult*—

“(1) A person detained in a place of safety under section 135 or 136 of the Mental Health Act 1983 shall have the right to an appropriate adult.

(2) For the purposes of subsection 1, ‘appropriate adult’ means:

- (a) a relative, guardian or other person responsible for the detained person’s care;
- (b) someone experienced in dealing with mentally disordered or mentally vulnerable people but who is not a police officer or employed by the police; or
- (c) some other responsible adult aged 18 or over who is not a police officer or employed by the police.”

This new clause would extend the right to an appropriate adult to those detained under sections 135 or 136 of the Mental Health Act 1983.

Government new schedule 2—*Cross-border enforcement: minor and consequential amendments.*

Government amendments 89 to 95.

Amendment 123, in clause 75, page 92, line 1, leave out subsection (2) and insert—

“(2) In section 135 (warrant to search for and remove patients), leave out subsection (6) and insert—

“(6) Subject to section 136A, in this section “place of safety” means residential accommodation provided by a local social services authority under Part III of the National Assistance Act 1948, a hospital as defined by this Act, an independent hospital or care home for mentally disordered persons or any other suitable place.”

This amendment is consequential to amendment 124.

Amendment 124, page 92, line 33, leave out subsection (6) and insert—

“(6) After section 136 insert—

‘136A Prohibition on using police stations as places of safety

- (1) A person may not, in the exercise of a power to which this section applies, be removed to, kept at or taken to a police station as a place of safety.
- (2) The powers to which this section applies are—
 - (a) the power to remove a person to a place of safety under a warrant issued under section 135(1);
 - (b) the power to take a person to a place of safety under section 135(3A);
 - (c) the power to remove a person to, or to keep a person at, a place of safety under section 136(1);
 - (d) the power to take a person to a place of safety under section 136(3).
- (3) In this section “person” means a person of any age.”

This amendment would prevent a police station from being used as a place of safety for the purposes of sections 135 and 136 of the Mental Health Act 1983.

Amendment 125, in clause 76, page 93, line 25, leave out sub paragraph (i) and insert—

“(i) In a case where the person is removed to a place of safety, the time when the constable takes that person into custody (within the meaning of section 137 of the Mental Health Act 1983) in order to remove them to that place.”

This amendment would mean that the period of detention started at the point a person was detained rather than the time they arrived at a place of safety.

Government amendments 96 to 106, 109, 110, 117 and 118.

New clause 66—*Guidance: unattributable briefings*—

“(1) The College of Policing shall issue a code of practice relating to police-media relations.

(2) This code should set out clear guidance to ensure that all police media communications are reportable, quotable and attributable unless in exceptional circumstances.

(3) The code of practice shall be issued in line with requirements of section 39A of the Police Act 1996.”

This new clause would require The College of Policing to issue a code of practice relating to police-media relations. The aim of this clause is to ensure that all police media communications should be reportable, quotable and attributable unless in exceptional circumstances.

Mike Penning: May I start by saying, genuinely, that this Bill has progressed with the will, respect and the help of Members on both sides of the House? As there are several new Government amendments in this group, I thought it only right and proper that I address some of them. I will also address some of the amendments

[Mike Penning]

tabled by the shadow Secretary of State. We have had numerous meetings, and we have tried to work our way through all of this, so let us see whether we can carry that forward as best we can.

It is our intention to introduce a robust and independent inspection regime for fire and rescue authorities in England. New clause 48 and new schedule 1 will support that objective by strengthening the inspection framework currently provided for in the Fire and Rescue Services Act 2004. The amendments provide for the appointment of a chief fire and rescue inspector, who will be required to prepare a programme for the inspection of fire and rescue services. The Secretary of State will have the power to require inspections outside the published programme if necessary.

Fire and rescue inspectors will be required to produce reports on their inspections, and the chief inspector will make an annual report to Parliament—something that does not currently take place. We will enable fire inspectors to carry out joint inspections with Her Majesty's inspectorate of constabulary. That will be particularly important where police and crime commissioners and metro mayors take on the responsibilities of fire and rescue authorities.

Finally, these provisions will ensure that inspectors have access to the information they need to undertake a rigorous and independent examination of fire and rescue authorities and the persons employed by them. That means that no door will be locked and all information will be available to the inspector.

Although we believe that the vast majority of inspections will be undertaken by consent, we need to be alert to the fact that additional powers might be needed. If inspectors do not feel that they are getting the access that they deserve and need to produce reports, they will have the power to ask for such things. These amendments will help fire and rescue authorities be more transparent and more accountable.

Robert Neill (Bromley and Chislehurst) (Con): May I say to my right hon. Friend that, as a former holder of this part of his post, I entirely welcome and support these amendments? The inspectorate is a thoroughly good idea, but may I raise one technical issue? There is provision for delegation to another public body. Many of us think that it would be much better if new schedule 1 were phrased so as to permit the use of external contractors to carry out certain elements of the inspection on behalf of inspectors where outside expertise may not be readily available in a public body. At the moment, the wording of new clause 48 and new schedule 1 does not appear to permit delegation to external contractors, who may well have expertise in operational audit, which is precisely what we need to make inspections robust and independent. Will he reflect on that?

Mr Speaker: Order. No one could accuse the hon. Gentleman of excluding from his intervention anything that he thought might at any time, in any way, to any degree be material, and I have a sense that when he practised law regularly he operated in a similar vein.

Mike Penning: I understand exactly where my hon. Friend is coming from, especially on the point about audit. However, at the moment, we do not feel that

there is a need to use external specialists in that way; if we find out later that there is, the inspector could ask the Home Secretary for those specific measures. The fire service has enough expertise to ensure that the regime works. It will be completely different from the current regime.

Jim Fitzpatrick (Poplar and Limehouse) (Lab): I am grateful to the Minister for giving way to another former Fire Minister. There used to be an honourable tradition that Fire Ministers were West Ham United supporters, but sadly that was broken by the right hon. Gentleman.

We have gone from the fire services inspectorate to the National Audit Office and then to nothing, and we are now going back to the fire services inspectorate. Has the Minister taken into account, for example, the United Kingdom Accreditation Service, which could give external advice to the new inspectorate, very much along the lines suggested by the hon. Member for Bromley and Chislehurst (Robert Neill)? Will the new chief inspector also be the national adviser for fire? I would be grateful if the Minister explained a little of the background.

Mike Penning: I am conscious that I am in the hands of experts who were Ministers long before I was, but as an ex-firefighter, I was really quite surprised to see how the inspections took place when I came into the role. They did not take place as envisaged by my hon. Friend the Member for Bromley and Chislehurst (Robert Neill) when he introduced the relevant legislation. There was a genuine feeling that we had to address the costs and how the inspections were done. To be perfectly honest, the system has not worked. We cannot continue with the situation where one fire and rescue force inspects another and they tell each other what they can and cannot inspect.

This proposal is separate, which is why we have put the new inspector alongside Her Majesty's inspectorate of constabulary. They will tell us exactly what expertise they require. As ex-firefighters, the hon. Member for Poplar and Limehouse (Jim Fitzpatrick) and I can assume what they will need to look at, but I accept that some fire and rescue services will need to draw on financial expertise from other areas.

Robert Neill: I promise to try not to trouble my right hon. Friend anymore, but will he clarify something? I agree with his response to the hon. Member for Poplar and Limehouse (Jim Fitzpatrick), but is he saying that if evidence is presented, Ministers will not rule out making an appropriate arrangement whereby commissioning can take place if the chief inspector thinks it appropriate in relation to any inspection without us being required to make further legislative arrangements in the House? I am sure he will understand that the need for further legislation would defeat our objective.

Mike Penning: Absolutely. I can say categorically that we do not want to handcuff the inspector. If an inspector needs to bring in further expertise, whether from UKAS or others, they will be able to bring that to the attention of the Ministers responsible. There will not be a requirement to come to the House.

This is a really positive move for the fire service, and the chiefs have welcomed it. They have been supportive in the meetings that I have had with them. I am not sure whether they all support the proposal, because the ones

who do not support it might not have been banging on my door quite as hard as the ones who do. Naturally, I will come back to the issue in responding to the debate if we have time.

I will touch briefly on DNA and fingerprint retention, which is an extremely important and sensitive topic. New clauses 49 and 50 will help the prevention and detection of crime by enabling DNA profiles and fingerprints to be retained on the basis of convictions outside England and Wales, in the same way as the material could be used if the offence had taken place in England and Wales. We are trying to protect the public. The measures, which have been requested, will apply specifically to offences committed outside England and Wales that would be offences in England and Wales. The amendments made by new clauses 40 and 50 to the Police and Criminal Evidence Act 1984 and the Terrorism Act 2000 will enhance the effectiveness of the national DNA and fingerprint databases and help our police keep us safe, which we all want, especially in the light of the heightened threat.

New clauses 51, 52 and 53 and new schedule 2 will strengthen the existing cross-border powers of arrest provided for in the Criminal Justice and Public Order Act 1994 and appear to be supported across the House.

I want to listen to the shadow Home Secretary's comments, so I will touch only briefly on the new clauses that he has tabled, which we have discussed together with the shadow Policing Minister, the hon. Member for Birmingham, Erdington (Jack Dromey). I know that the Home Secretary, too, has discussed them with the shadow Home Secretary. It may assist the House if I say a few words about them now. As I said earlier, we welcome the constructive approach from the Opposition, and in particular from the Hillsborough families and the campaign group. We would not be discussing these issues now without their bravery, for which I praise them. The work carries on; it will not stop, whatever happens today.

Steve Rotheram (Liverpool, Walton) (Lab): The Minister mentioned the Hillsborough families, some of whom are here today to hear his words. Will he give categorical assurances to them and to other campaigners on historical injustices that that sort of thing could never happen again once new clause 63 becomes law?

Mike Penning: No Minister could stand at the Dispatch Box in any Parliament in the world and give such a categorical assurance. We have moved an enormous way forward, through the perseverance of the Home Secretary and the shadow Home Secretary. Although we are trying as hard as we can, without consequential effects on other legislation, to make sure that a terrible situation such as Hillsborough never happens again, I cannot categorically give the hon. Gentleman the assurance he asks for. I know that that will disappoint him, but he will understand where I am coming from. All through today's debate and beyond, when the Bill goes to the other House, I will be as helpful as I can.

We recognise the strength of feeling on these issues, and particularly the public concern to ensure that police officers who commit the most serious acts of wrongdoing can be held to account for their actions, no matter when they come to light. We are talking here not about

criminal actions, for which criminal proceedings can be brought against individuals, but about disciplinary action against a police officer.

Having looked carefully at the new clauses tabled by the shadow Home Secretary, and following discussions that I have had with the shadow Policing Minister, we will table an amendment in the House of Lords to allow, in exceptional circumstances, an unlimited extension of the 12-month time limit that we propose in the Bill. It is understood that that does not apply to every offence. We will work with the shadow Home Secretary and his team—and, I hope, the Hillsborough families and Bishop James—on the drafting of the relevant regulations so that we can make sure that they do what it says on the tin. We will keep the 12-month rule, but in exceptional circumstances, based on regulations, we will be able to look at historical cases—not criminal cases—and take action against a former police officer. The 12-month time limit will remain, but we will work on the regulations. That is a significant move on our part.

The measure will apply to police officers serving with a police force at the point at which the provisions come into force. In line with established principles, we do not believe that it would be appropriate to apply such a provision retrospectively. However, this is a significant move so that, as the hon. Member for Liverpool, Walton (Steve Rotheram) suggests, families will have further protection in future.

On new clause 66, which is about the police and the media, I assure the House that the consultation that is going on with the College of Policing, which we have discussed with the shadow ministerial team, is actively looking at the guidance on the issue. I am not going to predict exactly what the college will come forward with, but it would not be actively looking at the issue if it was not there, and we will wait for the college to come forward.

4.30 pm

New clauses 63 and 65 are about support for bereaved families. That is a really important area, and we are looking at it. The Home Secretary has asked Bishop James to compile a report on not just the financial issue but the whole aspect of how we could improve things so that families do not go through a situation such as Hillsborough ever again. I am not ruling anything out or anything in—we will wait for Bishop James's report.

Whatever happens in the House this afternoon—I do not know whether Her Majesty's Opposition will divide the House on the issue, but we will wait and see—the matter will not stop there. We will still work with Bishop James and wait for the report, before going forward depending on the will of the House.

On new clause 64, which is about Leveson part 2, the Government have made it clear on many occasions—not least at the Dispatch Box—that we will wait for the criminal proceedings that are still ongoing to come to a conclusion, and then the Home Secretary will move forward.

I have tried to highlight some of the issues involved in these amendments. There are a lot of other proposals that we can discuss this afternoon, but I wanted to set out the Government's position on some of the Opposition's new clauses and on some of the amendments and new clauses that I have tabled.

Andy Burnham (Leigh) (Lab): I would like to begin by agreeing with the Minister that some good progress has been made in the course of our deliberations on the Bill. There have been improvements, which we will discuss later, on tackling child sexual exploitation and on the police bail regime—particularly as it applies to those suspected of being involved in terrorism activity. As he has just indicated, there has also been progress on police misconduct, which I will come to.

However, the Bill presents an opportunity to do much more to improve police accountability, and that is an opportunity that we in the House now need to grab. Today, I want to present a package of proposals that respond to the historic verdict of the Hillsborough inquest, which finally concluded, after 27 years, that, as the families had known from day one, the loss of their loved ones was not an accident and they had been unlawfully killed, but that that fact had been covered up for all those years.

This package seeks to rebalance this country and to make it fairer. It seeks to rebalance it away from the establishment and in favour of ordinary families. It is a package that will stand as a permanent tribute to the dignity and determination of the Hillsborough families. Knowing them as I do, they would want nothing more than that no other family in the future should go through what they have gone through.

Let me take the House briefly through this package of proposals. New clause 63 would give bereaved families equal funding for legal representation at inquests where the police are involved. It seeks to establish the crucial principle that there should be parity between the two sides. The reason that is important is that it says very clearly that the public interest lies in finding the truth. That is how public resources should be directed: they should not be directed towards creating an unbalanced contest at an inquest, with public money used to protect vested interests in the public sector.

Norman Lamb (North Norfolk) (LD): I am happy to confirm that the Liberal Democrats will support this proposal. Does the right hon. Gentleman agree that, had it been in place at the time of the first inquest, the truth might have emerged at that stage, and the families would not have had to go through such a dire long wait to get to the truth?

Andy Burnham: I am grateful to the right hon. Gentleman for his support. He is absolutely right. I will come on to explain precisely how this would have helped to even the playing field and give the families the chance to get truth at the first time of asking. The original inquest catastrophically failed on that account, and that needs to be very clearly understood as we consider this amendment.

Amendment 126 seeks to close the long-standing loophole of retirement being used by police officers as a route to evade misconduct proceedings. New clause 64 seeks to hold the Government to their promise to the victims of press intrusion to hold a second-stage inquiry looking at the culture of relations between police and the press. New clause 66 seeks to legislate for a code of practice with regard to the media relations policy of each police force, and to spell out that attributable briefing by police forces, which was so damaging in the case of Hillsborough, is not permitted unless it is in the most exceptional circumstances. Amendments 127

and 128 seek to strengthen the Independent Police Complaints Commission. New clause 67, which will be considered later, seeks to strengthen the offence of misconduct in public office.

Let me start with the area where there is greatest consensus—police misconduct. I listened carefully to what the Minister said, and I am grateful for the movement that he indicated to the shadow Policing Minister, my hon. Friend the Member for Birmingham, Erdington (Jack Dromey), in Committee whereby there should not merely be an arbitrary 12-month period after retirement, because, as we know, police wrongdoing may come to light much later. We are glad that the Government have indicated that they are prepared to move on this matter in the other place and table an amendment to that effect. While I will not press my amendment to a vote, I would still like to press the Minister a little further on this point. He is saying that this should be applied only in the most exceptional circumstances, but that potentially rules out many people who might be guilty of gross misconduct but would not be caught by his “exceptional” test. He needs to reassure the House on this point.

Mike Penning: That is why I offered to work closely with colleagues across the House on the regulations, which will be very important. We do not include everybody, because then there is no point in having exceptional cases, but it is very important to understand what “exceptional” means.

Andy Burnham: That is a good offer and I thank the Minister for it. I think we can move forward on that basis. I hope we all know what we are trying to achieve—that is, if serious wrongdoing comes to light about an individual who is beyond 12 months retired, it must be possible for misconduct or disciplinary proceedings to be initiated against them. Our amendment says that there should then also be sanctions that are able to be applied against that individual. I say to the Minister that we will want to insist on that point as well.

If we can agree to move forward on that basis, that is a considerable example of progress that matters greatly to the Hillsborough families, who, as they were continuing their 27-year struggle, felt very aggrieved when they saw individuals who had retired on a full pension and who they felt were beyond reach and could not be held to account. I believe that this should apply retrospectively. Misconduct is misconduct whenever it occurred, and people should be held to account for their actions.

Steve Rotheram: I thank the Minister for coming partly towards the position that we believe should be taken, but can we clarify one point? We are talking about serious wrongdoing—malfeasance and gross misconduct—by police officers. We have mentioned Hillsborough, so many people will spin that with regard to the conduct of officers—ordinary officers—at that disaster in 1989. There are no accusations against many of the ordinary officers, who performed heroically: it was the senior officers who let people down, and then, in some cases, took the opportunity to get away scot free through the cop-out of using ill health—

Madam Deputy Speaker (Natascha Engel): Order. If the hon. Gentleman wishes to make a speech, he can stand up to indicate when he wishes to do so, but this an intervention, and interventions must be a little shorter.

Andy Burnham: It was a long intervention, Madam Deputy Speaker, but it was a good one. My hon. Friend the Member for Liverpool, Walton (Steve Rotheram) makes a very important point. I do not think that any attempt is being made to blame ordinary policemen and women. That is not the purpose of the amendment. It is important for me to say very clearly to those police officers who are out there keeping the streets safe that this is not an attack on them. The package is about not allowing the misdeeds of the past to taint the present and those police officers who are working today. That is such a crucial point, because if we do not deal properly with such allegations, we allow the situation to contaminate the present and to corrode trust in today's police service. None of us in this House wants that, so my hon. Friend is absolutely right to make that point, which cannot be stressed enough.

Mike Penning: I thank the right hon. Gentleman for being so generous in giving way. The hon. Member for Liverpool, Walton (Steve Rotheram) is absolutely right. If we had not included the point about exceptional circumstances, those sorts of people could have been captured, and that is not what we want. We are not looking at an officer who commits a speeding offence just before he retires; we are looking at those people who should be brought to justice, and that is exactly what we should be doing.

Andy Burnham: That is right. This is about people who have been guilty of serious misconduct in public office, and it is crucial that they cannot use retirement as a means of evading accountability for that misconduct. The change to which the Minister appears to be agreeing closes a long-standing loophole and frustration for members of the public. It exposes the police to a considerably more challenging regime, but rightly so. Any profession needs to be held accountable to the highest standards. We will work with the Minister to get it right. I believe that we can do so, but I stress that this is about upholding the reputation of the vast majority of police officers, who serve the public with distinction.

The issue of police-press relations is the biggest area of unfinished business, although, in fact, we have not even really started to make any changes with respect to putting right the wrongs of Hillsborough. As we know, the briefing of the press in those first days after the tragedy caused incalculable harm and damage, not just to the families who had lost loved ones, but to the thousands of people, such as my hon. Friend the Member for Liverpool, Walton, who had returned from the match in a state of trauma, only to read a couple of days later that the police were blaming them for the deaths of their friends and family.

That is why feelings are so strong, not just in Merseyside but across the country. It simply cannot be right that a police force is able, unattributably, to brief malicious and unproven information to a newspaper. We need a stronger and more transparent regime for press relations, so that false impressions cannot be put out there with the intention of setting a narrative about a particular incident. Families who are fighting for justice often find that it is very difficult to overturn the false version of events. That was certainly the case for the Hillsborough families.

Mr Kevan Jones (North Durham) (Lab): I totally agree with the points that my right hon. Friend is making. Does he agree that among the problems with Hillsborough were not only the off-the-record briefings that took place later, but the on-the-record briefings to get the narrative right from the beginning?

Andy Burnham: I agree on both levels. This was a cover-up perpetrated on the record, off the record and in the Committee rooms of this House. It went to the very top—even to 10 Downing Street, where the head of press at the time briefed that a “tanked-up mob” caused the disaster. This cover-up went to the highest level. What chance did ordinary families have when faced with the might of the establishment seeking to perpetrate a lie on that scale? It has been a 27-year fight, as we now know.

4.45 pm

This whole area is a major piece of unfinished business, and it is why we have suggested new clause 66. I think I heard the Minister say that he would work with us, with the College of Policing and with the National Police Chiefs Council on new clause 66 to get this right. I believe my hon. Friend the shadow Policing Minister is having some useful discussions with them. They have responded to Labour's initiative in this area and have already begun working on a code of conduct for police-press relations. We want to work with the Minister to get this absolutely right, because there has been a common thread in a number of injustices down the years: an unhealthy relationship between police and press can sow the seeds for a cover-up that is difficult to overturn.

New clause 64 invites the House to reinforce the promise made by the Prime Minister to the victims of press intrusion. Let me go back to what the Prime Minister said in November 2012:

“When I set up the inquiry,”—

the Leveson inquiry—

“I also said that there would be a second part to investigate wrongdoing in the press and the police...we remain committed to the inquiry as it was first established.”—[*Official Report*, 29 November 2012; Vol. 554, c. 446.]

He also said:

“It is right that it should go ahead, and that is fully our intention.”—[*Official Report*, 29 November 2012; Vol. 554, c. 458.]

It has been put to me that that promise was made face to face with some of the victims of hacking and press intrusion—people such as the McCanns and Milly Dowler's family. It seems to Labour Members as though the Government have subtly shifted their position in the intervening years. As we heard a moment ago from the Minister, it is no longer a question of when the inquiry will go ahead; it is a question of whether it will go ahead. The Government now say that following the conclusion of the outstanding investigations on the matter, they will take a decision on whether the second stage of the inquiry will go ahead.

Keith Vaz (Leicester East) (Lab): That promise was made not just to the victims and their families but to the Chairs of three Select Committees in the Prime Minister's room before the inquiry was announced. My right hon. Friend is absolutely right to say that it is important that we get Leveson 2—perhaps not with Leveson, because he has moved on to do other things,

[Keith Vaz]

but with somebody else. There is nothing wrong with the Government beginning the process, choosing a chair of the committee and getting the mechanics together. We do not really have to wait until the end of the criminal proceedings.

Andy Burnham: I wholeheartedly agree with my right hon. Friend. There is a huge amount of unfinished business. These issues are present in so many of the injustices that we have seen, where there has been inappropriate contact between police and press. We await the conclusions of the Daniel Morgan panel, for instance, which might best illustrate some of these issues.

That is true of other events as well. We remember the way in which the media were manipulated in the case of the Shrewsbury 24, for example. There have been many examples of this over time. Indeed, part 1 of the Leveson inquiry found unhealthy links between senior Met officers and newspaper executives, which led to the resignation of the then Met police chief and others. The issue cannot be left there. Public officials and police officers have also been convicted of offences related to these matters.

The Minister really needs to provide an explicit answer on this specific point today. He cannot wriggle out of this commitment. It is not the kind of commitment you can wriggle out of, given everything that those people have been through. A promise should be a promise, when it is made to people who have suffered in the way that many of the victims of press intrusion have suffered. I know that the Hillsborough families feel exactly the same. They were the victims of the biggest example of inappropriate police briefing of newspapers—and it was not just one newspaper. People think it was just one newspaper that reported the lies, but many of them reported the lies that were given to Whites news agency in Sheffield, and those lies went round the world. Only this week, I had an email from someone in the United States saying that they were astonished to find out the truth when they watched the recent BBC2 documentary on Hillsborough, and that for 27 years they had thought that the events were the result of hooliganism. It is impossible to exaggerate the harm that those lies caused.

I say to the Minister tonight that we need a better answer. If he were to stand up now at the Dispatch Box and say clearly to the House that there will be a second-stage inquiry into the culture of relations between the police and the press, I would be the first to say that we would not press our new clause 64 to a vote. However, there is growing suspicion among organisations—Hacked Off, obviously, but others too—and campaigners for justice that they are slowly being let down and that this matter is being slowly slid into the long grass. We have had anonymous briefings from people close to the Culture Secretary and others in Government to suggest that it has already been canned. Well, we on the Labour Benches are not prepared to accept that, so I say clearly to the Minister that unless he can provide a much more direct reassurance, we will push the matter to a vote this evening to force the Prime Minister to honour his own promise—it is not our promise; it is his promise—to the victims of press intrusion and hacking.

Steve Rotheram: In March 2013, the Prime Minister said that Leveson 2 should go ahead without further delay. The Secretary of State told the Select Committee that he was awaiting a further Government statement. Does my right hon. Friend agree that the three years that have passed since the Prime Minister's promise have been far too long for many of the victims of press intrusion?

Andy Burnham: I would certainly say so. I cannot understand why there is any doubt about this, given the clarity of the Prime Minister's statements, which I have read out, and given that the Chair of the Home Affairs Select Committee, my right hon. Friend the Member for Leicester East (Keith Vaz), has just said that the promise was made not only to the victims but to senior parliamentarians. I do not see how this commitment can be negotiable.

Keith Vaz: The Culture Secretary—he was the Chair of the Culture Select Committee at the time—was in the room, so he was very clear that a promise was made.

Andy Burnham: Well, there you go. That says it all really. The right hon. Member for Maldon (Mr Whittingdale) seems to be in a different mode these days. One wonders what deals have been done by the Government if they are preparing to unpick this agreement, and we will watch them very carefully.

The Minister makes a fair point that there are ongoing investigations. I take his point that some of the investigations will have a material impact on issues that we are considering. We are not saying that we want the inquiry to start right now. We accept that there are matters to be concluded in the courts before it can proceed. What we are after is the removal of any doubt that it will proceed at the appropriate moment and that the promise the Prime Minister gave to those victims will be honoured. That is what we are seeking to establish tonight. That is what we are asking the Minister to lay down very clearly.

This goes beyond party politics. The victims and their families have suffered enough, and Members on both sides of the House owe it to them to make good on the promise that was given to them. That is why I look forward to Members from both sides of the House joining us in the Lobby tonight, because it clearly looks as though the Government are not going to give way.

Marie Rimmer (St Helens South and Whiston) (Lab): These families have suffered enough—we in this Chamber are united on that—so does my right hon. Friend agree that a statement from the Minister today saying that the second inquiry will go ahead would put an end to their suffering? They have suffered enough. Let this be the end.

Andy Burnham: My hon. Friend puts it very well. That is what I have seen when working with the Hillsborough families, as have others when they have been fighting for justice. Those people are affected not just by the original trauma they suffered, but by how the system grinds them down afterwards, making them fight for everything, not giving them an inch and slowly draining the life out of them. How cruel is that? It is just wrong—is it not?—that the government machine thinks it can operate in that way. As I will move on to say,

I spoke today to a family about going to meetings with 14 lawyers sitting around the table and just a couple of family members. That is just not right. We all know it is not right. Any of us who have been Ministers will have seen that style of meeting, and it is just not right. It is time to change it. We should not make these families fight for everything, but support them, and tip the scales in their favour and away from the powerful. Why not do so?

Mike Penning: May I just tell the right hon. Gentleman that I do not know what has happened with other Ministers, but I have never sat in such a meeting and anyone who has had a meeting with me as a Minister will know, as right hon. and hon. Members know, that that is not the way I operate and that I never have operated in that way?

Andy Burnham: I have a lot of time for the Minister, as he knows, but such people are listening to this debate. My hon. Friend the Member for Kingston upon Hull North (Diana Johnson) is not in her place, but if the victims of contaminated blood are listening to this debate, they will immediately recognise what I am saying. If the victims of organophosphates—sheep dip—poisoning are listening today, they will understand what I am saying. If the people waiting for the announcement about the battle of Orgreave investigation are listening, they will understand what I am saying. There are so many people who have not been given justice by the system, and that just is not right. It really is not right, and that is why I keep saying that we must make Hillsborough a moment of change when we can tip the scales in favour of ordinary families and away from the establishment.

Richard Arkless (Dumfries and Galloway) (SNP): In an attempt to act as a peace broker, given that the positions of both sides have been made perfectly clear, may I ask whether the shadow Home Secretary will accept a commitment to proceed with Leveson 2 after the investigations have taken place and whether, if that is acceptable, the Minister could make such a commitment today?

Andy Burnham: That is a good point. It would be good enough if we got a cast-iron commitment. Ministers have reintroduced a doubt—in media briefings, they have said, “Oh, it probably won’t go ahead now”—and have muddied the waters. If they clarified that tonight, that would be good enough. If they said, “It will go ahead after the proper time has elapsed, given the criminal proceedings that are still outstanding”, that would be fine and everyone would understand it. If they gave that commitment tonight, there would be no need for a vote because we would have done our job, but if they cannot give such a commitment, that would be revealing in itself. If the Minister cannot stand at the Dispatch Box and give such a clear commitment, or rather reaffirm it to the people to whom Ministers have already made it, that would be revealing in itself and we would be right to force a vote in those circumstances. In that case, people will not be strung along and left hoping that there will be a Leveson 2 one day; we will have forced the issue so that Ministers are held to account for their promise. That is what we are doing tonight. Ministers have the chance to do the right thing:

to stand at the Dispatch Box and say, “Yes, we will do it. We will honour what we said.” If they do not do so, we will ask Members of decency and integrity on both sides of the House to stand with us and to go through the Lobby with us tonight to hold Ministers to account for the promise they made.

Finally, let me turn to our new clause 63 on parity. The new clause seeks to establish the principle of parity of legal funding for bereaved families at inquests involving the police. In introducing it, I want to say that it is very important that people do not see Hillsborough as a one-off belonging to a bygone era. To be honest, many bereaved families still face a very similar experience when they go to an inquest. They often find themselves pitched into an adversarial and aggressive courtroom when they are still raw with grief. They are unable to match the spending of the police or the public sector in what they spend on their own legal representation. Those families find their lives picked apart. They are made to look like they are perpetrators, not victims. That is a very common experience. Many people who suffer it do not have the huge support that the Hillsborough families had. They are ordinary families battling away on their own, with no one else coming to support them. That is why the principle of parity is so tremendously important.

5 pm

Fiona Mactaggart (Slough) (Lab): My right hon. Friend’s remarks will be heard by Rachel Gumbs, the daughter of Philmore Mills, who died in hospital while being restrained by the police. Another constituent has raised an issue relating to his mum. Her children were abducted by their father, and she has spent nearly two decades without being able to contact them. My constituent is in litigation against the police, and feels a similar kind of bereavement, as he has been kept away from his brothers and sisters. He hopes that the approach we are discussing could enable people like him, who are taking cases against the police, to get access to some kind of resources. Would that be possible?

Andy Burnham: That is exactly what lies behind the new clause. My right hon. Friend has just made my point. We will all have examples from our experience as constituency MPs. We know families who have been at inquests that have been highly unsatisfactory experiences, and where they did not get legal support. I will come to a few examples, to show how unfair it is. The public sector spends taxpayers’ money like water on hiring the best QCs to line up in the courtroom and defend its reputation. Ordinary families are scrabbling around, re-mortgaging their houses and doing whatever they can to try to put up some kind of fight against that. How wrong is that?

Public money should pay to establish the truth. That means that there should be parity between the two sides in that process. It should not be the case that the public sector packs a courtroom with highly paid QCs. That is such an important principle to establish coming out of Hillsborough—to be honest, if there is to be one lasting legacy from Hillsborough, that should be it. I was tempted by the right hon. Member for North Norfolk (Norman Lamb) to make this point before. The Hillsborough families were represented by Michael Mansfield at the recent inquest. If that had been the case back in 1990, there is no chance on God’s earth

[*Andy Burnham*]

that the cruel and inhumane 3.15 pm cut-off time would have been allowed to stand. Have we ever had a situation in this country before where bereaved families have been told that they cannot have information about what happened to their loved ones in their dying minutes? That was the case here. Have we ever had a situation before where only after 27 years are families finally told who gave their loved ones the kiss of life and carried them over the pitch? What an affront to natural justice that is. Yet it was allowed to stand, because those families did not have someone who could challenge it.

A few weeks ago, Margaret Aspinall, chair of the Hillsborough Family Support Group, came to Parliament to deliver a very personal reflection on what it was like all those years ago. I am very grateful to all right hon. and hon. Members who attended; I am sure they will agree that it was an intensely moving occasion. Margaret described the indescribable pain and hurt she felt when she was sent a cheque of just over £1,000, which was supposedly compensation for the life of her son James. She said she had to put it towards the legal fund that the group was asking members to contribute to. In itself that was not enough because she had the cost of travelling to the inquest in Sheffield every day. She was living on the breadline and having to borrow money from her family and her mum to make it all work. How can it be right that families in such circumstances, who have not done anything wrong, find themselves in that situation? It cannot be right that they should be scrimping, saving and doing all those things, when taxpayers' money is being paid for the other side to do them down.

Mr Charles Walker (Broxbourne) (Con): The right hon. Gentleman is entirely right to highlight the inequality of arms between families and the state, and he will know that INQUEST has campaigned tirelessly on that issue. He should also consider the time that it takes for an inquest to happen, and how those delays are recorded. An inquest may not happen for five or six years, in which time all sorts of untruths can flourish, but it will be recorded in the statistics as having taken only a year.

Andy Burnham: That is right, and as has been hinted at, that delay is often used to grind people down even further. It really does not work, and Parliament must decide whether we are prepared to let people carry on going through such an entirely unsatisfactory process. I do not think we should.

In people's experiences today we can see parallels with those of the Hillsborough families. To give a current example, a young boy, Zane Gbangbola, died in 2014 in the floods in his home in Surrey. The family contest that hydrogen cyanide was brought into the house from a former landfill site that had not been properly sealed. It is a high-profile case, yet the family have been turned down three times for legal aid. This ordinary family were just going about their business, and all of a sudden their son is dead and Mr Gbangbola is permanently in a wheelchair. The inquest starts today, and the only reason that the family have quality legal representation is because they were given an anonymous £25,000 donation on Friday. That cannot possibly be right.

Mr Walker: The right hon. Gentleman will also know that when being assessed for financial support, it is not just the immediate family who have their finances looked at, but also the extended family, which is extraordinarily unfair.

Andy Burnham: That is extraordinarily unfair, although this Government have made things even more unfair with their cuts to legal aid. People are not getting through and they are not getting funding when they apply in the way that they would have done in the past. They are unrepresented at these inquests, which cannot be right.

Mr Kevan Jones: I accept that cases such as Hillsborough required a lot of input from lawyers. Asking as someone who has a knee-jerk reaction that we should not be feeding lawyers, is it possible for the Chief Coroner to lay down rules in some of these cases so that if a public authority comes forward with banks of lawyers, the other side should be given legal representation, or the public authority told that those lawyers are not needed?

Andy Burnham: The amendment is designed to develop the same effect and to state that there should be parity of legal funding. That is an incentive for the public sector not to spend too much on its own. If it has to fund families as well, that might bring down the legal bill—it might not add any further costs.

Mr Jones: We now have the Chief Coroner. In the past a lot was wrong—I sat on the Coroners and Justice Bill Committee, and changes could still be made to the coroners service in this country. Some recognition of the parity that my right hon. Friend refers to would be welcome, but as I know from local government and other sectors, the knee-jerk reaction these days is to get a lawyer involved and, in some cases, I am not sure that we necessarily need that.

Andy Burnham: We need inquisitorial inquests rather than adversarial inquests. In the case of Hillsborough, the Lord Chief Justice made a specific ruling when he quashed the original inquest. He hoped, given that the police had clearly tainted the evidence, that the new inquest would not degenerate into an adversarial battle, but—I am afraid to say—that is exactly what happened. At public expense, one individual in particular, hired to represent the former officers, a Mr John Beggs, went into the courtroom and repeated all kinds of lies and innuendo about supporters of Liverpool football club. My hon. Friend the Member for North Durham (Mr Jones) and I were there; we witnessed it—and it was a particularly unpleasant thing to witness. It is even more galling to think that we were paying for that.

It is not just the cost but how people are questioned that is gross and unjust. I will give one final example to illustrate. The House will know that, after a long fight by her family, an inquest was recently held into the death of Cheryl James, who died at the Deepcut barracks in Surrey. The QC acting for Surrey police was the same Mr John Beggs. I know, from speaking to Cheryl's father, that the family were deeply hurt by an intrusive and aggressive line of questioning that focused on several very personal questions. They were particularly hurt by one untrue allegation levelled at them. According to

Mr Beggs, Mr James, in making inquiries to Surrey police, had distracted the latter from the Milly Dowler investigation. Can Members imagine how he felt when he heard that? In trying to get to the truth about what happened to his daughter, he found himself the subject of an outrageous, appalling slur, which the Dowler family, such is their decency, stepped in to correct.

It should not be like this. It must not be like this. It is well known that police forces are instructed to hire this individual if they feel in a tight spot, and they pay huge amounts of public money to do so. It should not be allowed to carry on. We should call time on it today.

Mr Kevan Jones: My right hon. Friend is making a very good point—that kind of adversarial inquest is wrong—but, to repeat, could not the Chief Coroner lay something down in guidance to coroners to stop such behaviour? Not only is it not good for families; it does not help get to the truth either.

Andy Burnham: No, it does not. My hon. Friend makes a good point, and I cannot see why that should not happen. Equally, I cannot see why the Government would not accept the Bill, proposed by Lord Wills in another place, to create a national office to support bereaved families so that each family does not have to reinvent the wheel and go through all the learning needed to get ready for an inquest. That is another good proposal.

To finish, we are seeking to establish a simple principle. In the words of Mr James, this is about “parity of arms”—if it has to be like that. If there is to be an adversarial battle in the courtroom, we should at least give bereaved families the same ability as the public sector to defend themselves. That is an unanswerable principle, and I am sorry the Government have decided they cannot support it tonight. I know they are saying they are waiting for the conclusion of Bishop James’s report, but this is bigger than Hillsborough—it is very much evident in Hillsborough, but it is much bigger—and concerns a number of families facing a similar injustice today.

Is it not the case that public money should fund the establishment of the truth and, in particular, help people to get to the truth at the first time of asking, so that the truth can be used by public bodies to learn—to look at where they went wrong and see how they can improve? Instead, they do the opposite. They go into those courtrooms to defend themselves and reputations, spending large amounts of taxpayers’ money in doing so. I hope that the Government would agree with the spirit of what I am saying tonight. If they do, I would hope for a clear commitment this evening that they support the aim of parity of funding for families at inquests. From there, I hope we might be able to move forward. From what I can gather, however, the Government have not done enough, and unless the Minister is able to provide this level of reassurance, we will press the new clause to a vote.

5.15 pm

We are determined to make Hillsborough a moment of real change in this country. It must be a watershed, after which power shifts into the hands of ordinary people and away from those in positions of power. That is what people expect this Parliament to do. We cannot

face a 27-year injustice and then feel that we do not have to act or that we can carry on as we were. We cannot. Ordinary families are facing injustices today and are being ground down as they battle to get the truth and justice. Let us do the right thing. I call on all Members to support the package that we are putting forward. Let us finally make this a fairer country, in which power is more evenly shared among people from all backgrounds.

Several hon. Members *rose*—

Madam Deputy Speaker (Natascha Engel): Order. We have about an hour and a half before the winding-up speeches start, and there are eight Members wishing to speak. If we can keep to about 10 or so minutes, everyone should be able to contribute.

Sir Edward Garnier (Harborough) (Con): I would not criticise for a moment the shadow Home Secretary for speaking for 45 minutes. He had a lot to say and spoke with great passion. He knows a lot about the bereaved Hillsborough families and all the associated issues, so I do not want to criticise him. If I may, however, before coming on to talk about new clause 23, I would like to say something gently to the right hon. Gentleman.

I do not know the Silk—I have never met him—to whom he twice referred and accused of unattractive conduct. That Silk was speaking on instructions, and I assume that, in line with the traditions and professional standards of the Bar, he did not set out deliberately to attack people. He was acting for the two relevant public authorities on the two separate occasions. It was his duty to put the cases for those clients. The cases might well have been unattractive and might well have come across as deeply upsetting to the people who were cross-examined, but it was his professional duty to act in that way. Another barrister might have done it differently or another client might have given different instructions, but it is a bit mean, if I may say so, to call out a particular barrister here in the House of Commons.

Norman Lamb: Will the right hon. and learned Gentleman give way?

Sir Edward Garnier: I do not want to be distracted when we have so little time. I just wanted to defend the method by which members of the profession have to represent their clients. That aside, there is little on which I wish to criticise the shadow Home Secretary.

In the short time available I want to speak to new clause 23, which removes the requirement for prior authorisation in section 60AA of the Criminal Justice and Public Order Act 1994, so that

“Where a constable...reasonably believes that an offence has been, or is being, committed he may...require any person to remove any item”

when it is used

“wholly or mainly for the purpose of concealing identity”.

The context in which I tabled the new clause—with about 22 other right hon. and hon. Members—goes back, as I said, to the Criminal Justice and Public Order Act 1994. Section 60 states:

“If a police officer of or above the rank of inspector reasonably believes...that incidents involving serious violence may take place in any locality in his police area, and that it is expedient to give an

[*Sir Edward Garnier*]

authorisation under this section to prevent their occurrence, or...that persons are carrying dangerous instruments or offensive weapons in any locality in his police area without good reason, he may give an authorisation that the powers conferred by this section are to be exercisable at any place within that locality for a specified period not exceeding 24 hours.”

That section gave the police a geographically limited and time-limited power to do certain things. That was extended in 2001 by the addition of section 60AA, which gave the police a power, in that geographical area and for that limited time, to require the removal of disguises. Provided that there was prior authorisation, provided that that authorisation was written, and provided that it was for 24 hours unless extended by another officer for a further 24 hours, within that limited location, the constable in uniform was enabled to

“require any person to remove any item which the constable reasonably believes that person is wearing wholly or mainly for the purpose of concealing his identity”

and to

“seize any item which the constable reasonably believes any person intends to wear wholly or mainly for that purpose.”

So it was not until 2001 that the 1994 Act was amended to allow the police, in certain limited circumstances, to be authorised to deal with disguises.

As the House will recall, in August 2011 there were widespread riots throughout the country, following which the Government issued a consultation paper to consider whether three things needed to be looked at: the use of the word “insulting” in the 1994 Act, new powers to request the removal of face coverings, and new powers to impose curfews. The Government thought it appropriate to consult about new powers relating to such matters as disguises, saying:

“The...consultation aims to progress the commitment made by the Prime Minister following the recent disorder in respect of new powers to request the removal of face coverings. After the ransacking and arson by looters wearing masks to conceal identification, the Government announced that the police would be given extended powers to demand the removal of face coverings under any circumstances, where there was reasonable suspicion of criminal activity.”

Interestingly, the Government did not respond to the consultation other than in relation to “insulting words or behaviour”; the law was amended in that regard. In respect of the power to require the removal of face coverings, the law remains as it was in 2001. As I have said, that power is geographically limited and time-limited, and requires prior authorisation.

I have had the benefit of two meetings with my right hon. Friend the Minister for Policing, Fire, Criminal Justice and Victims, who generously allowed me, and two of my hon. Friends, to try to persuade him that the law needed to be changed. On that occasion there were only eight officials in the room, but he seemed to be unpersuaded, on the basis of the advice that he had been given by officials and police officers, that a change in the law was necessary. Indeed, I think it was suggested to me that our new clause would weaken the powers of the police to remove disguises.

We need to recognise that the people who attend demonstrations wearing balaclavas or other face coverings are not doing that simply to prevent their identities from being discovered. Clearly, if a demonstration involves unlawful activity and the police are able to film it, or it

is covered by local authority CCTV cameras, there is no better way for people to avoid detection, or avoid being caught, than disguising their faces. In most, although not all, criminal cases, the identity of the perpetrator is a fairly central part of the prosecution case. I am reasonably sure that in the olden days when robbers used to run into banks with shotguns and hold them up, normally wearing stockings over their faces, they were not wearing silk stockings on their heads because they liked the feeling of silk on their faces; they were wearing those silk stockings—or even tights, in which case it would be nylon on their faces—in order to prevent themselves from being discovered.

The same thing, I suspect, goes for people who are intent on pretty unattractive behaviour in the streets here in London, and in Manchester at last year’s Conservative party conference, where people in masks spat at delegates going into the conference hall, but they also do it to intimidate. There is nothing more intimidating than seeing somebody covered like that coming at you or demonstrating with a view to causing trouble. Yes, of course, there are laws already on the statute book or, no doubt, under common law which make it possible for a police officer to arrest somebody wearing a face mask if they are committing an offence. But in the event that there is a large-scale demonstration and there are not enough police officers to make it safe or practical for the police officer to go in, and therefore the police need to rely upon video evidence or film evidence of the perpetrator, it strikes me as unreal for a police officer to rely upon the existing power, which is geographically limited and time-limited, in order to deal with the matter.

Mike Penning *rose*—

Sir Edward Garnier: Is my right hon. Friend getting restless?

Mike Penning: I am just conscious that I may not have enough time to cover everything in my winding-up speech. My right hon. and learned Friend indicated earlier that I was not persuaded. I did listen to the police officers, but a review of the PACE code A is coming through for stop-and-search later this year. We will insert face coverings into that review so we have a better understanding, and if a change is necessary, that will take place. I think that is a significant concession.

Sir Edward Garnier: That is a change of attitude, and I am grateful for it, but I am not sure that a review is what we need; what we need is action. My understanding is that the police do not want this change because they think—at least some of them do—that the power they have is adequate for what they need to do, but it is not, because these events are happening. People are being terrified, and people are being inhibited from going about their lawful business in the countryside and in urban areas, and it is not good enough for us to rely on a change in the PACE code or following some review.

The Government did not reply to their own consultation in 2011, and I do need to press them a little harder to ensure that this matter is properly ventilated. One of my jobs as a Member of Parliament is to express the concerns of the public from my constituency, and from other parts of the country as well, who are dissatisfied about the level of policing for this sort of behaviour.

Mike Penning: I am sure that my right hon. and learned Friend realises that a review of PACE is nothing to do with what the police want. We did a review of stop-and-search because it was being inappropriately used by the police, and that is why we changed the rules. If we find during the PACE review that the legislation is not being used in the way our constituents would expect, PACE will be changed. That is why we are doing the review. PACE reviews do not come up very often; this is a golden opportunity.

Sir Edward Garnier: I look forward to seeing the terms of the review, and I trust the Minister when he says it is going to be useful, but right now constituents in rural and urban areas are very distressed at the way in which face masks are used to terrify and to hide the identity of criminals. The sooner this matter is debated—with reasonable time to conclude it—on the Floor of this House or in the other place—

Geoffrey Clifton-Brown (The Cotswolds) (Con): I am one of the co-signatories of my right hon. and learned Friend's new clause. The problem with the situation at the moment is that the constable on duty may require a face covering to be removed but he does then require post-authorisation from a senior officer on duty. In the Blackpool case and in my own case on the badger culls, where someone was parked in a car late at night for several nights with masks on deliberately to intimidate the residents inside the nearest farmhouse, I am not sure whether the constables on duty knew whether they would or would not get that prior authorisation or post-authorisation, and my right hon. and learned Friend's new clause will make this crystal clear if it becomes part of the Bill.

Sir Edward Garnier: I am grateful for my hon. Friend's support, and I hope our new clause will make it easier for the police to do what the public require them to do, which is arrest frightening people who are intent on doing criminal things.

5.30 pm

The problem in respect of sections 60 and 60AA, one that will be removed by our new clause, is that prior authorisation is needed. It may well be that as a matter of practice that is ignored. If it is ignored by the police, that suggests to me that they are probably behaving unlawfully when they give themselves authority afterwards, writing it down in a notebook. That is not what the scheme behind the current legislation requires. We need to bring this debate to a close now and ensure that the police are given the powers that the public believe they should have in order to prevent this disgusting behaviour from continuing.

Richard Arkless: I rise to speak for the Scottish National party principally in order to place on the record our unending admiration for the right hon. Member for Leigh (Andy Burnham) and other Members on both sides of the Chamber who have fought this righteous fight for so many years and for so many people who have been lied to and been subject to the most horrendous cover-up. I echo pretty much all the words the right hon. Gentleman said at the Dispatch Box earlier.

Football is very important to people in Scotland, as the right hon. Gentleman will understand; every weekend we send more people to football games per head of population than anywhere else in the UK does. Everybody in Scotland can understand the fear of their loved ones not returning from watching what is just a game of football; we had the Ibrox disaster in 1971 and there is still a scar deep in the Scottish consciousness. We are completely committed in principle to helping the right hon. Gentleman with whatever he needs to try to get justice for those people. Unfortunately, the police system in Scotland is devolved so we are perhaps not able to offer any support this evening, other than in principle, but I would like to place that on the record, and wish him and his colleagues all the best in the fight for justice.

Mr Charles Walker: I wish to speak to new clauses 26, 29, 42 and 43, all of which stand in my name. I will try to be brief. First, I thank the Under-Secretary of State for the Home Department, my hon. Friend the Member for Staffordshire Moorlands (Karen Bradley), for all the time she has taken over the past few weeks to discuss my concerns with me. I also wish to thank the Minister for Policing, Fire, Criminal Justice and Victims, who has made himself available to me, and the Home Secretary. As hon. Members will know, there is significant concern about the interaction between policing and mental health services, and I wish to turn my attention to that issue.

New clause 26 would place an obligation on chief constables to ensure that their police officers were properly trained in diversity and equality in relation to mental health issues, and specifically issues that relate to ethnic minorities. I have worked closely with Black Mental Health UK over the past five years, and it has raised concerns directly with the Home Office and Members for a number of years. I want to read out a paragraph from its briefing. It states:

“The joint Home Office and Department of Health review of sections 135 and 136 of the Mental Health Act 1983 acknowledged that ‘in particular Black African Caribbean men—are disproportionately over-represented in S136 detentions compared to the general population’ and that ‘Black African Caribbean men in particular reported that the use of force was more likely to be used against them by the police.’”

These are legitimate and real concerns, they have been subject to academic research and they need to be addressed.

Nearly three years ago, the Home Secretary co-hosted a fantastic conference at the QEII Centre with Black Mental Health UK, and my right hon. Friend the Minister for Policing, Fire, Criminal Justice and Victims spoke at it. Great strides are being made, but we need to ensure that further progress happens in the months and years ahead. New clause 26 would therefore require chief police officers to make an annual report to the Home Secretary on what progress has been made in relation to diversity and equality training. I will not push it to a vote tonight, as I have had assurances from Ministers that the matter will be looked at seriously.

James Cleverly (Braintree) (Con): This issue goes to the heart of the concept of policing by consent. I do not think that anybody who has had any involvement in policing will be unaware of the friction that exists

[James Cleverly]

between policing and many members of the UK's black communities. Does my hon. Friend agree that an explicit step in the direction he suggests will go a long way towards building bridges between UK policing and a very significant minority group in the UK?

Mr Walker: I agree with my hon. Friend, which is why I am delighted that my concerns have received such close attention from Ministers and will continue to receive attention. I look forward to further updates. The Government are working very closely with Black Mental Health UK and its director Matilda MacAttram, and I hope that those conversations will continue.

I said that I would try to speak for only five minutes, but I might have to stray a little bit over that, Madam Deputy Speaker.

New clause 29 relates to access to legal advice before someone is detained under the Mental Health Act 1983. I know that the Opposition have tabled new clause 24, on advocacy, but mine is a probing new clause. The removal of someone's liberty should never happen lightly. Again, there is great concern among the African-Caribbean community and Black Mental Health UK that a young black male is more likely than other people to have their liberty removed. New clause 29 is a genuine request to address a genuine concern, but I am not sure whether it is deliverable.

At the point of sectioning, the situation is almost always highly stressed. The needs of the individual who is ill should be central to that sectioning. There is very real concern about this situation. I am interested in the Opposition's new clause 24 in relation to advocacy. Advocacy is often talked about but has not been delivered in the way that it should be. Again, my right hon. and hon. Friends on the Front Bench are aware of that issue.

New clauses 42 and 43 relate to the deployment of police officers on wards and the use of Tasers. I am well aware that the right hon. Member for North Norfolk (Norman Lamb) will be speaking to new clause 40 on Tasers. I cannot be absolutist in my approach. I know that Black Mental Health UK never wants to see police officers used on mental health wards, and I share that view, but there will always be occasions where that possibility remains. When police officers are deployed to mental health wards, there should be an almost immediate notification to the police and crime commissioner and the Independent Police Complaints Commission that that deployment has taken place. I know that Home Office Ministers are working closely with the Department of Health on collating better statistics about the use of force and restraint, but we cannot wait 365 days before receiving that information. When police are deployed on mental health wards, that information needs to be made available immediately. Again I have received assurances from Ministers that work will be done on that matter. I know that time is short, but when the Minister sums up, I hope that he will again reassure me and Matilda MacAttram that that work will be done.

Finally, I turn to the use of Tasers on mental health wards. The right hon. Member for North Norfolk will argue, with great justification and passion, that Tasers should never be used on mental health wards. My heart

is with him, but my head says that there may be some highly charged situations where a Taser needs to be used. Right now, we know that Tasers are being used, but we are not collating or collecting the information, and there is no way for the House to know what is going on, or for concerned individuals to find out what is going on. When a Taser is used—I hope that they will never be used—a report needs to be made within a week to the police and crime commissioner and the IPCC. I am not suggesting for a minute that any police officer will take the action of using a Taser lightly, but we must remember that we are talking about Tasers and force being used in safe hospital environments. Again, I have received assurances from Ministers in relation to the issue, and I hope that the Minister will refer to those assurances in responding to the debate.

Finally, I draw the Minister's attention to a trial in Los Angeles, where Tasers are linked to body cameras by Bluetooth, so that the camera starts recording immediately when a Taser is drawn. It does not need to be manually started by the police officer. Perhaps the Home Office would like to look at that.

I apologise for having spoken for a little longer than I said I would, Madam Deputy Speaker.

Keith Vaz: It is a pleasure to follow the hon. Member for Broxbourne (Mr Walker), who has raised so many important issues. He and the House have insufficient time to discuss all these issues, so I want to confine my remarks to just a couple of aspects of this group of amendments, the first of which relates to the Government's decision to accept the recommendations of the Home Affairs Committee to place an initial 28-day limit on pre-charge bail.

I am sorry that the Minister for Policing, Fire, Criminal Justice and Victims has left the Chamber, because I wanted to pay tribute to him for being one of the very few Ministers we have encountered who writes back to the Committee and says that the Government will adopt some of our recommendations. He did so in respect of a 28-day limit on pre-charge bail, an issue that we have raised on a number of occasions. Most recently, in our report on police bail, we considered the case of Mr Paul Gambaccini and the need to prevent police bail from going on and on without limit. The limit is very welcome and very important.

I want to concentrate next on new clause 22, which relates to the surrender of travel documentation. I do not know whether my hon. Friend the Member for Birmingham, Erdington (Jack Dromey) will speak to that new clause when he makes his winding-up speech, but I support it very strongly. It will go a long way towards addressing in the law our concern about terrorist suspects who can leave the country because they have not given up their passports or even been asked for them.

In the Home Affairs Committee's review of counter-terrorism, we took interesting evidence from the sister of Siddhartha Dhar. Mr Dhar fled the United Kingdom while on police bail and despite being asked politely by the police to send in his passport. In fact, he never received the polite letter that the Metropolitan police sent to him asking him to hand in his passport, because he left the country when he was released from custody. He was already in Syria when that letter was sent.

What the Government propose in the Bill is welcome, but new clause 22 goes a little further. I very much hope that the Government will change their mind and accept it, because it is in keeping with the evidence given to us by the head of counter-terrorism, Mark Rowley, who said that when someone surrenders a passport immediately, the police and the security services know where that passport is and that, if someone breaches that requirement—in other words, if they do not hand over their passport—they should be in breach of their bail conditions.

Mike Penning: I understand that, in my absence, the right hon. Gentleman might have said something nice about me, so it was probably a good job that I was not here.

Is the right hon. Gentleman aware that the police have the power now to go with an individual when granting bail and physically take their passport or travel document before they release them?

Keith Vaz: They do indeed, but they did not do so in the case that I mentioned, which is the problem. We do not know how many other such cases there have been. We know about that case because it came into the public domain, and Mr Dhar ended up on a YouTube video telling us what he was doing. There might be other cases, but people are not very open about admitting mistakes. I accept that the power the Minister mentions may have been used before, but enshrining it in legislation as proposed in new clause 22 would be helpful.

5.45 pm

My final point relates to new clause 64, tabled by the shadow Home Secretary, on the importance of Leveson 2. I was one of the Chairs of Select Committees who met the Prime Minister, along with the then Chair of the Culture, Media and Sport Committee, who is now the Secretary of State, and Sir Alan Beith—now Lord Beith—when he chaired the Justice Committee. We were called to see the Prime Minister when he was about to announce the establishment of Leveson 1. He made very good arguments, which we accepted, that we should have two inquiries rather than one, and he promised that we would have a second inquiry once Leveson 1 had been completed.

Before Leveson 1 started, I went to see Lord Justice Leveson, who said that he did not think he would be around in the same role for Leveson 2, so if there is to be a Leveson 2 inquiry, it will be without Leveson, as he is doing other things that will take a number of years. When the Home Secretary gave evidence to our Committee on 16 December, she said that there were two cases outstanding and that she did not think Leveson 2 could start until those two cases were dealt with. Although I accept that, we have now found out that there are still outstanding matters that need to be considered. I do not know whether those are the two cases to which the Home Secretary referred. Perhaps the Minister who winds up the debate can tell us the number.

That situation could go on forever. There is no reason why we should not have a second Leveson inquiry, or Leveson 2 without Leveson, as I said. We could start the process of appointing a chairman and initiating the mechanics, perhaps with a panel, as was the case with Leveson 1, and when the legal proceedings have concluded, the Home Secretary or the Prime Minister could come

to the House and say, “We will now start the second inquiry”. Why wait for all those proceedings to be concluded before starting that process?

That would give comfort not just to those who fought so hard in the Hillsborough case, but to other members of the public, some of whom have had helicopters flying over their houses when they happened to be abroad because of the relationship between the police and the press—we only get to know about the high-profile cases. There is a very good reason why we should have the second inquiry, and I hope very much that that will be done.

In a highly unusual move, with the Scottish National party acting as the honest broker between the Government and the Opposition, the hon. Member for Dumfries and Galloway (Richard Arkless), who has left the Chamber, came up with a form of words that the shadow Home Secretary was prepared to accept. How wonderful! I do not know whether there will be discussions behind the Chair, but there is an opportunity to avert a vote if the Government say, “We are going to have it, but we are not going to have it yet.” That is all they need to say. Judging by what the shadow Home Secretary said, the Government will accept that, and we can proceed with Report and Third Reading without dividing the House on the important changes in policing law that the Government are proposing, many of which we accept—I certainly do—as being part and parcel of modernising our police force.

Robert Neill: It is appropriate that I follow the Chair of the Home Affairs Committee, as I am conscious of the fact that my predecessor as Chair of the Justice Committee was present when those assurances were given. I do not doubt the good intentions of the Minister and I am prepared to cut the Government slack over the matter, but there is an important point that the right hon. Gentleman has just made: it is not purely the high profile cases that are of concern to many professionals in the criminal justice system.

The shadow Home Secretary spoke movingly and passionately about the impact of Hillsborough and other such scandals, but of equal concern to lawyers such as me—I have had 25 years in the criminal courts—is the long-term day-to-day cosiness of relationships that, I am sorry to say, develop between police officers, not necessarily at the highest level but at an operational level, and reporters. Unless something is done to deal with that, there is a risk of miscarriages of justice. However these things are done, they do not come purely on the back of headline catching; there is a more insidious culture in some ways, which can be dealt with only through very firm management by the leadership of the police service, and if that is lacking it needs to be looked at appropriately.

I accept the concern about outstanding cases, but there is no doubt that this issue is potentially important. Any practitioner at the Bar will know of any number of occasions where the local press—this is not just about the nationals—has been aware, surprisingly, that a particular person was going to be arrested or that a particular search was going to be carried out. I am afraid that that cannot happen accidentally, so there is an issue here of general concern.

Let me turn briefly to new clause 23, to which I am a signatory. Again, I accept that the Minister wants to take the issue forward, but I agree with the sentiments expressed by my right hon. and learned Friend the

[Robert Neill]

Member for Harborough (Sir Edward Garnier). There is inevitably a reluctance among officials—I used to find that as a Minister—and senior officers to complicate regulations if they think that what they have got will do. I do not doubt that the advice the Minister has been given was given in good faith, but I say as a London MP who speaks to officers on the beat—on the frontline—in my constituency that their concerns about the inadequacy of the current provisions are genuine, and their experience perhaps does not mirror the advice the Minister may be getting from some of the top brass in the service. That advice may also not always mirror the concerns of my constituents, who go up to London to work and who are sometimes caught in these particularly unpleasant and intimidating demonstrations. My right hon. and learned Friend therefore makes an important point in his new clause.

Let me turn now to the main issue I wanted to raise, which I hinted at in my two interventions on the Minister: new clause 48 and the fire inspection regime. As I said to the Minister, who was generous in his responses to me, I welcome the change. In some ways, I wish I had been able to bring it in when I was the Minister responsible for the fire services, but the political and administrative climate was not there for it to be done, so I genuinely congratulate him on introducing it. He has more front-line experience of the fire services than I do, having actually done the job of putting fires out. My involvement with the fire services goes back to my involvement with the hon. Member for Poplar and Limehouse (Jim Fitzpatrick) some—I hate to say it—30 years ago, when I was the leader of the London Fire and Civil Defence Authority, immediately after the abolition of the Greater London Council. I would like to say that I lied about my age to join up, but that was not quite the case. However, I have been involved with the fire services in one way or another ever since.

At the time, we had the old-school inspectorate. Then we moved to an arrangement with a chief adviser. I think we all hoped that peer review and the work of bodies such as the Chief Fire Officers Association and others would achieve improvement from within. However, the Minister is right to have concluded that that arrangement is not delivering all that we want, and the recent evidence in the Public Accounts Committee report sets that out very clearly. It is therefore right to move to the inspectorate, and I warmly support it.

The reason I have raised what seems an arcane and technical point is this. I have taken on board what the Minister has said, but I want to amplify why I think it is right. One problem with the old inspectorate was that it tended to be a bit of an old boys' club for retired senior officers. Almost invariably, the inspectors and the assistant and acting inspectors came from a very narrow group of retired senior officers, and there was a bit of a revolving door. There were therefore real questions about the inspectorate being up to the minute in its knowledge and about the degree of independence that it would bring. An inspector can have to say pretty hard things to a chief officer and his management team, and that is not too easy if someone has come fairly recently from within the ranks of a fairly close-knit service.

That is why there should, where appropriate, be greater flexibility to bring in a contractor with expertise in the appropriate fields. That may not be for the whole of an

inspection, but it could be for a specific part. The obvious example is in relation to financial matters, but this would also work in relation to things such as the assurance of operational resilience, because there is now expertise in the private sector, as well as in the public sector, that can appropriately be brought to bear.

James Cleverly: In the new environment where we are encouraging greater collaboration between the blue-light services, might the fire inspectorate not also want to lean on senior members of the other uniformed blue-light services to add their expertise and to support the inspectorate as part of this multi-agency working?

Robert Neill: My hon. Friend is also the former chair of a London fire and emergency planning authority, and he makes an important point. All of us who have taken an interest in fire services over the years favour greater collaboration between the blue-light services, and I know that that is where the Minister wants to go. We all want a formula that will achieve that, but my concern is that the current wording of the Bill might make that harder, although I have absolutely no doubt that that is not the intention of Ministers. The reason I raise this concern is that, as it reads, proposed new subsection (A5), which will be placed in section 28 of the Fire and Rescue Services Act 2004, does not seem to cover the use of contractors.

Mike Penning: I will look very carefully at this issue during the Bill's passage from this House, should it get a Third Reading this evening, to the Lords. If I need to clarify the position, I will do so by means of a Government amendment in the Lords.

Robert Neill: I am immensely grateful to the Minister for that. That shortens greatly what I have to say. To fortify my right hon. Friend in what he says, let me say that the Public Accounts Committee found evidence that the Chief Fire Officers Association and the Local Government Association did not regard the peer review process as an adequate self-improvement tool. If he is happy to continue to talk to those with an interest in the sector and to deal with what might be an unintended lacuna, I and many others who wish him well in this endeavour, and who wish the fire and rescue services well, will be very happy to work with him to achieve that objective.

Ann Coffey (Stockport) (Lab): New clause 12, which stands in my name, would amend section 1 of the Coroners and Justice Act 2009. It would scrap the distressing rules that provide that dementia sufferers who die in care homes while subject to a deprivation of liberty safeguard are classed as being in state detention.

I first took this issue up after being contacted by families who told me of their distress at having to wait to bury their loved ones because inquests are required into the deaths of dementia sufferers who are subject to a DoLS, irrespective of the circumstances of their death.

Councils were inundated with DoLS applications from care homes after a Supreme Court ruling in 2014, which effectively lowered the threshold for what constitutes deprivation of liberty in care. Guidance issued by the Chief Coroner to local coroners following the Supreme Court judgment said that all persons who died subject

to a DoLS order must be the subject of a coroner's investigation, whether or not their death was from natural causes, because such persons are deemed for the purposes of the 2009 Act to be in state detention.

The new clause was suggested by the Chief Coroner himself in response to, and in recognition of, the distress caused to relatives. The Chief Coroner indicated to the Law Commission and the Government that a simple amendment to the 2009 Act might solve the problem of unnecessary cases being reported to the coroner, at least in the short term. The amendment proposed by the Chief Coroner said:

"For the purposes of this Act, a person who dies while subject to an authorisation granted under Schedule A1 to the Mental Capacity Act 2005 depriving that person of his or her liberty and detaining him or her in a hospital or care home does not die while in custody or otherwise in state detention."

Constituents have contacted me, including one woman who wrote after her mother died in a nursing home. She told me:

"My mum suffered from dementia and other health problems and we sat with her for four days and nights before she passed away. Within one hour of her death, uniformed police arrived and we were asked to leave the room."

Andrew Gwynne (Denton and Reddish) (Lab): I have had a very similar case of a constituent whose mother was in a nursing home and died. Almost immediately, the police came, and for 10 days had hold of her body. Does that not cause great distress to people at a time of mourning, and is it not why we really need to tighten up the rules regarding deprivation of liberty?

6 pm

Ann Coffey: My hon. Friend is right. Many people across the country have experienced that kind of unnecessary distress and trauma.

Since the tabling of this amendment on 25 May, the Law Commission issued its interim statement, "Mental Capacity and Deprivation of Liberty", which said that there is a compelling case for replacing DoLS and that the Coroners and Justice Act should be amended to remove the proposed new scheme from the definition of "state detention". I quote:

"The current law—which requires an inquest where a person dies while under a DoLS even if the cause of their death was entirely natural—was seen to be causing unnecessary work for coroners and upset to families. We received reports, for example, of police arriving at the deceased's deathbed; one consultee reported their impression of a 'crime scene'; another referred to issues over whether the deceased's body should be taken to the official mortuary rather than by the family's preferred funeral director."

The Law Commission has therefore recommended that the Coroners and Justice Act be amended when the new system is introduced. I am proposing that we take the opportunity to amend it now, through this Bill. The Law Commission's report is an interim one, so we will have to wait for the final report, and then for legislation to be drafted and enacted. That could take up to two years, during which many more families will continue to suffer distress.

We talk a lot about supporting carers. I know from my own personal experience how distressing it can be to watch a loved relative struggle to cope with dementia and their families struggle to support them. It is heartless then to put relatives who have cared to the limits of their emotional capacity through this further trauma at the time of the death of their loved one.

I am not going to press the amendment, but I hope that the Minister has heard what I have said and that he will talk to his colleagues in the Department of Health.

Mike Penning: That is exactly what we are doing. We are looking at this across Government, not only in the light of the Law Commission's partial report. Work has already taken place. I thank the hon. Lady for saying that she will not press the amendment. It is a probing amendment, and she is probing in exactly the right direction.

Ann Coffey: I thank the Minister for that positive reply. When the Bill goes to the Lords, I look forward to seeing the Government's response in amending it.

James Morris (Halesowen and Rowley Regis) (Con): I rise to speak to the new clauses tabled by my hon. Friend the Member for Broxbourne (Mr Walker) and by the right hon. Member for North Norfolk (Norman Lamb). As chair of the all-party parliamentary group on mental health, I start my remarks with the caveat that the changes the Bill makes to sections 135 and 136 of the Mental Health Act 1983 are very substantial and significant. Over the past few years, there has been considerable improvement in the way in which police forces and police officers deal with people in mental health crisis.

New clauses 42 and 43, tabled by my hon. Friend the Member for Broxbourne, relate to police officers being deployed in psychiatric wards. New clause 42 raises some important questions about occasions when police officers are requested to take action within health-based settings, particularly acute psychiatric settings. That speaks to an important developing relationship between the police and the health service. Sometimes, because of the particular nature of an individual's condition, or other circumstances, it may be appropriate for police to be deployed in psychiatric settings, but that should happen only in very exceptional circumstances. We might need to look at how acute psychiatric units go about risk-profiling patients who are currently in acute psychiatric settings in order to ensure that it is very rare and exceptional for police officers to be called on to take action within those settings. I broadly support the intentions of the new clause tabled by my hon. Friend, who has done a lot of very important work in this area, of which he is a champion.

I also have a lot of sympathy for my hon. Friend's new clause 43, which is about Tasers. I agree that only in the most exceptional circumstances should Tasers be used within acute psychiatric settings and that we should have very clear guidance and guidelines as to the appropriate time for the deployment of that kind of force.

New clause 58, tabled by the right hon. Member for North Norfolk, who has not yet had an opportunity to speak to it, raises important issues in relation to implementing the changes to sections 135 and 136 of the Mental Health Act. It refers to the controversial idea of a person's private dwelling being characterised as a place of safety. This speaks to the relationship between policing and the health service in terms of the operation of places of safety. We need to think about how we can provide a broader range of alternative places of safety, some of which might be based not in

[James Morris]

the national health service but in the voluntary sector or in crisis houses, and about the capacity of the system to provide appropriate places of safety.

Mike Penning: This is a really important point. To be brutally honest, unless we say, “No, we will be the port of last resort”, we will continue to be the first place that people come to, and that then pushes other Departments into getting their act together to do something. The police are now having to say, as we are saying in the Bill, that they will not hold people in police cells inappropriately, as they have been doing for too many years. That will force other Departments to do exactly what my hon. Friend is talking about.

James Morris: I thank the Minister for that intervention. There may be a role for police and crime commissioners to explore the need to work more closely with the health service and others to provide the capacity for appropriate places of safety such that police officers do not have to make the sorts of decisions implied by new clause 58.

The overall changes to sections 135 and 136 of the Mental Health Act are essential and quite transformative. We have to be very clear about what we mean by the exceptional circumstances in which people are detained, perhaps moving to a system where it becomes inappropriate in all circumstances even for adults to be detained in police cells. I recognise that there may be a need to define the exceptional circumstances in which that might happen. The proposed changes are positive. The new clauses I have discussed raise important questions that the Minister should consider in summing up.

Norman Lamb: It is a pleasure to follow the hon. Member for Halesowen and Rowley Regis (James Morris). I also welcome the contribution made by the hon. Member for Broxbourne (Mr Walker), who does an awful lot of campaigning on this issue.

I have tabled a number of new clauses and amendments. The first issue I want to deal with is whether we should disallow the use of Tasers on psychiatric wards. Before I get into the detail, I, like other speakers, want to acknowledge the inspiring leadership of many police leaders who, through force of strong moral leadership, have managed to change practice in many parts of the country. We owe them an enormous debt of gratitude.

On the issue of Tasers on psychiatric wards, the hon. Gentleman referred to Black Mental Health UK, an important campaigning organisation. As he said, it has drawn attention to the fact that

“in particular Black African Caribbean men”

are

“disproportionately over-represented in S136 detentions compared to the general population.”

That, incidentally, is a conclusion from the joint Home Office and Department of Health review of sections 135 and 136. It has also been reported that the police are more likely to use force against black African-Caribbean men.

I want to challenge the assumption that force is necessary at the level with which it is used at the moment. Black Mental Health UK refers in its briefing for this debate to the United Nations committee against

torture, which has stated that Taser X26 weapons provoke extreme pain and constitute a form of torture and that in certain cases they can also cause death. Although they are termed non-lethal, almost 10 known deaths have been associated with the use of Tasers in the past 10 years.

I want to get a debate going on the subject. I am delighted that the Home Secretary herself has said:

“I have been hearing stories, for example, of Tasers having been used in mental health wards and you think, ‘Hang on a minute, what is happening here?’”

That is what we should all be doing: we should be questioning whether that is appropriate, and that is why I tabled new clause 40.

My amendment 124 would, in effect, prohibit the use of police cells as a place of safety for adults. I welcome the fact that the Government are implementing, through this Bill, the joint review’s recommendation to end the use of police cells for children and young people. However, the inspiring leadership of many police officers, working closely with mental health services, means that, in all but the most extreme cases, the use of police cells for such purposes has ended in some parts of the country. In London, for example, hardly any adults go into police cells as a result of section 136, and the same is true about the west midlands over the past two years. If those areas of the country with impressive leadership can do it, we should challenge every part of the country to do so, and the Bill should lead the way.

I welcome the fact that the Minister himself said on Second Reading:

“Unless we actually put a stop to that”—

the use of police cells—

“and say, ‘Enough is enough,’ we will not get the provision we need from other agencies.”—[*Official Report*, 7 March 2016; Vol. 607, c. 102-103.]

That is absolutely right. We cannot use the fact that the NHS is under pressure as an excuse not to do this. If it is wrong, it is wrong, and it needs to be challenged.

My new clause 45 would ensure that, in every case where there has been evidence of child sexual exploitation, the victims are referred for a mental health assessment. “Future in mind”, the report that I published in March 2015 following a taskforce that we set up to consider children’s mental health services, set out the need for trauma-focused care and for sexually abused and exploited children to receive

“a comprehensive specialist initial assessment, and referral to appropriate services providing evidence-based interventions according to their need.”

The new clause seeks to implement that recommendation.

In its briefing for this debate, the Local Government Association supports the intention, but again raises concern about investment. Are we really saying that the lack of availability of mental health services is a reason not to ensure that every child who has suffered sexual exploitation gets the chance to receive a proper assessment? Surely we have to set what is right in legislation and then ensure that we provide the facilities to make it happen. Anything short of that is not acceptable.

6.15 pm

There are many individuals who, after suffering abuse and exploitation as a child, go on to be very ill in adult life. They suffer from things such as dissociative disorder,

which I had a briefing on recently. It completely takes over a person's life: it means that they cannot work and that they have difficult relationships throughout their life. The cost to society is enormous, so let us make sure that we get those children the assessment of their needs that they deserve.

New clause 58 would prohibit the use of a person's home as a place of safety under section 136. Under section 135, when a police officer goes to someone's home, it may be appropriate for them to stay with that person, but the organisation Mind has raised serious concerns about taking someone by force to their home as a place of safety under section 136.

Mr Kevan Jones: Does the right hon. Gentleman share my concern about detention at home, which I raised in Committee? Although it is welcome that this Bill will try to reduce the number of people going into police cells, the de facto position may be to take people home because of the lack of beds elsewhere, even though that might not be the best place for the individual concerned.

Norman Lamb: The hon. Gentleman is absolutely right. The fear is that that will become the default position in some localities because of the lack of resources available. That would be a big mistake. In circumstances where section 136 is used, surely the person should be taken to a health-based place of safety. A real effort is under way around the country—it is showing signs of success—through the use of approaches such as the street triage service, to reduce substantially the use of section 136 at all and to deal with issues in a more informal way. However, where it has to be used, we must make sure that the person is taken to the right place.

James Morris: Does the right hon. Gentleman accept that perhaps we need to think about the definition of “health-based place of safety”? The definition is in the control of the national health service, but perhaps it needs to be broader so that it can mean a voluntary organisation or elsewhere. That would be one way of improving our capacity.

Norman Lamb: I noted the hon. Gentleman's remarks in his speech a few moments ago and he is absolutely right. A crisis house or a place of safety provided by a particular community for one of its people may well be the best place for them to go. We should be willing to open up the definition in an appropriate way.

New clause 59 centres on the right of those detained under sections 135 and 136 to an appropriate adult. Anyone detained under the Mental Health Act 1983 has a right to an independent mental health advocate, except when the detention is under sections 135 or 136. In such circumstances, the person may be very vulnerable, so surely the Bill should embrace the idea, as Mind has argued, that they should have a right to an appropriate adult.

Finally, I want to address the issue of when the clock should start. I welcome the fact that the Bill reduces to 24 hours the maximum length of time for which someone should be held under section 136 while the assessment takes place. There is a critical question, however, about when the clock starts. If there is pressure on resources and facilities, someone could be kept in a police van and

driven around a city—that does happen sometimes. That time, under the Government's proposed definition, would not count. Some hours could pass before the person arrived at the place of safety. Mind's argument, which is contained in amendment 125, is that the clock should start when a person is detained rather than when they arrive at a place of safety.

Mike Penning: One of my concerns about that is that we set a target of taking the individual who needs that help somewhere quickly, rather than taking them to the right place for their needs.

Norman Lamb: I am grateful to the Minister for that intervention, and I understand that we have to balance all these things. I am trying to ensure that legislation puts pressure on agencies to provide sufficient resource to meet a clear need. That is not the case at the moment.

I conclude by saying that the amendments and new clauses in this group are all designed to improve the rights of people with mental ill health, who are too often let down by the system at the moment.

Geoffrey Clifton-Brown: I wish to address new clause 23 and take the Minister on a very short metaphorical journey with me, although perhaps nowhere near as far as new clause 23 seeks to go. I am sorry if I am trying the patience of the Minister and the House, because the Minister has been exceptionally courteous today, as he has been to me on previous aspects of the Bill.

Let me explain the mischief of face coverings, with which the House is well acquainted. In my intervention on my right hon. and learned Friend the Member for Harborough (Sir Edward Garnier), I mentioned two events: the Conservative party conference in Manchester, and an incident in my constituency in which, during the badger cull, two people in masks parked outside a farmhouse several evenings in a row as it was getting dark, deliberately intending to intimidate. A similar thing happened at the Blackpool conference. I was there when people, women in particular, were intimidated by people in masks. If only the police had been able to ask those people to take off the masks, I think the intimidation would have stopped almost on the spot. I suspect that in those two incidents, the mere act of the constable on duty asking those people to take off the masks would have stopped the mischief there and then.

That is the journey on which I want to take my right hon. Friend the Minister. It is perhaps not the entirety of new clause 23, but let us simply look at section 60AA of the Public Order Act 1994, which requires a constable on duty to obtain prior written consent before a mask is taken off—[*Interruption.*] The Minister is going to intervene. May I just explain where I am coming from on this? Very often, a constable will get on the radio and obtain verbal consent, and the written consent is given afterwards. Technically, a crime is being committed because they have not got prior written consent.

Let us do away with the whole issue of written consent. We train our constables to a very high level, and we put a great deal of trust in them. Let us trust them in individual situations. If they think that face masks are a problem, we should give them the power to demand that the face masks be removed immediately. It may even be possible to do this by secondary legislation.

[*Geoffrey Clifton-Brown*]

Section 60AA—[*Interruption.*] Does my right hon. Friend the Minister want me to give way? If he does as I suggest, I think we will achieve what we want to achieve.

Mr Kevan Jones: I want to speak to new clause 24, which stands in my name and those of several of my hon. Friends. I will also refer to the amendments tabled by the right hon. Member for North Norfolk (Norman Lamb) and the hon. Member for Broxbourne (Mr Walker).

The hon. Member for Broxbourne raised the fact that the state's power to deprive someone of their liberty is one of the most draconian acts at its disposal. As the right hon. Member for North Norfolk said, someone who is detained under the Mental Health Act 1983, other than under sections 135 or 136, is entitled to a mental health advocate. If they are detained under sections 135 or 136 of that Act, they are not. The only way in which they could access legal advice, as I think the hon. Member for Broxbourne said, is if they are detained at a police station.

Quite rightly, the Government want to prevent people from being taken to police stations in the first place—I give them credit for this—because a police cell is clearly not the correct place for someone who is in mental health crisis. The important thing is that such individuals need some advocacy. At the moment, if an individual is not taken to a police cell or a police station, they will not have access to independent legal advice or any type of advocacy. New clause 24 is designed to get some parity with the rest of the 1983 Act, in which people do have advocacy. I am pleased that the Under-Secretary of State for the Home Department, the hon. Member for Staffordshire Moorlands (Karen Bradley), who responded to a similar amendment in Committee, has just taken her seat. She has promised to look at this issue.

I do not intend to press the new clause to a vote, but it is important that we put in place a system under which people who are detained under sections 135 and 136 of the 1983 Act can, at least, access some advice. I agree with the point made by the right hon. Member for North Norfolk in new clause 59, which is designed to do a similar thing by ensuring that individuals have access to an adult who could speak or advocate on their behalf. I have had discussions with the Minister, and she has given undertakings to look at how that could be done.

I agree with the hon. Member for Halesowen and Rowley Regis (James Morris) that many of the things in the Bill are not necessarily the responsibility of the police. They have stepped up to the mark, in many cases, to fill a gap created by a lack of funding or support. In some cases, because of the disjunction between mental health services, local authorities and others, the police are seen as the last resort. He is right to highlight that.

That brings me on to new clause 26, which has been tabled by the hon. Member for Broxbourne, and which I welcome. There is good practice already in many police forces, which undergo mental health training—in Durham, the chief constable has instigated a whole force review to make sure that people have access to mental health training—but it is important that we have consistency. Police forces will be empowered and given

greater expertise if they know how to use not just sections 136 and 137 of the 1983 Act, but other sections. I pay tribute to police forces up and down the country, because there is some good practice.

In Committee, we referred to the concordat, which is a good move forward in ensuring that there is a joined-up approach at local level between police forces, local authorities and the health service. I tabled an amendment in Committee to put that concordat into some sort of statutory framework. I know that the Minister is exploring with colleagues at the Department of Health how we can get some agreement, or some sort of reporting, on what is happening at a local level.

The right hon. Member for North Norfolk has the done the House a great service by tabling new clause 40 because it concerns a subject that is not being talked about. I totally agree with him; I can envisage no circumstances in which it would be necessary to use a Taser on a mental health ward. The right hon. Gentleman praised Black Mental Health UK, which has done a lot of work on the issue. When I met Black Mental Health UK, I was struck by the stark fact that something has to be done. I know that the Home Secretary and the Minister have looked at the figures, and the only mathematical conclusion we can reach is that people from black and Afro-Caribbean communities are being detained under the 1983 Act disproportionately compared with any other section of the community. Those figures cannot just be the result of chance. I urge the Government to look seriously at the matter and think about how we can put mechanisms in place to ensure that that is not the case.

On new clause 43, I agree with the hon. Member for Broxbourne that if the use of Tasers is not going to be prohibited, we should at least have statistics to show when and where they are being used. New clause 58 is similar to an amendment that I tabled in Committee. I give credit to the Government for their efforts to ensure that people in mental health crisis do not end up in a police cell, but unless we have very close monitoring and reporting, we might end up in the de facto position that the right hon. Member for North Norfolk has just mentioned in relation to sections 135 and 136 of the Mental Health Act.

6.30 pm

Mr Charles Walker: The hon. Gentleman is making a fantastic speech. Is it not remarkable just how far this House has come in the past four years? In this debate, we are putting the interests of mental health patients at the centre of what we are discussing, and he should take great credit for that personally.

Mr Jones: I should not be the only one taking credit for that. The hon. Gentleman should do so as well, as should many other people in the House. To give credit to the Government, they have taken this issue seriously and both the Ministers who served on the Committee are committed to ensuring that we get the best outcomes for people in mental health crisis in the criminal justice system.

We should soon have a situation in which police cells will not be the first resort, as they have been in the past. I am not criticising the police for taking people to the cells; they were often the only places available. However, we need to monitor closely what happens to people

when they are detained under sections 135 and 136 of the Act. I would not want keeping people at home to become the de facto position. That might be helpful for the statistics on keeping people out of police cells, but people's homes might not be the best possible place for individuals in crisis. The hon. Member for Halesowen and Rowley Regis made the point that they do not necessarily have to be placed in a health facility. The hon. Member for Broxbourne has said on numerous occasions that this country needs a network of places of safety for individuals in mental health crisis. Those places could be run by health authorities, by charities or by others, but we need such a network because neither a police cell nor, in some cases, a hospital is the best place for certain people in crisis.

I am glad that the proposed changes to the Bill are being taken seriously by the Government. I pay tribute to the way in which both Ministers have addressed these matters in Committee. Even though some of the proposals are not going to be put in the Bill, I believe that the Ministers, working with colleagues in the Department of Health, will be able to achieve a situation in which people in mental health crisis do not end up in the criminal justice system. That should be our aim.

Jim Fitzpatrick: It is a pleasure to follow my hon. Friend the Member for North Durham (Mr Jones). I shall not be referring to the mental health provisions in the Bill, but I commend colleagues who have already spoken about that and who have been personally responsible for taking this issue so far and for encouraging the Government to listen to the arguments that they have been putting forward for years. I also commend the Government for their response to the debates that took place in Committee and, more generally, for their attitude towards mental health. I also want to commend the shadow Home Secretary, my right hon. Friend the Member for Leigh (Andy Burnham), for the way in which he spoke to his new clauses almost as part of the campaign on Hillsborough. He spoke passionately and powerfully and I hope that the Government will respond positively to his requests for the new clauses to be accepted, if only in principle. I look forward to the Minister's response to the debate.

I want to speak briefly to new clause 48 and new schedule 1, which propose the re-creation of a national fire service inspectorate in England. My friend the Minister is, like me, a former firefighter. When I ask him to do things in our exchanges on fire brigade matters, he sometimes throws back at me the fact that I did not do them when I was Fire Minister and asks why should he do them now. I want to ask him why he is recreating the fire service inspectorate when we did away with it and put other arrangements in place. I will be interested to hear his explanation. I welcome the fact, as the hon. Member for Bromley and Chislehurst (Robert Neill) and others have done, that the Government recognise there is a vacuum and that something has to be created to fill the gap. Whether that is an inspectorate as set out in the new clause or whether that wording changes when the Bill goes to the House of Lords, the fact that the Government are moving in this direction is welcome.

In Westminster Hall last week, we discussed with the Minister the increasing number of calls related to flooding that the fire service now deals with, the transition towards dealing with more medical emergency calls and

the arrangements with the national health service for the fire service to do more social care visits alongside fire safety visits. These changes all demonstrate the fact that the fire service is moving into different territory, and that different skills are being developed which require different resources as well as the staff to carry them out.

As I mentioned in Westminster Hall, criticisms are being levelled at the fire service, parts of which are being blamed for the reductions in the service. The fire and rescue service has been a victim of its own success in recent decades, having cut the number of calls and fires and reduced the number of deaths and serious injuries. That has resulted in the loss of fire stations, fire appliances and firefighters. The Minister will remember that I stated in that debate that there are nearly 7,000 fewer firefighters in the UK now than there were in 2010. That fact has raised a number of eyebrows, and questions are being asked about attendance times being met and resources being available. People are now asking whether the service is still equipped to do the job that it needs to do.

Mr Stewart Jackson (Peterborough) (Con): The hon. Gentleman has great experience in the fire and rescue service in a number of capacities. The operational issues that he is rightly raising are important, but will he acknowledge the Public Accounts Committee's finding that in the wake of the abolition of the Audit Commission, the governance, scrutiny and oversight of many fire and rescue services and the cosy relationship between the authorities and those services were unsatisfactory in terms of providing value for the taxpayer's pound?

Jim Fitzpatrick: Absolutely. I agree with the hon. Gentleman. That point was also raised by the hon. Member for Bromley and Chislehurst, and I am sure that the Minister will also put forward an argument for putting in place a means of making those measurements.

Having said all that, I am curious about the lateness of the arrival of the new clauses. The Minister referred positively to the consensus in Committee and to the ability of both sides to help each other out to make progress on the Bill. I commend the shadow Fire Minister, my hon. Friend the Member for West Ham (Lyn Brown), for arguing for a provision to assess the ability of the fire service to carry out its functions. To the Minister's credit, he has now tabled the new clause and the new schedule to address that issue.

I mentioned in an intervention my curiosity about whether the Government had considered the United Kingdom Accreditation Service as a potential vehicle to carry out the function that is being proposed here. The Minister knows that I had 23 years in the fire service, 13 of which were spent as an operational firefighter, and I participated in drills in the fire station as set out by Her Majesty's inspectorate. I have to question the value of those drills, because we would train for weeks to get them right but they still did not always go entirely right. I question the value of putting in that amount of rehearsal. I wonder whether all that practice actually made the whole exercise worthless.

We decided to abolish Her Majesty's inspectorate because of the scepticism and cynicism surrounding it—the hon. Member for Bromley and Chislehurst referred to an old boys' network earlier—and I would have

[*Jim Fitzpatrick*]

hoped that the Government would now be proposing something new. However, they seem to be proposing a re creation of what went before. Having moved it to the Department for Communities and Local Government and then back to the Home Office, there seems to be replication so that, along with Her Majesty's inspectorate of constabulary and Her Majesty's inspectorate of prisons, we will now have Her Majesty's inspectorate of fire services.

I look forward to hearing more from the Minister and to listening to the debates in the other place, where I suspect the Bill will get more scrutiny than it has in this place. Public confidence in the fire service is high and has always been high, but the fire service needs professional underpinning and validation not only for public confidence and value for money, but for the safety of firefighters who put themselves on the frontline to protect the public. I look forward to a more extensive debate when the Bill goes to the other place, and to some comments from the Minister when he sums up. This is a positive step forward, but we need to make sure that the fire service can demonstrate to its own satisfaction, to our satisfaction and to that of the public that it is equipped, resourced and able to do the job we all admire it for doing and want it to carry on doing in the future.

Sir Edward Leigh (Gainsborough) (Con): May I first apologise, Mr Deputy Speaker? Although I was in the Chamber for the Minister's opening speech, I had to chair a Delegated Legislation Committee—you were kind enough to put me on the Panel of Chairs—so I am sorry that I have not been present for the whole of this debate.

I want to speak to new clause 23, which was so ably introduced by my right hon. and learned Friend the Member for Harborough (Sir Edward Garnier). I understand that it will not be pushed to a vote, that there will be a review in relation to PACE and that the Minister has listened carefully to all the arguments that have been made. If we are to have a review, there is an opportunity—I will use my brief remarks to talk about it—to have a debate in this country about face coverings generally. Many people in our country feel that it is quite un-British, and is not necessary for any reason, except in exceptional circumstances.

I do not want to suggest that we should take heavy-handed, universal action to prevent people from covering their face in this country, because that is also in a sense un-British. Fundamentally, as a nation, we actually believe in the freedom of people to live their lives in the way that, for whatever reason, they want, so long as they do not alarm or intimidate others. I know that other countries—for example, France and I believe Belgium, which are perfectly moderate, sensible, freedom-loving countries—have decided to ban face coverings in public, but we probably do not want to proceed in that way in this country.

If we are to have a review, I believe that this is an opportunity to have a debate. I certainly join my hon. Friends who have expressed concern about certain situations in which people feel intimidated, such as in the environs of a hunt, an animal research laboratory, or a demonstration outside Parliament. People are of course entitled to

demonstrate—nobody is denying that—but it is very intimidating for the police and the public to see people engaged in demonstrations with any kind of face covering.

I understand that it is perfectly possible under present arrangements for the authorities to issue written instructions so that a police constable can require people to remove their face coverings and all the rest of it, but I would like us to go further. I suggest that the way to deal with this problem is to say—in a particular situation that might be threatening, intimidatory, violent or confrontational on both sides—there should certainly be a right for a police constable to require somebody to remove a face covering. It should be possible for a chief constable to have such a right, as well as to lay down general prohibitions against face coverings.

It should also be possible—there should be a public debate about this, because I know that there are different points of view—for the Home Secretary to issue a ban against face coverings in certain situations or in particularly sensitive geographical places, such as the central areas of the cities of London and Westminster, the central part of our capital city, which is sensitive for all sorts of reasons, or in hospitals, schools, law courts and doctors' surgeries. I know not everybody in the House will agree, but many members of the public are concerned about this.

6.45 pm

Nobody is more pro religious people than myself and nobody would want to do more than me to defend the right of religious people or any other group of people to dress in any way they want, but there are certain situations and certain parts of the country—certain public places—where the public as a whole, although they are very tolerant of other people's attitudes and way of life, do not like the idea of face coverings.

That is all I wanted to say. I hope that, as the Minister has promised a review, he will be open-minded about this. He may wish to comment on what I have suggested when he sums up.

Mike Penning: It is real privilege to sum up the debate on this group of amendments. I thank the shadow Policing Minister, the hon. Member for Birmingham, Erdington (Jack Dromey), for giving me more time—he could easily have risen to speak to the amendments. I am pleased that I have a bit of time to talk through some of the points that have been raised, and I have already given some indication of what I will say in interventions on right hon. and hon. Members. I have been told off by the Chair, Mr Deputy Speaker, but that is understandable. It was not the first time, and it will not be the last time.

I want to say a little about the comments made by my hon. Friend the Member for Bromley and Chislehurst (Robert Neill) and the hon. Member for Poplar and Limehouse (Jim Fitzpatrick) on the new inspectorate. At the outset, may I say that my hon. Friend the Member for Bromley and Chislehurst was brutally honest when he said he would have liked to have made this change, but was prevented by circumstances when he was the Minister? Perhaps the hon. Member for Poplar and Limehouse—my predecessor in many different capacities, including as a firefighter—was also prevented from doing so by different circumstances when he was Minister.

We must learn from our mistakes—to be brutally honest, we all make mistakes in life—so the first thing to say is that it is absolutely correct that the inspectorate will not be an old boys' network. It will be based on Her Majesty's inspectorate of constabulary, and on police effectiveness, efficiency and legitimacy reviews. Firefighters will not have weeks to practise their escape drills, which I remember so vividly from when I was in the job. For people of a certain age, such escapes were done on the old ladders, which were on big wheels that could get firefighters to places some of the modern ladders will not reach.

Importantly, the inspector will have the power to bring in the experts he or she thinks fit to do inspections. The inspector should not be an ex-chief fire officer from somewhere, which is similar to the arrangements in Her Majesty's inspectorate of constabulary. I know that will ruffle a few feathers within the network, with people saying, "We're experts, we know best", but it is important for the inspector to come in and ask, "Why? Why do you do it that way?" and then to bring in other expertise. I think that is the way to do it.

I think the former Fire Minister, the hon. Member for Poplar and Limehouse, will find that when we started to talk about this issue—it was raised in Committee by the shadow Fire Minister, the hon. Member for West Ham (Lyn Brown)—I had only been in the job for two weeks, because the role of Police and Fire Minister was very new. However, I knew what I wanted to do, as did the Home Secretary, and I freely admit that a little bit of encouragement from the shadow Minister has helped us on our way. There are areas in which we will be able to work much more along the lines of how Her Majesty's inspectorate of constabulary does its inspections, so that people are not prepared for the day having known about the inspection for weeks in advance, as happened in my time.

I want to speak to some of the Government amendments that I did not have the opportunity to talk about earlier, and I will turn to some of the excellent contributions made during this debate. One of the most important areas of agreement that I have reached, with the Home Secretary's permission, is in relation to the 12-month rule for officers who have retired or left the force. Since long before I held my current position, it has always struck me as strange that, criminal proceedings apart, an officer of no matter what rank could step down and start their pension almost the day before they became subject to investigations within the police force. In some cases that does not happen. I have the duty of signing documents that revoke police officers' pensions when they have broken the rules so badly that they lose their pension. I do that quite regularly. It is difficult to sign something that will dramatically change someone's future, and I do not in any way do so lightly. I often quiz my officials about whether it is the right way to go, not least because a good proportion of the contributions to the pension were that person's own contributions, not the state's contributions. However, the rules are quite specific in those cases.

Although we did not want to leave things completely open—I know the shadow Home Secretary will understand that—we thought there was a real opportunity to leave a great legacy on behalf of the Hillsborough victims. The change to the 12-month rule will be for exceptional circumstances. It is difficult to put them into primary

legislation, so we will do it by regulations. I hope that the shadow Front-Bench team will work with us on those regulations, along with other parties in the House. They will be one of the biggest legacies of what we are doing.

I am sorry that we do not quite agree with Her Majesty's Opposition on two issues. On Leveson 2, the Home Secretary has set her position out in front of the Home Affairs Committee, and I have set it out too. I am categorically not saying that it is not going to happen, but no decision will be made until after the criminal investigations. That is the position that the Home Secretary has set out—it is way above my pay grade—and that is how it will stay.

Norman Lamb: I do not want to compete with the SNP in offering to be honest broker, but could the Minister not say that when the cases have concluded the Government will reaffirm the commitment to Leveson 2? It would be straightforward to say that now, and it would be widely welcomed.

Mike Penning: The point has been made on numerous occasions. The Home Secretary has said, and I have said, that we will wait for the inquiries and proceedings to finish and then announce our position on Leveson 2.

Andy Burnham: The Minister has made the position clear, but in doing so he will not have pleased many people who are campaigning for justice for people who have suffered press intrusion. Will he be explicit that what he has just outlined is in fact a weakening of the Government's position? A couple of years ago, the Prime Minister promised that there would be a stage 2, but tonight we are being told that that is now up in the air and up for grabs.

Mike Penning: I have been absolutely explicit, as has the Home Secretary. There is no weakening and no change. We will wait for the conclusion of the proceedings. If the shadow Secretary of State wants to push the issue to a Division I will have to accept that, but he has to accept that all the way through the process I have been clear, as has the Home Secretary—as I said earlier, no Home Secretary has gone further for the victims of Hillsborough than this one—that we are not ruling anything out but will wait until after the conclusion of the criminal cases that are taking place.

We also disagree on another area—it is a shame, but I respect the view of others in the House, and if we have to go through the Lobby we will. Bishop James Jones is carrying out his review as requested, and we are not going to pre-empt what he will say in that review. There are assumptions about what will be in it, and some will be right and some will be wrong.

Whatever happens in any Division, things will not stop there. If the Opposition win, so be it. If we win the Divisions tonight, we will still wait for the conclusions of the investigations, the court cases and Bishop Jones's review. Our position will stay exactly the same.

Andy Burnham: The issue of parity of legal funding at inquests at which the police are represented goes beyond Hillsborough. It affects many families fighting many injustices. It goes beyond the work of Bishop James Jones. Could we at least have a commitment that

[Andy Burnham]

the Government will work with us to seek that parity and equality of legal funding at inquests? That commitment would mean something.

Mike Penning: All the way through, we have worked with Her Majesty's Opposition and done everything we can. I know this might be playing at semantics, but I slightly disagree with the right hon. Gentleman. Bishop Jones's work will make a huge difference for future cases, because of the experiences of what people have so sadly gone through for 27 years. His review is not just about Hillsborough; it will give guidance to Governments of whatever colour in the future. That is why we have decided to wait for all of his review's recommendations. It will affect people now and in the future. I understand the points being made, though, and perhaps we can come to an agreement on this issue. We will continue to work together on it beyond this debate, no matter what the results of the votes, because it is the most important thing to be done.

I will address some of the contributions that have been made about mental health. The hon. Member for North Durham (Mr Jones) talked about the issue extensively in Committee. When I was Minister with responsibility for disabilities I had long and fruitful meetings with the right hon. Member for North Norfolk (Norman Lamb), the Minister in the coalition Government with responsibility for mental health, and we agree on 90% on this issue—we speak from the same platform in many ways. Many changes to how the police deal with and look after—I stress look after—people with mental health issues came about because of his work as a Minister. He pushed the Department of Health to places that I am sure, at times, it did not want to go to. Perhaps I have done the same in my new role with the police, with the Home Secretary's support, by saying that some things are still fundamentally wrong in the 21st century.

As my hon. Friend the Member for Broxbourne (Mr Walker) said earlier, my heart tells me that the use of a Taser within a secure mental health facility must be wrong, but my brain and my experience tell me that in exceptional circumstances—it must not be the norm—it could happen. I have met several of the lobbyists who have been referred to, who have campaigned very hard on the issue. The Under-Secretary of State, my hon. Friend the Member for Staffordshire Moorlands (Karen Bradley), is going to take work forward on it, as promised in meetings with colleagues from across the House.

We are in a really exciting position. This is not just about mental health issues but about social services more broadly, particularly with regard to children. I have been with police on a Friday evening, long before I got this role, getting something to eat before going out on patrol. The constables would be given notes, particularly from the sergeant and sometimes from the community inspector, asking us to go and visit Mary, or John, because social services had said that they had not seen them for a couple of days, and as they were vulnerable people we had a duty. Well, sorry, but social services had that duty first. We—I use the word “we” because I am very passionate about this—must be the last resort. The police cannot be the first port of call.

Work on the issue has been going on for the past couple of years. It is being done in different ways around the country, but street triage has transformed the use of

powers under sections 135 and 136 of the Mental Health Act 1983. This next point is not simply one of semantics: the use of section 135 or 136 is an arrest. People are not being sectioned; they are being arrested. There is sometimes confusion about that. The power an officer is using at that point is a power to protect and arrest. We need to make that clear. We have seen different uses of sections 135 and 136 in different parts of the country. It has dropped dramatically—the use of section 136 in particular—because of the work taking place. I completely agree that more needs to be done, but we are in a position where we can drive that work forward only because, frankly, we have said that enough is enough.

I understand the reasons behind many of the amendments that have been tabled, particularly on the use of Tasers. I understand the risks that the right hon. Member for North Norfolk alluded to, but Tasers have saved lives. I talked earlier about what my heart tells me and what my brain tells me. I used to volunteer in a mental health hospital before and during my time in the Army, because my mother worked as a mental health nurse. I asked mum—she is retired now—“Is there a case in which you would have to use this sort of force?”, and she said, “Sadly, in exceptional circumstances there is.” However, she also emphasised the quality of training in mental health facilities and how someone can be restrained safely.

Mr Charles Walker: I am sure I heard my right hon. Friend correctly, but to confirm, is he saying that Ministers will work with interested parties—for example, with me or the right hon. Member for North Norfolk (Norman Lamb)—to ensure that the recording and reporting of such incidents is much better, and that we will report progress back to the House periodically, perhaps through letters to the Library?

7pm

Mike Penning: I was trying to get to exactly that point. That is a role for police and crime commissioners. If we devolve the powers in question, it will give more powers to PCCs, and rightly so. If we believe in and are aiming for localism, PCCs should know what is going on in their part of the world, and that information should be made available to the public and not left opaque. That will take work—I am delegating more work to my colleagues on the Treasury Bench, and to others across the Government, because this is not just a Home Office matter. Someone said earlier that this measure should not be in the Bill, but it is there because it needs to be.

Norman Lamb: In monitoring the use of Tasers, will the Minister ensure that we consider the ethnic dimension of who they are used on, and that that information is made publicly available and there is transparency?

Mike Penning: That is vital. When I was the Minister responsible for disabilities, one issue under discussion was the disproportionate number of black men who are tasered in mental health facilities. Indeed, there is a disproportionately high proportion of black men in mental health facilities, as we know there is in prisons and throughout the criminal justice system. We cannot just say, “Let's get on with it”; we must do something about that, including by raising people's educational standards, aspirations and so on.

The other important issue that the right hon. Gentleman raised concerns people who have been abused, whether it is sexual abuse or other types of abuse. We must ensure that they get the right care early on, and we must not assume that that abuse will show up in someone's first medical analysis. I know that from friends who suffer from post-traumatic stress—I have friends who served in the Falklands who are only now showing the signs.

Norman Lamb: I accept that problems might show up only later on, but if the Minister does not accept that my new clause would provide for an automatic referral, will he accept that the Government should make clear that it should be standard process that a child is referred for an assessment of their mental health needs, as the Children's Society suggests?

Mike Penning: This is probably way beyond my portfolio, but as a father I would ask, if someone is assessing a child who has been abused, how can they not assess them for mental health damage that may have occurred? That is the natural thing to do—I will probably get shot for saying that, but at the end of the day that is probably the moral position. How that is done is for the right hon. Gentleman's former Department and social services to address.

I turn to facial coverings and new clause 23, which was tabled by my right hon. and learned Friend the Member for Harborough (Sir Edward Garnier) and other colleagues. I think we have reached a consensus. I arranged for Assistant Chief Constable Paul Netherton to lead on the issue for the whole country within the police. Very unusually for a senior police officer, or indeed for any police officer, he said, "Don't give me any more powers. I am happy with the powers we have." In our meetings, however—I am happy to share this with the House—it was conceded that the way the current legislation is being interpreted through guidance is an issue. There is also some confusion about the powers under section 60AA of the Criminal Justice and Public Order Act 1994, which concerns the need for a written authority. In reality, the police get on their radios and say, "This is the situation. I want to remove it. I think that an offence is going to take place." The request is instantly given, and it is signed later on. That is not breaking any law; that is how the procedure works on a daily basis.

The Home Secretary and I both understand that there are real concerns about whether the measure is being implemented in a way that ensures public confidence as well as that of the police. Rather than change the law against the advice that I am getting from the police, we have proposed a review into the Police and Criminal Evidence Act 1984 code A. That does not happen often, but this autumn a review will take place into stop and search. The powers in the Bill are similar to those stop-and-search powers, and we will ask for them to be included in that code. That significant change will alleviate some of the concerns, but we must ensure that we provide those powers.

Sir Edward Garnier: I would not want the Minister to think that I am ungrateful for what he is suggesting—I would never be that. However, it would be helpful if he would write to me setting out precisely what he is

proposing and stating the likely amendments to PACE. He mentioned a review of PACE, but he did not necessarily mention an amendment to that Act. If he would be clear on paper, that would be useful.

Mike Penning: Not only will I write to my right hon. and learned Friend, but I will put a copy of the letter in the Library of the House. There are cross-party concerns about some of these issues. I listened carefully to his point, but that issue is not part of the Bill and is, as he said in his speech, for later. He may think that I am trying to kick the issue into the long grass, and that is exactly what I am doing for the purposes of this Bill.

I hope that the way in which I and the Under-Secretary of State, my hon. Friend the Member for Staffordshire Moorlands, dealt with the debate in Committee has helped the Bill to progress positively. It is a long time since I received such encouragement for a Bill—other than for the Mesothelioma Act 2014, which I took through the House with a little bit of disagreement. I am adamant that this Bill, and the measures it contains, will be a legacy for the Hillsborough families and the campaign that they have taken forward for 27 years. I am sorry that we cannot agree on everything, but as I have indicated, even if we disagree tonight, we will probably agree tomorrow.

Question put and agreed to.

New clause 48 accordingly read a Second time, and added to the Bill.

New Schedule 1

SCHEDULE TO BE INSERTED AS SCHEDULE A3 TO THE
FIRE AND RESCUE SERVICES ACT 2004

"SCHEDULE A3

ENGLISH INSPECTORS

Interpretation

- 1 (1) This paragraph applies for the purposes of this Schedule.
- (2) References to an English inspector are to an inspector appointed under section 28(A1).
- (3) References to the inspection function are to the function conferred on the English inspectors by section 28(A3).
- (4) References to a person providing services to a fire and rescue authority are to a person providing services, in pursuance of contractual arrangements (but without being employed by a fire and rescue authority), to assist the fire and rescue authority in relation to the exercise of its functions.
- (5) "Public authority" includes any person certain of whose functions are functions of a public nature.

Delegation

2 An English inspector may arrange for the inspection function to be exercised (to such extent as the inspector may determine) by another public authority on behalf of the inspector.

Working with Her Majesty's Inspectors of Constabulary

3 An English inspector, when exercising the inspection function, must co-operate with Her Majesty's Inspectors of Constabulary.

4 An English inspector may act jointly with Her Majesty's Inspectors of Constabulary where it is appropriate to do so for the efficient and effective exercise of the inspection function.

Assistance for other public authorities

5 (1) The chief fire and rescue inspector for England may, if he or she thinks it appropriate to do so, provide assistance to any other public authority for the purpose of the exercise by that authority of its functions.

(2) The chief fire and rescue inspector for England may do anything he or she thinks appropriate to facilitate the carrying out of an inspection under section 10 of the Local Government Act 1999 (inspection of best value authorities).

(3) Anything done under this paragraph may be done on such terms (including terms as to payment) as the chief fire and rescue inspector for England thinks fit.

Powers of English inspectors to obtain information etc

6 (1) An English inspector may serve on a relevant person a notice requiring the person—

- (a) to provide the inspector with any information or documents that the inspector reasonably requires for the purpose of the exercise of the inspection function;
- (b) to produce or deliver up to the inspector any evidence or other things that the inspector reasonably requires for that purpose.

This is subject to sub-paragraphs (6) to (8).

(2) In sub-paragraph (1), “relevant person” means—

- (a) a fire and rescue authority in England;
- (b) an employee of a fire and rescue authority in England;
- (c) a person providing services to a fire and rescue authority in England;
- (d) an employee of a person providing services to a fire and rescue authority in England.

(3) A notice under this paragraph must—

- (a) specify or describe the information, documents, evidence or other things that are required by the inspector;
- (b) specify the period within which the information, documents, evidence or other things must be provided, produced or delivered up.

(4) A notice under this paragraph may specify the form and manner in which any information, documents, evidence or other things are to be provided, produced or delivered up.

(5) An English inspector may cancel a notice under this paragraph by written notice to the person on whom it was served.

(6) A notice under this paragraph must not be used to obtain information, or any document or other thing, from a person if—

- (a) the information, or the document or other thing, was obtained by that person (directly or indirectly) from a body or other entity mentioned in sub-paragraph (7), or
- (b) the information, or the document or other thing, relates to a body or other entity mentioned in that sub-paragraph.

(7) The bodies and other entities referred to in sub-paragraph (6) are—

- (a) the Security Service,
- (b) the Secret Intelligence Service,
- (c) the Government Communications Headquarters, or
- (d) any part of Her Majesty’s forces, or of the Ministry of Defence, which engages in intelligence activities.

(8) A notice under this paragraph must not require a person—

- (a) to provide information that might incriminate the person;
- (b) to provide an item subject to legal privilege within the meaning of the Police and Criminal Evidence Act 1984 (see section 10 of that Act).

(9) In this paragraph—

“document” means anything in which information of any description is recorded;

“English inspector” includes—

- (a) a person appointed under section 28(A5) as an assistant inspector or other officer;
- (b) a person authorised by an English inspector to act on behalf of the inspector for the purposes of this paragraph.

Powers of English inspectors to obtain access to premises

7 (1) An English inspector may serve on a person a notice requiring the person to allow the inspector access, which the inspector reasonably requires for the purpose of the exercise of the inspection function, to—

- (a) premises that are occupied for the purposes of —
 - (i) a fire and rescue authority in England,
 - (ii) a person providing services to a fire and rescue authority in England, and
- (b) documents and other things on those premises.

(2) A notice under this paragraph must—

- (a) specify or describe the premises to which the inspector requires access;
- (b) specify the time when access is required (which may be immediately after the service of the notice).

(3) Where there are reasonable grounds for not allowing the inspector to have access to the premises at the time specified under sub-paragraph (2)(b), the requirement under this paragraph has effect as a requirement to secure that access is allowed to the inspector at the earliest practicable time specified by the inspector after there cease to be such grounds.

(4) An English inspector may cancel a notice under this paragraph by written notice to the person on whom it was served.

(5) In this paragraph “document” and “English inspector” have the same meanings as in paragraph 6 (and, for that purpose, the reference in paragraph (b) of the definition of “English inspector” in paragraph 6(9) to paragraph 6 is to be read as a reference to this paragraph).

Failure to comply with notice under paragraph 6 or 7

8 (1) If a person who has received a notice under paragraph 6 or 7—

- (a) fails or refuses without reasonable excuse to do what is required by the notice, or
- (b) (in the case of a notice under paragraph 6) knowingly or recklessly provides information in response to the notice that is false in a material respect,

the chief fire and rescue inspector for England may certify in writing to the High Court that the person has failed to comply with the notice.

(2) The High Court may then inquire into the matter and, after hearing any witness who may be produced against or on behalf of the person, and after hearing any statement offered in defence, deal with the person as if the person had committed a contempt of court.

Sensitive information: restriction on further disclosure

9 (1) Where an English inspector, in exercise of the inspection function, receives information within sub-paragraph (2), the inspector must not disclose the information, or the fact that it has been received, unless the relevant authority consents to the disclosure.

(2) The information is—

- (a) intelligence service information;
- (b) information obtained from a government department which, at the time it is provided to the inspector, is identified by the department as information the disclosure of which may, in the opinion of the relevant authority—
 - (i) cause damage to national security, international relations or the economic interests of the United Kingdom or any part of the United Kingdom, or
 - (ii) jeopardise the safety of any person.

(3) Where an English inspector discloses to another person information within sub-paragraph (2) that the inspector received in exercise of the inspection function, or the fact that the inspector has received such information in exercise of the inspection function, the other person must not disclose that information or that fact unless the relevant authority consents to the disclosure.

(4) A prohibition on disclosure in sub-paragraph (1) or (3) does not apply to disclosure by one English inspector to another.

(5) In this paragraph—

“English inspector” includes—

- (a) a person appointed under section 28(A5) as an assistant inspector or other officer;
- (b) a person authorised by an English inspector to act on behalf of the inspector for the purposes of paragraph 6 or 7;

“government department” means a department of Her Majesty’s Government but does not include—

- (a) the Security Service,
- (b) the Secret Intelligence Service, or
- (c) the Government Communications Headquarters (“GCHQ”);

“intelligence service information” means information that was obtained (directly or indirectly) from or that relates to—

- (a) the Security Service,
- (b) the Secret Intelligence Service,
- (c) GCHQ, or
- (d) any part of Her Majesty’s forces, or of the Ministry of Defence, which engages in intelligence activities;

“Minister of the Crown” includes the Treasury;

“relevant authority” means—

- (a) in the case of intelligence service information obtained (directly or indirectly) from or relating to the Security Service, the Director-General of the Security Service;
- (b) in the case of intelligence service information obtained (directly or indirectly) from or relating to the Secret Intelligence Service, the Chief of the Secret Intelligence Service;
- (c) in the case of intelligence service information obtained (directly or indirectly) from or relating to GCHQ, the Director of GCHQ;
- (d) in the case of intelligence service information obtained (directly or indirectly) from or relating to Her Majesty’s forces or the Ministry of Defence, the Secretary of State;
- (e) in the case of information within sub-paragraph (2)(b)—
 - (i) the Secretary of State, or
 - (ii) the Minister of the Crown in charge of the government department from which the information was obtained (if that Minister is not a Secretary of State).

Provision of intelligence service information to English inspectors

10 (1) A person who provides information that is intelligence service information to an English inspector exercising the inspection function must—

- (a) make the inspector aware that the information is intelligence service information, and
- (b) provide the inspector with such additional information as will enable the inspector to identify the relevant authority in relation to the information.

(2) In this paragraph, “English inspector”, “intelligence service information” and “relevant authority” have the same meaning as in paragraph 9.”—(Mike Penning.)

Like the provision made by amendment NC48, this new Schedule is about the inspection of fire and rescue authorities in England. It makes provision in relation to English inspectors about delegation, joint working with her Majesty’s Inspectors of Constabulary and the giving of assistance to public authorities. It also confers power on English inspectors to obtain information from fire and rescue authorities (and their employees) and from persons providing services to fire and rescue authorities (and their employees) and to obtain access to premises occupied for the purposes of fire and rescue authorities and persons providing services to them.

Brought up, read the First and Second time, and added to the Bill.

New Clause 30

PUBLIC RECORDS

“(1) In Schedule 1 to the Public Records Act 1958 (definition of public records), in Part 2 of the Table at the end of paragraph 3, insert at the appropriate place—

“Office for Police Conduct.”

(2) The records that become public records for the purposes of that Act as a result of the amendment made by subsection (1) include all records of the Office for Police Conduct of the kind mentioned in paragraph 3(1) of Schedule 1 to that Act (whether created before or after the coming into force of this section, and whether created under that name or under the name of the Independent Police Complaints Commission).

(3) If the amendment made by subsection (1) comes into force before subsection (1) of section 31 comes into force, the reference in that amendment to the Office for Police Conduct is, until subsection (1) of that section comes into force, to be read as a reference to the Independent Police Complaints Commission.”—(Mike Penning.)

This new clause provides for the records of the Office for Police Conduct to become public records for the purposes of the Public Records Act 1958.

Brought up, read the First and Second time, and added to the Bill.

New Clause 63

POLICE AND CRIME COMMISSIONERS: PARITY OF FUNDING BETWEEN POLICE AND FAMILIES AT INQUESTS

“(1) A police and crime commissioner has the duties set out in this section when the police force they are responsible for is a Properly Interested Person for the purposes of—

- (a) an inquest into the death of a member of an individual’s family, or
- (b) an inquest into the deaths of members of a group of families,

under the Coroners Act 1988.

(2) The police and crime commissioner must make recommendations to the Secretary of State as to whether the individual’s family or the group of families at the inquest require financial support to ensure parity of legal representation between parties to the inquest.

(3) If a police and crime commissioner makes a recommendation under subsection (2) then the Secretary of State must provide financial assistance to the individual’s family or the group of families to ensure parity of funding between families and the police.

(4) The individual’s family or the group of families may use funding authorised under this section solely for the purpose of funding legal representation at the inquest.”—(Andy Burnham.)

This new clause would put into law the principle of parity of funding between police and families at inquests. It would ensure that funding to a bereaved family, or a group of bereaved families, for purposes of legal representation during an inquest is an amount broadly equal to the level of funding that the police force receives. This new clause seeks to place an obligation on the PCC to recommend to the Home Secretary as to whether a bereaved family, or a group of bereaved families requires funding to support their legal representation at the inquest. The Home Secretary must provide such funding if it is recommended.

Brought up, and read the First time.

Question put, That the clause be read a Second time.

The House divided: Ayes 155, Noes 264.

Division No. 16]

[7.8 pm

AYES

Abbott, Ms Diane
Ali, Rushanara
Allen, Mr Graham

Anderson, Mr David
Bailey, Mr Adrian
Barron, rh Kevin

Benn, rh Hilary
 Betts, Mr Clive
 Blenkinsop, Tom
 Brennan, Kevin
 Brown, Lyn
 Brown, rh Mr Nicholas
 Buck, Ms Karen
 Burden, Richard
 Burgon, Richard
 Burnham, rh Andy
 Butler, Dawn
 Cadbury, Ruth
 Campbell, rh Mr Alan
 Campbell, Mr Ronnie
 Carmichael, rh Mr Alistair
 Champion, Sarah
 Clegg, rh Mr Nick
 Clwyd, rh Ann
 Coaker, Vernon
 Coffey, Ann
 Coyle, Neil
 Creasy, Stella
 Cruddas, Jon
 Cryer, John
 Cummins, Judith
 Cunningham, Alex
 Cunningham, Mr Jim
 Dakin, Nic
 Danczuk, Simon
 Dodds, rh Mr Nigel
 Dowd, Jim
 Dowd, Peter
 Dromey, Jack
 Dugher, Michael
 Durkan, Mark
 Eagle, Maria
 Edwards, Jonathan
 Elliott, Tom
 Ellman, Mrs Louise
 Evans, Chris
 Farron, Tim
 Field, rh Frank
 Fitzpatrick, Jim
 Ffello, Robert
 Fletcher, Colleen
 Flint, rh Caroline
 Flynn, Paul
 Foxcroft, Vicky
 Furniss, Gill
 Gapes, Mike
 Gardiner, Barry
 Glindon, Mary
 Goodman, Helen
 Griffith, Nia
 Gwynne, Andrew
 Haigh, Louise
 Hamilton, Fabian
 Hanson, rh Mr David
 Harman, rh Ms Harriet
 Harris, Carolyn
 Hayes, Helen
 Hayman, Sue
 Healey, rh John
 Hendrick, Mr Mark
 Hillier, Meg
 Hollern, Kate
 Huq, Dr Rupa
 Hussain, Imran
 Johnson, Diana
 Jones, Gerald
 Jones, Graham
 Jones, Helen

Jones, Mr Kevan
 Jones, Susan Elan
 Kane, Mike
 Kinahan, Danny
 Kinnock, Stephen
 Lamb, rh Norman
 Lavery, Ian
 Lewell-Buck, Mrs Emma
 Long Bailey, Rebecca
 Lucas, Ian C.
 Mactaggart, rh Fiona
 Madders, Justin
 Malhotra, Seema
 Mann, John
 Marris, Rob
 Marsden, Mr Gordon
 Maskell, Rachael
 Matheson, Christian
 McCarthy, Kerry
 McDonagh, Siobhain
 McGovern, Alison
 McInnes, Liz
 McMahan, Jim
 Meale, Sir Alan
 Mearns, Ian
 Moon, Mrs Madeleine
 Morden, Jessica
 Morris, Grahame M.
 Mulholland, Greg
 Murray, Ian
 Nandy, Lisa
 Onn, Melanie
 Onwurah, Chi
 Osamor, Kate
 Owen, Albert
 Pearce, Teresa
 Pennycook, Matthew
 Perkins, Toby
 Powell, Lucy
 Rayner, Angela
 Reed, Mr Jamie
 Rees, Christina
 Reynolds, Jonathan
 Rimmer, Marie
 Ritchie, Ms Margaret
 Robinson, Gavin
 Robinson, Mr Geoffrey
 Rotheram, Steve
 Ryan, rh Joan
 Saville Roberts, Liz
 Shah, Naz
 Shannon, Jim
 Sherriff, Paula
 Skinner, Mr Dennis
 Slaughter, Andy
 Smeeth, Ruth
 Smith, rh Mr Andrew
 Smith, Angela
 Smith, Cat
 Smith, Owen
 Smyth, Karin
 Spellar, rh Mr John
 Starmer, Keir
 Tami, Mark
 Thomas-Symonds, Nick
 Trickett, Jon
 Turner, Karl
 Twigg, Derek
 Twigg, Stephen
 Vaz, Valerie
 Whitehead, Dr Alan
 Williams, Hywel

Wilson, Phil
 Winnick, Mr David
 Winterton, rh Dame Rosie
 Wright, Mr Iain

Zeichner, Daniel
Tellers for the Ayes:
Holly Lynch and
Jeff Smith

NOES

Adams, Nigel
 Afriyie, Adam
 Aldous, Peter
 Allan, Lucy
 Allen, Heidi
 Amess, Sir David
 Andrew, Stuart
 Ansell, Caroline
 Argar, Edward
 Atkins, Victoria
 Bacon, Mr Richard
 Baker, Mr Steve
 Baldwin, Harriett
 Barclay, Stephen
 Barwell, Gavin
 Bellingham, Sir Henry
 Beresford, Sir Paul
 Berry, Jake
 Bingham, Andrew
 Blackman, Bob
 Blackwood, Nicola
 Boles, Nick
 Bone, Mr Peter
 Borwick, Victoria
 Bottomley, Sir Peter
 Bradley, Karen
 Brady, Mr Graham
 Brazier, Mr Julian
 Bridgen, Andrew
 Brine, Steve
 Brokenshire, rh James
 Bruce, Fiona
 Buckland, Robert
 Burns, Conor
 Burns, rh Sir Simon
 Burrowes, Mr David
 Burt, rh Alistair
 Cairns, rh Alun
 Cartledge, James
 Caulfield, Maria
 Chalk, Alex
 Chishti, Rehman
 Chope, Mr Christopher
 Churchill, Jo
 Clark, rh Greg
 Cleverly, James
 Clifton-Brown, Geoffrey
 Coffey, Dr Thérèse
 Collins, Damian
 Colville, Oliver
 Costa, Alberto
 Davies, Mims
 Dinenage, Caroline
 Djanogly, Mr Jonathan
 Donelan, Michelle
 Double, Steve
 Dowden, Oliver
 Doyle-Price, Jackie
 Drummond, Mrs Flick
 Duncan, rh Sir Alan
 Dunne, Mr Philip
 Elliott, Tom
 Ellis, Michael
 Ellison, Jane
 Elphicke, Charlie

Eustice, George
 Evans, Graham
 Evennett, rh Mr David
 Fallon, rh Michael
 Fernandes, Suella
 Field, rh Mark
 Foster, Kevin
 Fox, rh Dr Liam
 Frazer, Lucy
 Freeman, George
 Freer, Mike
 Fuller, Richard
 Fysh, Marcus
 Garnier, rh Sir Edward
 Garnier, Mark
 Gauke, Mr David
 Ghani, Nusrat
 Gibb, Mr Nick
 Glen, John
 Goldsmith, Zac
 Goodwill, Mr Robert
 Gove, rh Michael
 Green, Chris
 Green, rh Damian
 Greening, rh Justine
 Griffiths, Andrew
 Gummer, Ben
 Gyimah, Mr Sam
 Halfon, rh Robert
 Hall, Luke
 Hammond, Stephen
 Hancock, rh Matthew
 Hands, rh Greg
 Harper, rh Mr Mark
 Harrington, Richard
 Harris, Rebecca
 Haselhurst, rh Sir Alan
 Heald, Sir Oliver
 Heapey, James
 Heaton-Harris, Chris
 Heaton-Jones, Peter
 Henderson, Gordon
 Hermon, Lady
 Hinds, Damian
 Hoare, Simon
 Hollinrake, Kevin
 Hollobone, Mr Philip
 Hopkins, Kris
 Howlett, Ben
 Huddleston, Nigel
 Hunt, rh Mr Jeremy
 Hurd, Mr Nick
 Jackson, Mr Stewart
 Jayawardena, Mr Ranil
 Jenkin, Mr Bernard
 Jenkyns, Andrea
 Jenrick, Robert
 Johnson, Boris
 Johnson, Gareth
 Johnson, Joseph
 Jones, Andrew
 Jones, rh Mr David
 Jones, Mr Marcus
 Kennedy, Seema
 Kinahan, Danny

Kirby, Simon
 Knight, rh Sir Greg
 Knight, Julian
 Kwarteng, Kwasi
 Lancaster, Mark
 Latham, Pauline
 Leadsom, Andrea
 Lee, Dr Phillip
 Lefroy, Jeremy
 Leigh, Sir Edward
 Leslie, Charlotte
 Letwin, rh Mr Oliver
 Lewis, Brandon
 Lewis, rh Dr Julian
 Liddell-Grainger, Mr Ian
 Lidington, rh Mr David
 Lilley, rh Mr Peter
 Lopresti, Jack
 Lord, Jonathan
 Loughton, Tim
 Lumley, Karen
 Mackinlay, Craig
 Mackintosh, David
 Main, Mrs Anne
 Mak, Mr Alan
 Malthouse, Kit
 Mann, Scott
 Mathias, Dr Tania
 May, rh Mrs Theresa
 Maynard, Paul
 McLoughlin, rh Mr Patrick
 McPartland, Stephen
 Menzies, Mark
 Mercer, Johnny
 Merriman, Huw
 Metcalfe, Stephen
 Miller, rh Mrs Maria
 Milling, Amanda
 Mills, Nigel
 Milton, rh Anne
 Mitchell, rh Mr Andrew
 Mordaunt, Penny
 Morris, Anne Marie
 Morris, David
 Morris, James
 Morton, Wendy
 Mowat, David
 Murray, Mrs Sheryll
 Murrison, Dr Andrew
 Neill, Robert
 Newton, Sarah
 Nokes, Caroline
 Offord, Dr Matthew
 Opperman, Guy
 Parish, Neil
 Patel, rh Priti
 Paterson, rh Mr Owen
 Pawsey, Mark
 Penning, rh Mike
 Penrose, John
 Percy, Andrew
 Perry, Claire
 Phillips, Stephen
 Philp, Chris
 Pickles, rh Sir Eric
 Pincher, Christopher
 Poulter, Dr Daniel
 Prentis, Victoria
 Prisk, Mr Mark
 Pursglove, Tom

Quin, Jeremy
 Quince, Will
 Raab, Mr Dominic
 Redwood, rh John
 Rees-Mogg, Mr Jacob
 Robertson, Mr Laurence
 Robinson, Mary
 Rudd, rh Amber
 Rutley, David
 Sandbach, Antoinette
 Scully, Paul
 Selous, Andrew
 Shapps, rh Grant
 Simpson, rh Mr Keith
 Skidmore, Chris
 Smith, Chloe
 Smith, Henry
 Smith, Julian
 Smith, Royston
 Soames, rh Sir Nicholas
 Solloway, Amanda
 Soubry, rh Anna
 Spelman, rh Mrs Caroline
 Spencer, Mark
 Stevenson, John
 Stewart, Bob
 Stewart, Rory
 Streeter, Mr Gary
 Stride, Mel
 Stuart, Graham
 Sturdy, Julian
 Sunak, Rishi
 Swayne, rh Sir Desmond
 Syms, Mr Robert
 Thomas, Derek
 Throup, Maggie
 Timpson, Edward
 Tolhurst, Kelly
 Tomlinson, Justin
 Tomlinson, Michael
 Tracey, Craig
 Tredinnick, David
 Trevelyan, Mrs Anne-Marie
 Truss, rh Elizabeth
 Tugendhat, Tom
 Turner, Mr Andrew
 Tyrie, rh Mr Andrew
 Vara, Mr Shailesh
 Vickers, Martin
 Walker, Mr Robin
 Warburton, David
 Warman, Matt
 Wharton, James
 Whately, Helen
 White, Chris
 Whittaker, Craig
 Whittingdale, rh Mr John
 Wiggin, Bill
 Williamson, rh Gavin
 Wilson, Mr Rob
 Wollaston, Dr Sarah
 Wood, Mike
 Wragg, William
 Wright, rh Jeremy
 Zahawi, Nadhim

Tellers for the Noes:
George Hollingbery and
Margot James

7.20 pm

More than three hours having elapsed since the commencement of proceedings on consideration, the proceedings were interrupted (Programme Order, 26 April).

The Deputy Speaker put forthwith the Questions necessary for the disposal of the business to be concluded at that time (Standing Order No. 83E).

New Clause 64

POLICE COMPLAINTS AND THE MEDIA

“(1) Subject to subsection (3), the Prime Minister must commission an independent inquiry into the operation of the police complaints system in respect of relationships between the police and media.

(2) The inquiry must include, but is not limited, to—

- (a) how adequately police forces investigated complaints about police officers in dealing with people working within, or connected to, media organisations,
- (b) the thoroughness of any reviews by police forces into complaints specified in subsection (a),
- (c) in the cases where a complaint in subsection (a) led to a criminal investigation, the conduct of prosecuting authorities in investigating the allegation,
- (d) the extent to which police officers took illegal payment to suppress investigations of complaints of relationships between police officers and people working within, or connected to, media organisations,
- (e) the implications of subsections (a) to (d) for the relationships between media organisations and the police, prosecuting authorities, and relevant regulatory bodies, and recommended actions.

(3) The inquiry can only commence once the Secretary of State is satisfied that it would not prejudice any ongoing relevant legal cases.”—(*Andy Burnham.*)

This new clause would compel the Prime Minister to instigate an independent inquiry such as Leveson 2 into the relationships between the press and police and the extent to which that has operated in the public interest.

Brought up, and read the First time.

Question put, That the clause be read a Second time.

The House divided: Ayes 155, Noes 268.

Division No. 17]

[7.20 pm

AYES

Abbott, Ms Diane	Clegg, rh Mr Nick
Ali, Rushanara	Clwyd, rh Ann
Allen, Mr Graham	Coaker, Vernon
Anderson, Mr David	Coffey, Ann
Bailey, Mr Adrian	Coyle, Neil
Barron, rh Kevin	Creasy, Stella
Benn, rh Hilary	Cruddas, Jon
Betts, Mr Clive	Cryer, John
Blenkinsop, Tom	Cummins, Judith
Brennan, Kevin	Cunningham, Alex
Brown, Lyn	Dakin, Nic
Brown, rh Mr Nicholas	Danczuk, Simon
Buck, Ms Karen	Dowd, Jim
Burden, Richard	Dowd, Peter
Burgon, Richard	Dromey, Jack
Burnham, rh Andy	Dugher, Michael
Butler, Dawn	Durkan, Mark
Cadbury, Ruth	Eagle, Maria
Campbell, rh Mr Alan	Edwards, Jonathan
Campbell, Mr Ronnie	Elliott, Tom
Carmichael, rh Mr Alistair	Ellman, Mrs Louise
Champion, Sarah	Esterson, Bill

Question accordingly negated.

Evans, Chris
 Farron, Tim
 Field, rh Frank
 Fitzpatrick, Jim
 Ffello, Robert
 Fletcher, Colleen
 Flint, rh Caroline
 Flynn, Paul
 Fovargue, Yvonne
 Foxcroft, Vicky
 Furniss, Gill
 Gapes, Mike
 Gardiner, Barry
 Glindon, Mary
 Goodman, Helen
 Griffith, Nia
 Gwynne, Andrew
 Haigh, Louise
 Hamilton, Fabian
 Hanson, rh Mr David
 Harman, rh Ms Harriet
 Harris, Carolyn
 Hayes, Helen
 Healey, rh John
 Hendrick, Mr Mark
 Hermon, Lady
 Hillier, Meg
 Hollern, Kate
 Huq, Dr Rupa
 Hussain, Imran
 Johnson, Diana
 Jones, Gerald
 Jones, Graham
 Jones, Helen
 Jones, Mr Kevan
 Jones, Susan Elan
 Kane, Mike
 Kinahan, Danny
 Kinnock, Stephen
 Lamb, rh Norman
 Lavery, Ian
 Lewell-Buck, Mrs Emma
 Long Bailey, Rebecca
 Lucas, Ian C.
 Lynch, Holly
 Mactaggart, rh Fiona
 Madders, Justin
 Malhotra, Seema
 Mann, John
 Marris, Rob
 Marsden, Mr Gordon
 Maskell, Rachael
 Matheson, Christian
 McCarthy, Kerry
 McCartney, Jason
 McDonagh, Siobhain
 McGovern, Alison
 McInnes, Liz

McMahon, Jim
 Meale, Sir Alan
 Mearns, Ian
 Moon, Mrs Madeleine
 Morden, Jessica
 Morris, Grahame M.
 Mulholland, Greg
 Murray, Ian
 Nandy, Lisa
 Onn, Melanie
 Onwurah, Chi
 Osamor, Kate
 Owen, Albert
 Pearce, Teresa
 Pennycook, Matthew
 Perkins, Toby
 Powell, Lucy
 Rayner, Angela
 Reed, Mr Jamie
 Rees, Christina
 Reynolds, Jonathan
 Rimmer, Marie
 Ritchie, Ms Margaret
 Robinson, Mr Geoffrey
 Rotheram, Steve
 Ryan, rh Joan
 Saville Roberts, Liz
 Shah, Naz
 Sherriff, Paula
 Skinner, Mr Dennis
 Slaughter, Andy
 Smeeth, Ruth
 Smith, rh Mr Andrew
 Smith, Angela
 Smith, Cat
 Smith, Owen
 Smyth, Karin
 Spellar, rh Mr John
 Starmer, Keir
 Tami, Mark
 Thomas-Symonds, Nick
 Trickett, Jon
 Turner, Karl
 Twigg, Derek
 Twigg, Stephen
 Vaz, Valerie
 Whitehead, Dr Alan
 Williams, Hywel
 Wilson, Phil
 Winnick, Mr David
 Winterton, rh Dame Rosie
 Wright, Mr Iain
 Zeichner, Daniel

Tellers for the Ayes:

**Sue Hayman and
 Jeff Smith**

NOES

Adams, Nigel
 Afriyie, Adam
 Aldous, Peter
 Allan, Lucy
 Allen, Heidi
 Amess, Sir David
 Andrew, Stuart
 Ansell, Caroline
 Argar, Edward
 Atkins, Victoria
 Bacon, Mr Richard

Baker, Mr Steve
 Baldwin, Harriett
 Barclay, Stephen
 Barwell, Gavin
 Bellingham, Sir Henry
 Beresford, Sir Paul
 Berry, Jake
 Bingham, Andrew
 Blackman, Bob
 Blackwood, Nicola
 Boles, Nick

Bone, Mr Peter
 Borwick, Victoria
 Bottomley, Sir Peter
 Bradley, Karen
 Brady, Mr Graham
 Brazier, Mr Julian
 Bridgen, Andrew
 Brine, Steve
 Brokenshire, rh James
 Bruce, Fiona
 Buckland, Robert
 Burns, Conor
 Burns, rh Sir Simon
 Burrowes, Mr David
 Burt, rh Alistair
 Cairns, rh Alun
 Cartledge, James
 Caulfield, Maria
 Chalk, Alex
 Chishti, Rehman
 Chope, Mr Christopher
 Churchill, Jo
 Clark, rh Greg
 Cleverly, James
 Clifton-Brown, Geoffrey
 Coffey, Dr Thérèse
 Collins, Damian
 Colvile, Oliver
 Costa, Alberto
 Davies, Mims
 Dinenage, Caroline
 Djanogly, Mr Jonathan
 Dodds, rh Mr Nigel
 Donelan, Michelle
 Double, Steve
 Dowden, Oliver
 Doyle-Price, Jackie
 Drummond, Mrs Flick
 Duncan, rh Sir Alan
 Duncan Smith, rh Mr Iain
 Dunne, Mr Philip
 Elliott, Tom
 Ellis, Michael
 Ellison, Jane
 Elphicke, Charlie
 Eustice, George
 Evans, Graham
 Evennett, rh Mr David
 Fallon, rh Michael
 Fernandes, Suella
 Field, rh Mark
 Foster, Kevin
 Fox, rh Dr Liam
 Frazer, Lucy
 Freeman, George
 Freer, Mike
 Fuller, Richard
 Fysh, Marcus
 Garnier, rh Sir Edward
 Garnier, Mark
 Gauke, Mr David
 Ghani, Nusrat
 Gibb, Mr Nick
 Glen, John
 Goodwill, Mr Robert
 Gove, rh Michael
 Green, Chris
 Green, rh Damian
 Greening, rh Justine
 Griffiths, Andrew

Gummer, Ben
 Gyimah, Mr Sam
 Halfon, rh Robert
 Hall, Luke
 Hammond, Stephen
 Hancock, rh Matthew
 Hands, rh Greg
 Harper, rh Mr Mark
 Harrington, Richard
 Harris, Rebecca
 Haselhurst, rh Sir Alan
 Heald, Sir Oliver
 Heapey, James
 Heaton-Harris, Chris
 Heaton-Jones, Peter
 Henderson, Gordon
 Hinds, Damian
 Hoare, Simon
 Hollinrake, Kevin
 Hollobone, Mr Philip
 Hopkins, Kris
 Howlett, Ben
 Huddleston, Nigel
 Hunt, rh Mr Jeremy
 Hurd, Mr Nick
 Jackson, Mr Stewart
 Jayawardena, Mr Ranil
 Jenkin, Mr Bernard
 Jenkyns, Andrea
 Jenrick, Robert
 Johnson, Boris
 Johnson, Gareth
 Johnson, Joseph
 Jones, Andrew
 Jones, rh Mr David
 Jones, Mr Marcus
 Kennedy, Seema
 Kinahan, Danny
 Kirby, Simon
 Knight, rh Sir Greg
 Knight, Julian
 Kwarteng, Kwasi
 Lancaster, Mark
 Latham, Pauline
 Leadsom, Andrea
 Lee, Dr Phillip
 Lefroy, Jeremy
 Leigh, Sir Edward
 Leslie, Charlotte
 Letwin, rh Mr Oliver
 Lewis, Brandon
 Lewis, rh Dr Julian
 Liddell-Grainger, Mr Ian
 Lidington, rh Mr David
 Lilley, rh Mr Peter
 Lopresti, Jack
 Lord, Jonathan
 Loughton, Tim
 Lumley, Karen
 Mackinlay, Craig
 Mackintosh, David
 Main, Mrs Anne
 Mak, Mr Alan
 Malthouse, Kit
 Mann, Scott
 Mathias, Dr Tania
 May, rh Mrs Theresa
 Maynard, Paul
 McLoughlin, rh Mr Patrick
 McPartland, Stephen
 Menzies, Mark
 Mercer, Johnny

Merriman, Huw
 Metcalfe, Stephen
 Miller, rh Mrs Maria
 Milling, Amanda
 Mills, Nigel
 Milton, rh Anne
 Mitchell, rh Mr Andrew
 Mordaunt, Penny
 Morris, Anne Marie
 Morris, David
 Morris, James
 Morton, Wendy
 Mowat, David
 Murray, Mrs Sheryll
 Murrison, Dr Andrew
 Neill, Robert
 Newton, Sarah
 Nokes, Caroline
 Offord, Dr Matthew
 Opperman, Guy
 Parish, Neil
 Patel, rh Priti
 Paterson, rh Mr Owen
 Pawsey, Mark
 Penning, rh Mike
 Penrose, John
 Percy, Andrew
 Perry, Claire
 Phillips, Stephen
 Philp, Chris
 Pickles, rh Sir Eric
 Pincher, Christopher
 Poulter, Dr Daniel
 Prentis, Victoria
 Prisk, Mr Mark
 Pursglove, Tom
 Quin, Jeremy
 Quince, Will
 Raab, Mr Dominic
 Redwood, rh John
 Rees-Mogg, Mr Jacob
 Robertson, Mr Laurence
 Robinson, Gavin
 Robinson, Mary
 Rudd, rh Amber
 Rutley, David
 Sandbach, Antoinette
 Scully, Paul
 Selous, Andrew
 Shannon, Jim
 Shapps, rh Grant
 Simpson, rh Mr Keith
 Skidmore, Chris
 Smith, Chloe

Smith, Henry
 Smith, Julian
 Smith, Royston
 Soames, rh Sir Nicholas
 Solloway, Amanda
 Soubry, rh Anna
 Spelman, rh Mrs Caroline
 Spencer, Mark
 Stevenson, John
 Stewart, Bob
 Stewart, Rory
 Streeter, Mr Gary
 Stride, Mel
 Stuart, Graham
 Sturdy, Julian
 Sunak, Rishi
 Swayne, rh Sir Desmond
 Syms, Mr Robert
 Thomas, Derek
 Throup, Maggie
 Timpson, Edward
 Tolhurst, Kelly
 Tomlinson, Justin
 Tomlinson, Michael
 Tracey, Craig
 Tredinnick, David
 Trevelyan, Mrs Anne-Marie
 Truss, rh Elizabeth
 Tugendhat, Tom
 Turner, Mr Andrew
 Tyrrie, rh Mr Andrew
 Vara, Mr Shailesh
 Vickers, Martin
 Walker, Mr Charles
 Walker, Mr Robin
 Warburton, David
 Warman, Matt
 Wharton, James
 Whately, Helen
 White, Chris
 Whittaker, Craig
 Whittingdale, rh Mr John
 Wiggin, Bill
 Williamson, rh Gavin
 Wilson, Mr Rob
 Wollaston, Dr Sarah
 Wood, Mike
 Wragg, William
 Wright, rh Jeremy
 Zahawi, Nadhim

Tellers for the Noes:
Margot James and
George Hollingbery

Question accordingly negated.

Clause 12

DEFINITION OF POLICE COMPLAINT

Amendment made: 85, page 20, line 39, leave out from first “person” to end of line 40 and insert

“is not to be taken to have authorised another person to make a complaint on his behalf unless—”.—(Mike Penning.)

This amendment adjusts the wording of the amendment to section 12(6) of the Police Reform Act 2002 so that it fits better with paragraph (b) of that provision.

Clause 17

SENSITIVE INFORMATION RECEIVED BY IPCC: RESTRICTION ON DISCLOSURE

Amendments made: 22, page 28, line 11, leave out “intercept information” and insert

“protected information relating to a relevant warrant”.

Clause 17 makes provision about the handling of sensitive information received by the IPCC. The categories of information to which it applies include “intercept information” which is currently defined by reference to the Regulation of Investigatory Powers Act 2000. This amendment, and amendments 23, 24, 25, 26, 27, 28, 29 and 30, amend clause 17 to take account of the provision made by the Investigatory Powers Bill about the interception of communications (and the consequential repeal by that Bill of Chapter 1 of Part 1 of the Regulation of Investigatory Powers Act 2000).

Amendment 23, page 28, leave out lines 40 to 42.

Please see the explanatory statement for amendment 22.

Amendment 24, page 28, line 45, at end insert—

““protected information”, in relation to a relevant warrant, means information relating to any of the matters mentioned in section 49(4) of the Investigatory Powers Act 2016 in relation to the warrant;”

Please see the explanatory statement for amendment 22.

Amendment 25, page 29, line 11, leave out “intercept information” and insert

“protected information relating to a relevant warrant”.

Please see the explanatory statement for amendment 22.

Amendment 26, page 29, line 12, leave out “interception”.

Please see the explanatory statement for amendment 22.

Amendment 27, page 29, leave out lines 19 to 21 and insert—

““relevant warrant” means—

(a) a warrant under Chapter 1 of Part 2 of the Investigatory Powers Act 2016, or

(b) a warrant under Chapter 1 of Part 6 of that Act.”

Please see the explanatory statement for amendment 22.

Amendment 28, page 29, line 25, leave out “intercept information” and insert

“protected information relating to a relevant warrant”.

Please see the explanatory statement for amendment 22.

Amendment 29, page 29, line 30, leave out “intercept information” and insert

“protected information relating to a relevant warrant”.

Please see the explanatory statement for amendment 22.

Amendment 30, page 29, line 35, leave out ““intercept information”” and insert

““protected information relating to a relevant warrant””.

Please see the explanatory statement for amendment 22.

Amendment 86, page 30, line 6, after “paragraph 22)” insert “—

(i) in sub-paragraph (1A) (as inserted by section 16), after “sub-paragraph (2)(a)” insert “(read with sub-paragraph (2ZA))”;

(ii) ”.

This amendment clarifies the relationship between new sub-paragraph (1A) of paragraph 23 of Schedule 3 to the Police Reform Act 2002 (inserted by clause 16 of the Bill) and new sub-paragraph (2ZA) of that paragraph (inserted by clause 17 of the Bill).

Amendment 87, page 30, line 22, at end insert—

“() in paragraph 24B (action by the Commission in response to an investigation report under paragraph 24A), after sub-paragraph (1) insert—

(1A) Sub-paragraph (3A) of paragraph 24A applies for the purposes of sub-paragraph (1) of this paragraph as it applies for the purposes of sub-paragraph (2)(b) of that paragraph.”—
(Mike Penning.)

This amendment is consequential on new section 21A of the Police Reform Act 2002, inserted by clause 17 of the Bill.

Clause 26

INVESTIGATIONS BY THE IPCC: WHISTLE-BLOWING

Amendment made: 31, clause 26, page 42, line 14, at end insert—

“() In section 63 of the Police Act 1996 (Police Advisory Board for England and Wales), in subsection (3)(b), after “Part 2” insert “or 2B”.—(Mike Penning.)

Clause 26 makes provision for investigations by the IPCC into concerns raised by whistle-blowers. It provides for the Secretary of State to make regulations on certain matters relating to those investigations. The amendment to section 63 of the Police Act 1996 means that, before making the regulations, the Secretary of State must supply the Police Advisory Board for England and Wales with a draft and take into consideration any representations made by the Board.

Clause 32

EXERCISE OF FUNCTIONS

Amendments made: 32, clause 32, page 49, line 19, after “place”, insert

“except as otherwise provided by subsection (4A)”.

This amendment is consequential on amendment 33.

Amendment 33, page 49, line 28, at end insert—

“(4A) In subsection (7), for “Commission”, in the first place it occurs, substitute “Office”.—(Mike Penning.)

This amendment revises a consequential amendment to section 10 of the Police Reform Act 2002.

Clause 33

POWERS OF INSPECTORS TO OBTAIN INFORMATION, ACCESS TO POLICE PREMISES ETC

Amendments made: 34, clause 33, page 51, leave out lines 37 and 38 and insert—

“(c) where the notice is served on a person who has a right of appeal under paragraph 6D, give details of that right of appeal.”

This amendment is consequential on amendment 48.

Amendment 35, page 51, line 39, at beginning insert

“In a case where a notice is served on a person who has a right of appeal under paragraph 6D,”.

This amendment is consequential on amendment 48.

Amendment 36, page 51, line 40, leave out from “which” to end of line 41 and insert

“the appeal could be brought”.

This amendment is consequential on amendment 48.

Amendment 37, page 52, line 28, leave out

“Part 1 of the Regulation of Investigatory Powers Act 2000” and insert

“any of Parts 1 to 7 or Chapter 1 of Part 9 of the Investigatory Powers Act 2016”.

Clause 33(1) inserts a new paragraph 6A in Schedule 4A to the Police Act 1996. This allows notices to be served requiring the provision of information for the purposes of inspections carried out by the inspectors of constabulary under section 54 of the Police Act 1996. The notices may not require the provision of certain types of information. Currently, two of those types are described by reference to provisions of the Regulation of Investigatory Powers Act 2000. This amendment, and amendments 38, 39 and 40, amend clause 33 to take account of the prohibitions on disclosure of information contained in the Investigatory Powers Bill.

Amendment 38, page 52, line 35, leave out from “operator” to “to” in line 36.

Please see the explanatory statement for amendment 37.

Amendment 39, page 52, line 37, leave out “(within the meaning of that Chapter)”.

Please see the explanatory statement for amendment 37.

Amendment 40, page 52, line 37, at end insert—

“() In sub-paragraph (9), “communications data”, “postal operator” and “telecommunications operator” have the same meanings as in the Investigatory Powers Act 2016 (see sections 223 and 224 of that Act).”

Please see the explanatory statement for amendment 37.

Amendment 41, page 52, line 45, at end insert “, or

(c) a person authorised by an inspector of constabulary to act on behalf of the inspector for the purposes of this paragraph.”

Clause 33(1) inserts a new paragraph 6A in Schedule 4A to the Police Act 1996, dealing with the service of notices requiring the provision of information reasonably required for the purposes of an inspection by the inspectors of constabulary under section 54 of the Police Act 1996. This amendment allows any person acting on behalf of an inspector of constabulary to serve a notice under paragraph 6A.

Amendment 42, page 53, line 18, after “required” insert

“(which may be immediately after the service of the notice)”.

This amendment is consequential on amendment 47.

Amendment 43, page 53, leave out lines 19 and 20.

This amendment is consequential on amendment 47.

Amendment 44, page 53, leave out lines 27 to 29.

This amendment is consequential on amendment 47.

Amendment 45, page 53, line 33, at end insert

“(and, for that purpose, the reference in paragraph (c) of the definition of “inspector” in paragraph 6A(10) to paragraph 6A is to be read as a reference to this paragraph)”.

Clause 33(1) inserts a new paragraph 6B in Schedule 4A to the Police Act 1996, dealing with the service of notices requiring access to premises occupied for police purposes where access is reasonably required for the purposes of an inspection by the inspectors of constabulary under section 54 of the Police Act 1996. This amendment allows any person authorised to act on behalf of an inspector of constabulary to serve a notice under paragraph 6B.

Amendment 46, page 54, line 1, leave out “or 6B”.

This amendment is consequential on amendment 47.

Amendment 47, page 54, line 2, leave out “or 6B”.

This amendment means that there is no right of appeal against a notice served under paragraph 6B of Schedule 4A to the Police Act 1996 (as inserted by clause 33(1)). Paragraph 6B provides for the service of notices requiring access to premises occupied for police purposes where access is required for the purposes of an inspection under section 54 of the Police Act 1996.

Amendment 48, page 54, line 4, at end insert—

“(1A) The right of appeal conferred by sub-paragraph (1) does not apply where the notice is served on a person who is—

(a) a member of a police force;

(b) a special constable;

- (c) a member of the civilian staff of a police force, including the metropolitan police force (within the meaning of Part 1 of the Police Reform and Social Responsibility Act 2011);
- (d) a local policing body or a person employed by a local policing body;
- (e) a person providing services, in pursuance of contractual arrangements (but without being employed by a chief officer of police of a police force or its local policing body), to assist a police force in relation to the discharge of its chief officer's functions;
- (f) a person employed by a person providing services as mentioned in paragraph (e)."

Paragraph 6D of Schedule 4A to the Police Act 1996 (as inserted by clause 33(1)) provides for a right of appeal against a notice served under paragraph 6A (which confers power to serve notices requiring the provision of information reasonably required for the purposes of an inspection under section 54 of the Police Act 1996). The amendment means that the right of appeal does not apply where the notice is served on a member of a police force or the other persons listed in the amendment.

Amendment 49, page 54, line 11, leave out "or 6B".

This amendment is consequential on amendment 47.

Amendment 50, page 54, line 19, leave out "intercept information" and insert

"protected information relating to a relevant warrant".

Clause 33(1) inserts a new paragraph 6E in Schedule 4A to the Police Act 1996 which makes provision about the handling of sensitive information received by the inspectors of constabulary. The categories of information to which it applies include "intercept information" which is currently defined by reference to the Regulation of Investigatory Powers Act 2000. This amendment, and amendments 52, 53, 54, 55, 56, 57, 58 and 59, amend clause 33 to take account of the provision made by the Investigatory Powers Bill about the interception of communications (and the consequential repeal by that Act of Chapter 1 of Part 1 of the Regulation of Investigatory Powers Act 2000).

Amendment 51, page 54, line 45, at end insert " , or

- (c) a person authorised by an inspector of constabulary to act on behalf of the inspector in receiving information (whether under paragraph 6A or otherwise);"

This amendment is related to amendment 41 and ensures that the restrictions on the disclosure of information under paragraph 6E of Schedule 4A to the Police Act 1996 (as inserted by clause 33(1)) apply to any person authorised by an inspector of constabulary to receive information on behalf of the inspector.

Amendment 52, page 55, leave out lines 8 to 10.

Please see the explanatory statement for amendment 50.

Amendment 53, page 55, line 11, at end insert—

""protected information", in relation to a relevant warrant, means information relating to any of the matters mentioned in section 49(4) of the Investigatory Powers Act 2016 in relation to the warrant;".

Please see the explanatory statement for amendment 50.

Amendment 54, page 55, line 28, leave out "intercept information" and insert

"protected information relating to a relevant warrant".

Please see the explanatory statement for amendment 50.

Amendment 55, page 55, line 29, leave out "interception".

Please see the explanatory statement for amendment 50.

Amendment 56, page 55, leave out lines 38 to 40 and insert—

""relevant warrant" means—

- (a) a warrant under Chapter 1 of Part 2 of the Investigatory Powers Act 2016, or
- (b) a warrant under Chapter 1 of Part 6 of that Act."

Please see the explanatory statement for amendment 50.

Amendment 57, page 55, line 43, leave out "intercept information" and insert

"protected information relating to a relevant warrant".

Please see the explanatory statement for amendment 50.

Amendment 58, page 55, line 46, leave out "intercept information" and insert

"protected information relating to a relevant warrant".

Please see the explanatory statement for amendment 50.

Amendment 59, page 56, line 2, leave out ""intercept information"" and insert

""protected information relating to a relevant warrant"".—
(Mike Penning.)

Please see the explanatory statement for amendment 50.

Clause 138

EXTENT

Amendments made: 60, page 142, line 34, after "paragraphs", insert "55(10)".

This amendment provides for the amendments made to paragraph 19F of Schedule 3 to the Police Reform Act 2002 to have the same extent as that paragraph.

Amendment 61, page 142, line 35, at end insert—

"() section (Public records);" —(Mike Penning.)

This amendment provides for NC30 to have the same extent as the Public Records Act 1958 (which is amended by that clause).

Schedule 3

AMENDMENTS CONSEQUENTIAL ON THE AMENDED DEFINITION OF POLICE COMPLAINT

Amendment made: 88, page 201, line 25, leave out sub-paragraph (5). —(Mike Penning.)

The provision of the Bill omitted by this amendment is no longer needed given the addition at Committee of amendments to paragraph 26(5) of Schedule 3 to the Police Reform Act 2002 (see paragraph 37(7) of Schedule 4 to the Bill).

Schedule 4

COMPLAINTS, CONDUCT MATTERS AND DSI MATTERS: PROCEDURE

Amendments made: 63, page 213, line 5, leave out "if it" and insert

"having considered the views (if any) of the appropriate authority and if the Commission".

This amendment is consequential on the addition at Committee of new sub-paragraph (iii) of new sub-paragraph (5A)(a) of paragraph 23 of Schedule 3 to the Police Reform Act 2002 (inserted by the Bill) and mirrors the wording at the beginning of new sub-paragraph (5A)(b) of that paragraph.

Amendment 64, page 213, line 41, leave out from beginning to "after" in line 42 and insert—

27 (1) Paragraph 24 (action by the appropriate authority in response to an investigation report under paragraph 22) is amended as follows.

(2) In sub-paragraph (6)—

(a) after paragraph (a) insert—

(aa) if it considers it appropriate to do so, make a determination as to any matter dealt with in the report, being a determination other than one that it is required to make by sub-paragraph (2)(a) or paragraph (a) of this sub-paragraph, and";

(b) for paragraph (b) substitute—

(b) determine what action (if any), in addition to the action mentioned in paragraph (a)(ii), the authority will in its discretion take in respect of the matters dealt with in the report.”

(3)”

This amendment imposes a duty on an appropriate authority, when responding to a report on an investigation carried out by the authority on its own behalf, as regards the making of certain additional determinations. It mirrors new sub-paragraph (5A)(c) of paragraph 23 of Schedule 3 to the Police Reform Act 2002 (inserted by paragraph 26 of Schedule 4 to the Bill).

Amendment 65, page 220, line 3, at end insert—

‘() After sub-paragraph (4) insert—

(4A) Where the Commission determines under sub-paragraph (2) that the re-investigation should take the form of an investigation by the appropriate authority on its own behalf, the Commission may also give the appropriate authority such directions as to the handling of the matter in future as the Commission thinks fit.”

—(Mike Penning.)

This amendment provides that, where the IPCC determines that a re-investigation following a review should take the form of an investigation by the appropriate authority on its own behalf, the IPCC may give the appropriate authority directions as to the future handling of the matter concerned.

Schedule 7

PART TO BE INSERTED AS PART 4A OF THE POLICE ACT 1996

Amendment made: 66, page 237, line 7, at end insert

“but before disciplinary proceedings in respect of the allegation are brought or, if brought, before they are concluded”. —(Mike Penning.)

This amendment clarifies that the duty of a relevant authority to report to the College of Policing a person who resigns or retires after an allegation about the person comes to the attention of the relevant authority applies only where the person resigns or retires before disciplinary proceedings in respect of the allegation are brought or, if brought, before they are concluded.

Schedule 8

OFFICE FOR POLICE CONDUCT

Amendments made: 67, page 251, line 16, at end insert—

‘() In subsection (2)(i) for “its” substitute “the Director General”.’

This amendment adds a further consequential amendment to Part 2 of Schedule 8 to the Bill (minor and consequential amendments to the Police Reform Act 2002).

Amendment 68, page 251, line 31, after “or”, insert “in respect of”.

This amendment revises a consequential amendment to Part 2 of Schedule 8 to the Bill (minor and consequential amendments to the Police Reform Act 2002).

Amendment 69, page 251, line 38, at end insert—

‘() In subsection (6) for “Independent Police Complaints Commissioner” substitute “Director General”.

() In subsection (9) after “Director General” insert “of the National Crime Agency”.

This amendment adds further consequential amendments to Part 2 of Schedule 8 to the Bill (minor and consequential amendments to the Police Reform Act 2002).

Amendment 70, page 251, line 40, after “place”, insert

“other than in subsection (2)”.

This amendment is consequential on amendment 71.

Amendment 71, page 251, line 40, at end insert—

‘() In subsection (2)(b) for “Commission” substitute “Office or in respect of the Director General”.’

This amendment adds a further consequential amendment to Part 2 of Schedule 8 to the Bill (minor and consequential amendments to the Police Reform Act 2002).

Amendment 72, page 252, line 9, at end insert—

‘() The repeal of section 28 does not affect an order made under that section before its repeal or the power under that section to revoke or amend any such order.”

This amendment adds a saving provision in connection with the repeal of section 28 of the Police Reform Act 2002.

Amendment 73, page 253, line 34, at end insert—

‘() For the title to the Schedule substitute “The Office for Police Conduct”.’

This amendment adds a further consequential amendment to Part 2 of Schedule 8 to the Bill (minor and consequential amendments to the Police Reform Act 2002).

Amendment 74, page 254, leave out lines 24 to 27 and insert—

() in paragraph (b) for “by it in the carrying out of its functions” substitute “in the carrying out of its or the Director General’s functions”.

This amendment revises a consequential amendment to paragraph 14 of Schedule 2 to the Police Reform Act 2002.

Amendment 75, page 254, line 30, at end insert—

() after “its” insert “or the Director General’s”.

This amendment adds a further consequential amendment to Part 2 of Schedule 8 to the Bill (minor and consequential amendments to the Police Reform Act 2002).

Amendment 76, page 255, line 24, leave out

“another member of the Office’s staff”

and insert

“a person”.

This amendment revises a consequential amendment to paragraph 19(2A) of Schedule 3 to the Police Reform Act 2002.

Amendment 77, page 255, line 36, leave out

“person designated under sub-paragraph (2) who is” and insert “the Director General or a member of the Office’s staff”

This amendment revises a consequential amendment to paragraph 19(6A) of Schedule 3 to the Police Reform Act 2002.

Amendment 78, page 255, line 41, after “(2)(b)”, insert “and (7)(a)”.

This amendment adds a further consequential amendment to Part 2 of Schedule 8 to the Bill (minor and consequential amendments to the Police Reform Act 2002).

Amendment 79, page 257, line 21, at end insert—

() in sub-paragraph (13), before “or (4)” insert “, (2B)”.

This amendment adds a further consequential amendment to Part 2 of Schedule 8 to the Bill (minor and consequential amendments to the Police Reform Act 2002).

Amendment 80, page 257, line 21, at end insert—

‘() In paragraph 24 (action by appropriate authority in response to an investigation report), in sub-paragraph (11) before “or (4)” insert “, (2B)”.’

This amendment adds a further consequential amendment to Part 2 of Schedule 8 to the Bill (minor and consequential amendments to the Police Reform Act 2002).

Amendment 81, page 257, line 22, at end insert—

() in sub-paragraph (1), before “or (4)” insert “, (2B)”.

This amendment adds a further consequential amendment to Part 2 of Schedule 8 to the Bill (minor and consequential amendments to the Police Reform Act 2002).

Amendment 82, page 257, line 34, at end insert—

- () in sub-paragraph (6) (as inserted by this Act)—
 - (i) after “sub-paragraph (2)” insert “or completed under sub-paragraph (2A)”;
 - (ii) after “submission” insert “or completion”.

This amendment adds a further consequential amendment to Part 2 of Schedule 8 to the Bill (minor and consequential amendments to the Police Reform Act 2002).

Amendment 83, page 258, line 18, at end insert—

‘() In paragraph 21 (power to discontinue an investigation), in sub-paragraph (4)(b) omit “itself”.’

This amendment adds a further consequential amendment to Part 2 of Schedule 8 to the Bill (minor and consequential amendments to the Police Reform Act 2002).

Amendment 84, page 258, line 25, after “1(1)” insert “—

- (a) after “, (2)” insert “, (2A)”;
- (b) .”

This amendment adds a further consequential amendment to Part 2 of Schedule 8 to the Bill (minor and consequential amendments to the Police Reform Act 2002).

Amendment 14, page 258, line 26, leave out sub-paragraph (4) and insert—

‘() In paragraph 4(1)—

- (a) in the words before paragraph (a), for “it appears to the person in charge” substitute “the Director General determines”;
- (b) for the words after paragraph (b) substitute “the Director General must proceed under sub-paragraph (2)”.

() For paragraph 4(2) substitute—

“(2) The Director General must—

- (a) prepare a record of the determination,
- (b) notify the appropriate authority in relation to the person whose conduct is in question of the determination, and
- (c) send to it a copy of the record of the determination prepared under paragraph (a).”

() After paragraph 5(1) insert—

“(1A) Sub-paragraph (1) does not apply where the person in charge of the investigation is the Director General acting personally, but the Director General must complete a report on the investigation.”

() In paragraph 5(2)(a) for “the report” substitute “a report submitted under sub-paragraph (1) or completed under sub-paragraph (1A)”.

() In paragraph 6(1) after “paragraph 5” insert “(1) or on its completion by the Director General under paragraph 5(1A).”

This amendment adds a further consequential amendment to Part 2 of Schedule 8 to the Bill (minor and consequential amendments to the Police Reform Act 2002).

Amendment 15, page 259, line 21, at end insert—

“62 (1) The Ministry of Defence Police Act 1987 is amended as follows.

(2) In section 3A (regulations relating to disciplinary matters), in subsection (1B)(a) (as inserted by this Act) for “Independent Police Complaints Commission” substitute “Director General of the Office for Police Conduct”.

This amendment adds a further consequential amendment to Part 3 of Schedule 8 to the Bill (other minor and consequential amendments).

Amendment 16, page 260, line 23, at end insert—

““The Director General of the Office for Police Conduct.””

This amendment adds a further consequential amendment to Part 3 of Schedule 8 to the Bill (other minor and consequential amendments).

Amendment 17, page 262, line 4, at end insert—

““The Director General of the Office for Police Conduct.”” —(*Mike Penning*.)

This amendment adds a further consequential amendment to Part 3 of Schedule 8 to the Bill (other minor and consequential amendments).

New Clause 49

RETENTION OF FINGERPRINTS AND DNA PROFILES: PACE

‘(1) Part 5 of the Police and Criminal Evidence Act 1984 (questioning and treatment of persons by police) is amended as follows.

(2) In section 63F (retention of section 63D material: persons arrested for or charged with a qualifying offence), after subsection (2) insert—

“(2A) In subsection (2), references to a recordable offence include an offence under the law of a country or territory outside England and Wales where the act constituting the offence would constitute a recordable offence if done in England and Wales (and, in the application of subsection (2) where a person has previously been convicted, this applies whether or not the act constituted such an offence when the person was convicted).”

(3) In that section, after subsection (11) insert—

“(12) For the purposes of the definition of “excluded offence” in subsection (11)—

- (a) references to a recordable offence or a qualifying offence include an offence under the law of a country or territory outside England and Wales where the act constituting the offence would constitute a recordable offence or (as the case may be) a qualifying offence if done in England and Wales (whether or not it constituted such an offence when the person was convicted), and
- (b) in the application of paragraph (b) of that definition in relation to an offence under the law of a country or territory outside England and Wales, the reference to a relevant custodial sentence of 5 years or more is to be read as a reference to a sentence of imprisonment or other form of detention of 5 years or more.”

(4) In section 63H (retention of section 63D material: persons arrested for or charged with a minor offence), after subsection (2) insert—

“(2A) In subsection (2), the reference to a recordable offence includes an offence under the law of a country or territory outside England and Wales where the act constituting the offence would constitute a recordable offence if done in England and Wales (whether or not it constituted such an offence when the person was convicted).”

(5) In that section, in subsection (3), after “section 63F(11)” insert “(read with section 63F(12))”.

(6) After section 63I insert—

“63IA Retention of material: persons convicted of an offence outside England and Wales after taking of section 63D material

(1) This section applies where—

- (a) section 63D material is taken (or, in the case of a DNA profile, derived from a sample taken) in connection with the investigation of an offence,
- (b) at any time before the material is required to be destroyed by virtue of this Part of this Act, the person is convicted of an offence under the law of a country or territory outside England and Wales, and
- (c) the act constituting the offence mentioned in subsection (1)(b) would constitute a recordable offence if done in England and Wales.

(2) The material may be retained indefinitely.

(3) This section does not apply where section 63KA applies.”

(7) In the heading of section 63J, at the end insert “: other cases”.

(8) In section 63K (retention of section 63D material: exception for persons under 18 convicted of minor offence), after subsection (1) insert—

“(1A) In subsection (1)(a)(ii), the reference to a recordable offence includes an offence under the law of a country or territory outside England and Wales where the act constituting the offence would constitute a recordable offence if done in England and Wales (whether or not it constituted such an offence when the person was convicted).”

(9) In that section, after subsection (5) insert—

“(5A) In subsection (5), the reference to a recordable offence includes an offence under the law of a country or territory outside England and Wales where the act constituting the offence would constitute a recordable offence if done in England and Wales.”

(10) After section 63K insert—

“63KA Retention of section 63D material under section 63IA: exception for persons under 18 convicted of first minor offence outside England and Wales

(1) This section applies where—

- (a) section 63D material is taken (or, in the case of a DNA profile, derived from a sample taken) in connection with the investigation of an offence,
- (b) at any time before the material is required to be destroyed by virtue of this Part of this Act, the person is convicted of an offence under the law of a country or territory outside England and Wales,
- (c) the act constituting the offence mentioned in subsection (1)(b) would constitute a recordable offence if done in England and Wales but would not constitute a qualifying offence,
- (d) the person is aged under 18 at the time of the offence mentioned in subsection (1)(b), and
- (e) the person has not previously been convicted of a recordable offence.

(2) In subsection (1)(e), the reference to a recordable offence includes an offence under the law of a country or territory outside England and Wales where the act constituting the offence would constitute a recordable offence if done in England and Wales (whether or not it constituted such an offence when the person was convicted).

(3) Where the person is sentenced to imprisonment or another form of detention for less than 5 years in respect of the offence mentioned in subsection (1)(b), the section 63D material may be retained until the end of the period consisting of the term of the sentence plus 5 years.

(4) Where the person is sentenced to imprisonment or another form of detention for 5 years or more in respect of the offence mentioned in subsection (1)(b), the material may be retained indefinitely.

(5) Where the person is given a sentence other than a sentence of imprisonment or other form of detention in respect of the offence mentioned in subsection (1)(b), the material may be retained until the end of the period of 5 years beginning with the date on which the person was arrested for the offence (or, if the person was not arrested for the offence, the date on which the person was charged with it).

(6) But if, before the end of the period within which material may be retained by virtue of this section, the person is again convicted of a recordable offence, the material may be retained indefinitely.

(7) In subsection (6), the reference to a recordable offence includes an offence under the law of a country or territory outside England and Wales where the act constituting the offence would constitute a recordable offence if done in England and Wales.”

(11) In section 63N (retention of section 63D material given voluntarily), after subsection (4) insert—

“(5) The reference to a recordable offence in subsection (3)(a) includes an offence under the law of a country or territory outside England and Wales where the act constituting the offence would constitute a recordable offence if done in England and Wales.

(6) The reference to a recordable offence in subsections (3)(b) and (4), and the reference to a qualifying offence in subsection (4), includes an offence under the law of a country or territory outside England and Wales where the act constituting the offence would constitute a recordable offence or (as the case may be) a qualifying offence if done in England and Wales (whether or not it constituted such an offence when the person was convicted).” — (*Mike Penning*.)

Brought up, and added to the Bill.

This new clause amends the provision made by the Police and Criminal Evidence Act 1984 for the retention of biometric material so that, where appropriate, convictions outside England and Wales are treated in the same way as convictions in England and Wales.

New Clause 50

RETENTION OF FINGERPRINTS AND DNA PROFILES: TERRORISM ACT 2000

“(1) Schedule 8 to the Terrorism Act 2000 (detention) is amended as follows.

(2) In paragraph 20B (retention of paragraph 20A material: persons detained under section 41), after sub-paragraph (2) insert—

“(2A) In sub-paragraph (2) —

(a) the reference to a recordable offence includes an offence under the law of a country or territory outside the United Kingdom where the act constituting the offence would constitute—

(i) a recordable offence under the law of England and Wales if done there, or

(ii) a recordable offence under the law of Northern Ireland if done there,

(and, in the application of sub-paragraph (2) where a person has previously been convicted, this applies whether or not the act constituted such an offence when the person was convicted);

(b) the reference to an offence in Scotland which is punishable by imprisonment includes an offence under the law of a country or territory outside the United Kingdom where the act constituting the offence would constitute an offence under the law of Scotland which is punishable by imprisonment if done there (and, in the application of sub-paragraph (2) where a person has previously been convicted, this applies whether or not the act constituted such an offence when the person was convicted).”

(3) In paragraph 20C (retention of paragraph 20A material: persons detained under Schedule 7), after sub-paragraph (2) insert—

“(2A) In sub-paragraph (2) —

(a) the reference to a recordable offence includes an offence under the law of a country or territory outside the United Kingdom where the act constituting the offence would constitute—

(i) a recordable offence under the law of England and Wales if done there, or

(ii) a recordable offence under the law of Northern Ireland if done there,

(and, in the application of sub-paragraph (2) where a person has previously been convicted, this applies whether or not the act constituted such an offence when the person was convicted);

- (b) the reference to an offence in Scotland which is punishable by imprisonment includes an offence under the law of a country or territory outside the United Kingdom where the act constituting the offence would constitute an offence under the law of Scotland which is punishable by imprisonment if done there (and, in the application of sub-paragraph (2) where a person has previously been convicted, this applies whether or not the act constituted such an offence when the person was convicted).”

(4) In paragraph 20D (interpretation), after sub-paragraph (5) insert—

“(5A) For the purposes of sub-paragraph (4)—

- (a) a person is to be treated as having previously been convicted in England and Wales of a recordable offence if—
- (i) the person has previously been convicted of an offence under the law of a country or territory outside the United Kingdom, and
 - (ii) the act constituting the offence would constitute a recordable offence under the law of England and Wales if done there (whether or not it constituted such an offence when the person was convicted);
- (b) a person is to be treated as having previously been convicted in Northern Ireland of a recordable offence if—
- (i) the person has previously been convicted of an offence under the law of a country or territory outside the United Kingdom, and
 - (ii) the act constituting the offence would constitute a recordable offence under the law of Northern Ireland if done there (whether or not it constituted such an offence when the person was convicted);
- (c) a person is to be treated as having previously been convicted in Scotland of an offence which is punishable by imprisonment if—
- (i) the person has previously been convicted of an offence under the law of a country or territory outside the United Kingdom, and
 - (ii) the act constituting the offence would constitute an offence punishable by imprisonment under the law of Scotland if done there (whether or not it constituted such an offence when the person was convicted);
- (d) the reference in sub-paragraph (4)(b) to a qualifying offence includes a reference to an offence under the law of a country or territory outside the United Kingdom where the act constituting the offence would constitute a qualifying offence under the law of England and Wales if done there or (as the case may be) under the law of Northern Ireland if done there (whether or not it constituted such an offence when the person was convicted).

(5B) For the purposes of paragraphs 20B and 20C and this paragraph—

- (a) offence, in relation to any country or territory outside the United Kingdom, includes an act punishable under the law of that country or territory, however it is described;
- (b) a person has in particular been convicted of an offence under the law of a country or territory outside the United Kingdom if—
- (i) a court exercising jurisdiction under the law of that country or territory has made in respect of such an offence a finding equivalent to a finding that the person is not guilty by reason of insanity, or
 - (ii) such a court has made in respect of such an offence a finding equivalent to a finding that the person is under a disability and did the act charged against the person in respect of the offence.” —(Mike Penning.)

Brought up, and added to the Bill.

This new clause amends the provision made by Schedule 8 to the

Terrorism Act 2000 for the retention of biometric material so that, where appropriate, convictions outside the United Kingdom are treated in the same way as convictions in the United Kingdom.

New Clause 51

EXTENSION OF CROSS-BORDER POWERS OF ARREST: URGENT CASES

In Part 10 of the Criminal Justice and Public Order Act 1994 (cross-border enforcement), after section 137 insert—

“137A Additional cross-border powers of arrest etc:
urgent cases

(1) A constable of a police force in England and Wales may arrest a person in England and Wales without a warrant if—

- (a) the constable has reasonable grounds for suspecting that the person has committed a specified offence in Scotland or in Northern Ireland, and
- (b) the constable also has reasonable grounds for believing that it is necessary to arrest the person—
 - (i) to allow the prompt and effective investigation of the offence, or
 - (ii) to prevent any prosecution for the offence from being hindered by the disappearance of the person.

(2) A constable of a police force in Scotland may arrest a person in Scotland without a warrant if—

- (a) the constable has reasonable grounds for suspecting that the person has committed a specified offence in England and Wales or in Northern Ireland, and
- (b) the constable is satisfied that it would not be in the interests of justice to delay the arrest either to enable a warrant for the person's arrest to be obtained and then executed under section 136 or to enable a power of arrest under section 137 to be exercised.

(3) Without prejudice to the generality of subsection (2)(b), it would not be in the interests of justice to delay an arrest for a purpose mentioned in that subsection if the constable reasonably believes that, unless the person is arrested without delay, the person will obstruct the course of justice in any way, including by seeking to avoid arrest or interfering with witnesses or evidence.

(4) A constable of a police force in Northern Ireland may arrest a person in Northern Ireland without a warrant if—

- (a) the constable has reasonable grounds for suspecting that the person has committed a specified offence in England and Wales or in Scotland, and
- (b) the constable also has reasonable grounds for believing that it is necessary to arrest the person—
 - (i) to allow the prompt and effective investigation of the offence, or
 - (ii) to prevent any prosecution for the offence from being hindered by the disappearance of the person.

(5) The power conferred by subsection (1) or (2) may be exercised by a constable appointed under section 24 of the Railways and Transport Safety Act 2003 in England and Wales or (as the case may be) in Scotland, but only in relation to a person suspected of having committed a specified offence in Northern Ireland.

(6) The following provisions apply in relation to an arrest under this section by a constable of a person suspected of having committed a specified offence in England and Wales or in Northern Ireland—

- (a) where the arrest is in England and Wales under subsection (1) or in Northern Ireland under subsection (4), the constable has the powers of entry and search conferred by section 137E;
- (b) where the arrest is in Scotland under subsection (2), the constable has the same powers of entry and search for the purpose of the arrest as a constable of a police force in Scotland would have if there were reasonable grounds for suspecting that the offence had been committed in Scotland;

- (c) the constable has the powers conferred by section 139 in relation to the arrested person;
- (d) the constable may use reasonable force, if necessary, in arresting the person or in exercising the powers conferred by sections 137E and 139.

(7) Where a constable is arresting under this section a person suspected of having committed a specified offence in Scotland, the constable has the same powers as a constable of a police force in Scotland would have if arresting the person for the offence in Scotland.

(8) In this section—

“constable of a police force”, in relation to Northern Ireland, means a member of the Police Service of Northern Ireland or the Police Service of Northern Ireland Reserve;

“specified offence” means an offence specified in regulations made by the Secretary of State under section 137B.

137B Power to specify offences for the purposes of section 137A

(1) The Secretary of State may by regulations made by statutory instrument specify offences for the purposes of section 137A (see the definition of “specified offence” in subsection (8) of that section).

(2) An offence may be specified in regulations under subsection (1) only if—

- (a) the offence is indictable, and
- (b) the Secretary of State considers that it is necessary in the interests of justice to specify it for the purposes of section 137A.

(3) For the purpose of subsection (2)(a), an offence is indictable if—

- (a) in the case of an offence under the law of England and Wales, it is an indictable offence in England and Wales;
- (b) in the case of an offence under the law of Scotland, it may be tried on indictment in Scotland;
- (c) in the case of an offence under the law of Northern Ireland, it is an indictable offence in Northern Ireland.

(4) The Secretary of State may not make regulations under subsection (1) unless the Scottish Ministers and the Department of Justice in Northern Ireland consent to the making of the regulations.

(5) A statutory instrument containing regulations under subsection (1) may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.

137C Detention for the purpose of re-arrest

(1) A person arrested under section 137A in respect of a specified offence may be detained but only for the purpose of—

- (a) enabling a warrant for the person’s arrest in respect of the offence to be obtained and then executed under section 136, or
- (b) enabling the person to be re-arrested under section 137.

(2) The person may be detained for that purpose—

- (a) for an initial period of 3 hours beginning with the time of the arrest;
- (b) for a second period of no more than 21 hours beginning with the end of the initial period, but only if detention for that period is authorised by both an officer of at least the rank of inspector in the arresting force and an officer of at least the rank of inspector in the investigating force;
- (c) for a third period of no more than 12 hours beginning with the end of the second period, but only if detention for that period is authorised by both an officer of a rank above that of inspector in the arresting force and an officer of a rank above that of inspector in the investigating force.

(3) An officer of the arresting force may give an authorisation for the purpose of subsection (2)(b) or (c) only if satisfied that it is in the interests of justice to do so.

(4) An officer of the investigating force may give an authorisation for the purpose of subsection (2)(b) only if satisfied that—

- (a) there are reasonable grounds to suspect that the person has committed the specified offence,
- (b) a constable intends that the person be arrested as soon as is reasonably practicable (whether by the obtaining and execution of a warrant under section 136 or under section 137) and is acting expeditiously for that purpose, and
- (c) it is in the interests of justice to give the authorisation.

(5) An officer of the investigating force may give an authorisation for the purpose of subsection (2)(c) only if satisfied that—

- (a) there continue to be reasonable grounds to suspect that the person has committed the specified offence,
- (b) a constable intends that the person be arrested as soon as is reasonably practicable (whether by the obtaining and execution of a warrant under section 136 or under section 137) and is acting expeditiously for that purpose, and
- (c) it is in the interests of justice to give the authorisation.

(6) If, at any time while the person is detained, an appropriate officer in the investigating force is satisfied that it is no longer in the interests of justice for the person to be detained—

- (a) the officer must notify the arresting force, and
- (b) the person must be released immediately.

(7) In subsection (6), “appropriate officer” means—

- (a) in relation to the person’s detention for the initial period, any constable;
- (b) in relation to the person’s detention for the second period, an officer of at least the rank of inspector;
- (c) in relation to the person’s detention for the third period, an officer of a rank above that of inspector.

(8) In this section—

“arresting force” means the police force of which the constable who arrested the person under section 137A is a member;

“investigating force” means the police force that is investigating the specified offence which the person arrested under section 137A is suspected of having committed;

“specified offence” has the same meaning as in section 137A (see sections 137A(8) and 137B).

137D Rights of persons arrested under section 137A

(1) A person arrested under section 137A must be informed of the following matters as soon as is practicable after the arrest—

- (a) the purpose for which the person may be detained under section 137C;
- (b) the provision made by that section about the periods for which the person may be detained.

(2) The following provisions apply in relation to persons arrested under section 137A in respect of a specified offence committed in England and Wales (subject to regulations under subsection (5))—

- (a) section 28 of the Police and Criminal Evidence Act 1984 (information to be given on arrest);
- (b) section 56 of that Act (right to have someone informed when arrested);
- (c) section 58 of that Act (access to legal advice);
- (d) section 34 of the Children and Young Persons Act 1933 (additional protection for children and young persons).

(3) The following provisions apply in relation to persons arrested under section 137A in respect of a specified offence committed in Scotland (subject to regulations under subsection (5))—

- (a) section 3 of the Criminal Justice (Scotland) Act 2016 (asp 1) (information to be given on arrest);
- (b) Chapter 5 of Part 1 of that Act (rights of suspects in police custody).

(4) The following provisions apply in relation to persons arrested under section 137A in respect of a specified offence committed in Northern Ireland (subject to regulations under subsection (5))—

- (a) article 30 of the Police and Criminal Evidence (Northern Ireland) Order 1989 (S.I. 1989/1341 (N.I.12)) (information to be given on arrest);
- (b) article 57 of that Order (right to have someone informed when arrested);
- (c) article 59 of that Order (access to legal advice);
- (d) article 10 of the Criminal Justice (Children) (Northern Ireland) Order 1998 (S.I. 1998/1504 (N.I.9)) (additional protection for children and young persons).

(5) The Secretary of State may by regulations made by statutory instrument provide that any of the provisions mentioned in subsection (2), (3) or (4)—

- (a) do not apply as mentioned in that subsection in cases or circumstances specified in the regulations;
- (b) apply as mentioned in that subsection subject to such modifications as may be specified in the regulations (which may be general modifications or modifications that apply only in cases or circumstances specified in the regulations).

(6) A statutory instrument containing regulations under subsection (5) may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.

(7) The Secretary of State may not make regulations under subsection (5) which relate to a provision mentioned in subsection (3) unless the Scottish Ministers consent.

(8) The Secretary of State may not make regulations under subsection (5) which relate to a provision mentioned in subsection (4) unless the Department of Justice in Northern Ireland consents.”—(*Mike Penning.*)

Brought up, and added to the Bill.

This new clause extends the cross-border powers of arrest conferred by Part 10 of the Criminal Justice and Public Order Act 1994 by giving a constable of a police force in a particular part of the United Kingdom power to arrest a person in that part who is reasonably suspected of having committed a specified offence in another part. The Secretary of State has power by regulations to specify the offences. The powers of arrest are available only in urgent cases and for the purpose of enabling the person to be re-arrested either under section 136 (where a warrant is obtained) or under section 137. The clause also specifies limits on the period for which persons arrested under the new powers may be detained and makes other supplementary provision.

New Clause 52

CROSS-BORDER ENFORCEMENT: POWERS OF ENTRY TO EFFECT ARREST

In Part 10 of the Criminal Justice and Public Order Act 1994 (cross-border enforcement), after section 137D (as inserted by section (Extension of cross-border powers of arrest: urgent cases)) insert—

“137E Entry and search for the purposes of arrest

- (1) A constable may enter and search any premises—
 - (a) for the purpose of executing in England and Wales under section 136(2)(b) a warrant issued in Northern Ireland;

- (b) for the purpose of executing in Northern Ireland under section 136(3)(a) a warrant issued in England and Wales;

- (c) for the purpose of arresting a person in Northern Ireland under section 137(1) in respect of a relevant England and Wales offence;

- (d) for the purpose of arresting a person in England and Wales under section 137(3) in respect of a relevant Northern Ireland offence;

- (e) for the purpose of arresting a person in England and Wales under section 137A(1) in respect of a specified offence committed in Northern Ireland;

- (f) for the purpose of arresting a person in Northern Ireland under section 137A(4) in respect of a specified offence committed in England and Wales.

(2) In subsection (1)—

- (a) “relevant England and Wales offence” means—

- (i) an offence that is an indictable offence in England and Wales;

- (ii) an offence mentioned in section 17(1)(c) or (caa) of the Police and Criminal Evidence Act 1984;

- (b) “relevant Northern Ireland offence” means—

- (i) an offence that is an indictable offence in Northern Ireland;

- (ii) an offence mentioned in article 19(1)(ba) to (c) of the Police and Criminal Evidence (Northern Ireland) Order 1989 (S.I. 1989/1341 (N.I.12)).

(3) The powers of entry and search conferred by subsection (1)—

- (a) are exercisable only if the constable has reasonable grounds for believing that the person whom he is seeking is on the premises, and

- (b) are limited, in relation to premises consisting of two or more separate dwellings, to powers to enter and search—

- (i) any part of the premises which the occupier of any dwelling comprised in the premises uses in common with the occupier of any other such dwelling, and

- (ii) any such dwelling in which the constable has reasonable grounds for believing that the person whom he is seeking may be.

(4) The power of search conferred by subsection (1) is only a power to search to the extent that is reasonably required for the purpose for which the power of entry is exercised.

(5) In this section, “premises” includes any place and, in particular, includes—

- (a) any vehicle, vessel, aircraft or hovercraft,

- (b) any offshore installation,

- (c) any renewable energy installation, and

- (d) any tent or movable structure.

“Offshore installation” has the meaning given to it by section 44 of the Petroleum Act 1998.

“Renewable energy installation” has the same meaning as in Chapter 2 of Part 2 of the Energy Act 2004 (see section 104 of that Act).” —(*Mike Penning.*)

Brought up, and added to the Bill.

This new clause confers powers of entry and search for the purpose of making an arrest under Part 10 of the Criminal Justice and Public Order Act 1994 (as amended by new clause 51). It applies only in relation to the exercise of powers of arrest in England and Wales or Northern Ireland and only in respect of indictable and certain other offences committed in England and Wales or Northern Ireland.

New Clause 53

CROSS-BORDER ENFORCEMENT: MINOR AND CONSEQUENTIAL AMENDMENTS

Schedule (Cross-border enforcement: minor and consequential amendments)—

- (a) makes minor amendments of Part 10 of the Criminal Justice and Public Order Act 1994 (cross-border enforcement), and
- (b) makes amendments consequential on the other amendments of that Part made by this Chapter.” —(*Mike Penning.*)

Brought up, and added to the Bill.

This new clause introduces the Schedule inserted by NS2. It makes minor and consequential amendments of Part 10 of the Criminal Justice and Public Order Act 1994. In particular, it makes minor amendments to reflect changes made to the Police and Criminal Evidence Act 1984 and the Police and Criminal Evidence (Northern Ireland) Order 1989. It also makes other minor and consequential amendments.

New Schedule 2

“CROSS-BORDER ENFORCEMENT: MINOR AND CONSEQUENTIAL AMENDMENTS

PART 1

AMENDMENTS OF PART 10 OF THE CRIMINAL JUSTICE AND PUBLIC ORDER ACT 1994

1 Part 10 of the Criminal Justice and Public Order Act 1994 (cross-border enforcement) is amended in accordance with paragraphs 2 to 8.

Powers of constables of PSNI etc. under section 137

2 (1) Section 137 (cross-border powers of arrest etc.) is amended as follows.

(2) In subsection (3), for “the conditions applicable to this subsection are satisfied” substitute “the condition applicable to this subsection is satisfied”.

(3) For subsection (6) substitute—

“(6) The condition applicable to subsection (3) above is that it appears to the constable that it would have been lawful for him to have exercised the powers had the suspected person been in Northern Ireland.”

3 In section 138 (powers of arrest: supplementary provisions), omit subsections (3) to (5).

Powers to search premises under section 139

4 (1) Section 139 (search powers available on arrests under sections 136 and 137) is amended as follows.

(2) In the heading, for “sections 136 and 137” substitute “sections 136, 137 and 137A”.

(3) For subsection (1) substitute—

“(1) The powers conferred by subsections (2) and (3) are available to a constable in relation to—

- (a) a person arrested under section 136(1), (2)(b) or (3)(a);
- (b) a person arrested under section 137(1) or (3);
- (c) a person arrested under section 137A in respect of a specified offence committed in England and Wales or Northern Ireland.”

(4) Omit subsection (3)(b).

(5) After subsection (3) insert—

“(3A) The powers conferred by subsection (3B) are available to a constable in relation to—

- (a) a person arrested under section 136(1) or (3)(a) in the execution of a warrant issued in England and Wales

in respect of an offence that is an indictable offence in England and Wales;

- (b) a person arrested under section 136(1) or (2)(b) in the execution of a warrant issued in Northern Ireland in respect of an offence that is an indictable offence in Northern Ireland;
- (c) a person arrested under section 137(1) in respect of an offence that is an indictable offence in England and Wales;
- (d) a person arrested under section 137(3) in respect of an offence that is an indictable offence in Northern Ireland;
- (e) a person arrested under section 137A(2) or (4) in respect of a specified offence committed in England and Wales;
- (f) a person arrested under section 137A(1) or (2) in respect of a specified offence committed in Northern Ireland.

(3B) The constable may enter and search any premises in which the person was when arrested or immediately before he was arrested for evidence relating to the offence.”

(6) In subsection (4), after “subsection (3)” insert “or (3B)”.

(7) In subsection (7)—

(a) for “subsection (3)(b)” substitute “subsection (3B)”;

(b) for “that paragraph” substitute “that subsection”.

(8) In subsection (8), for “subsection (3)(b)” substitute “subsection (3B)”.

(9) After subsection (10) insert—

“(10A) Where a constable of a police force in England and Wales searches premises in the exercise of the power conferred by subsection (3B) or where a constable of the British Transport Police searches premises in England and Wales in the exercise of that power—

- (a) the constable has the same powers as the constable would have under section 19 of the Police and Criminal Evidence Act 1984 if the search had taken place under section 32(2)(b) of that Act, and
- (b) sections 21 and 22 of that Act apply in relation to anything seized in the exercise of the powers conferred by paragraph (a) above.

(10B) Where a constable of a police force in Northern Ireland searches premises in the exercise of the power conferred by subsection (3B)—

- (a) the constable has the same powers as the constable would have under article 21 of the Police and Criminal Evidence (Northern Ireland) Order 1989 (S.I. 1989/1341 (N.I.12)) if the search had taken place under article 34(2)(b) of that Order, and
- (b) articles 23 and 24 of that Order apply in relation to anything seized in the exercise of the powers conferred by paragraph (a) above.

(10C) Where a constable of a police force in Scotland searches premises in the exercise of the power conferred by subsection (3B), or where a constable of the British Transport Police searches premises in Scotland in the exercise of that power, the constable has the same powers of seizure and retention as the constable would have if the search had taken place in the exercise of a power of the constable (by virtue of any rule of law) in relation to a person arrested and charged with an offence by the constable in Scotland.”

(10) In subsection (12)—

(a) in the definition of “premises”, at the end of paragraph (b) (before the “and”) insert—

(a) any renewable energy installation;”;

(b) omit the “and” after that definition;

(c) in the definition of “offshore installation” for “section 1 of the Mineral Workings (Offshore Installations) Act 1971” substitute “section 44 of the Petroleum Act 1998”;

(d) at the end of the subsection insert “; and

“renewable energy installation” has the same meaning as in Chapter 2 of Part 2 of the Energy Act 2004 (see section 104 of that Act).”

Reciprocal powers of arrest - minor correction

5 In section 140 (reciprocal powers of arrest)—

- (a) in subsection (1), for the words in brackets substitute “(arrest without warrant)”;
- (b) in subsection (5), for the words in the second set of brackets substitute “(arrest without warrant)”.

References to the British Transport Commission Act 1949 - updating

6 In each of the following places, for references to “section 53 of the British Transport Commission Act 1949” substitute “section 24 of the Railways and Transport Safety Act 2003”—

- (a) section 136(1) and (2);
- (b) section 137(2A);
- (c) section 140(6A).

Other amendments

7 (1) Section 136 (execution of warrants) is amended as follows.

(2) After subsection (4) insert—

“(4A) The following provisions apply in relation to the execution under this section by a constable of a warrant issued in England and Wales or Northern Ireland—

- (a) where the warrant is executed under subsection (1), the constable has the same powers of entry and search for the purpose of executing the warrant as a constable of a police force in Scotland would have if the warrant had been issued in Scotland;
- (b) where the warrant is executed under subsection (2)(b) or (3)(a), the constable has the powers of entry and search conferred by section 137E;
- (c) where the warrant is executed under subsection (1), (2)(b) or (3)(a), the constable has the powers conferred by section 139 in relation to the arrested person;
- (d) the constable may use reasonable force, if necessary, in arresting the person or in exercising the powers conferred by sections 137E and 139.”

(3) In subsection (5), omit paragraph (a).

(4) In subsection (9), for “sections 137 to 139” substitute “sections 137 and 137E to 139”.

8 (1) Section 137 (cross-border powers of arrest etc.) is amended as follows.

(2) After subsection (7) insert—

“(7A) The following provisions apply in relation to an arrest under this section by a constable under subsection (1) or (3)—

- (a) where the arrest is under subsection (1) in Northern Ireland or under subsection (3) in England and Wales, the constable has the powers of entry and search conferred by section 137E;
- (b) where the arrest is under subsection (1) or (3) in Scotland, the constable has the same powers of entry and search for the purpose of the arrest as a constable of a police force in Scotland would have if there were reasonable grounds for suspecting that the offence had been committed or attempted in Scotland;
- (c) the constable has the powers conferred by section 139 in relation to the arrested person;
- (d) the constable may use reasonable force, if necessary, in arresting the person or in exercising the powers conferred by sections 137E and 139.”

(3) In subsection (8), omit paragraph (a).

PART 2

AMENDMENTS OF OTHER LEGISLATION

Finance Act 2007 (c.11)

9 (1) Section 87 of the Finance Act 2007 (cross-border exercise of powers) is amended as follows.

(2) In subsection (2), for “Sections 136 to 139” substitute “Sections 136, 137 and 137E to 139”.

(3) In subsection (4), for “sections 136 to 139” substitute “sections 136, 137 and 137E to 139”.

Crime and Courts Act 2013 (c.22)

10 (1) Section 55 of the Crime and Courts Act 2013 (powers of immigration officers) is amended as follows.

(2) In subsection (7), for “Sections 136 to 139” substitute “Sections 136, 137 and 137E to 139”.

(3) In subsection (8), for “sections 136 to 139” substitute “sections 136, 137 and 137E to 139”. —(*Mike Penning.*)

Brought up, and added to the Bill.

Please see the explanatory statement for NC53.

Clause 60

LIMITS ON PERIOD OF BAIL WITHOUT CHARGE UNDER
PART 4 OF PACE

Amendments made: 89, page 71, line 35, leave out “otherwise” and insert

“in an FCA case or any other case”.

This amendment is related to amendments 90, 91, 92 and 93. The amendments make provision in connection with cases where the power to release a person on bail is exercised in relation to an offence which is being investigated by the Financial Conduct Authority.

Amendment 90, page 72, line 2, at end insert—

“() an “FCA case” is a case in which—

- (i) the relevant offence in relation to the person is being investigated by the Financial Conduct Authority, and
- (ii) a senior officer confirms that sub-paragraph (i) applies.”

Please see the explanatory statement for amendment 89.

Amendment 91, page 73, line 29, at end insert—

“() a member of staff of the Financial Conduct Authority who is of the description designated for the purposes of this paragraph by the Chief Executive of the Authority (in an FCA case).”

Please see the explanatory statement for amendment 89.

Amendment 92, page 74, line 8, after “by” insert “the Chief Executive of the Financial Conduct Authority.”

Please see the explanatory statement for amendment 89.

Amendment 93, page 75, line 1 after “constable,” insert “a member of staff of the Financial Conduct Authority who is of the description designated for the purposes of this subsection by the Chief Executive of the Authority.”. —(*Mike Penning.*)

Please see the explanatory statement for amendment 89.

Clause 74

EXTENSION OF POWERS UNDER SECTIONS 135 AND 136
OF THE MENTAL HEALTH ACT 1983

Amendments made: 94, page 91, line 21, leave out from beginning to “other” in line 23 and insert—

“() The power of a constable under subsection (1) may be exercised where the mentally disordered person is at any place,”

Currently, clause 74(4) prevents a constable entering a house, flat or room where a person is living for the purpose of exercising a power under section 136 of the Mental Health Act 1983, as amended by the clause. This amendment ensures that a similar restriction applies where the constable is already at a house, flat or room where a person is living and becomes aware that a mentally disordered person is at the place (whether or not he or she is the person living there). In such a case, a constable may be able to apply for a warrant under section 135 of the 1983 Act but cannot act without a warrant under section 136.

Amendment 95, page 91, line 28, at end insert—

‘() For the purpose of exercising the power under subsection (1), a constable may enter any place where the power may be exercised, if need be by force.’—(Mike Penning.)

This amendment is consequential on amendment 94.

Clause 77

PROTECTIVE SEARCHES: INDIVIDUALS REMOVED ETC UNDER SECTION 135 OR 136 OF THE MENTAL HEALTH ACT 1983

Amendment made: 96, page 95, line 30, leave out “in public”.—(Mike Penning.)

Clause 77 authorises searches of a person to whom a warrant under section 135(1) or (2) of the Mental Health Act 1983 relates, or who is detained under section 136(2) or (4) of that Act, where there are reasonable grounds for believing that the person may present a danger to himself or herself or to others. Currently, the clause specifies that the power may not be used to require a person to remove any of his or her clothing in public (other than certain specified items of outerwear). The amendment removes the words “in public” which means that this restriction applies even where the person is not in a public place.

Clause 78

APPLICATION OF MARITIME ENFORCEMENT POWERS: GENERAL

Amendments made: 97, page 96, line 13, after “waters” insert “or international waters”.

This amendment extends the scope of the powers conferred by clause 78 by providing for them to be exercisable in relation to foreign ships in international waters.

Amendment 98, page 96, line 15 after “waters” insert “or international waters”.—(Mike Penning.)

This amendment extends the scope of the powers conferred by clause 78 by providing for them to be exercisable in relation to ships registered under the law of a relevant territory (that is, the Isle of Man, any of the Channel Islands or a British overseas territory) in international waters

Clause 79

RESTRICTION ON EXERCISE OF MARITIME ENFORCEMENT POWERS

Amendment made: 99, page 97, line 11, at end insert “or in international waters”.—(Mike Penning.)

This amendment is consequential on amendments 97 and 98.

Clause 80

HOT PURSUIT OF SHIPS IN SCOTLAND OR NORTHERN IRELAND WATERS

Amendments made: 100, page 97, line 28, leave out “relevant waters” and insert

“England and Wales waters or international waters”.

This amendment extends the scope of the powers conferred by clause 80 by providing for them to be exercisable where a ship was in international waters immediately before the pursuit of the ship began.

Amendment 101, page 97, line 34, leave out subsection (2).—(Mike Penning.)

This amendment is consequential on amendment 100.

Clause 90

APPLICATION OF MARITIME ENFORCEMENT POWERS:

GENERAL

Amendments made: 102, page 103, line 31, after “waters” insert “or international waters”.

This amendment extends the scope of the powers conferred by clause 90 by providing for them to be exercisable in relation to foreign ships in international waters.

Amendment 103, page 103, line 33, after “waters” insert “or international waters”.—(Mike Penning.)

This amendment extends the scope of the powers conferred by clause 90 by providing for them to be exercisable in relation to ships registered under the law of a relevant territory (that is, the Isle of Man, any of the Channel Islands or a British overseas territory) in international waters.

Clause 91

RESTRICTION ON EXERCISE OF MARITIME ENFORCEMENT POWERS

Amendment made: 104, page 104, line 33, at end insert “or in international waters”.—(Mike Penning.)

This amendment is consequential on amendments 102 and 103.

Clause 92

HOT PURSUIT OF SHIPS IN ENGLAND AND WALES OR NORTHERN IRELAND WATERS

Amendments made: 105, page 105, line 8, leave out “relevant waters” and insert

“Scotland waters or international waters”

This amendment extends the scope of the powers conferred by clause 92 by providing for them to be exercisable where a ship was in international waters immediately before the pursuit of the ship began.

Amendment 106, page 105, line 14, leave out subsection (2).—(Mike Penning.)

This amendment is consequential on amendment 105.

Clause 138

EXTENT

Amendments made: 109, page 142, line 43, at end insert—

“(0) section (Retention of fingerprints and DNA profiles: Terrorism Act 2000);”.

This amendment provides for the new clause inserted by new clause 50 to form part of the law of England and Wales, Scotland and Northern Ireland.

Amendment 110, page 142, line 46, at end insert—

“(0) sections (Extension of cross-border powers of arrest: urgent cases), (Cross-border enforcement: powers of entry to effect arrest), (Cross-border enforcement: minor and consequential amendments) and Schedule (Cross-border enforcement: minor and consequential amendments);”.—(Mike Penning.)

This amendment provides for the new clauses inserted by new clauses 51, 52 and 53 and new Schedule 2 to form part of the law of England and Wales, Scotland and Northern Ireland.

Title

Amendments made: 117, line 13 after “charge;” insert “to make provision about the retention of biometric material;”

This amendment to the long title is consequential on new clauses 49 and 50.

Amendment 118, line 17 after “enforcement;” insert “to make provision for cross-border enforcement;”. —(*Mike Penning.*)

This amendment to the long title is consequential on new clauses 51, 52 and 53 and new Schedule 2.

New Clause 2

NATIONAL ASSEMBLY FOR WALES: DEVOLUTION OF RESPONSIBILITY FOR POLICING

“(1) In Schedule 7 to the Government of Wales Act 2006 after paragraph 20 insert—

Policing

21 Policing, police pay, probation, community safety, crime prevention.

Exceptions—

National Crime Agency

Police pensions

National security.”—(*Liz Saville Roberts.*)

Brought up, and read the First time.

Liz Saville Roberts (Dwyfor Meirionnydd) (PC): I beg to move, That the clause be read a Second time.

Mr Deputy Speaker (Mr Lindsay Hoyle): With this it will be convenient to discuss the following:

Government new clause 54—*Powers to seize invalid travel documents.*

Government new clause 55—*Anonymity of victims of forced marriage.*

Government new clause 56—*Licensing functions under taxi and PHV legislation: protection of children and vulnerable adults.*

Government new clause 57—*Powers of litter authorities in Scotland.*

New clause 3—*Digital Crime Review—*

“(1) The Secretary of State shall have a duty to provide for a review of legislation which contains powers to prosecute individuals who may have been involved in the commission of digital crime in order to consolidate such powers in a single statute.

(2) In the conduct of the review under subsection (1), the Secretary of State must have regard to the statutes and measures that he deems appropriate, including but not limited to—

- (a) Malicious Communications Act 1988, section 1,
- (b) Protection from Harassment Act 1997, section 2, 2a, 4, 4a,
- (c) Offences against the Person Act 1861, section 16, 20, 39, 47,
- (d) Data Protection Act 1998, section 10, 13 and 55,
- (e) Criminal Justice Act 1998, section 160,
- (f) Regulation of Investigatory Powers Act 2000, section 30(1), (3), (5), (6), 78(5),

(g) Computer Misuse Act 1990, as amended by Serious Crime Act 2015 and Police and Justice Act 2006,

(h) Contempt of Court Act 1981,

(i) Human Rights Act 1998,

(j) Public Order Act 1986, section 4, 4a, 5, 16(b), 18,

(k) Serious Organised Crime Act 2005, section 145, 46,

(l) Wireless Telegraphy Act 2006, section 48,

(m) Criminal Justice and Courts Act 2014, section 32, 34, 35, 36, 37,

(n) Protection of Children Act 1978,

(o) Obscene Publications Act 1959,

(p) Crime and Disorder Act 1998, section 28, 29-32,

(q) Criminal Justice Act 2003, section 145, 146,

(r) Communications Act 2003, section 127, 128-131,

(s) Data retention and Investigatory Powers Act 2014, section 4,

(t) Sexual Offences Amendment Act 1992, section 5,

(u) Counter Terrorism and Security Act 2015,

(v) Protection of Freedoms Act 2012, section 33(5), 29(6),

(w) Criminal Damage Act 1971, section 2,

(x) Sexual Offences Act 2003, section 4, 8, 10, 62,

(y) Criminal Justice and Police Act 2001, section 43,

(z) Magistrates Court Act 1980, section 127,

() Suicide Act 1961, section 2(1) as amended by Coroners and Justice Act 2009,

() Criminal Justice and Immigration Act 2008, section 63,

() Theft Act 1968, section 21, and

() Criminal Law Act 1977, section 51(2)

(3) It shall be a duty of the Secretary of State to determine for the review any other statute under which persons have been prosecuted for a crime falling under section 1 of this Act.

(4) In the conduct of the review under subsection (1), the Secretary of State must consult with any person or body he deems appropriate, including but not limited to—

(a) the Police,

(b) Crown Prosecution Service,

(c) judiciary, and

(d) relevant community organisations.”

New clause 4—*Surveillance and monitoring: offences—*

“(1) A person commits an offence if the person—

(a) uses a digital device to repeatedly locate, listen to or watch a person without legitimate purpose,

(b) installs spyware, a webcam or any other device or software on another person’s property or digital device without the user’s agreement or without legitimate reason,

(c) takes multiple images of an individual unless it is in the public interest to do so without that individual’s permission and where the intent was not legitimate nor lawful,

(d) repeatedly orders goods or services for another person if the purpose of such actions is to cause distress, anxiety or to disrupt that person’s daily life,

(e) erases data remotely whilst a digital device is being examined by the police or any other lawful investigation,

(f) monitors a digital device registered to a person aged 17 or less if the purpose of that monitoring is to obtain information about a third person,

(g) monitors any other person’s digital device if the intent of the monitor is either to damage or steal data from that person, or

(h) creates a false persona on line without lawful reason if the purpose of such a creation is to intend to attempt to defraud, groom, impersonate or seriously damage the reputation of any other person.

(2) A person guilty of an offence under subsections (1)(a) or (b) is liable on conviction to a term of imprisonment not exceeding 12 months or a fine.

(3) For the purpose of subsection (1)(a) “repeatedly” shall be deemed as on two occasions or more.

(4) A person guilty of an offence under subsection (1)(d) is liable on conviction to a fine not exceeding the statutory limit.

(5) A person guilty of an offence under subsections (1)(e), (f), (g) or (h) is liable on conviction to a term of imprisonment not exceeding 12 months.

(6) The Secretary of State shall introduce restrictions on the sale of spyware to persons under the age of 16 and requests all persons who are purchasing such equipment to state their intended use of such equipment.”

New clause 5—*Digital crime training and education*—

“(1) It shall be the responsibility of the Home Department to ensure that each Police Service shall invest in training on the prioritisation, investigation and evidence gathering in respect of digital crime and abuse.

(2) It shall be the responsibility of the Home Department to ensure that all Police services record complaints and outcomes of complaints of digital crime and abuse.

(3) It shall be the responsibility of the Secretary of State for the Home Department to publish annual statistics on complaints and outcomes of digital crime and abuse.”

New clause 6—*Offence of abduction of a vulnerable child aged 16 or 17*—

“(1) A person shall be guilty of an offence if, knowingly and without lawful authority or reasonable excuse, he or she—

- (a) takes a child to whom this section applies away from the responsible person; or
- (b) keeps such a child away from the responsible person; or
- (c) induces, assists or incites such a child to run away or stay away from the responsible person or from a child’s place of residence.

(2) This section applies in relation to a child aged 16 or 17 who is—

- (a) a child in need as defined in section 17 of the Children Act 1989; or
- (b) a child looked after under section 20 of the Children Act 1989; or
- (c) a child housed alone under part 7 of the Housing Act 1996; or
- (d) a child who is suffering or is likely to suffer significant harm subject to section 47 1(b) of the Children Act 1989.

(3) In this section “the responsible person” is—

- (a) a person with a parental responsibility as defined in the Children Act 1989; or
- (b) a person who for the time being has care of a vulnerable child aged 16 and 17 by virtue of a care order, an emergency protection order, or protection from section 46 of the Children Act 1989; or
- (c) any other person as defined in regulations for the purposes of this section.

(4) A person guilty of an offence under this section shall be liable—

- (a) on summary conviction, to imprisonment for a term not exceeding six months or to a fine not exceeding the statutory maximum or to both such imprisonment and fine; or
- (b) on conviction on indictment, to imprisonment for a term not exceeding seven years.

(5) No prosecution for an offence above shall be instituted except by or with the consent of the Director of Public Prosecutions.”

New clause 10—*Prevention of child sexual exploitation and private hire vehicles*—

“(1) The Local Government (Miscellaneous Provisions) Act 1976 is amended as follows.

(2) After section 47(1) insert—

“(1A) A district council must carry out its functions under this section with a view to preventing child sexual exploitation”.

(3) At end of section 48 (1) insert—

“(c) a district council must carry out its functions under this section with a view to preventing child sexual exploitation”.

(4) Section 7 of the London Cab Order 1934 is amended as follows.

(5) After section 7(2) insert—

“(2A) Transport for London must carry out its functions under this section with a view to preventing child sexual exploitation.””

(6) Section 7 of the Private Hire Vehicles (London) Act 1998 is amended as follows.

(7) After section 7(2) insert—

“(3) The licensing authority must carry out its functions under this section with a view to preventing child sexual exploitation.””

This new clause would place local authorities under a duty to consider how they can prevent child sexual exploitation when they issue licences for taxis and private hire vehicles.

New clause 13—*Grooming for criminal behaviour: offence*—

“(1) A person aged 18 or over (A) commits an offence if—

- (a) A has met or communicated with another person (B) on at least two occasions and subsequently—
 - (i) A intentionally meets B,
 - (ii) A travels with the intention of meeting B in any part of the world or arranges to meet B in any part of the world, or
 - (iii) B travels with the intention of meeting A in any part of the world,
- (b) A intends to say or do anything to or in respect of B, during or after the meeting mentioned in paragraph (a)(i) to (iii) and in any part of the world, which if done will—
 - (i) encourage,
 - (ii) persuade, or
 - (iii) intimidate

B with the effect that B commits a criminal offence from which A will,

or intends to, profit.

(c) B is under 16, and

(d) A does not reasonably believe that B is 16 or over.

(2) For subsection (1)(b)(iii) to apply, A does not have to profit directly nor be the sole beneficiary of a criminal offence committed by B.

(3) In subsection (1) the reference to A having met or communicated with B is a reference to A having met B in any part of the world or having communicated with B by any means from, to or in any part of the world.

(4) A person guilty of an offence under this section is liable—

- (a) on summary conviction, to imprisonment for a term not exceeding 6 months or a fine not exceeding the statutory maximum or both,
- (b) on conviction on indictment, to imprisonment for a term not exceeding 10 years.”

New clause 14—*Grooming for criminal behaviour: prevention orders*—

“(1) A court may make an order under this section in respect of a person aged 18 or over (A) where—

- (a) A has committed an offence under section (Grooming for criminal behaviour); or

- (b) the court is satisfied that A's behaviour makes it necessary to make such an order, for the purpose of protecting one or more persons aged 16 or under from being encouraged, persuaded or intimidated by A into committing a crime from which A intends to profit.

(2) A chief officer of police may by complaint to a magistrates' court apply for an order under this section in respect of a person who resides in his police area or who the chief officer believes is in, or is intending to come to, his police area if it appears to the chief officer that—

- (a) the person has committed an offence under section (Grooming for criminal behaviour); or
- (b) the person's behaviour makes it reasonable to make such an order, for the purpose of protecting one or more other persons aged 16 or under from being encouraged, persuaded, facilitated or intimidated into committing a crime from which others will, or intend to, profit.
- (c) the person has acted in such a way as to give reasonable cause to believe that it is necessary for such an order to be made.

(3) An application under subsection (2) may be made to any magistrates' court whose commission area includes—

- (a) any part of the applicant's police area, or
- (b) any place where it is alleged that the person acted in a way mentioned in subsection (2)(b).

(4) A grooming for criminal behaviour prevention order (GCBPO) that includes one or more requirements must specify the person who is to be responsible for supervising compliance with the requirement who may be an individual or an organisation.

(5) Before including a requirement, the court must receive evidence about its suitability and enforceability from—

- (a) the individual to be specified under subsection (1), if an individual is to be specified;
- (b) an individual representing the organisation to be specified under subsection (1), if an organisation is to be specified.

(6) Before including two or more requirements, the court must consider their compatibility with each other.

(7) It is the duty of a person specified under subsection (4)—

- (a) to make any necessary arrangements in connection with the requirements for which the person has responsibility (the "relevant requirements");
- (b) to promote the compliance of the GCBPO subject with the relevant requirements;
- (c) if the person considers that the GCBPO subject—
- (i) has complied with all the relevant requirements, or
- (ii) has failed to comply with a relevant requirement,

to inform the prosecution and the appropriate chief officer of police.

(8) In subsection (7)(c) "the appropriate chief officer of police" means—

- (a) the chief officer of police for the police area in which it appears to the person specified under subsection (1) that—
- (i) the GCBPO subject lives, or
- (ii) one or more persons aged 16 or under as mentioned in subsection (1)(b) lives;
- (b) if it appears to a person specified under subsection (4) that the GCBPO subject lives in more than one police area, whichever of the relevant chief officers of police that person thinks it most appropriate to inform.

(9) The subject of a GCBPO, in addition to any specific restrictions and requirements detailed within the order, must—

- (a) keep in touch with the person specified under subsection (4) in relation to that requirement, in accordance with any instructions given by that person from time to time; and

- (b) notify the person of any change of address.

These obligations have effect as requirements of the order."

New clause 15—Sentencing guidelines review: children—

"(1) With an year of the day on which this Act is passed the Sentencing Council must conduct a review of its sentencing guidelines as they relate to crime against children and crimes where the victim is a child.

(2) The Sentencing Council must publish the findings of its review and lay a copy of that report before Parliament.

(3) In conducting this review the Sentencing Council must consult—

- (a) the Secretary of State for Justice,
- (b) and any other bodies it thinks relevant.

(4) For the purpose of this section "child" has the same meaning as in section 105 of the Children Act 1989."

This new clause would require the Sentencing Council to review the sentencing guideline for offences committed against children.

New clause 16—Soliciting via telecommunications order: applications, grounds and effect—

"(1) A chief officer of police may by complaint to a magistrates' court apply for an order under this section (a "soliciting via telecommunication order") in respect of a telecommunications service provider if it appears to the chief officer that a phone number ("the relevant phone number") administered by a telecommunications service provider is being used for the purposes of advertising a person's services as a prostitute.

(2) The chief officer of police may make an application under subsection (1) only if the relevant phone number has been advertised in the chief officer's police area.

(3) Such an order requires the telecommunications service provider to take all reasonable steps to prevent calls to the relevant phone number being connected.

(4) It shall be an offence for a telecommunication service provider to fail to comply with terms of an order issued under this section.

(5) An organisation found guilty of an offence under subsection (5) shall be liable on summary conviction to a fine no greater than £50,000."

This new clause would enable the police to request that a magistrate issues an order to mobile phone providers that they block a number if that number is on cards advertising prostitution and create an offence if they fail to comply with a fine of up to £50,000.

New clause 18—Cruelty to persons under sixteen: penalty—

"(1) The Children and Young Persons Act 1933 is amended as follows.

(2) In section 1(1)(a) leave out the words "ten" and insert "fourteen."

To increase the maximum tariff for child cruelty from 10 years imprisonment to 14 years.

New clause 33—Police observance of the Victims' Code: enforcement—

"(1) The Parliamentary Commissioner Act 1967 is amended as follows.

(2) In section 5(1B) omit paragraph (a) together with the final "or".

(3) After section 5(1B) insert—

"(1BA) Subsection (1C) of this section applies if a written complaint is made to the Commissioner by a member of the public who claims that—

- (a) a police officer
- (b) a police service employee other than a police officer
- (c) another person determined under section (1BC)

has failed to perform a Code duty owed by him to the member of the public.

(1BB) For the purposes of subsection (1BA) a Code duty is a duty imposed by a code of practice issued under section 32 of the Domestic Violence, Crime and Victims Act 2004 (code of practice for victims).

(1BC) The Secretary of State may by regulation amend the categories of person identified in subsection (1BA) as the Secretary of State thinks fit.”

(4) In section 5(4A), after “(1A)”, insert “or (1BA)”.

(5) In section 6(3), at the beginning insert “Except as provided in subsection (3A)”.

(6) After section 6(3), insert—

“(3A) Subsection (3) shall apply in relation to a complaint under section 5(1BA) as if for “a member of the House of Commons” there were substituted “the Commissioner”.

(7) In section 7(1A), after “5(1A)”, insert “or 5(1BA)”.

(8) In section 8(1A), after “5(1A)”, insert “or 5(1BA)”.

(9) After section 10(2A), insert—

“(2B) In any case where the Commissioner conducts an investigation pursuant to a complaint under section 5(1BA) of this Act, he shall send a report of the results of the investigation to—

- (a) the person to whom the complaint relates,
- (b) the principal officer of the department or authority concerned and to any other person who is alleged in the relevant complaint to have taken or authorised the action complained of, and
- (c) the Commissioner for Victims and Witnesses appointed under section 48 of the Domestic Violence, Crime and Victims Act 2004.”

(10) After section 10(3B) insert—

“(3C) If, after conducting an investigation pursuant to a complaint under section 5(1BA) of this Act, it appears to the Commissioner that—

- (a) the person to whom the complaint relates has failed to perform a Code duty owed by him to the person aggrieved, and
- (b) the failure has not been, or will not be, remedied, the Commissioner shall lay before each House of Parliament a special report upon the case.

(3D) If the Commissioner lays a special report before each House of Parliament pursuant to subsection (3C) the Commissioner may also send a copy of the report to any person as the Commissioner thinks appropriate.

(3E) For the purposes of subsection (3C) “Code duty” has the meaning given by section 5(1BB) of this Act.”

(11) In section 10(5)(d), for “or (2A)” substitute “, (2A) or (2B)”.

(12) In section 12(1), after paragraph (b) of the definition of “person aggrieved”, insert—

- “(c) in relation to a complaint under section 5(1BA) of this Act, means the person to whom the duty referred to in section 5(1BA) of this Act is or is alleged to be owed;”.

New clause 34—Police, etc. provision for victims’ entitlement: framework—

“(1) The Victims’ Code (a code of practice issued under section 32 of the Domestic Violence, Crime and Victims Act 2004 (code of practice for victims)) shall include, but not be limited to, the entitlement of victims to receive as follows.

(2) A victim of crime shall be entitled to receive—

- (a) accurate and timely information from—
 - (i) the police
 - (ii) such other agencies of the criminal justice system concerned with the detection and prosecution of the relevant crime and with the support of victims of crime as the Secretary of State deems fit;

(b) The police must ensure provision to victims of adequate notice of all relevant court and other legal proceedings, including information about decisions by and discussions between the police and other agencies of the criminal justice system relating to the person convicted of the crime concerned (“the perpetrator”), including—

- (i) information about any prison sentence previously served by the perpetrator,
- (ii) information about relevant changes to the perpetrator’s circumstances whilst on parole or in custody,
- (iii) information about any crimes committed by the perpetrator outside the UK where the victim of the crime concerned is a British national,
- (iv) access, where required, to adequate interpretation and translation services, and
- (v) information about the direct contact details of the criminal justice agencies and individuals involved in the court or other legal proceedings concerned.

(3) During criminal justice proceedings, the police and other relevant agencies and authorities of the criminal justice system must ensure that victims of crime—

- (a) are not subjected to unnecessary delay by any other party to the proceedings;
- (b) are treated with dignity and respect by all parties involved; and
- (c) do not experience discriminatory behaviour from any other party to the proceedings.

(4) Children and vulnerable adults must be able to give evidence to a court secure location away from that court or from behind a protective screen.

(5) The investigating police force concerned must ensure the safety and protection of victims of crime during proceedings, including but not restricted to—

- (a) a presumption that victims of crime may remain domiciled at their home with adequate police protection if required; and
- (b) ensuring that the victim and those accompanying them are provided with access to discreet waiting areas during the relevant court proceedings.

(6) All victims of crime shall have access to an appropriate person to liaise with relevant agencies on their behalf and to inform them about, and explain the progress, outcomes and impact of, their case.

(7) Witnesses under the age of 18 shall have access to a trained communications expert, to be known as a Registered Intermediary, to help them understand as necessary what is happening in the criminal proceedings.

(8) Victims of crime shall have access to transcripts of any relevant legal proceedings at no cost to themselves.

(9) Victims of crime shall have the right to attend and make representations to a pre-court hearing to determine the nature of the court proceedings.

(10) The Secretary of State must take steps to ensure that victims of crime—

- (a) have access to financial compensation from public funds for any detriment arising from the criminal case concerned;
- (b) are given the right to approve or refuse the payment of any compensation order made by a court against a person convicted of a crime against them;
- (c) have reimbursed to them, from public funds, any expenses incurred by them in attending in court and in any related legal process, whether in the UK or overseas;
- (d) have available to them legal advice where considered necessary by a judge in court proceedings; and
- (e) are not required to disclose personal data in legal proceedings which puts their safety at risk unless specifically ordered to do so by a judge.”

New clause 35—Police etc. training: treatment of victims—

“(1) The Secretary of State shall publish and implement a strategy for providing training on the impact of crime on victims and victims’ rights for staff of the following organisations—

- (a) the police
- (b) the Crown Prosecution Service, and
- (c) any other public agency or authority that the Secretary of State deems appropriate.

(2) The Secretary of State may also by regulation make provision for judges, barristers and solicitors involved in criminal cases involving sexual and domestic violence undertake specialist training.

(3) The Secretary of State shall publish an agreed timetable for the delivery and completion of the training required by this section.”

New clause 36—Establishment and conduct of homicide reviews—

“(1) In this section “homicide review” means a review of the circumstances a person aged 16 or over has, or appears to have, died as the result of a homicide and—

- (a) no one has been charged with the homicide, or
- (b) the person(s) charged has been acquitted.

(2) The Secretary of State may in a particular case direct a police force or other specified person or body or a person or body within subsection (5) to establish, or to participate in, a homicide review.

(3) It is the duty of any person or body within subsection (5) establishing or participating in a homicide review (whether or not held pursuant to a direction under subsection (2)) to have regard to any guidance and standards issued by the Commissioner for Victims and Witnesses as to the establishment and conduct of such reviews.

(4) Any reference in subsection (2) to the Secretary of State shall, in relation to persons and bodies within subsection (5)(b), be construed as a reference to the PSNI or Department of Justice in Northern Ireland as may be appropriate.

(5) The persons and bodies within this subsection are—

- (a) in relation to England and Wales—chief officers of police for police areas in England and Wales; local authorities; local probation boards established under section 4 of the Criminal Justice and Court Services Act 2000 (c 43); the National Health Service Commissioning Board; clinical commissioning groups established under section 14D of the National Health Service Act 2006; providers of probation services; Local Health Boards established under section 11 of the National Health Service (Wales) Act 2006; NHS trusts established under section 25 of the National Health Service Act 2006 or section 18 of the National Health Service (Wales) Act 2006;
- (b) in relation to Northern Ireland—the Chief Constable of the Police Service of Northern Ireland; the Probation Board for Northern Ireland; Health and Social Services Boards established under Article 16 of the Health and Personal Social Services (Northern Ireland) Order 1972 (SI 1972/1265 (NI 14)); Health and Social Services trusts established under Article 10 of the Health and Personal Social Services (Northern Ireland) Order 1991 (SI 1991/194 (NI 1)).

(6) In subsection (5)(a) “local authority” means—

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

New clause 37—Statutory duty on elected local policing bodies—

“(1) An elected local policing body must assess—

- (a) the needs of victims in each elected local policing body’s police area, and
 - (b) the adequacy and effectiveness of the available victims’ services in that area.
- (2) An elected local policing body must—
- (a) prepare and consult upon an Area Victims’ Plan for its police area,
 - (b) having taken account of any responses to its consultation and any Quality Standard, publish the Plan in such a manner as sets out clearly how the identified victim needs will be met by the available victims’ services, and
 - (c) submit its Area Victims’ Plan to the Commissioner for Victims and Witnesses on an annual basis.
- (3) In this section—

“elected local policing body” and “police area” have the same meaning as in Part 1 of the Police Reform and Social Responsibility Act 2011, and “Quality Standard” means the standard published under section 49(1)(f) of the Domestic Violence, Crime and Victims Act 2004.”

New clause 38—Duties of the Commissioner for Victims and Witnesses—

“(1) Section 49 of the Domestic Violence, Crime and Victims Act 2004 (general functions of Commissioner) is amended as follows.

(2) In subsection (1), after paragraph (c) insert—

- “(d) assess the adequacy of each elected local policing body’s Area Victims’ Plans submitted to the Commissioner under section (Statutory duty on elected local policing bodies) of the Policing and Crime Act 2016,
- (e) make to elected local policing bodies such recommendations about submitted Area Victims’ Plans as the Commissioner considers necessary and appropriate;
- (f) prepare a statement of standards (the “Quality Standard”) in relation to the provision of victims’ services;
- (g) publish the Quality Standard in such manner as the Commissioner considers appropriate;
- (h) review the Quality Standard at intervals of not more than five years;
- (i) in preparing or reviewing a Quality Standard, consult the public, and for that purpose may publish drafts of the standard;
- (j) assess the steps taken to support victims and witnesses in giving evidence;
- (k) make such recommendations in relation to that assessment as the Commissioner considers necessary and appropriate;
- (l) issue guidance and standards for the establishment and conduct of homicide reviews under section (Establishment and conduct of homicide reviews) of the Policing and Crime Act 2016.”

New clause 39—National anti-doping provisions—

“(1) Subsections (2) and (3) apply to—

- (a) all athletes participating in sport in the UK who are members of a governing body of sport or an affiliate organisation or licensee of a governing body of sport (including any clubs, teams, associations or leagues);
- (b) all athletes participating in such capacity in sporting events, competitions or other activities in the UK organised, convened, authorised or recognised by a governing body of sport or any of its member or affiliate organisations or licensees (including any clubs, teams, associations or leagues), wherever held;
- (c) any other athlete participating in sport in the UK who, by virtue of a contractual arrangement or otherwise, is subject to the jurisdiction of a governing body of sport for purposes of anti-doping; and

(d) any person belonging to the entourage of an athlete, whether or not such person is a citizen of, or resident in, the United Kingdom.

(2) An athlete is guilty of an offence if he or she knowingly takes a prohibited substance with the intention, or one of the intentions, of enhancing his or her performance.

(3) A person belonging to the entourage of an athlete is guilty of an offence if he or she encourages or assists or hides awareness of the relevant athlete taking a prohibited substance with the intention, or one of the intentions, of enhancing such athlete's performance.

(4) A medical professional commits an offence if they proscribe a prohibited substance to an athlete and believe, or ought reasonably to believe, that the substance will be used by the athlete to enhance their performance.

(5) For the purposes of this section a "prohibited substance" is as defined by the World Anti-Doping Agency.

(6) Any person guilty of an offence under subsection (2), (3) or (4) shall be liable—

(a) on summary conviction, to a fine not exceeding the statutory maximum or imprisonment for a term not exceeding six months, or to both; or

(b) On conviction on indictment, to a fine not exceeding the statutory maximum or imprisonment for a term not exceeding two years, or to both.

(7) UK Anti-Doping shall discuss the following issues with the World Anti-Doping Agency annually—

(a) the effectiveness of section 11 of the International Standard for Testing (athlete whereabouts requirements) and its harmonisation with EU privacy and working time rules and the European Convention on Human Rights;

(b) the effectiveness of the international work of the World Anti-Doping Agency; and

(c) progress on the development of a universal rollout of athlete biological passports.

(8) UK Anti-Doping shall submit the results of the annual discussions referred to in subsection (7) to the Secretary of State, who shall in turn—

(a) lay before both Houses of Parliament an annual report documenting—

(i) whether the athlete whereabouts requirements are effective in combating the abuse of drug-taking and in compliance with EU privacy and working time rules and the European Convention on Human Rights, and

(ii) the performance of the World Anti-Doping Agency in general; and

(b) determine whether the Government should remain a member and continue to support the World Anti-Doping Agency."

New clause 41—Local Safeguarding Children Board: prevention of child sexual exploitation—

"(1) The Children Act 2004 is amended as follows.

(2) In section 14 after "children", insert "and preventing child sexual exploitation, child abuse and child neglect."

New clause 44—Modern technology: specialist digital unit (child abuse)—

"(1) The chief officer of each police force in Wales and England must ensure that within their force there is a unit that specialises in analysing and investigating allegations of online offences against children and young people.

(2) The chief officer must ensure that such a unit has access to sufficient digital forensic science resource to enable it to perform this function effectively and efficiently."

New clause 46—Anonymity for victims who have private sexual photographs and films disclosed without their consent with intent to cause distress—

"(1) Section 2 of the Sexual Offences (Amendment) Act 1992 is amended as follows.

(2) In subsection (1), after paragraph (b) insert—

(c) an offence under section 33 of the Criminal Courts and Justice Act 2015."

New clause 47—Compensation for victims who have private sexual photographs and films disclosed without their consent with intent to cause distress—

"(1) Section 33 of the Criminal Justice and Courts Act 2015 is amended as follows.

(2) After subsection (9), insert—

"(9A) The court may order a person guilty of an offence under this section to pay compensation to the victim of the offence, under sections 130 to 132 of the Powers of Criminal Courts (Sentencing) Act 2000.

(9B) Compensation under subsection (9A) may be awarded for (among other things) any anxiety caused by the offence and any financial loss resulting from the offence."

New clause 60—Duty to report on Child Abduction Warning Notices—

"(1) Each police force in England and Wales must report to the Secretary of State each year on—

(a) the number of Child Abduction Warning Notices issued;

(b) the number of Child Abduction Warning Notices breached; and

(c) the number of Sexual Risk Orders and Sexual Harm Prevention Orders issued following the breach of a Child Abduction Warning Notice.

(2) The Secretary of State must prepare and publish a report each year on—

(a) the number of Child Abduction Warning Notices issued in each police force in England and Wales;

(b) the number of Child Abduction Warning Notices breached in each police force in England and Wales; and

(c) the number of Sexual Risk Orders and Sexual Harm Prevention Orders issued following the breach of a Child Abduction Warning Notice in each police force in England and Wales

and must lay a copy of the report before Parliament."

New clause 61—Disclosure of private sexual photographs and films without consent and with the intent to cause distress, fear or alarm, or recklessness as to distress, fear or alarm being caused—

"(1) Section 33 of the Criminal Justice and Courts Act 2015 is amended as follows.

(2) In subsection (1) after "disclose" insert "or threaten to disclose".

(3) In subsection (1)(b) after "distress" insert "fear or alarm or recklessness as to distress, fear or alarm being caused".

(4) After subsection (1) insert—

"(1A) It is also an offence to knowingly promote, solicit or profit from private photographs and films that are reasonably believed to have been disclosed without consent and with the intent to cause distress, fear or alarm, or recklessness as to distress, fear or alarm being caused".

(5) Leave out subsection (8)."

This new clause clarifies and expands the definition of the offence of disclosing private sexual photographs and films without consent and with the intent to cause distress, also known as revenge pornography, so that it includes reckless intent. This new clause also makes it an offence to knowingly promote, solicit or profit from private photographs and films that are reasonably believed to have been disclosed without consent.

New clause 62—Meaning of "private" and "sexual"—

“(1) Section 35 of the Criminal Justice and Courts Act 2015 is amended as follows.

(2) In subsection (3)(a) after “exposed genitals” insert “breasts, buttocks,”.

(3) Leave out subsection 4.

(4) Leave out subsection 5.”

This new clause expands the definition of “sexual” and ensures the disclosure of pornographic photoshopped images, posted with the intent to cause distress, fear or alarm or recklessness as to distress, fear or alarm being caused, are covered by the law.

New clause 67—Misconduct in public office—

“(1) A person commits an offence if—

- (a) the person is a public officer,
- (b) the person wilfully neglects to perform their duty or wilfully misconducts themselves in the performance of their public duty to such a degree as to amount to an abuse of the public’s trust in the office holder, and
- (c) the person acts without reasonable excuse or justification.

(2) A person guilty of an offence under subsection (1) is liable—

- (a) in England and Wales, to imprisonment for a term not exceeding 12 months or, in relation to offences committed, to a fine, or to both;
- (b) in Northern Ireland, to imprisonment for a term not exceeding 6 months, or to a fine not exceeding the statutory maximum, or to both;
- (c) on conviction on indictment, to imprisonment for a term not exceeding 12 months or to a fine, or to both.

(3) For the purposes of this section, a public officer is an officer who discharges any duty in the discharge of which the public are interested and includes, but is not limited to—

- (a) executive or ministerial officers,
- (b) police officer, including a police officer in a period of suspension and a former police officer doing part-time police work,
- (c) constable,
- (d) special constable,
- (e) community support officer,
- (f) employee of a police force with responsibility for the computer system of that police force,
- (g) prison officer,
- (h) Independent Monitoring Board member,
- (i) nurse working within a prison,
- (j) coroner,
- (k) army officer,
- (l) accountant in the office of the Paymaster General,
- (m) Justice of the Peace
- (n) magistrate,
- (o) district judge,
- (p) clergy of the Church of England,
- (q) mayor,
- (r) local councillor,
- (s) employee of a local authority, and
- (t) civil servant or other employee of a public body.”

This new clause seeks to codify the common law offence of misconduct in public office and prescribes a list of ‘public officers’ to which this offence shall apply

Government amendments 107, 108, 111 to 116 and 119 to 122.

Liz Saville Roberts: I intend to speak to new clauses 2, 3, 4, 5, and 44, and I intend to press new clause 2 to a Division. The other new clauses are intended to test discussions that took place in Committee.

I note what the Minister said earlier in support of localism, but would cautiously remind him if he were still in the Chamber that although Wales is one of the four nations of the United Kingdom, it is the only one that has no responsibility for its police forces. The Governments of both Scotland and Northern Ireland are able to acknowledge the specific needs of their communities and direct their police forces to work effectively in response to those needs, but Wales must follow the policing priorities of England.

The four police forces of Wales are unique in the United Kingdom in that they are non-devolved bodies operating within a largely devolved public services landscape. They are thus required to respond to the agendas of two Governments, and to serve a nation whose people have the right to use either the English or the Welsh language. It should be noted that the Assembly’s budget already funds 500 extra police community support officers.

Hywel Williams (Arfon) (PC): Does my hon. Friend, like me, find it peculiar that other services that are vital to Welsh communities, such as social services, education, economic and health—including mental health—are all devolved? Would it not greatly aid the coherence of public policy in Wales if this particular service were also devolved?

Liz Saville Roberts: I understand that the very fact of having to work to, and be answerable to, two agendas is the reason our colleagues in the Assembly, and the four police and crime commissioners in Wales, are calling for the devolution of policing.

What I am describing contrasts starkly with the situation in Wales. Power over policing is due to be devolved to English city regions: Manchester and Liverpool, for example. The present approach to devolution has been criticised in a House of Lords Constitutional Committee report, published last month, which described it as piecemeal and lacking a coherent vision. I would strongly argue that the devolution of policing to Wales would benefit the people of Wales, and that they are ill served by the antiquated England and Wales arrangement, which, inevitably, is designed with the priorities of English cities in mind.

Our demographics are different in Wales. The need to maintain effective services in rural areas with scattered populations cries out for better consideration. The impact of tourism—populations rocket at bank holidays and in summer months—stretches resources to the limit. Abersoch, in my constituency, has 1,000 year-round residents, yet North Wales police have to deal with an influx of 20,000 visitors in the summer season. I went on patrol with officers last August, and saw that drunken behaviour meant that police officers had to focus attention on that one community, travelling for hours back and forth along country roads to the nearest custody cells 30 miles away. The current arrangement of policing in England and Wales is dominated by English metropolitan concerns, and fails to provide for Wales’s needs.

Jonathan Edwards (Carmarthen East and Dinefwr) (PC): My hon. Friend is making very strong points. Only recently, the UK Government introduced centralised helicopter services for the police in England and Wales. That did not affect Scotland and Northern Ireland, because their police forces were decentralised.

[Jonathan Edwards]

They kept their helicopters, but we lost ours in Dyfed-Powys. Ministers should not smirk; this affects lives in my constituency. The police force in Dyfed-Powys called out the helicopter on more than 40 occasions, and it was sent out on only a handful of them.

Mr Deputy Speaker (Mr Lindsay Hoyle): Order. This is not like you, Mr Edwards. If you want to speak, you are allowed to speak, but you cannot make a speech and get carried away and start pointing at the Minister. Let us try to keep it calm. If you want to raise any points, there will certainly be time for you to do so. We will not miss you out.

Liz Saville Roberts: But the question of resources and how those priorities direct them does indeed highlight again the fact that Wales has different needs, and those resources from central Government do get directed to those priorities which best serve England.

When devolution of policing to Wales was discussed in Committee, the Minister present referred to the Silk commission on devolution in Wales, which was established by his party in 2011 with cross-party membership. Part 2 was published in 2014 and recommended devolution. He made much at the time of the fact that there was no consensus on this recommendation as a result of the St David's day process and "Powers for a purpose".

Those involved in that process have told me it was little more than a tick-box exercise: if all party representatives liked it, the power was in the bag; if not, chuck it out, regardless of the implications for the governance and needs and, indeed, people of Wales. I note that in Committee Labour indicated a grudging support for devolving policing, albeit in the distant future: 10 years away. It seems pressure from Plaid is driving the accelerator. This is not a matter of jam tomorrow; we are living in hope of this today.

This opportunity is before the House here and now. The contents of future legislation and future amendments lack this certainty. If this House votes for devolution today, policing will be devolved to Wales, and the Government will then have to amend the Wales Bill accordingly at the very start of its journey. Indeed, surely, the Wales Bill deals first and foremost with constitutional matters, but here is our opportunity to make sure. I urge Labour to grasp the opportunity and support the National Assembly for Wales and all four police and crime commissioners in Wales and vote for the devolution of policing today.

New clauses 3, 4 and 5 relate to aspects of digital crime. I would note that these and new clause 44 are probing amendments. The Government state that resources are already provided to counter digital crime in the form of the National Cyber Crime Unit. I would respond that the National Cyber Crime Unit is relatively small, and that the national cyber security programme concentrates primarily on the security of businesses and infrastructure. Action Fraud addresses crime in relation to online fraud. The priorities are business, financial and serious crime, and do not cover the safeguarding of victims of abuse crimes such as domestic violence, stalking, harassment or hate crime.

The first of the new clauses proposes a review of legislation relating to digital crime and to consolidate the numerous Acts into a single statute. There are now

over 30 statutes that cover online crime. Criminal justice professionals, including the police and CPS, believe this to be confusing at best and overwhelming at worst. Victims' complaints are sometimes subject to delay, and there are times when officers are uncertain whether specific activities are criminal or not. The law has developed incrementally as technology advances, and there is an urgent need to codify and clarify the current situation. Consolidation will save police time and money. It will avoid duplication of officers on cases. Swifter action on victims' complaints will reduce distress and anxiety.

As regards new clause 4, surveillance and monitoring highlights further issues against which there is currently no redress. The identification of these actions as offences will enable the police to counter activities that are evidently related to surveillance with intention to cause distress, and the law should respond appropriately.

New clause 5 addresses the need for training that is fit for purpose. Even in large police areas, fewer than 5% of officers and staff, including call and first response personnel, are trained in cyber-crime. Victims report being advised to go offline and not to use social media by officers. This defies modern communication media. It is equivalent to telling victims of harassment not to venture outside their own homes. The Home Office believes that training is a matter for individual forces, but in the absence of strong central leadership, this can only perpetuate present inconsistencies and variations from force to force. National training would help to raise the status of victims.

Finally, I turn to new clause 44, which calls for the establishment of a specialist digital unit to investigate online offences against children and young people. As I mentioned earlier, there is a real risk intrinsic in dependency on central units, although I acknowledge the work done by the Child Exploitation and Online Protection Centre. But, once again, children's charities report to us that the scale of abuse of children online in terms of offenders, devices and images is leaving police swamped. There are delays in forensic analysis of devices—delays in some cases of up to 12 months. These delays pose risks to the safeguarding of children.

In Committee, the Minister mentioned the child abuse image database, and praised the accuracy of imagery interpretation and how it aids identification. It is of course to be commended that this database will take some of the load from individual forces. I would argue, none the less, that there is precedent for digital units on a similar model to domestic violence units as a means to ensure that all forces direct proper resources to this serious issue.

Mrs Maria Miller (Basingstoke) (Con): I commend the hon. Lady for tabling these amendments. Importantly, she talked about the idea of a specialist digital unit within each police force. Does she agree that, if that were to happen, it would be imperative that this would feed back to some central database to ensure the work that was done in each of those individual units had read-across across the country?

7.45 pm

Liz Saville Roberts: Of course, what we need is the expertise of a central unit alongside the work on the ground that individual forces can do, and to ensure that

we avoid the risk that the presence of a central unit results in a tendency to treat certain crimes as another agency's problem. There is also—this is important at individual force-level—a need for specialist approaches to support child victims and their families.

Those are the amendments that I have chosen to discuss, and I reiterate that they are probing amendments, but in closing I repeat my intention to press a Division on new clause 2.

Mrs Miller: I rise to speak particularly on new clauses 3, 5, 44, 46 and 47, and note the advisement of the hon. Member for Dwyfor Meirionnydd (Liz Saville Roberts) that her amendments are set out as probing amendments. Those five amendments tabled by both Liberal Democrat Members and Plaid Cymru Members all have a common theme: to call for reform in connection with the internet and the digital online world.

We all need to get our Government and Governments around the world to wake up to the extent to which crime and criminal activity has now moved online. Our laws are not giving victims the protection they need and our police forces face a revolution if they are to tackle the crime that they face now effectively in the future.

There has been a significant shift in the way people experience harm in this world. New clause 44, as the hon. Lady has set out, calls for the police to have special digital units to deal particularly with child abuse images. Many police forces in this country, including my own in Hampshire, have gone a long way to building up this sort of specialist expertise, but the new clause is an interesting piece of advice on which I will be interested to hear the Minister's response, as well as the response on police training.

There are serious questions to ask as to whether the providers of online space are doing what they need to do to keep their communities safe. They have not only a corporate social responsibility to do that, but I also think an economic imperative, because it is their brand names that are tarnished, and rightly so, when their products are used for illegal purposes.

Another aspect is not particularly brought up in the amendments today, but I will mention it: the importance of the international implications of all these things. If we are to get a solution to the sorts of crimes that are being committed online in this new digital world that does not respect country boundaries, we need to have some buy-in from international Governments, too. I myself have met companies in the US, but we need to go further than that and see whether we can actually get the sort of action that we need on an international basis by perhaps looking to the United Nations, or indeed the youth part of the UN, to explore how we can get more effective laws in the future that are not constricted by international boundaries.

Our law is struggling to cope. These amendments recognise that. The real need to recognise that online crime is different is a battle that was won when this Government put in place the revenge pornography law a year or so ago. We have already seen 1,000 reports to the police and thousands more people using the revenge pornography helpline, yet two-thirds of those cases that have been reported to the police have seen no action because of problems of the evidence that victims have been able to give or indeed because the victims have withdrawn it. Again, the new clauses are picking up

those issues and calling on the Government to consider again. New clause 46 calls for anonymity of victims. That was considered at the time the law was put in place, but the advice then was to wait to see how things progressed. The statistics suggest that now is a time to think again, as new clause 41, which also deals with compensation, also seeks to do.

The myriad amendments before us today show the level of complexity involved and the level of concern among hon. Members from at least three parties represented in the Chamber tonight—I am sure Labour Front Benchers would share in this, too—but I worry that they offer a piecemeal set of solutions. The hon. Member for Dwyfor Meirionnydd picked up on that. Surely what is needed is a wholesale review of the law, police training and the development of international support for digital providers to take seriously the importance of keeping their communities safe online. I support the spirit of these amendments, but I am struck by the need for a more comprehensive review, perhaps in the form of the digital economy Bill, which Her Gracious Majesty announced in the Gracious Speech only last month.

Tim Loughton (East Worthing and Shoreham) (Con): My right hon. Friend is articulating a very serious problem, with which many of us have been involved for some time. Does she acknowledge that with some 70,000 cases of historical child abuse likely to be investigated by the police this year alone and with up to half of cases coming to the courts involving sexual exploitation, many of them historical, the police are overwhelmed in their capacity to be able to deal with this new wave of digital crime against some of the most vulnerable children? Her suggestion for a more holistic overview of this is therefore essential.

Mrs Miller: I thank my hon. Friend for that intervention. He of course has an impeccable record of campaigning in this area. Perhaps the very scale of this problem is an indication that our regulatory framework within which these organisations work is not quite as good as it needs to be for the future. We cannot expect our police force simply to put down the work it is doing in every other area to focus solely on online crime, but at the moment he is right to say that the scale of what is being seen is, in the words of some police chiefs, "frightening". We do not yet seem to be seeing a response to that. I hope that the digital economy Bill will provide the Ministers sitting on the Front Bench today, and perhaps their colleagues in the Department for Culture, Media and Sport, with the opportunity to look carefully at this. It is no longer something that we can simply say is the by-product of a new industry that will settle down over time. Those Ministers will have heard a good deal of evidence this evening to suggest that more action needs to be taken, and I ask them to do what one of them, the Under-Secretary of State for the Home Department, my hon. Friend the Member for Staffordshire Moorlands (Karen Bradley), agreed to do today in departmental questions: sit down with me and other hon. Members who might be interested to set out how the digital economy Bill can be used as a vehicle to achieve the objective of making our internet safer, both at home and abroad.

Ann Coffey: I wish to say a few words about new clauses 13 and 14, which stand in my name. New clause 13 would make it an offence for adults to groom

[Ann Coffey]

children and young people for criminal behaviour, and new clause 14 would introduce a new grooming for criminal behaviour prevention order, which I would call a “Fagin order”. The new Fagin orders would ban criminal adults from contacting a child. Just as with children groomed for child sexual exploitation, we must recognise that young people drawn into criminality and drug dealing have, in the first instance, often been groomed and manipulated.

Currently, we have numerous prevention orders available to the police to combat grooming for child sexual exploitation, including sexual risk orders, sexual harm prevention orders and child abduction warning notices. I would like to see the creation of a similar order to be used where children are being groomed by organised crime to act as drug runners. That would be a practical way of disrupting activities including the phenomenon of “county lines”, whereby criminals groom and coerce children and young people into selling class A drugs many miles from home, often in quiet towns. Organised crime is aggressively creating new markets for drugs, in every seaside town and every small country village across the country. Criminals used to do their own drug running, but now they are actively identifying groups of vulnerable children to use, including those living in children’s homes and pupil referral units, to minimise the risk to themselves. As I said in a previous debate, county lines is the next big grooming scandal on the horizon. It takes many forms, but its basis is using vulnerable children and adults to develop new markets for drugs.

One example I saw involved a 15-year-old girl who was offered £500 to go “up country” to sell drugs. She had the class A drugs plugged inside her but was then set up by the original gang and assaulted on the train, and had the drugs forcibly removed from her. She was told she must pay back £3,000 to the group for the stolen drugs, and had to continue to sell drugs and provide sexual favours. The threat of child sexual exploitation for girls in gangs is known, but the added factor of being trafficked to remote locations compounds their vulnerability. Those young people are at risk of physical violence, sexual exploitation, and emotional and physical abuse. That model of grooming arguably involves both trafficking and modern slavery. Children from Greater Manchester are being groomed by criminal gangs and have been found selling drugs in places as far away as Devon. These gang members are rather like modern-day Fagins or Bill Sikes: hard men who groom youngsters and get them to do their dirty work. They need to be stopped in their tracks.

The recent Home Office report “Ending gang violence and exploitation” said that young girls are often groomed for involvement in criminal behaviour and harmful sexual behaviour as part of gang culture. Indeed, the most recent Rotherham trial showed the connection between organised crime and drugs and child sexual exploitation. I have read the recent Home Office report and also the National Crime Agency report on county lines from August 2015, and I think this development is not fully understood or recognised. Someone, somewhere needs to take ownership of a strategy to disrupt this aggressive organised network, and that strategy needs to put the safeguarding children first. I am not pretending for one minute that Fagin orders would be a silver

bullet, but they would indicate a change in culture and a recognition that the responsibility lies with the adults who groom the children. We really cannot afford to make the same mistakes as we did with child sexual exploitation, where we let terrible things happen to children because we blamed them for bringing about their own exploitation.

Child sexual exploitation and drug running and involvement with criminal activities are often intertwined, which is why we need a two-pronged approach. Just as we have prevention orders for child sexual exploitation, we should have similar prevention orders for adults grooming children for criminal behaviour. We need a response to county lines that ensures that children are found, safeguarded and supported out of gangs, and that adults are stopped as early as possible from grooming and manipulating children, and are punished to the full extent of the law. Until then, it will continue to be the young victims who are exploited, blamed and then punished as their abusers and puppet masters continue with a trade that nets organised crime millions of pounds a year.

Kit Malthouse (North West Hampshire) (Con): I am grateful to you for calling me, Mr Deputy Speaker. I speak in support of new clauses 15, 16 and 18, which stand in my name and those of others. First, however, I wish to add my voice to those of the hon. Member for Dwyfor Meirionnydd (Liz Saville Roberts) and my right hon. Friend the Member for Basingstoke (Mrs Miller)—my neighbour. It is clear from the amendments in this legislation and elsewhere that the law is struggling with protecting children online; it is old and ineffective, and it really does not appreciate the dangers that are out there for children on the internet. I sincerely hope that my right hon. Friend is right and that the digital economy Bill is used to increase the protection for children online, not least because part of the reason for not tackling this problem in the way we should is that there is big money to be made here. This is a commercial enterprise: pumping this stuff out on to people’s screens and computers across the country, if not the world. There is therefore a certain sloth, an idleness, in the digital community in dealing with it. The truth is that, technically, we could switch off this stuff tonight if we wanted to. We have no problem stopping children getting into our bank accounts and buying things on Amazon or wherever it might be, and yet children can easily access pornography every day, 24 hours a day, without any protection whatsoever unless their parents intervene. That really is a disgraceful state of affairs.

We should use the digital economy Bill to create the offence of living off immoral earnings for these internet providers, because, by turning a blind eye and not interrogating the data that are coming through their pipes, that is effectively what they are doing. They should turn off such material so that eyes below the age of 18 cannot see it. They are living off immoral earnings and they are not living up to their duty to society and to our children. We need to find some way to make them face up to their obligations.

I have three children, two of whom are very small. I feel as if I am in a daily fight for them with the media—whether it is TV, online or whatever it might be. We carefully ration what they get and what they can see. I hope to God that, as they grow and become teenagers, I can protect them from the worst excesses, but I need

some help. I need help from the Government. I also need help from those who control the data and our access to the internet. They can do it in any number of ways and they should be forced to do it on pain of significant financial penalties. It is only when the pound is there and their profits are threatened that they will finally focus and come up with the technical solutions that we need.

8 pm

Tim Loughton: I would have liked to have added my name to my hon. Friend's amendment if I had got my act together in time. I was out with a group of people working for a tobacco company recently. We went on stings to local newsagents and other such places buying illegal, counterfeit and discounted cigarettes. In many cases, those cigarettes were advertised by a phone number, which we then rang up. Very clearly, it could only have resulted in criminal activity. Just as my hon. Friend is very much making the point about prostitution, which clearly is only going to lead to illegal activity, it is so easy for us to be able to use those phone numbers, and those telephone companies should be taking a greater responsibility.

Kit Malthouse: Exactly right. My hon. Friend brings me neatly on to new clause 16, which deals with that matter.

I know that you, Mr Deputy Speaker, have been an aficionado of my political career, so you will know that, 15 years ago I was charged with getting rid of prostitutes' cards in telephone boxes. It was costing Westminster council about a quarter of a million pounds a year to remove these things, and so I was given the job of getting rid of them. We tried clearing them out and putting up false cards so that people were misdirected. We tried all sorts of things. In the end, the only solution that we came up with that we and BT felt would work was barring the numbers. I visited all the mobile companies and, as people had landlines in those days, all the landline companies as well—NTL, BT and all the rest. I said to them, "When we notify you of this number, we would like you to bar it." They said, "We will not do that, but we will if you manage to make placing the cards an offence." They thought that I would give up at that stage, as there would be too much of a mountain to climb. None the less, we decided to have a go, and so ensued a two-year campaign to get that offence on the statute book.

During those two years, I learned the truth about prostitutes' cards and, indeed, the advertising of prostitution generally. Effectively, being allowed to advertise for free and in an unrestricted way on our streets, in the back of our newspapers and online is organised crime. When someone gets one of these numbers, they are ringing not a prostitute who is a victim, but a switchboard. When they ring the number and say what they want, they will get a menu of women—mostly it is women—trafficked or otherwise, of all ages, creeds and races. They can pick from the menu. Those numbers then gather a bit of value. Once someone is a punter and they have used the number and got what they wanted, they will use it again and again and again.

I started to learn that understanding the economics behind these telephone numbers is key to how we can eradicate them. Once we realise that these numbers carry a value and that there is a stream of income

attached to them, it becomes even more pressing that we should bar them. When we add to that the fact that the printing of the cards, the advertising, and the websites also cost money—prostitutes' cards are printed in the hundreds of thousands to make them incredibly cheap—we can see why making it dangerous to advertise a telephone number could become an extremely effective deterrent. If they advertise a number that is gathering income, and it is barred within 24 hours, they lose all of that income. Hitting them in the pocket is the most effective way to do it.

Sarah Champion (Rotherham) (Lab): Just for clarity, behind every one of those numbers is a woman who very, very often might have been abused as a child or trafficked into the country. They might have an incredibly violent pimp who is working her. Is the hon. Gentleman looking to prosecute the woman who, in my experience, is usually the victim and not the belle de jour that is often presented, or is he going after the pimps, the manipulators and the gang leaders that are behind it all?

Kit Malthouse: I am absolutely not targeting the women at all. This is about the organised crime that is creating the number, printing the card, placing the card, and victimising the woman. It is about cutting off their access to cash, and therefore restricting their ability to build a business off the back of this free advertising.

Eventually, after a two-year campaign, we got the offence made illegal. I was helped by friends in the House of Lords. The night that it was enacted by Her Majesty the Queen, we arrested the first carder—an Italian law student. I remember it well. He was bailed and disappeared back to Italy. The very next week, I had a meeting with the mobile phone companies and they completely welched on the deal. They did not realise that we would get it done, and that by campaigning for two years and by having a bit of gumption, we would manage to achieve our goal.

Jonathan Edwards: The use of the term "welching" in that context is deeply disrespectful to the people of my country, and I ask the hon. Gentleman to withdraw his comment.

Kit Malthouse: I do unreservedly withdraw it. It was an unfortunate use of the word. I think that the spelling is different, but the hon. Gentleman is quite right. Let me say that the phone companies reneged on the deal—I ask him to forgive me. It is a word in common parlance, but I should not have used it.

The phone companies completely reneged on the deal. As a result, I have been waiting for the opportunity to try to put to the Government the idea that there is this solution to the problem. I present here a simple solution, which is, effectively, if the chief officer of police finds a number being advertised in their area for the purposes of prostitution, they can apply to a magistrate to have the number barred. That means that both the police officer and the magistrate have to judge whether that is a measured thing to do; it is not automatic. It is for the police to decide. I would advise the police officers to warn the owner of the number that this is about to happen before they do it. It is a relatively simple solution, and I guarantee that it will result in the disappearance of these cards from Liverpool, Manchester, the west end or wherever they may be.

[Kit Malthouse]

My hon. Friend the Member for East Worthing and Shoreham (Tim Loughton) is right that the scheme could be extended. There could be numbers used for dealing drugs and for selling cigarettes. Numbers for prostitution and drugs could be on the internet. People can access such numbers quite freely at the moment. We need to cut the numbers. If we do it swiftly, we will certainly go a huge way towards suppressing the activity and making it difficult for criminal and customer to connect. I do not intend to press my amendment to a vote, but I ask the Government to look at it—the Minister has promised to do so—and hopefully it will come back in the Lords.

I have tabled another two new clauses. You will have noticed, Madam Deputy Speaker, that I have had a theme during my time in this House, which is the protection of children. It has alarmed me for some time that the legislation protecting children is elderly, out of date and very patchy. The offence of child cruelty, which I am seeking to raise the tariff for tonight, dates back to the Children and Young Persons Act 1933. It still includes things such as allowing a child to be burned, which used to arise when we sent them up chimneys. The legislation is very elderly and is really not fit for purpose. The last time the sentence for child cruelty was looked at was in 1988. We have not looked at it for nearly 30 years, and yet the number of offences is rising quite significantly. Clearly, the deterrent effect is not working. I am given to understand that the Sentencing Council will review child cruelty over the coming summer. If it does so, we are duty bound to try to give it a bit of headroom and move the tariff up from 10 years to 14 years for the most severe offences.

New clause 15 is about reviewing all child offences. We have been very good in the House in seeking to protect vulnerable groups by legislation generally. If someone commits a crime against someone who is gay because they are gay, they will get an aggravated sentence. Similarly, if they commit a crime against someone who is black because they are black, they will get an aggravated sentence. If they commit an offence against someone on the grounds of their religion, they will get an aggravated sentence. Yet if they commit an offence against a child because they are a child, they will not necessarily get an aggravated sentence.

Children are not a protected group in law, unlike other minority and vulnerable groups, and they should be. I am grateful to Public Bill Office for helping me try to draft an amendment that would allow me to do that. The best way that we could find to do it was to require the Sentencing Council to review all offences for children within 12 months, to allow us all to have our say about aggravating the sentences when offences are committed against children.

I have attempted to insert this principle in previous Bills—principally, in the Psychoactive Substances Act 2016. Sadly, the Government would not accept my amendment, which would have ensured that anyone who sold a psychoactive substance to a child would get a stiffer sentence than if they sold it to a 55-year-old man. It seems crazy to me that that would not happen, but the Government would not accept the amendment, so this is my attempt to do something similar.

All my amendments are probing. I am willing to give the Government time, in consultation, to look at them

again. I hope that they will come back in the Lords, but if they do not, I gather that, pleasingly, we get a policing and crime Bill along in the House once every six months, so I will get another chance. On that basis, I hope that my hon. Friends will look at the amendments at least and give them a thumbs-up for future consideration.

Sarah Champion: I rise to speak predominantly to new clauses 6, 10, 41 and 60, which have been tabled by Opposition Front Benchers. The intention behind the new clauses is to provide stronger safeguards against the sexual exploitation and abuse of children and to disrupt the perpetrators of those heinous crimes before they have the opportunity to destroy a child's life.

I start with new clause 6, which relates to the extension of child abduction warning notices, known as CAWNs, which are a vital tool for the police in the prevention of the abuse and exploitation of children. CAWNs are issued by the police at the request of a parent or legal guardian. They disrupt contact between a child and an adult believed to be in the process of grooming that child for sex. Currently, the police can issue a CAWN in relation to any child under the age of 16, but only a tiny minority of 16 and 17-year-olds, including children who have been taken into care under section 31 of the Children Act 1989, those who are subject to an emergency protection order and those in police protection. All other 16 and 17-year-olds are left unprotected.

By definition, children in care are vulnerable. The last available annual statistics show that 4,320 16 and 17-year-olds who became looked after by the local authority would not be eligible for the protection of a child abduction warning notice. The Minister has previously expressed some scepticism about the proposals to extend the use of those notices to all children in care. I recognise the sensitivities about the law in this area, given that 16 and 17-year-olds are legally able to marry and consent to sexual activity, but that group of children—yes, they are legally children—are living unstable and risky lives. They face a significantly greater risk of sexual exploitation than others and are targeted by adults who exploit their vulnerability, yet the police are denied access to a critical intervention tool that would help to keep them safe.

I agree with the Minister that CAWNs are an imperfect tool, but we agree that children of any age, including those who are 16 and 17, must be able to rely on the state for protection. For three years, I have been pushing successive Ministers to find a solution. The way to deal with complex issues is not to avoid them altogether. We need to persevere and collaborate so that we can find the best possible solutions. It is vital that we get legislation to protect all children up to the age of 18 from abuse, and it is important that we get that legislation right. I know that the Minister is not minded to support new clause 6, so what assurances can she give us that the Government plan to ensure that children up to the age of 18 are protected from the early stages of sexual grooming?

Next, I turn my attention to new clause 60, which, unlike new clause 6, relates to the existing use of child abduction warning notices by the police. CAWNs are not legally enforceable. Breaching a notice is not a criminal offence but does form an evidence base for future action. That further action, according to Government guidance, is meant to take the form of a sexual harm

prevention order or a sexual risk order, both of which require a higher threshold to use. They are legally enforceable and punishable with criminal sanctions.

In theory, that is a good system. It allows the police to intervene formally to prevent harm at the earliest possible stage when concerns have been expressed about an adult's behaviour towards a child. Even when demonstrable evidence is sparse, the police have the ability to take further action, using the breach of a CAWN as evidence. The police currently have the tools to escalate their response to keep, and continue to keep, a child safe. The problem is that police forces in England and Wales are failing to record the breach of a child abduction warning notice. Indeed, they are failing to record the issuing of a notice in the first place and the actions that follow from that breach.

8.15 pm

To be clear, if a CAWN is issued because the police suspect that a child is at risk of grooming—the House does not need reminding of the horrifying results of that crime—it is vital that a breach is recorded and acted upon, to keep that child safe from sexual abuse and exploitation. At a national level, the Secretary of State's Department must have oversight of whether the range of orders involved is working well, yet individual police forces have no idea about their effectiveness in tackling the early stages of grooming, because they simply do not record the data. As a result, the Government are ignorant to the reality of the risk that children face from predatory paedophiles and abusers.

As the tactics of perpetrators change, so must our approach. That involves constant vigilance on how perpetrators operate and constant monitoring of the effectiveness of our response. In that light, failing to record the effectiveness of the current system is unforgivable. If the Minister is unable to assess whether the regime works, how can she assess the safety of the children we have a duty to protect?

New clause 60 would deal with the issue directly by requiring police forces to collect annually the number of child abduction warning notices issued or breached and the number of sexual risk orders and sexual harm prevention orders issued following such a breach. It would require the Secretary of State to report to Parliament annually on those data. We need to get the legislation right: every Member must take responsibility for the children to whom we owe a duty of care. That can be done only by having the proper data to hand. For that reason, I intend to press new clause 60 to a Division.

New clause 10 and Government amendment 56 both relate to the licensing of taxis and private hire vehicles. From the experience of child sexual exploitation in Rotherham, I know the importance having a robust taxi licensing scheme for protecting passengers and drivers. Both the Jay and Casey independent reports on the disaster in Rotherham recognised the vulnerability of a weak taxi licensing system and what it means for child protection.

Andrew Gwynne: I am grateful to my hon. Friend for raising this important issue. On 4 May I held an Adjournment debate on taxi licensing, because we in Greater Manchester have the problem that a neighbouring local authority in Lancashire is effectively handing out taxi licences like sweeties. They are often given to people who have been legitimately refused them by the 10 Greater

Manchester authorities, yet they are operating private hire cabs on the streets of Greater Manchester. Not only should that worry the public, but the law needs strengthening to prevent it from happening.

Sarah Champion: I am grateful to my hon. Friend for bringing up that issue. My deep frustration is that we in Rotherham work really hard to get the legislation right. We have really robust legislation to protect children, but within six weeks of its being implemented, the Government's Deregulation Act 2015 meant that it was not worth the paper that it was written on. He is right that people from other areas could then be subcontracted and come in and pick up fares, and none of the safeguards that our local authority tried to put in place had any effect whatever. I thank him for raising the issue, which the Government need to look at.

To create the system in Rotherham, there was much consultation not only with taxi drivers but with the survivors of child abuse. Rotherham Borough Council has now implemented a new licensing system, which is one of the points covered in new clause 10. Two years after the horror that we discovered in Rotherham, the Government have failed to take action to make the taxi profession safer across the UK for all vulnerable people in our society. They must learn lessons when such things go catastrophically wrong. In Committee, Labour pushed the Government to place taxi and private vehicle licensing authorities under a statutory obligation to prevent child sexual exploitation.

Taxi drivers are in a position of considerable trust. The overwhelming majority of taxi drivers live up to the responsibility that their role creates for them, but unfortunately a minority do not. Better regulation is needed urgently to improve the training and awareness of drivers, so that they can play a part in keeping vulnerable children safe from harm and so that they know how to report abuse if they see it. All local authorities must ensure that checks are carried out to prevent perpetrators or potential perpetrators from being licensed. Monitoring must be in place, complaints must be investigated and passengers must feel confident.

I am delighted to see that the Government have listened to Labour and have responded to our new clause by tabling one of their own, which would empower the Secretary of State to issue statutory guidance to licensing authorities. However, can the Minister give us an assurance that Government new clause 56 would have the same effect as our new clause 10? I notice that the Government's new clause will empower but not require the Secretary of State to issue statutory guidance. Can the Minister confirm that the Secretary of State does intend to issue guidance, and to do so without delay? I would appreciate an indication of the timeline involved, both on the roll-out of the consultation and on when the guidance will take effect.

Andrew Gwynne: Although I support much of what my hon. Friend says may be included in the Government's new clause, is not part of the problem that the local authority that issues the licence receives the funding for that licence to be processed, but if the taxi driver is operating in another part of the country, a local authority very distant from the issuing authority might have the cost of enforcing and investigating them? Do we not need parity of funding according to where a taxi driver is operating?

Sarah Champion: Once again, my hon. Friend is right. That is why there needs to be a national licensing scheme for which the Government have responsibility.

The Government have been good at making promises about tackling child sexual exploitation, but not so good at following them up with action. Will the Minister make some commitments on taxi licensing? I would appreciate a steer on the contents of the guidance, although I realise that they will be the subject of consultation. The Minister may want to write to me on that point.

Councils continue to report a lack of intelligence sharing by the police on issues crucial to deciding the suitability of applicants for taxi licences. Although the new common-law disclosure policy should allow for information sharing, the interpretation varies and many police forces do not share data. Guidance to councils alone will not resolve the problem. Will the Home Office take steps to ensure that the police co-operate fully with councils so that applicants for taxi licences can be screened effectively?

Finally, will the Minister confirm the status of the guidance? Government new clause 56 states that licensing authorities “must have regard” to it. I hope the Minister will clarify that the guidance must be followed, not just looked at and put in a drawer. If the Minister can provide confirmation on those questions, we are minded to withdraw our new clause and support the Government’s.

New clause 41 would make it explicit in the law that local safeguarding children boards have an obligation to prevent child sexual exploitation and other forms of child abuse. Such boards should bring together professionals in education, law enforcement, social care and the voluntary sector to help protect children. They are collaborative bodies, established by the Labour Government, which have the potential to ensure that the focus of every organisation on the board is the protection and welfare of children. Local safeguarding children boards have the potential to act as the canary to child sexual exploitation and abuse, bringing together professionals who can develop a full picture of the harm being perpetrated against a child. But far more emphasis must be given to the prevention of child sexual exploitation and child abuse.

Chief Constable Simon Bailey has said that in 2015 more than £1 billion was spent on investigating child abuse allegations. Sadly, by the time the police are involved, it is likely that children have already been harmed and will be living with the trauma for the rest of their lives. The Prime Minister has given child sexual exploitation the status of a “national threat” in the strategic policing requirement. I therefore hope that the Minister will support our new clause to explicitly broaden the objectives of local safeguarding children boards to include a focus on the prevention of sexual exploitation.

Tim Loughton: The hon. Lady is making some good points, but it was my understanding when I was responsible for the child sexual exploitation action plan introduced nationally in 2011 that each local safeguarding children board was responsible for developing its own localised version of that CSE plan. The problem is not so much the plan as the unwillingness of some partners within an LSCB to pull their weight. Does the hon. Lady agree that the recent review undertaken for the Department

for Education may need to lead to the introduction of some statutory duties on those partners to do their bit, in partnership with everybody else?

Sarah Champion: As ever, the hon. Gentleman is superb on this subject, and he is ahead of me by a line of my speech. I completely agree. The problem with the safeguarding boards as they stand at present is that they are very dependent on the skill, determination and bloody-mindedness of the chair. The hon. Gentleman is right. I do not want things to come down to the luck of whether there is a good chair who can implement a good plan. What I want is for every child across the country to be safe and safeguarded in the same way, so I look to the Government to move on that.

I support new clauses 13 and 14. I praise my hon. Friend the Member for Stockport (Ann Coffey), who works tirelessly for the protection of children in her constituency and across the country. She has been a role model and a mentor to me, and I want to put on record my gratitude to her for all the help she has given to me and to all the children in this country. She has been tireless, and I am very grateful for that.

My hon. Friend’s new clauses, which deal with the grooming of children for criminal behaviour, raise an important issue that the House must tackle. Children are not just at risk of grooming for sex. They face exploitation by criminals for terrorism, trafficking and drug-related offences, for instance—we have heard other examples. The Government must take the issue seriously and offer a holistic approach to tackling child grooming and exploitation. Will the Minister work closely with my hon. Friend to turn her new clauses 13 and 14 into legislation?

New clauses 46, 47, 61 and 62 were tabled by the right hon. Member for Orkney and Shetland (Mr Carmichael). Through my campaigning work to prevent violence, exploitation and harm against children, I have seen the most dramatic and shocking increase in the proliferation of sexual images, often taken and shared by children. The right hon. Gentleman will appreciate that the current legislation has been in effect for only a year. I hope he will support my call on the Government to conduct a thorough review of the effectiveness of the legislation, the number of prosecutions and convictions, and the suitability of the sentences given.

I welcome Government new clause 55, which will create lifetime anonymity for victims of forced marriage. The crime of forced marriage is another form of domestic violence. The victims, mostly women, suffer violence, threats of violence, coercion, manipulation, psychological trauma and economic control. As with every other form of domestic violence, victims have their right to determine their own lives forcibly removed from them by their abusers. Anonymity will encourage victims to come forward and seek help from the police. It will give a survivor of this form of domestic violence a chance to regain control and rebuild their life. Now that the Government recognise the benefit of anonymity for victims of forced marriage, female genital mutilation and sexual abuse, I hope they will consider extending anonymity to victims of other forms of domestic and sexual violence and do more to raise awareness of these awful crimes.

I would like briefly to comment on a number of the provisions tabled by the shadow Home Office team, led by my hon. and learned Friend the Member for Holborn

and St Pancras (Keir Starmer). It is unfortunate but true that our criminal justice system does not always place support for the victim at its core. I know from my work with victims of domestic and sexual violence that they often feel totally unsupported when reporting a crime or after a prosecution. Many victims face the most horrendous ordeal in court, where they are forced to relive their trauma over and over again. Yet there is no statutory framework in the criminal justice system for the provision of services for victims—there is no legal regime promoting and protecting victims' rights from the beginning to the end of their engagement with the criminal justice system. Similarly, the role of the Victim's Commissioner has great potential, but the position is under-resourced and exists without significant powers. Victims' rights will be taken seriously only if and when they are enshrined in law. I hope the Government will hear our calls today and make that a reality.

I wish to end by commenting on new clause 2, which would devolve responsibility for policing to the Welsh Assembly. I have had the pleasure of working with the hon. Member for Dwyfor Meirionnydd (Liz Saville Roberts) on other clauses in the Bill relating to child protection, so I have no doubt that the convictions she has expressed in this new clause are heartfelt and sincere and need to be taken seriously. As my hon. Friend the Member for Birmingham, Erdington (Jack Dromey) has outlined, Labour believes that the people of Wales should have a greater say over the policing of Wales, and that should be pursued through the Wales Bill.

8.30 pm

Mr Alistair Carmichael (Orkney and Shetland) (LD): I wish to speak to new clauses 46, 47, 61 and 62, which stand in my name. Perhaps I can pick up where the hon. Member for Rotherham (Sarah Champion) left off, on new clause 2. My hon. Friend the Member for Ceredigion (Mr Williams) would normally speak for the Liberal Democrat party on such matters, but he is, unfortunately, absent from the House today through illness. However, the hon. Member for Dwyfor Meirionnydd (Liz Saville Roberts) indicated that she intends to push the new clause to a vote, and I should indicate that, in the event that she does, my party will support her and her colleagues. To devolve substantial portions of the criminal law in relation to Wales without devolving control of the police force that would then enforce that law seems at the very least to be a little illogical, so I wish the hon. Lady and her colleagues well.

I am grateful for the indications of support for my new clauses that I have had from members of different parties, including those not represented in the House. In particular, members of the Women's Equality party are assiduous and effective campaigners on the issue of revenge pornography; indeed, they were the authors of new clauses 61 and 62.

The hon. Member for Rotherham, who spoke from the Opposition Front Bench, rightly said that it was only last year that we undertook the criminalisation of revenge pornography. That was a quite remarkable step, and none of us should underestimate its importance. However, to pick up a point that she made, the statistics already demonstrate that this is a stubborn problem, which will require more action if we are to bring about the changes in attitude that will ultimately see this behaviour reduced and, hopefully, eliminated.

Mrs Miller: I commend the right hon. Gentleman for bringing these provisions to the House. He reflected on the importance of the law the Government brought in on revenge pornography. At the time, we talked about the importance of recognising that the impact of online crimes is very different from that of offline crimes. Will he join me in saying that, although it can be easy to say that what is illegal offline is illegal online, that misses the point, because the impact online can be so much greater and so much more devastating to the people involved?

Mr Carmichael: Indeed. I will come to the distress that is caused by this conduct in my remarks on new clause 62. The right hon. Lady is absolutely right that, in relation to these offences, we should focus on the outcomes and effects endured by those who suffer the abuse—and when I say “abuse”, I use the term advisedly.

From April to December last year, 1,160 cases were reported, which is quite remarkable, given the period we are dealing with—indeed, those figures are from England and Wales alone. Only 11% of the cases that have been reported have led to charge, with 82 prosecutions and 74 cautions resulting from those charges. That suggests that with regard to the need to see a change in attitude and behaviour, we first need to see it among some of the criminal justice professionals dealing with this—the police officers, prosecutors, and judges.

This takes me back to my early career, when as a trainee and then a qualified solicitor, I worked for the Crown Office and Procurator Fiscal Service in Edinburgh, where one of my first bosses—she was then a senior legal assistant—was Elish Angiolini, who became the first female Lord Advocate, and the first solicitor Lord Advocate, in Scotland. At that time, along with other colleagues, she did tremendous amounts to drive forward improvements in how the victims of sexual abuse in general, but child sexual abuse in particular, were treated by the court system. A lot of it seems very rudimentary and basic stuff now, but in the early and mid-1990s, when we were arranging for court visits ahead of trials so that victims of these sorts of offences could give their evidence from behind a screen or by live link, it seemed pretty revolutionary, and it met with substantial resistance from the police—not so much the police, in fairness, but certainly many within the legal profession. We were right to drive those changes, as has been demonstrated by the way in which the law and procedure in that area has developed ever since. A similar attitude and a similar drive is now required in relation to the offence of revenge pornography.

New clause 46 goes right to the heart of this by seeking to extend the protection of anonymity to victims of revenge pornography. That would mean that we would not necessarily have to wait for a review to look further at where cases and procedures will develop in this area. As we have heard, the principle of anonymity is accepted by the Government in relation to victims of forced marriage. I welcome new clause 55, which extends that protection. However, it surely strikes at the heart of the offence that we introduced last year that we should seek to protect those women—they are nearly all women—who are, in essence, subject to an invasion of privacy. No really meaningful remedy is available to them if making complaints seeking to reinforce the criminal sanctions that come as a result of that invasion of privacy only makes them vulnerable to further invasions

[Mr Alistair Carmichael]

of privacy. That is why it is important that at some point, by whatever means—I will listen very carefully to the Minister's response—we should look at extending the protection of anonymity to these victims.

New clause 47 would allow the court to make compensation orders to victims of revenge pornography. Many campaigning in this field would like a full civil remedy to be available, although that would have taken us somewhat beyond the scope of this Bill. However, we ought to be taking advantage of the quite remarkable degree of consensus that we have seen across the Chamber tonight. I hope the Government will recognise that and take full advantage of it, because that sort of consensus is rare enough, and when we see it we ought to make the most of it.

New clause 61 would extend the test from an intent to cause alarm, as in section 33 of the Criminal Justice and Courts Act 2015, to include recklessness. This strikes at what is required evidentially to provide mens rea in relation to the commission of the offence. It would bring people in England and Wales into line with the protections that are already afforded to people in Scotland through the Abusive Behaviour and Sexual Harm (Scotland) Act 2016.

The offence would also be extended from one that required disclosure of the material to one that required a threat to disclose it. Research indicates that no fewer than one in 10 ex-partners make that threat. If the outcome is to provide meaningful protection, it would make sense to extend the ambit of the offence to include a threat to disclose. That is being pursued by the #CtrlAltDel campaign, which is being led by the Women's Equality party and which I commend to the House.

The final new clause standing in my name is new clause 62, which brings me to the point made by the right hon. Member for Basingstoke (Mrs Miller).

Madam Deputy Speaker (Mrs Eleanor Laing): Order. Before the right hon. Gentleman turns to his next new clause, I am not suggesting for a moment that he has spoken for too long, because he has not—he has been quite brief—but this debate is time-limited. The hon. Member for Carmarthen East and Dinefwr (Jonathan Edwards) has indicated that he wishes to speak and I trust that he will be brief, because I am sure that the House would be disappointed if the Minister did not have time to answer the many points that have been made to her this evening.

Mr Carmichael: I am grateful to you, Madam Deputy Speaker, for saying that I have not spoken for long, because I have actually spoken for longer than I had intended.

I do not have a great deal to say about new clause 62, but it might assist the House if I explain that, by seeking to extend the definition of the offence, we are striking at the stress caused by, and the actual outcome of, the behaviour suffered by victims of this abuse. At the moment, the definition is drawn tightly, for reasons that I think are understood by all. Those experienced in the field, however, say that the harm and distress caused is the same for those who have suffered this wider disclosure and that it would make sense to ensure that they are equally covered by the criminal law.

Jonathan Edwards: I was not going to make a speech, but I thought I had better use this opportunity to explain further my earlier intervention. Before I do so, I would like to apologise to Mr Deputy Speaker and the Minister. I do not usually make it a rule to get worked up in this place, not least because my mother watches BBC Parliament, but I do get very passionate about the issue of the old Dyfed-Powys police helicopter. I am delighted that the Policing Minister is in his place, because we have debated the issue on several occasions and he was kind enough to meet me during the course of those deliberations.

We lost our helicopter in Dyfed-Powys because policing is not devolved to Wales. Northern Ireland and Scotland have kept their helicopter services, yet Wales has been put in a centralised service called the National Police Air Service, which means that our helicopter has been pooled from Dyfed-Powys. The only figures available from the month of January—the first operational month for NPAS as far as Dyfed-Powys is concerned—show that 86% of requests by police officers in Dyfed-Powys were not honoured by NPAS.

This is not just about police officers not having the service and support that they deserve; the residents of Dyfed-Powys are also clearly being let down. Let us remember that we are now hitting high season, during which the population of Dyfed-Powys will swell considerably, not least with people who will enjoy our fantastic coastline, so use of the helicopter will become far more important.

Devolving policing is not just about securing equality for Wales. It is devolved to Scotland and Northern Ireland, and it will be devolved to cities in England, but why is it not being devolved to Wales?

I am very disappointed that the Labour party is abstaining on this issue, but I am delighted that we have the support of the Lib Dems. Where are the Welsh MPs? Not a single Tory MP who represents a Welsh constituency is here to debate a vital policy issue for my country. Only two Labour MPs from Wales have been in the Chamber—the hon. Members for Swansea East (Carolyn Harris) and for Merthyr Tydfil and Rhymney (Gerald Jones)—and I am delighted that the hon. Member for Newport East (Jessica Morden) is here as well. These debates will be recorded by the people of Wales and they will be reported by the press, I hope. The people of Wales will draw their own conclusions from the lack of action by the Unionist parties.

The Parliamentary Under-Secretary of State for the Home Department (Karen Bradley): This has been a wide-ranging debate. Before I respond to the many Opposition and Back-Bench amendments in this group, I hope hon. Members will forgive me if I touch briefly on the key Government amendments and new clauses.

8.45 pm

New clause 55 confers lifelong anonymity on victims of forced marriage. I am sure we all agree that forced marriage is an abhorrent practice, and the Government are determined to do everything we can to tackle it. That is why we introduced a specific offence of forced marriage via the Anti-social Behaviour, Crime and Policing Act 2014, and it is why we are amending this Bill to introduce lifelong anonymity for victims. We are encouraged by the first conviction for the new offence, which was

secured in June last year, but there is still work to be done. Part of that is to do all we can to encourage more victims to speak out about this horrific crime. We know that forced marriage can be hidden, and we want to ensure that victims have the confidence to come forward so that they get the support that they need and perpetrators are brought to justice. Introducing lifelong anonymity will help to achieve that aim.

The measure is modelled on the anonymity that we introduced for victims of female genital mutilation last year. It will mean that victims of forced marriage are anonymous from the time an allegation is made, and it will prohibit the publication or broadcast of any information likely to result in their being identified to the public. The protection given will be broad and wide ranging. It will cover traditional print and broadcast media as well as information published online, including on social media. Breach of the prohibition will be an offence punishable by an unlimited fine. We believe that this measure, together with the wider package of work that the Government have taken forward on forced marriage, will send a clear message that this abhorrent practice will not be tolerated in the UK.

I turn to Government new clause 54 and amendment 112. The cancellation of travel documents is an important tool in the fight against terrorism and, in particular, in disrupting travel to conflict zones to fight or receive terrorist training. At present, there is a gap in the powers of law enforcement to seize cancelled or invalid travel documents. Both Border Force and the police have the power to seize a cancelled foreign travel document if they encounter it at a port, while the police can seize a cancelled British passport away from a port, but there is no power to seize a foreign travel document away from a port. New clause 54 will fill that gap.

We do not expect the new powers to be used often, because only a minority of those whose documents have been cancelled are likely to seek to travel to the UK, and we expect many of their documents to be picked up at the border. However, the powers will enable us, for example, to seize a travel document that was cancelled after the person holding it entered the UK. To make the new power effective, the new clause will enable a constable to enter premises to search for and seize invalid travel documents, both British passports and foreign travel documents. The new clause will also make it a criminal offence intentionally to obstruct or frustrate a search for a cancelled travel document, as is already the case in respect of a search for a cancelled British passport.

Government new clause 56 covers similar ground to that of new clause 10, which was tabled by the hon. Member for Rotherham (Sarah Champion). It deals with the need to spread good practice in how local authorities discharge their licensing functions in respect of taxis and private hire vehicles. It is similar to the amendment tabled by the hon. Member for Swansea East (Carolyn Harris) in Committee. As I said at that stage, the Government are committed to taking action on the matter. We strongly agree that continued work with the taxi and private hire vehicles sector is needed to reduce the risk to children and young people of sexual exploitation by the very small number of cab drivers who seek to abuse their position of trust.

I turn to the points raised by the hon. Member for Rotherham. I will write to her on some of the specifics; I cannot go into great detail now because of the lack of

time. I assure her that we intend to bring forward statutory guidance in respect of taxis and private hire vehicle licensing. Government new clause 56, in common with other legislation relating to guidance, uses the word “may”, but our intention is clear. A duty to have regard to the guidance sets a high bar, and a public authority will not be able to set aside the guidance without good reason. I will write to the hon. Lady about all other matters covered by the statutory guidance and our timetable for implementation. I hope that on that basis she will be happy not to press new clause 10 to a vote.

New clause 15, tabled by my hon. Friend the Member for North West Hampshire (Kit Malthouse), proposes a sentencing guidelines review. I have met him to discuss the new clause and his other amendments, and he also knows from his discussions with the Under-Secretary of State for Justice, my hon. Friend the Member for South West Bedfordshire (Andrew Selous), who is responsible for sentencing, and the Minister for Policing, Fire, Criminal Justice and Victims that the Ministry of Justice is looking at the matter of sentencing overall with a view to introducing proposals in a Bill that was announced in the recent Gracious Speech. On that basis, I hope that he will agree that it would be right to look at all these matters in the round, rather than looking at them in isolation.

Turning to new clause 16, I pay tribute to my hon. Friend the Member for North West Hampshire, whose work on soliciting has involved a 20-year campaign. He deserves great credit for all his achievements on tackling soliciting through the use of cards in telephone boxes and through other means. I think we can all agree that telephone boxes across the country—those that are left—are much cleaner and more pleasant as a result of his work. He has indicated that his main focus is on tackling the organised crime groups that profit from the exploitation of vulnerable people. That is a laudable aim that I share, but I hope he will agree that it would be premature to legislate before we fully understand the most effective ways of disrupting a criminal gang’s ability to raise income through prostitution as well as through other means such as drugs and firearms. We need to know more about the extent to which organised criminals derive profits in this way.

We also need properly to consider whether there are existing powers that could be used to disrupt organised crime gangs operating in this way. I am concerned that, without that information, we would simply be providing the police with a power whose application would be onerous—a court order would be required—and whose use could be ineffective if gangs simply chose to change their numbers and print new cards. He explained the business case for those cards very effectively. I have asked my officials to work with the National Crime Agency to develop our understanding of the link between organised crime and prostitution, and I undertake to keep my hon. Friend informed of our progress and intentions.

New clause 67 deals with misconduct in a public office. In the last Parliament, we legislated for a new police corruption offence that supplements the common law offence of misconduct in public office and carries a maximum sentence of 14 years imprisonment. It has been in force since April 2015. New clause 2 covers the devolution of policing, which was raised by the hon.

Member for Dwyfor Meirionnydd (Liz Saville Roberts). I hope she will forgive my pronunciation of the name of her constituency. Was that close enough? As we discussed in Committee, my pronunciation is poor but I will keep trying. She argued powerfully for the devolution of policing in Wales, but the Government have been clear that in the absence of consensus on the Silk commission's proposals on this matter, policing should not be devolved to the Welsh Government and National Assembly until such consensus can be reached.

Jonathan Edwards: Does the Minister not understand that the Silk commission was in fact a cross-party commission set up by the UK Government and that it included her party?

Karen Bradley: I know that the hon. Gentleman feels strongly about this. I also accept his apology from earlier; I can promise him that I was not smirking at anything he was saying. The Policing Minister is here and he will be happy to meet the hon. Gentleman again to discuss the specific issue of the helicopter.

The current England and Wales-wide arrangements for policing work well, and the proponents of devolution have failed adequately to address the significant risks that would arise if those arrangements were disrupted. I disagree with the hon. Member for Dwyfor Meirionnydd when she says that policing in England and Wales is set up for urban areas in England. I represent a rural constituency in England, and the way in which policing operates by devolving power to the police and crime commissioners to ensure that we have the right policing for each area is certainly right for my constituency. However, we are debating the Wales Bill tomorrow, and it will be important to debate these matters fully then, as the hon. Member for Rotherham has also suggested.

I am conscious of the time, and I want to try to get through as much of my speech as possible, so I will turn to digital crime issues. We debated in Committee many of the points that have been raised. My right hon. Friend the Member for Basingstoke (Mrs Miller) made very important and powerful points about the law on digital crime. However, I do not accept the premise that the criminal law is defective in this area. It is important to acknowledge that the crimes are the same; the fact that they are committed online does not change anything. I would not wish to create a whole new suite of offences that may confuse the courts and make it more difficult to get convictions.

Mrs Miller: Will the Minister take a moment to explain why the police are finding it so difficult to secure convictions, particularly in relation to revenge pornography, if the law in this and other areas of online crimes is so clear?

Karen Bradley: My right hon. Friend will understand that conviction is not just about the offence in legislation or the precedent in case law; it is about the evidence that can be gathered and presenting that evidence to a jury. I am not in any way saying that we are perfect in this regard, and we could have many debates about how best to get convictions. As I said earlier, I would very much like to meet her, together with my noble Friend Baroness Shields, who has responsibility for the digital Bill in the Department for Culture, Media and Sport, because I want to make sure that we are covering these issues and that we make it as easy as possible for the courts to get

convictions. I do not accept that the answer is simply to create a whole new suite of offences that may confuse the law enforcement agencies and prosecutors. I want to discuss this with her and others to make sure we address these points.

New clause 44—I realise that I am darting about, but I am doing my best to get through my speech—is about a specialist digital unit. Again, we discussed this in Committee. The way operational policing decisions are taken is a matter for chief officers; it is not something on which the Home Office should legislate to say that every force should operate in such a way. That is down to chief officers locally and, of course, police and crime commissioners. *[Interruption.]* I am now coming to the new clauses tabled by the hon. Member for Rotherham.

I want to take new clause 6 and all the points about child protection together. We have had many debates about the issue of vulnerable young people and children, how best we can protect them and how to stop their going missing. I pay tribute to the hon. Member for Stockport (Ann Coffey), who, as her Front-Bench colleague said, has been such a pioneer in this area. When she talks, I know that she is talking common sense. The hon. Member for Rotherham and other Members will know that I am determined to tackle this issue, but I think we need to do it in the right way. That is why I have convened the round table in a couple of weeks' time to look at the overall issue of child abduction warning notices. I am not convinced that a warning notice from the police in relation to a child abduction offence is necessarily the right way to make sure we protect such vulnerable young people. I want to consider all issues relating to child abduction warning notices—I think the hon. Member for Stockport has been invited to the round table, but if not, I now extend an invitation to her—and to look at everything we are doing in this area and at ensuring we have the right tools in the armoury for the law enforcement agencies, because it is so important that the police are able to use those tools and to protect young people with the right tools for those young people.

I am extremely conscious of the time and that I need to leave a moment before 9 o'clock, so I will now sit down. I hope that right hon. and hon. Members will agree the Government new clauses and amendments, and that they will not press their own.

Liz Saville Roberts: Just to close the debate, I must first ask why, given that we have had devolution in Wales for 17 years, Wales is being treated differently in terms of policing from the other nations of the United Kingdom and, indeed, from the English cities? Secondly, the policing needs of Wales are different. Our experience of centralising and sharing specialised services, such as the police helicopter, has shown that such services are drawn inevitably eastwards and away from the rural areas where we most need them. Finally, I would strongly argue that the absence of consensus is now a historical issue. There is consensus in Wales for Wales policing—for policing to be devolved to Wales. There was consensus on Silk, then not on "Powers for a Purpose", but there is consensus in the Welsh Assembly and among all four police and crime commissioners.

Question put, That the clause be read a Second time.

The House divided: Ayes 12, Noes 262.

Division No. 18]**[8.59 pm****AYES**

Carmichael, rh Mr Alistair
 Clegg, rh Mr Nick
 Durkan, Mark
 Edwards, Jonathan
 Elliott, Tom
 Kinahan, Danny
 Lamb, rh Norman
 Mulholland, Greg

Pugh, John
 Ritchie, Ms Margaret
 Saville Roberts, Liz
 Williams, Hywel

Tellers for the Ayes:
Marion Fellows and
Owen Thompson

NOES

Adams, Nigel
 Afriyie, Adam
 Aldous, Peter
 Allan, Lucy
 Allen, Heidi
 Amess, Sir David
 Andrew, Stuart
 Ansell, Caroline
 Argar, Edward
 Atkins, Victoria
 Bacon, Mr Richard
 Baker, Mr Steve
 Baldwin, Harriett
 Barclay, Stephen
 Barwell, Gavin
 Bellingham, Sir Henry
 Beresford, Sir Paul
 Berry, Jake
 Bingham, Andrew
 Blackman, Bob
 Blackwood, Nicola
 Boles, Nick
 Bone, Mr Peter
 Borwick, Victoria
 Bottomley, Sir Peter
 Bradley, Karen
 Brady, Mr Graham
 Brazier, Mr Julian
 Bridgen, Andrew
 Brine, Steve
 Brokenshire, rh James
 Bruce, Fiona
 Buckland, Robert
 Burns, Conor
 Burns, rh Sir Simon
 Burrowes, Mr David
 Burt, rh Alistair
 Cairns, rh Alun
 Cartlidge, James
 Caulfield, Maria
 Chalk, Alex
 Chishti, Rehman
 Chope, Mr Christopher
 Churchill, Jo
 Clark, rh Greg
 Cleverly, James
 Clifton-Brown, Geoffrey
 Coffey, Dr Thérèse
 Collins, Damian
 Colvile, Oliver
 Costa, Alberto
 Davies, Mims
 Dinenage, Caroline
 Djanogly, Mr Jonathan
 Dodds, rh Mr Nigel
 Donelan, Michelle
 Double, Steve
 Dowden, Oliver

Drummond, Mrs Flick
 Duncan, rh Sir Alan
 Duncan Smith, rh Mr Iain
 Dunne, Mr Philip
 Ellis, Michael
 Ellison, Jane
 Elphicke, Charlie
 Eustice, George
 Evans, Graham
 Evans, Mr Nigel
 Evennett, rh Mr David
 Fallon, rh Michael
 Fernandes, Suella
 Field, rh Mark
 Foster, Kevin
 Fox, rh Dr Liam
 Frazer, Lucy
 Freeman, George
 Freer, Mike
 Fuller, Richard
 Fysh, Marcus
 Garnier, rh Sir Edward
 Garnier, Mark
 Ghani, Nusrat
 Gibb, Mr Nick
 Glen, John
 Goldsmith, Zac
 Goodwill, Mr Robert
 Green, Chris
 Green, rh Damian
 Greening, rh Justine
 Griffiths, Andrew
 Gummer, Ben
 Gyimah, Mr Sam
 Halfon, rh Robert
 Hall, Luke
 Hammond, Stephen
 Hancock, rh Matthew
 Hands, rh Greg
 Harper, rh Mr Mark
 Harrington, Richard
 Harris, Rebecca
 Haselhurst, rh Sir Alan
 Heald, Sir Oliver
 Heapey, James
 Heaton-Harris, Chris
 Heaton-Jones, Peter
 Henderson, Gordon
 Hermon, Lady
 Hinds, Damian
 Hoare, Simon
 Hollinrake, Kevin
 Hollobone, Mr Philip
 Hopkins, Kris
 Howlett, Ben
 Huddleston, Nigel
 Hunt, rh Mr Jeremy
 Hurd, Mr Nick

Jackson, Mr Stewart
 Jayawardena, Mr Ranil
 Jenkin, Mr Bernard
 Jenkyns, Andrea
 Jenrick, Robert
 Johnson, Boris
 Johnson, Joseph
 Jones, Andrew
 Jones, rh Mr David
 Jones, Mr Marcus
 Kennedy, Seema
 Kirby, Simon
 Knight, rh Sir Greg
 Knight, Julian
 Kwarteng, Kwasi
 Lancaster, Mark
 Leadsom, Andrea
 Lee, Dr Phillip
 Lefroy, Jeremy
 Leigh, Sir Edward
 Leslie, Charlotte
 Letwin, rh Mr Oliver
 Lewis, Brandon
 Lewis, rh Dr Julian
 Liddell-Grainger, Mr Ian
 Lidington, rh Mr David
 Lilley, rh Mr Peter
 Lopresti, Jack
 Lord, Jonathan
 Loughton, Tim
 Lumley, Karen
 Mackinlay, Craig
 Mackintosh, David
 Mak, Mr Alan
 Malthouse, Kit
 Mann, Scott
 Mathias, Dr Tania
 May, rh Mrs Theresa
 Maynard, Paul
 McCartney, Jason
 McLoughlin, rh Mr Patrick
 McPartland, Stephen
 Menzies, Mark
 Mercer, Johnny
 Merriman, Huw
 Metcalfe, Stephen
 Miller, rh Mrs Maria
 Milling, Amanda
 Mills, Nigel
 Milton, rh Anne
 Mitchell, rh Mr Andrew
 Mordaunt, Penny
 Morris, Anne Marie
 Morris, David
 Morris, James
 Morton, Wendy
 Mowat, David
 Murray, Mrs Sheryll
 Murrison, Dr Andrew
 Neill, Robert
 Newton, Sarah
 Nokes, Caroline
 Offord, Dr Matthew
 Opperman, Guy
 Parish, Neil
 Patel, rh Priti
 Paterson, rh Mr Owen
 Pawsey, Mark
 Penning, rh Mike
 Penrose, John
 Percy, Andrew

Perry, Claire
 Phillips, Stephen
 Philp, Chris
 Pickles, rh Sir Eric
 Pincher, Christopher
 Poulter, Dr Daniel
 Prentis, Victoria
 Prisk, Mr Mark
 Pursglove, Tom
 Quin, Jeremy
 Quince, Will
 Raab, Mr Dominic
 Redwood, rh John
 Rees-Mogg, Mr Jacob
 Robertson, Mr Laurence
 Robinson, Gavin
 Robinson, Mary
 Rudd, rh Amber
 Rutley, David
 Sandbach, Antoinette
 Scully, Paul
 Selous, Andrew
 Shannon, Jim
 Shapps, rh Grant
 Simpson, rh Mr Keith
 Skidmore, Chris
 Smith, Chloe
 Smith, Henry
 Smith, Royston
 Soames, rh Sir Nicholas
 Solloway, Amanda
 Soubry, rh Anna
 Spelman, rh Mrs Caroline
 Spencer, Mark
 Stevenson, John
 Stewart, Bob
 Stewart, Rory
 Streeter, Mr Gary
 Stride, Mel
 Stuart, Graham
 Sturdy, Julian
 Sunak, Rishi
 Swayne, rh Sir Desmond
 Syms, Mr Robert
 Thomas, Derek
 Throup, Maggie
 Timpson, Edward
 Tolhurst, Kelly
 Tomlinson, Justin
 Tomlinson, Michael
 Tracey, Craig
 Tredinnick, David
 Trevelyan, Mrs Anne-Marie
 Truss, rh Elizabeth
 Tugendhat, Tom
 Turner, Mr Andrew
 Vara, Mr Shailesh
 Vickers, Martin
 Walker, Mr Charles
 Walker, Mr Robin
 Warburton, David
 Warman, Matt
 Wharton, James
 Whately, Helen
 White, Chris
 Whittaker, Craig
 Whittingdale, rh Mr John
 Wiggin, Bill
 Williamson, rh Gavin
 Wilson, Mr Rob
 Wollaston, Dr Sarah
 Wood, Mike

Wragg, William
Wright, rh Jeremy
Zahawi, Nadhim

Tellers for the Noes:
Margot James and
George Hollingbery

Question accordingly negated.

9.12 pm

Proceedings interrupted (Programme Order, 26 April)

The Deputy Speaker put forthwith the Questions necessary for the disposal of the business to be concluded at that time (Standing order No. 83E).

New Clause 54

POWERS TO SEIZE INVALID TRAVEL DOCUMENTS

“(1) Schedule 8 to the Anti-social Behaviour, Crime and Policing Act 2014 is amended as follows.

(2) For the italic heading before paragraph 3 substitute “Powers of search and seizure etc: places other than ports”.

(3) In paragraph 3, for sub-paragraph (1) substitute—

“(1) An examining officer who is a constable or a person appointed as an immigration officer under paragraph 1 of Schedule 2 to the Immigration Act 1971 may exercise any of the powers under this paragraph, at a place that is not a port, if the examining officer reasonably believes that a person is in possession of a cancelled UK passport or an invalid non-UK travel document.”

(4) In that paragraph, in sub-paragraph (2)—

- (a) for “This paragraph applies to a passport” substitute “A passport is “a cancelled UK passport”;
- (b) at the end of paragraph (a) insert “and”;
- (c) omit the “and” at the end of paragraph (b);
- (d) omit paragraph (c).

(5) After sub-paragraph (2) insert—

“(2A) An invalid travel document is “an invalid non-UK travel document” if it is, or appears to be, a passport or other document which has been issued by or for the government of a state other than the United Kingdom.”

(6) In that paragraph—

- (a) in sub-paragraph (3)—
 - (i) in paragraph (a), for “the constable” substitute “the examining officer”;
 - (ii) in paragraph (b), for “the constable” substitute “the examining officer”;
 - (iii) in paragraph (d), for “the constable believes” substitute “the examining officer reasonably believes”;
- (b) in sub-paragraph (4)—
 - (i) in paragraph (c), for “the constable believes” substitute “the examining officer reasonably believes”;
 - (ii) in paragraph (d), for “the constable” substitute “the examining officer”;
- (c) in sub-paragraph (5)—
 - (i) in the opening words, for “A constable” substitute “An examining officer”;
 - (ii) in sub-paragraph (b), for “the constable’s behalf” substitute “the examining officer’s behalf”.

(7) After paragraph 3 insert—

“Powers of entry, search and seizure etc: constables

3A (1) A constable may exercise any of the powers under this paragraph in relation to any premises, other than premises forming part of a port, if the constable reasonably believes that a cancelled UK passport or an invalid non-UK travel document is on the premises (whether or not in the possession of a person who is also on the premises).

“A cancelled UK passport” and “an invalid non-UK travel document” have the same meaning in this paragraph as they have in paragraph 3 (see paragraph 3(2) and (2A)).

(2) The powers are—

- (a) to enter the premises;
- (b) to search the premises for travel documents and to take possession of any that the constable finds;
- (c) to inspect any travel document taken and to retain it while its validity is checked;
- (d) (subject to paragraph 4) to retain any travel document taken that the constable reasonably believes to be invalid.

(3) A constable—

- (a) may if necessary use reasonable force for the purpose of exercising a power under this paragraph;
- (b) may authorise a person to carry out on the constable’s behalf a search under this paragraph.

(4) This paragraph does not affect any power of a constable under paragraph 3(3), (4)(a) to (c) or (5) in relation to a person on any premises entered under sub-paragraph (2)(a).”

(8) In paragraph 4 (retention or return of documents seized)—

- (a) in sub-paragraph (1), for “2(2)(c) or 3(3)(c)” substitute “2(2)(c), 3(3)(c) or 3A(2)(c)”;
- (b) after sub-paragraph (2) insert—

“(2A) If it is established that a travel document taken from any premises under paragraph 3A—

- (a) is valid, or
- (b) is invalid only because it has expired,

it must be returned to the person to whom it was issued straight away.”;

(c) after sub-paragraph (3) insert—

“(3A) A travel document taken from premises under paragraph 3A must be returned to the person to whom it was issued before the end of the period of 7 days beginning with the day on which it was taken, unless during that period it is established that the document is invalid for some reason other than expiry.”;

(d) in sub-paragraph (4), for “(2)(b) or (3)” substitute “(2)(b), (2A), (3) or (3A)”;

(e) in that sub-paragraph, after “from whom he or she took the document” insert “or (as the case may be) to whom it was issued”;

(f) in sub-paragraph (5), for “(2) or (3)” substitute “(2), (2A), (3) or (3A)”.

(9) In paragraph 5 (offences), in sub-paragraph (2), for “a search under paragraph 2 or 3” substitute “the exercise of a power of search under paragraph 2, 3 or 3A, or the exercise of a power of entry under paragraph 3A.”.

(10) In paragraph 6 (power of arrest), for “2” substitute “2 or 3”.—(*Karen Bradley.*)

This new clause amends Schedule 8 to the Anti-social Behaviour, Crime and Policing Act 2014 in three main ways. First, it extends the existing powers of search and seizure under paragraph 3 of that Schedule so that they are exercisable by immigration officers as well as constables. Second, those powers are further extended so as to be exercisable on the basis of a reasonable belief that a person is in possession of an invalid non-UK travel document. (Currently, those powers are exercisable only on the basis of a reasonable belief that a person is in possession of a cancelled UK passport as defined in paragraph 3(2) of the Schedule.) Third, it inserts a new paragraph 3A that allows constables to enter and search premises where they reasonably believe that a cancelled UK passport or an invalid non-UK travel document is on the premises.

Brought up, and added to the Bill.

New Clause 55

ANONYMITY OF VICTIMS OF FORCED MARRIAGE

“(1) In Part 10 of the Anti-social Behaviour, Crime and Policing Act (forced marriage), after section 122 insert—

“122A Anonymity of victims of forced marriage

Schedule 6A (anonymity of victims of forced marriage) has effect.”

(2) Insert, as Schedule 6A to that Act, the following Schedule—

“SCHEDULE 6A

ANONYMITY OF VICTIMS OF FORCED MARRIAGE

Prohibition on the identification of victims in publications

1 (1) This paragraph applies where an allegation has been made that an offence of forced marriage has been committed against a person.

(2) No matter likely to lead members of the public to identify the person, as the person against whom the offence is alleged to have been committed, may be included in any publication during the person’s lifetime.

(3) In any criminal proceedings before a court, the court may direct that the restriction imposed by sub-paragraph (2) is not to apply (whether at all or to the extent specified in the direction) if the court is satisfied that either of the following conditions is met.

(4) The first condition is that the conduct of a person’s defence at a trial of an offence of forced marriage would be substantially prejudiced if the direction were not given.

(5) The second condition is that—

(a) the effect of sub-paragraph (2) is to impose a substantial and unreasonable restriction on the reporting of the proceedings, and

(b) it is in the public interest to remove or relax the restriction.

(6) A direction under sub-paragraph (3) does not affect the operation of sub-paragraph (2) at any time before the direction is given.

(7) In this paragraph, “the court” means a magistrates’ court or the Crown court.

Penalty for breaching prohibition imposed by paragraph 1(2)

2 (1) If anything is included in a publication in contravention of the prohibition imposed by paragraph 1(2), each of the persons responsible for the publication is guilty of an offence.

(2) A person guilty of an offence under this paragraph is liable, on summary conviction, to a fine. The persons responsible for a publication are as follows—

<i>Type of publication</i>	<i>Persons responsible</i>
Newspaper or other periodical	Any person who is a proprietor, editor or publisher of the newspaper or periodical.
Relevant programme	Any person who— (a) is a body corporate engaged in providing the programme service in which the programme is included, or (b) has functions in relation to the programme corresponding to those of an editor of a newspaper.
Any other kind of publication	Any person who publishes the publication.

(4) If an offence under this paragraph is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of—

(a) a senior officer of a body corporate, or

(b) a person purporting to act in such a capacity,

the senior officer or person (as well as the body corporate) is guilty of the offence and liable to be proceeded against and punished accordingly.

(5) “Senior officer”, in relation to a body corporate, means a director, manager, secretary or other similar officer of the body

corporate; and for this purpose “director”, in relation to a body corporate whose affairs are managed by its members, means a member of the body corporate.

(6) Proceedings for an offence under this paragraph may not be instituted except by, or with the consent of, the Attorney General.

Offence under paragraph 2: defences

3 (1) This paragraph applies where a person (“the defendant”) is charged with an offence under paragraph 2 as a result of the inclusion of any matter in a publication.

(2) It is a defence for the defendant to prove that, at the time of the alleged offence, the defendant was not aware, and did not suspect or have reason to suspect, that—

(a) the publication included the matter in question, or

(b) the allegation in question had been made.

(3) It is a defence for the defendant to prove that the publication in which the matter appeared was one in respect of which the victim had given written consent to the appearance of matter of that description.

(4) The defence in sub-paragraph (3) is not available if—

(a) the victim was under the age of 16 at the time when his or her consent was given, or

(b) a person interfered unreasonably with the peace and comfort of the victim with a view to obtaining his or her consent.

(5) In this paragraph, “the victim” means the person against whom the offence of forced marriage in question is alleged to have been committed.

Special rules for providers of information society services

4 (1) Paragraph 2 applies to a domestic service provider who, in the course of providing information society services, publishes prohibited matter in an EEA state other than the United Kingdom (as well as to a person, of any description, who publishes prohibited matter in England and Wales).

(2) Proceedings for an offence under paragraph 2, as it applies to a domestic service provider by virtue of sub-paragraph (1), may be taken at any place in England and Wales.

(3) Nothing in this paragraph affects the operation of any of paragraphs 6 to 8.

5 (1) Proceedings for an offence under paragraph 2 may not be taken against a non-UK service provider in respect of anything done in the course of the provision of information society services unless the derogation condition is met.

(2) The derogation condition is that taking proceedings—

(a) is necessary for the purposes of the public interest objective,

(b) relates to an information society service that prejudices that objective or presents a serious and grave risk of prejudice to that objective, and

(c) is proportionate to that objective.

(3) “The public interest objective” means the pursuit of public policy.

6 (1) A service provider does not commit an offence under paragraph 2 by providing access to a communication network or by transmitting, in a communication network, information provided by a recipient of the service, if the service provider does not—

(a) initiate the transmission,

(b) select the recipient of the transmission, or

(c) select or modify the information contained in the transmission.

(2) For the purposes of sub-paragraph (1)—

(a) providing access to a communication network, and

(b) transmitting information in a communication network,

include the automatic, intermediate and transient storage of the information transmitted so far as the storage is solely for the purpose of carrying out the transmission in the network.

(3) Sub-paragraph (2) does not apply if the information is stored for longer than is reasonably necessary for the transmission.

7 (1) A service provider does not commit an offence under paragraph 2 by storing information provided by a recipient of the service for transmission in a communication network if the first and second conditions are met.

(2) The first condition is that the storage of the information—

- (a) is automatic, intermediate and temporary, and
- (b) is solely for the purpose of making more efficient the onward transmission of the information to other recipients of the service at their request.

(3) The second condition is that the service provider—

- (a) does not modify the information,
- (b) complies with any conditions attached to having access to the information, and
- (c) if sub-paragraph (4) applies, promptly removes the information or disables access to it.

(4) This sub-paragraph applies if the service provider obtains actual knowledge that—

- (a) the information at the initial source of the transmission has been removed from the network,
- (b) access to it has been disabled, or
- (c) a court or administrative authority has ordered the removal from the network of, or the disablement of access to, the information.

8 (1) A service provider does not commit an offence under paragraph 2 by storing information provided by a recipient of the service if—

- (a) the service provider has no actual knowledge when the information was provided that it was, or contained, a prohibited publication, or
- (b) on obtaining actual knowledge that the information was, or contained, a prohibited publication, the service provider promptly removed the information or disabled access to it.

(2) Sub-paragraph (1) does not apply if the recipient of the service is acting under the authority or control of the service provider.

Interpretation

9 (1) In this Schedule—

“domestic service provider” means a service provider established in England and Wales, Scotland or Northern Ireland;

“the E-Commerce Directive” means Directive 2000/31/EC of the European Parliament and of the Council of 8 June 2000 on certain legal aspects of information society services, in particular electronic commerce, in the Internal Market (Directive on electronic commerce);

“forced marriage offence” means an offence under section 121 of the Anti-social Behaviour, Crime and Policing Act 2014;

“information society services”—

- (a) has the meaning given in Article 2(a) of the E-Commerce Directive (which refers to Article 1(2) of Directive 98/34/EC of the European Parliament and of the Council of 22 June 1998 laying down a procedure for the provision of information in the field of technical standards and regulations), and
- (b) is summarised in recital 17 of the E-Commerce Directive as covering “any service normally provided for remuneration, at a distance, by means of electronic equipment for the processing (including digital compression) and storage of data, and at the individual request of a recipient of a service”;

“non-UK service provider” means a service provider established in an EEA state other than the United Kingdom;

“programme service” has the same meaning as in the Broadcasting Act 1990 (see section 201(1) of that Act);

“prohibited material” means any material the publication of which contravenes paragraph 1(2);

“publication” includes any speech, writing, relevant programme or other communication (in whatever form) which is addressed to, or is accessible by, the public at large or any section of the public;

“recipient”, in relation to a service, means a person who, for professional ends or otherwise, uses an information society service, in particular for the purposes of seeking information or making it accessible;

“relevant programme” means a programme included in a programme service;

“service provider” means a person providing an information society service.

(2) For the purposes of the definition of “publication” in sub-paragraph (1)—

- (a) an indictment or other document prepared for use in particular legal proceedings is not to be taken as coming within the definition;
- (b) every relevant programme is to be taken as addressed to the public at large or to a section of the public.

(3) For the purposes of the definitions of “domestic service provider” and “non-UK service provider” in sub-paragraph (1)—

- (a) a service provider is established in a particular part of the United Kingdom, or in a particular EEA state, if the service provider—
 - (i) effectively pursues an economic activity using a fixed establishment in that part of the United Kingdom, or that EEA state, for an indefinite period, and
 - (ii) is a national of an EEA state or a company or firm mentioned in Article 54 of the Treaty on the Functioning of the European Union;
- (b) the presence or use in a particular place of equipment or other technical means of providing an information society service does not, of itself, constitute the establishment of a service provider;
- (c) where it cannot be determined from which of a number of establishments a given information society service is provided, that service is to be regarded as provided from the establishment at the centre of the service provider’s activities relating to that service.”—
(Karen Bradley.)

This new clause makes provision to protect the anonymity of victims of the offence of forced marriage under section 121 of the Anti-social Behaviour, Crime and Policing Act 2014. It is modelled on provision made by Schedule 1 to the Female Genital Mutilation Act 2003 to protect the anonymity of victims of female genital mutilation offences.

Brought up, and added to the Bill.

New Clause 56

LICENSING FUNCTIONS UNDER TAXI AND PHV LEGISLATION: PROTECTION OF CHILDREN AND VULNERABLE ADULTS

“(1) The Secretary of State may issue guidance to public authorities as to how their licensing functions under taxi and private hire vehicle legislation may be exercised so as to protect children, and vulnerable individuals who are 18 or over, from harm.

(2) The Secretary of State may revise any guidance issued under this section.

(3) The Secretary of State must arrange for any guidance issued under this section, and any revision of it, to be published.

(4) Any public authority which has licensing functions under taxi and private hire vehicle legislation must have regard to any guidance issued under this section.

(5) Before issuing guidance under this section, the Secretary of State must consult—

- (a) the National Police Chiefs' Council,
- (b) persons who appear to the Secretary of State to represent the interests of public authorities who are required to have regard to the guidance,
- (c) persons who appear to the Secretary of State to represent the interests of those whose livelihood is affected by the exercise of the licensing functions to which the guidance relates, and
- (d) such other persons as the Secretary of State considers appropriate.

(6) In this section, “taxi and private hire vehicle legislation” means—

- (a) the London Hackney Carriages Act 1843;
- (b) sections 37 to 68 of the Town Police Clauses Act 1847;
- (c) the Metropolitan Public Carriage Act 1869;
- (d) Part 2 of the Local Government (Miscellaneous Provisions) Act 1976;
- (e) the Private Hire Vehicles (London) Act 1998;
- (f) the Plymouth City Council Act 1975 (c.xx).”—(*Karen Bradley.*)

This new clause provides for the Secretary of State to issue guidance to public authorities who have licensing functions under taxi and private hire vehicle legislation about how those functions may be exercised so as to protect children and vulnerable adults from harm. It also imposes a duty on those public authorities to have regard to the guidance.

Brought up, and added to the Bill.

New Clause 57

POWERS OF LITTER AUTHORITIES IN SCOTLAND

“(1) In Part 4 of the Environmental Protection Act 1990 (litter etc), after section 91 insert—

“92 Summary proceedings by litter authorities

(1) Where a principal litter authority in Scotland other than a joint board is satisfied as respects—

- (a) any relevant Crown land,
- (b) any relevant land of a designated statutory undertaker,
- (c) any relevant land of a designated educational institution, or
- (d) any relevant land within a litter control area of a local authority,

that it is defaced by litter or refuse or that defacement of it by litter or refuse is likely to recur, the authority shall serve a notice (a “litter abatement notice”) imposing either the requirement or the prohibition or both the requirement and the prohibition specified in subsection (2).

(2) The requirement and prohibition referred to in subsection (1) are as follows, namely—

- (a) a requirement that the litter or refuse be cleared within a time specified in the notice;
- (b) a prohibition on permitting the land to become defaced by litter or refuse.

(3) The litter abatement notice shall be served—

- (a) as respects relevant Crown land, on the appropriate Crown authority;
- (b) as respects relevant land of a designated statutory undertaker, on the undertaker;
- (c) as respects relevant land of a designated educational institution, on the governing body of the institution or on the education authority responsible for the management of the institution;

(d) in any other case, on the occupier of the land or, if it is unoccupied, on the owner of the land.

(4) The person served with the notice may appeal against the notice to the sheriff by way of application within the period of 21 days beginning with the date on which the notice was served.

(5) If, on any appeal under subsection (4), the appellant proves that, as respects the land in question, he has complied with his duty under section 89(1), the court shall allow the appeal.

(6) If a person on whom a litter abatement notice is served, without reasonable excuse, fails to comply with or contravenes the requirement or prohibition imposed by the notice, he shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 4 on the standard scale together with a further fine of an amount equal to one-twentieth of that level for each day on which the offence continues after the conviction.

(7) In any proceedings for an offence under subsection (6), it shall be a defence for the person charged to prove that he has complied, as respects the land in question, with his duty under section 89(1).

(8) A direction under section 89(6A) or a code of practice under section 89(7) shall be admissible in evidence in any proceedings under this section and, if any provision of such a direction or code appears to the court to be relevant to any question in the proceedings, it shall be taken into account in determining that question.

(9) If a person on whom a litter abatement notice is served fails to comply with the requirement imposed by the notice in respect of any land, the authority may, subject to subsection (10)—

- (a) enter on the land and clear the litter or refuse, and
- (b) recover from that person the expenditure attributable to their having done so, except such of the expenditure as that person shows was unnecessary in the circumstances.

(10) Subsection (9) does not apply in relation to relevant Crown land or relevant land of statutory undertakers.

“93 Street litter control notices

(1) A principal litter authority in Scotland other than a joint board may, with a view to the prevention of accumulations of litter or refuse in and around any street or open land adjacent to any street, issue notices (“street litter control notices”) imposing requirements on occupiers of premises in relation to such litter or refuse, in accordance with this section and section 94.

(2) If the authority is satisfied, in respect of any premises which are of a description prescribed under section 94(1)(a) and have a frontage on a street in their area, that—

- (a) there is recurrent defacement by litter or refuse of any land, being part of the street or open land adjacent to the street, which is in the vicinity of the premises,
- (b) the condition of any part of the premises which is open land in the vicinity of the frontage is, and if no notice is served is likely to continue to be, detrimental to the amenities of the locality by reason of the presence of litter or refuse, or
- (c) there is produced, as a result of the activities carried on on the premises, quantities of litter or refuse of such nature and in such amounts as are likely to cause the defacement of any part of the street, or of open land adjacent to the street, which is in the vicinity of the premises,

the authority may serve a street litter control notice on the occupier or, if the premises are unoccupied, on the owner of the premises.

(3) A notice shall, subject to section 94(2), (3) and (4)—

- (a) identify the premises and state the grounds under subsection (2) on which it is issued;
- (b) specify an area of open land which adjoins or is in the vicinity of the frontage of the premises on the street;
- (c) specify, in relation to that area or any part of it, such reasonable requirements as the authority considers appropriate in the circumstances;

and, for the purposes of paragraph (b), an area which includes land on both sides of the frontage of the premises shall be treated as an area adjoining that frontage.

(4) In this section and section 94—

- “notice” means a street litter control notice;
- “open land” means land in the open air;
- “the premises”, in relation to a notice, means the premises in respect of which the notice is issued;
- “specified area” means the area specified in a notice under subsection (3)(b); and
- “street” means a relevant highway, a relevant road or any other highway or road over which there is a right of way on foot.

“94 Street litter: supplementary provisions

(1) The Scottish Ministers may by order prescribe—

- (a) the descriptions of commercial or retail premises in respect of which a street litter control notice may be issued;
- (b) the descriptions of land which may be included in a specified area; and
- (c) the maximum area of land which may be included in a specified area;

and different descriptions or maximum dimensions may be prescribed under paragraph (b) or (c) for different cases or circumstances.

An order under this subsection is subject to the negative procedure.

(2) The power to describe premises or land under subsection (1)(a) or (b) includes power to describe the premises or land by reference to occupation or ownership or to the activities carried on there.

(3) The land comprised in a specified area—

- (a) shall include only land of one or more of the descriptions prescribed under subsection (1)(b);
- (b) shall not include any land which is not—
 - (i) part of the premises,
 - (ii) part of a street,
 - (iii) relevant land of a principal litter authority, or
 - (iv) land under the direct control of any other local authority; and
- (c) shall not exceed any applicable maximum area prescribed under subsection (1)(c);

but a specified area shall not include any part of the premises which is or is part of a litter control area.

(4) The requirements which may be imposed by a notice shall relate to the clearing of litter or refuse from the specified area and may in particular require—

- (a) the provision or emptying of receptacles for litter or refuse;
- (b) the doing within a period specified in the notice of any such thing as may be so specified (including the standards to which any such thing must be done); or
- (c) the doing (while the notice remains in force) at such times or intervals, or within such period, of any such thing as may be so specified;

but a notice may not require the clearing of litter or refuse from any carriageway, except at a time when the carriageway is closed to all vehicular traffic.

(5) In relation to so much of the specified area as is not part of the premises the authority shall take account, in determining what requirements to impose, of their own duties under this Part or otherwise, and of any similar duties of any other local authority, in relation to that land.

(6) An authority proposing to serve a notice shall—

- (a) inform the person on whom the notice is to be served;
- (b) give him the opportunity to make representations about the notice within the period of 21 days beginning with the day on which he is so informed; and

(c) take any representations so made into account in making their decision.

(7) A person on whom a notice is served may appeal against the notice to the sheriff by way of application; and the court may quash the notice or may quash, vary or add to any requirement imposed by the notice.

(8) If it appears to the authority that a person has failed or is failing to comply with any requirement imposed by a notice, the authority may apply to the sheriff by way of application for an order requiring the person to comply with the requirement within such time as may be specified in the order.

(9) A person who, without reasonable excuse, fails to comply with an order under subsection (8) is guilty of an offence and liable on summary conviction to a fine not exceeding level 4 on the standard scale.”

(2) Any order under section 94(1) of the Environmental Protection Act 1990 which had effect immediately before the coming into force of paragraph 21 of Schedule 11 to the Anti-social Behaviour, Crime and Policing Act 2014—

- (a) is (so far as extending to Scotland) revived on the coming into force of this section, and
- (b) has effect on its revival as if made under section 94(1) of that Act as re-enacted with modifications by this section.”—(Karen Bradley.)

This new clause re-enacts, with minor changes, sections 92, 93 and 94 of the Environmental Protection Act 1990. The sections will form part of the law of Scotland only. The need for the new clause arises because the repeal of those sections by paragraph 21 of Schedule 11 to the Anti-social Behaviour, Crime and Policing Act 2014 was extended to Scotland by mistake.

Brought up, and added to the Bill.

New Clause 60

DUTY TO REPORT ON CHILD ABDUCTION WARNING NOTICES

“(1) Each police force in England and Wales must report to the Secretary of State each year on—

- (a) the number of Child Abduction Warning Notices issued;
- (b) the number of Child Abduction Warning Notices breached; and
- (c) the number of Sexual Risk Orders and Sexual Harm Prevention Orders issued following the breach of a Child Abduction Warning Notice.

(2) The Secretary of State must prepare and publish a report each year on—

- (a) the number of Child Abduction Warning Notices issued in each police force in England and Wales;
- (b) the number of Child Abduction Warning Notices breached in each police force in England and Wales; and
- (c) the number of Sexual Risk Orders and Sexual Harm Prevention Orders issued following the breach of a Child Abduction Warning Notice in each police force in England and Wales

and must lay a copy of the report before Parliament.”—(Sarah Champion.)

Brought up.

Question put, That the clause be added to the Bill.

The House divided: Ayes 157, Noes 257.

Division No. 19]

[9.13 pm

AYES

Abbott, Ms Diane
Ali, Rushanara
Allen, Mr Graham

Anderson, Mr David
Bailey, Mr Adrian
Barron, rh Kevin

Benn, rh Hilary
 Betts, Mr Clive
 Blenkinsop, Tom
 Brennan, Kevin
 Brown, Lyn
 Brown, rh Mr Nicholas
 Buck, Ms Karen
 Burden, Richard
 Burgon, Richard
 Burnham, rh Andy
 Butler, Dawn
 Cadbury, Ruth
 Campbell, rh Mr Alan
 Campbell, Mr Ronnie
 Carmichael, rh Mr Alistair
 Champion, Sarah
 Clegg, rh Mr Nick
 Clwyd, rh Ann
 Coaker, Vernon
 Coffey, Ann
 Coyle, Neil
 Creasy, Stella
 Cruddas, Jon
 Cryer, John
 Cummins, Judith
 Cunningham, Alex
 Cunningham, Mr Jim
 Dakin, Nic
 Danczuk, Simon
 Dodds, rh Mr Nigel
 Dowd, Jim
 Dowd, Peter
 Dromey, Jack
 Dugher, Michael
 Durkan, Mark
 Edwards, Jonathan
 Elliott, Tom
 Ellman, Mrs Louise
 Esterson, Bill
 Evans, Chris
 Field, rh Frank
 Ffello, Robert
 Fletcher, Colleen
 Flint, rh Caroline
 Flynn, Paul
 Fovargue, Yvonne
 Foxcroft, Vicky
 Furniss, Gill
 Gapes, Mike
 Gardiner, Barry
 Glindon, Mary
 Goodman, Helen
 Green, Kate
 Griffith, Nia
 Gwynne, Andrew
 Haigh, Louise
 Hamilton, Fabian
 Hanson, rh Mr David
 Harman, rh Ms Harriet
 Harris, Carolyn
 Hayes, Helen
 Healey, rh John
 Hendrick, Mr Mark
 Hepburn, Mr Stephen
 Hermon, Lady
 Hillier, Meg
 Hodgson, Mrs Sharon
 Hollern, Kate
 Hussain, Imran
 Johnson, Diana
 Jones, Gerald

Jones, Graham
 Jones, Helen
 Jones, Mr Kevan
 Jones, Susan Elan
 Kane, Mike
 Kinahan, Danny
 Kinnock, Stephen
 Lamb, rh Norman
 Lavery, Ian
 Lewell-Buck, Mrs Emma
 Long Bailey, Rebecca
 Lucas, Ian C.
 Lynch, Holly
 Mactaggart, rh Fiona
 Madders, Justin
 Malhotra, Seema
 Mann, John
 Marris, Rob
 Marsden, Mr Gordon
 Maskell, Rachael
 Matheson, Christian
 McCarthy, Kerry
 McDonnell, John
 McGovern, Alison
 McInnes, Liz
 McMahan, Jim
 Meale, Sir Alan
 Mearns, Ian
 Moon, Mrs Madeleine
 Morden, Jessica
 Morris, Grahame M.
 Mulholland, Greg
 Murray, Ian
 Nandy, Lisa
 Onn, Melanie
 Onwurah, Chi
 Osamor, Kate
 Owen, Albert
 Pearce, Teresa
 Pennycook, Matthew
 Perkins, Toby
 Powell, Lucy
 Pugh, John
 Rayner, Angela
 Rees, Christina
 Reynolds, Jonathan
 Rimmer, Marie
 Ritchie, Ms Margaret
 Robinson, Gavin
 Robinson, Mr Geoffrey
 Rotheram, Steve
 Saville Roberts, Liz
 Shah, Naz
 Shannon, Jim
 Sheerman, Mr Barry
 Sherriff, Paula
 Skinner, Mr Dennis
 Slaughter, Andy
 Smeeth, Ruth
 Smith, rh Mr Andrew
 Smith, Angela
 Smith, Cat
 Smith, Owen
 Smyth, Karin
 Starmer, Keir
 Tami, Mark
 Thomas-Symonds, Nick
 Thornberry, Emily
 Trickett, Jon
 Turner, Karl
 Twigg, Derek

Twigg, Stephen
 Vaz, rh Keith
 Vaz, Valerie
 Whitehead, Dr Alan
 Williams, Hywel
 Wilson, Phil

 Adams, Nigel
 Afriyie, Adam
 Aldous, Peter
 Allan, Lucy
 Allen, Heidi
 Amess, Sir David
 Andrew, Stuart
 Ansell, Caroline
 Argar, Edward
 Atkins, Victoria
 Bacon, Mr Richard
 Baker, Mr Steve
 Baldwin, Harriett
 Barclay, Stephen
 Barwell, Gavin
 Bellingham, Sir Henry
 Beresford, Sir Paul
 Berry, Jake
 Bingham, Andrew
 Blackman, Bob
 Blackwood, Nicola
 Boles, Nick
 Bone, Mr Peter
 Borwick, Victoria
 Bottomley, Sir Peter
 Bradley, Karen
 Brady, Mr Graham
 Brazier, Mr Julian
 Bridgen, Andrew
 Brine, Steve
 Brokenshire, rh James
 Bruce, Fiona
 Buckland, Robert
 Burns, Conor
 Burns, rh Sir Simon
 Burrowes, Mr David
 Burt, rh Alistair
 Cairns, rh Alun
 Cartledge, James
 Caulfield, Maria
 Chalk, Alex
 Chishti, Rehman
 Chope, Mr Christopher
 Churchill, Jo
 Clark, rh Greg
 Cleverly, James
 Clifton-Brown, Geoffrey
 Coffey, Dr Thérèse
 Collins, Damian
 Colvile, Oliver
 Costa, Alberto
 Davies, Mims
 Dinenage, Caroline
 Djanogly, Mr Jonathan
 Donelan, Michelle
 Double, Steve
 Dowden, Oliver
 Drummond, Mrs Flick
 Duncan, rh Sir Alan
 Duncan Smith, rh Mr Iain
 Dunne, Mr Philip

Winnick, Mr David
 Winterton, rh Dame Rosie
 Wright, Mr Iain

Tellers for the Ayes:
Sue Hayman and
Jeff Smith

NOES

Ellis, Michael
 Ellison, Jane
 Elphicke, Charlie
 Eustice, George
 Evans, Graham
 Evans, Mr Nigel
 Evennett, rh Mr David
 Fallon, rh Michael
 Fernandes, Suella
 Field, rh Mark
 Foster, Kevin
 Fox, rh Dr Liam
 Frazer, Lucy
 Freeman, George
 Freer, Mike
 Fuller, Richard
 Fysh, Marcus
 Garnier, rh Sir Edward
 Garnier, Mark
 Ghani, Nusrat
 Gibb, Mr Nick
 Glen, John
 Goldsmith, Zac
 Goodwill, Mr Robert
 Green, Chris
 Green, rh Damian
 Greening, rh Justine
 Griffiths, Andrew
 Gummer, Ben
 Gyimah, Mr Sam
 Halfon, rh Robert
 Hall, Luke
 Hammond, Stephen
 Hancock, rh Matthew
 Hands, rh Greg
 Harper, rh Mr Mark
 Harrington, Richard
 Harris, Rebecca
 Haselhurst, rh Sir Alan
 Heald, Sir Oliver
 Heapey, James
 Heaton-Harris, Chris
 Heaton-Jones, Peter
 Henderson, Gordon
 Hinds, Damian
 Hoare, Simon
 Hollinrake, Kevin
 Hollobone, Mr Philip
 Hopkins, Kris
 Howlett, Ben
 Huddleston, Nigel
 Hunt, rh Mr Jeremy
 Hurd, Mr Nick
 Jackson, Mr Stewart
 Jayawardena, Mr Ranil
 Jenkin, Mr Bernard
 Jenkins, Andrea
 Jenrick, Robert
 Johnson, Boris
 Johnson, Joseph
 Jones, Andrew
 Jones, rh Mr David
 Jones, Mr Marcus

Kennedy, Seema
 Kirby, Simon
 Knight, rh Sir Greg
 Knight, Julian
 Kwarteng, Kwasi
 Lancaster, Mark
 Leadsom, Andrea
 Lee, Dr Phillip
 Lefroy, Jeremy
 Leigh, Sir Edward
 Leslie, Charlotte
 Letwin, rh Mr Oliver
 Lewis, Brandon
 Lewis, rh Dr Julian
 Liddell-Grainger, Mr Ian
 Lidington, rh Mr David
 Lilley, rh Mr Peter
 Lopresti, Jack
 Lord, Jonathan
 Loughton, Tim
 Lumley, Karen
 Mackinlay, Craig
 Mackintosh, David
 Mak, Mr Alan
 Malthouse, Kit
 Mann, Scott
 Mathias, Dr Tania
 May, rh Mrs Theresa
 Maynard, Paul
 McLoughlin, rh Mr Patrick
 McPartland, Stephen
 Menzies, Mark
 Mercer, Johnny
 Merriman, Huw
 Metcalfe, Stephen
 Miller, rh Mrs Maria
 Milling, Amanda
 Mills, Nigel
 Milton, rh Anne
 Mitchell, rh Mr Andrew
 Mordaunt, Penny
 Morris, Anne Marie
 Morris, David
 Morris, James
 Morton, Wendy
 Mowat, David
 Murray, Mrs Sheryll
 Murrison, Dr Andrew
 Neill, Robert
 Newton, Sarah
 Nokes, Caroline
 Offord, Dr Matthew
 Opperman, Guy
 Parish, Neil
 Patel, rh Priti
 Paterson, rh Mr Owen
 Pawsey, Mark
 Penning, rh Mike
 Penrose, John
 Percy, Andrew
 Perry, Claire
 Phillips, Stephen
 Philp, Chris
 Pickles, rh Sir Eric
 Pincher, Christopher
 Poulter, Dr Daniel
 Prentis, Victoria
 Prisk, Mr Mark
 Pursglove, Tom

Quin, Jeremy
 Quince, Will
 Raab, Mr Dominic
 Redwood, rh John
 Rees-Mogg, Mr Jacob
 Robertson, Mr Laurence
 Robinson, Mary
 Rudd, rh Amber
 Rutley, David
 Sandbach, Antoinette
 Scully, Paul
 Selous, Andrew
 Shapps, rh Grant
 Simpson, rh Mr Keith
 Skidmore, Chris
 Smith, Chloe
 Smith, Henry
 Smith, Royston
 Soames, rh Sir Nicholas
 Solloway, Amanda
 Soubry, rh Anna
 Spelman, rh Mrs Caroline
 Spencer, Mark
 Stevenson, John
 Stewart, Bob
 Stewart, Rory
 Streeter, Mr Gary
 Stride, Mel
 Stuart, Graham
 Sturdy, Julian
 Sunak, Rishi
 Swayne, rh Sir Desmond
 Syms, Mr Robert
 Thomas, Derek
 Throup, Maggie
 Timpson, Edward
 Tolhurst, Kelly
 Tomlinson, Justin
 Tomlinson, Michael
 Tracey, Craig
 Tredinnick, David
 Trevelyan, Mrs Anne-Marie
 Truss, rh Elizabeth
 Tugendhat, Tom
 Turner, Mr Andrew
 Vara, Mr Shailesh
 Vickers, Martin
 Walker, Mr Charles
 Walker, Mr Robin
 Warburton, David
 Warman, Matt
 Wharton, James
 Whately, Helen
 White, Chris
 Whittaker, Craig
 Whittingdale, rh Mr John
 Wiggin, Bill
 Williamson, rh Gavin
 Wilson, Mr Rob
 Wollaston, Dr Sarah
 Wood, Mike
 Wragg, William
 Wright, rh Jeremy
 Zahawi, Nadhim

Tellers for the Noes:

George Hollingbery and
 Margot James

Question accordingly negated.

Clause 131

POWERS OF NCA OFFICERS IN RELATION TO CUSTOMS MATTERS

Amendment made: 107, page 137, line 16, at end insert—

“() In paragraph 26 of that Schedule (modification of references), after paragraph (c) insert—

(ca) a power of a general customs official is exercisable by any NCA officer, a reference to a general customs official in any enactment which relates to that power is to be taken to be, or to include, a reference to any NCA officer by whom that power is exercisable;”.

() In paragraph 27 of that Schedule (power to make further provision), in sub-paragraph (2), after paragraph (d)(ii) insert—

(i) one or more grades of, or pay scales applicable to, general customs officials;”.

() In paragraph 28 of that Schedule (functions of third parties relating to constables etc: extension to NCA), in sub-paragraph (2), after paragraph (c) insert—

(ca) a general customs official.”.—(*Mike Penning.*)

This amendment is consequential on clause 131, which enables the Director General of the National Crime Agency, and other designated NCA officers, to exercise the powers of general customs officials.

Clause 132

REQUIREMENT TO STATE NATIONALITY

Amendment made: 108, page 138, leave out lines 13 to 16.—(*Mike Penning.*)

This amendment would remove from clause 132 a provision relating to Scotland. This amendment is related to amendments 111 and 113, which would mean that clause 132 would not extend to Scotland.

Clause 138

EXTENT

Amendments made: 111, page 143, line 4, leave out “132 and”.

See Member’s explanatory statement for amendment 108.

Amendment 112, page 143, line 4, at end insert—

“() section (Powers to seize invalid travel documents);”.

This amendment provides for the new clause inserted by new clause 54 to form part of the law of England and Wales, Scotland and Northern Ireland.

Amendment 113, page 143, line 31, at end insert—

“(c) section 132.”.

See Member’s explanatory statement for amendment 108.

Amendment 114, page 143, line 34, at end insert—

“(c) section (Powers of litter authorities in Scotland).”—(*Mike Penning.*)

This amendment provides for the new clause inserted by new clause 57 to form part of the law of Scotland only.

Clause 139

COMMENCEMENT

Amendments made: 115, page 143, line 43, at end insert—

“() section (Powers of litter authorities in Scotland);”.

This amendment provides for new clause 57 to come into force on the date on which the Bill is passed.

Amendment 116, page 144, line 7, at end insert—

“() section (Anonymity of victims of forced marriage);”.
—(Mike Penning.)

This amendment provides for new clause 55 to come into force 2 months after the Bill is passed.

Title

Amendments made: 119, line 26 after “information;” insert

“to make provision about the seizure etc of invalid travel documents;”.

This amendment to the long title is consequential on new clause 54.

Amendment 120, line 26 after “information;” insert
“to make provision to protect the anonymity of victims of forced marriage;”.

This amendment to the long title is consequential on new clause 55.

Amendment 121, line 27 after “children” insert
“and to protect children and vulnerable adults from harm;”.

This amendment to the long title is consequential on new clause 56.

Amendment 122, line 27 after “children;” insert
“to make provision about the powers of litter authorities in Scotland;”—(Mike Penning.)

This amendment to the long title is consequential on new clause 57.

Mr Speaker: Consideration completed. I will now suspend the House for about five minutes in order to make a decision about certification. The Division bells will be rung two minutes before the House resumes. Following my certification, the Government will table the appropriate consent motions, copies of which will be available shortly in the Vote Office and will be distributed by Doorkeepers.

9.24 pm

Sitting suspended.

9.28 pm

On resuming—

Mr Speaker: I can now inform the House that I have completed certification of the Bill, as required by the Standing Order, and that I have made no change to the provisional certificate issued last week. Copies of my final certificate will be made available in the Vote Office and on the parliamentary website.

Under Standing Order No. 83M, consent motions are therefore required for the Bill to proceed. Copies of the motions are available in the Vote Office and on the parliamentary website, and have been made available to Members in the Chamber. Does the Minister intend to move the consent motions?

Mike Penning indicated assent.

Mr Speaker: Under Standing Order No. 83M(4), the House must forthwith resolve itself into the Legislative Grand Committee (England and Wales), and thereafter into the Legislative Grand Committee (England).

The House forthwith resolved itself into the Legislative Grand Committee (England and Wales) (Standing Order No. 83M).

[MRS ELEANOR LAING *in the Chair*]

9.29 pm

The First Deputy Chairman of Ways and Means (Mrs Eleanor Laing): There will now be a joint debate on the consent motion for England and Wales and the consent motion for England. I remind hon. Members that, although all Members may speak in the debate,

if there are Divisions, only Members representing constituencies in England and Wales may vote on the consent motion for England and Wales, and only Members representing constituencies in England may vote on the consent motion for England.

Resolved,

That the Committee consents to the following certified clauses and schedules of the Policing and Crime Bill and a certified amendment made by the House to the Bill:

Clauses and schedules certified under Standing Order No. 83L(2) as relating exclusively to England and Wales and being within devolved legislative competence

Clauses 7, 11 to 16, 18, 20 to 26, 28, 30 to 32, 37 to 39, 41, 43, 45, 46, 48 to 64, 67 to 70, 72 to 77, 101 to 103, 110 to 112, 115 and 135 of the Bill as carried over into this Session (Bill 3) (including the amendments made on Report);

Schedules 3 to 5, 7, 8, 12 and 13 to the Bill as carried over into this Session (Bill 3) (including the amendments made on Report);

New clauses NC30, NC49, NC55 and NC56 on Report.

Amendment certified under Standing Order No. 83L(4) as relating exclusively to England and Wales

Amendment 145 made in the Public Bill Committee to clause 22 (now clause 27).—(Mike Penning.)

The House forthwith resolved itself into the Legislative Grand Committee (England) (Standing Order No. 83M(4)(d)).

The First Deputy Chairman: I remind hon. Members that no further debate on the consent motion for England is permitted, and that if there is a Division on that motion, only Members representing constituencies in England may vote. This extends to expressing an opinion by calling out Aye or No when the Question is put.

Motion made, and Question put forthwith (Standing Order No. 83M(4)(d)),

That the Committee consents to the following certified clauses and schedules of the Policing and Crime Bill:

Clauses and schedules certified under Standing Order No. 83L(2) as relating exclusively to England and being within devolved legislative competence

Clauses 1 to 6 and 8 to 10 of the Bill as carried over into this Session (Bill 3);

Schedules 1 and 2 to the Bill as carried over into this Session (Bill 3).—(Mike Penning.)

Question agreed to.

The occupant of the Chair left the Chair to report the decisions of the Committees (Standing Order No. 83M(6)).

The Deputy Speaker resumed the Chair; decisions reported.

Third Reading

Queen's consent signified.

9.31 pm

The Secretary of State for the Home Department (Mrs Theresa May): I beg to move, That the Bill be now read the Third time.

Since becoming Home Secretary in 2010, I have put in place the most radical programme of police reform in a generation. Today, that programme is changing policing for the better, making it more transparent, more accountable and more efficient. But the task of reform is not yet finished. If we are to continue ensuring that the police can protect the most vulnerable in our society, if we are to continue helping the police build trust between themselves and the public, and if we are to continue ensuring that the police and other emergency services deliver for the taxpayer, we must go further and faster.

[Mrs Theresa May]

The Policing and Crime Bill will allow us to do that: it will improve the efficiency and effectiveness of our emergency services by placing an overarching duty on them to collaborate where it makes sense to do so; it will enable police and crime commissioners to take on the governance of fire and rescue authorities where a local case has been made; it will make changes to pre-charge bail to prevent the injustice of people spending months, or even years, on bail only for no charges to be brought; it will ensure that those experiencing a mental health crisis receive the help they need rather than prolonged detention in a police cell; and it will radically reform the complaints and disciplinary systems to help strengthen public confidence and trust in policing, an outcome that I know will be welcomed by the Hillsborough families, who have campaigned tirelessly for effective accountability in policing when things go badly wrong.

Throughout its passage in this House the Bill has been subject to many lively and constructive debates. I welcome the broad measure of cross-party support for many of its provisions. I commend the work of my right hon. and hon. Friends, my right hon. Friend the Minister for Policing, Fire, Criminal Justice and Victims and the Under-Secretary of State for the Home Department, my hon. Friend the Member for Staffordshire Moorlands (Karen Bradley) who is responsible for preventing abuse, exploitation and crime, all the members of the Public Bill Committee and the officials who have supported their work.

There have been a small number of areas of disagreement, most notably on the role of police and crime commissioners in relation to the governance of fire and rescue authorities, the role of volunteers within police forces and the cut-off for taking disciplinary action against former police officers—although on the last of those issues, I am pleased that we have been able to make some progress. I am sure that all these issues will continue to be examined carefully as the Bill makes its way through the Upper House, but the process of scrutiny that the Bill has already been subject to in this House has greatly strengthened and improved it.

Among the important measures added to the Bill in Committee and on Report are those to reform the governance of the Independent Police Complaints Commission, strengthen inspection powers in relation to fire and rescue services, enhance the powers of the police to retain the DNA and fingerprints of persons previously convicted of an offence outside England and Wales, provide for a new offence of breach of pre-charge bail conditions relating to travel, strengthen cross-border powers of arrest and police powers to seize cancelled travel documents, confer lifelong anonymity on the victims of forced marriage and strengthen the safeguarding of vulnerable people through the introduction of statutory guidance in respect of the licensing of taxis and private hire vehicles. Those additional measures, alongside those contained in the Bill on its introduction, will support the vital work of our police forces. They will put in place provisions to ensure the greater efficiency and effectiveness of our emergency services. They will introduce changes to protect the rights of the public when they come into contact with the criminal justice system and they will provide important powers to help the police cut crime and keep our communities safe.

This Bill will ensure that the police can continue to meet the challenges they face day in and day out, and it will ensure that we can get on with the important job of police reform. I commend the Bill to the House.

9.37 pm

Andy Burnham: The fairest thing that we can say about this Bill is that it is a decidedly mixed bag. On the one hand it makes improvements to police accountability, but on the other it undermines the independence of the fire service and the police service by allowing volunteers to replace front-line staff.

None the less, the Bill leaves this House in a better state than it came to us in. I pay tribute to my shadow ministerial team, my hon. Friends the Members for Birmingham, Erdington (Jack Dromey), for Rotherham (Sarah Champion) and for West Ham (Lyn Brown), all of whom have played an important part in improving the Bill. I thank the Home Secretary and her ministerial team for the constructive way in which they have continued to debate these matters with us. I also thank all members of the Bill Committee and the Chairmen, the Member for Bury North (Mr Nuttall) and my right hon. Friend the Member for Knowsley (Mr Howarth).

The Bill makes some real improvements, but we still have some concerns. The issues broadly fall into four categories: measures we support; measures we have helped to improve; measures we oppose; and the missed opportunities in the Bill. I will go briefly through each.

On the measures we support, the super-complaints system is a genuine step forward, and we congratulate the Home Secretary on bringing it to the House. We also support the strengthening of the IPCC and of the regulation of the police in general. The ban on the use of police cells for people in mental health crisis is a crucial step forward, but it needs to be matched with a commissioning strategy in the NHS that ensures alternative places of safety for people who will no longer be held in police cells.

On the measures that we have helped to improve, I pay tribute to my hon. Friend the Member for Rotherham for the work that she has done to strengthen the measures in the Bill on child sexual exploitation, and particularly on the licensing regime for private hire vehicles. There are further improvements to come on child abduction warning notices.

My hon. Friend the Member for Birmingham, Erdington, the shadow Policing Minister, pushed the issue of police bail in Committee, based on the case of Siddhartha Dhar, the individual who waltzed out of the country while on bail. I am pleased that the Government have responded, although Mark Rowley said in evidence to the Home Affairs Committee that there should be the very tightest of regimes, whereby people have to surrender passports while they are still in police custody at police stations. I believe that the Bill could still be tightened on that point.

We have had a good exchange today on police misconduct. We welcome the fact that the Government have been prepared to extend the 12-month limit for exceptional instances of misconduct. We will work with the Home Secretary and the Minister for Policing, Fire, Criminal Justice and Victims on getting that right, but that, too, appears to be a genuine step forward.

There are two main measures that we oppose. First, we believe that the greater use of volunteers in the police service is dangerous in the context of the further cuts being made to police budgets, contrary to what the Government promised in the spending review. Police services in England and Wales are facing real-terms cuts to their budgets this year, which will not be backfilled by the local precept. We believe that it is dangerous to impose those cuts without setting out a vision for policing and saying precisely what the boundaries are for what volunteers can and cannot do, and the Government need to think again before going down that road.

On the fire service, my hon. Friend the Member for West Ham made a powerful case that we should not just merge the two services and, in effect, make the fire service the junior partner of the police service. The Bill will allow a hostile takeover of a fire service, authorised by the Home Secretary but over the heads of local people and without their consent. We do not believe that that will strengthen the fire service, which has an important role as a separate statutory service. All the pros and cons of the single employer model have not been fully debated, and we feel that this is a road down which the Government should not go because they have failed to make the case for it.

I will finish with the missed opportunities. I conclude my speech on Third Reading with a sense that Parliament has missed a moment to make some real changes on the back of the historic Hillsborough verdict. Today, we have debated two issues. First, there should be a principle of equality in legal funding for bereaved families at inquests where police are represented. Secondly, we have debated the Prime Minister's promise to the victims of press abuse and intrusion that there would be a second-stage inquiry into the relationship between the police and the press. On both fronts, we have not made any progress tonight. It was disappointing that the Government chose to oppose the measures that we in the Opposition proposed.

Representatives of the Hillsborough Family Support Group—the chair, Margaret Aspinall, and Sue Roberts—were here today, and I can tell the House that they have gone home disappointed and feeling that Parliament is already forgetting what their fight was all about. It was a monumental miscarriage of justice that now requires a commensurate response from the House. Changes must be made to stop any family in future going through what they have been through, but sadly, families can still go through it. Many families continue to go into inquests raw with grief, face aggressive questioning by Queen's Counsel hired at great public expense and find the whole experience deeply unsatisfactory.

It is disappointing that the Government were not even able to accept the principle that we should have equal funding. It would have been a step forward if they had been able to do so. I understand that they are asking Bishop James Jones to look at these matters, but of course, this issue goes much broader than Hillsborough. It is about fairness in our criminal justice system, and I believe that the Government are missing an opportunity by not acting on it quickly. Quite frankly, it is obscene for police forces to continue to spend large amounts of money on hiring aggressive lawyers to challenge families in the way that they do at inquests. This scandal should not be allowed to continue, and we in the Opposition will continue to fight against it until there is real change.

In conclusion, the Bill was an opportunity to make this country fairer, to even up the scales and even to tip them in favour of ordinary families and away from the establishment. I fear that we have failed to do that, and it will now be up to the other place to see whether it can make progress. Who can vote against the principle of equal funding for bereaved families at inquests? I cannot believe that anyone would actually vote against it. There is a debate about how to achieve it, but I find it very strange indeed that people can really vote against that principle. How can Members go through the Lobby tonight voting against the Prime Minister's commitment to the victims of hacking, press intrusion and abuse? The Government have weakened their position tonight. They said before that there would be an inquiry. Now they say that there might be an inquiry once outstanding legal matters are concluded. That is not fair to the families who were given a firm promise by the Prime Minister.

This is my direct appeal to the other place: vote for equality of legal funding for families, and vote for the honouring of the promise to the victims of press intrusion. In doing so, make Hillsborough a moment of real change in this country.

9.45 pm

Keith Vaz: It is a pleasure to follow the shadow Home Secretary, my right hon. Friend the Member for Leigh (Andy Burnham). He was generous with his praise for those involved in the Hillsborough campaign, but the House should recognise his part in that campaign and the incredible work that he has done. He spoke with great passion on the subject even today, and he should be commended for what he has done.

It is not often that the Home Affairs Committee praises the Government, but they have done quite well in the Bill in picking up a number of the recommendations that we made about detention in police cells, which is to be stopped, and in particular about the seizure of the travel documents of those who have committed or are suspected of committing criminal offences. We would have liked the Home Secretary to go a little further and accept Mark Rowley's evidence, but she has gone a long way towards dealing with the issues that we were concerned about, and I am glad that that provision is in the Bill.

The third recommendation that the Home Secretary has accepted, for which we are grateful, concerned the time that people spend continuously on bail. We listened to the evidence of Paul Gambaccini and others who came before the Committee, who could not understand why bail kept being renewed month after month with nobody telling them what was going to happen. Reputations have been ruined as a result. Of all the provisions in the Bill, the one relating to that situation will stand out. It does not mean that the police will not be able to do their job; it just means that citizens will not be continuously in limbo, not knowing what is going to happen. We welcome the fact that the Home Secretary has accepted all three of those measures that we put forward.

I want to thank the Policing Minister, who is one of the rare Ministers who write to the Committee and say, "We have decided to take up your recommendations." That does not happen often, and the fact that he did it shows his courtesy and his willingness to take on suggestions, obviously with the support of the Home Secretary.

[Keith Vaz]

I strongly agree with what the shadow Home Secretary says about Leveson 2. I cannot understand the Government's reluctance to accept that we will have to have a second inquiry. We need that inquiry. It was promised to me and to the then Chairs of the Justice Committee and the Culture, Media and Sport Committee by the Prime Minister in his private office behind the Speaker's Chair after Mr Speaker had granted the urgent question and an emergency debate under Standing Order No. 24, which resulted in the entire debate on hacking. We should try to ensure that we have a timetable that will give comfort to those who have been waiting for that second inquiry.

At Home Office questions, I mentioned that the Home Secretary was now the third longest-serving Home Secretary in the history of our country. We have to look back to 1822 to find Viscount Sidmouth, who served for 10 years as Home Secretary—longer than the present Home Secretary has done. I do not know whether that will be her fate. It is important to remember that there has been a revolution in the policing landscape under this Home Secretary. Everything has been turned upside down. There have been massive changes. When she came to the Dispatch Box, I thought she would say that the reform agenda was finished, but when she said that it was ongoing, that caused us trepidation in the Home Affairs Committee, because we will have to continue our scrutiny.

There are many good things in the Bill. I am sure we will return to the subjects of policing and crime again in this Parliament, and I hope the Government will be able to accept even more of the Home Affairs Committee's recommendations.

Question put and agreed to.

Bill accordingly read the Third time and passed.

Business without Debate

DELEGATED LEGISLATION

Motion made, and Question put forthwith (Standing Order No. 118(6)),

SENIOR COURTS OF ENGLAND AND WALES

That the draft Access to Justice Act 1999 (Destination of Appeals) Order 2016, which was laid before this House on 3 May, in the last Session of Parliament, be approved.—(*Charlie Elphicke.*)

Question agreed to.

Motion made, and Question put forthwith (Standing Order No. 118(6)),

FAMILY PROCEEDINGS

That the draft Access to Justice Act 1999 (Destination of Appeals) (Family Proceedings) (Amendment) Order 2016, which was laid before this House on 14 April, in the last Session of Parliament, be approved.—(*Charlie Elphicke.*)

Question agreed to.

Motion made, and Question put forthwith (Standing Order No. 118(6)),

ENERGY CONSERVATION

That the draft Energy Efficiency (Private Rented Property) (England and Wales) (Amendment) Regulations 2016, which were laid before this House on 13 April, in the last Session of Parliament, be approved.—(*Charlie Elphicke.*)

Question agreed to.

BACKBENCH BUSINESS

Ordered,

That Bob Blackman, Kevin Foster, Wendy Morton, Gavin Newlands, Mr David Nuttall, Jess Phillips and William Wragg be members of the Backbench Business Committee.—(*Bill Wiggin, on behalf of the Committee of Selection.*)

WOMEN AND EQUALITIES

Ordered,

That Siobhain McDonagh be discharged from the Women and Equalities Committee and Gill Furniss be added.—(*Bill Wiggin, on behalf of the Committee of Selection.*)

JUSTICE

Ordered,

That Andy McDonald be discharged from the Justice Committee and Chris Elmore be added.—(*Bill Wiggin, on behalf of the Committee of Selection.*)

Kentmere Mental Health Ward, Westmorland General Hospital

Motion made, and Question proposed, That this House do now adjourn.—(*Charlie Elphicke.*)

9.51 pm

Tim Farron (Westmorland and Lonsdale) (LD): Kentmere ward is the 12-bed adult mental health ward at Westmorland general hospital. It provides essential in-patient acute mental health services to people in South Lakeland and beyond. Four weeks ago, the Cumbria Partnership NHS Foundation Trust, which looks after mental health in the county, proposed to close the ward by the end of June, with new admissions ceasing at the end of May.

This is the second time in my time as our Member of Parliament that the ward has faced the threat of closure. Ten years ago, similar proposals sparked a huge outcry from local residents. Thousands of people signed petitions and wrote to health bosses, and about 3,000 of us marched through Kendal town centre in pretty shocking weather to voice our opposition.

The campaign took many, many months, but we won. Our victory in saving the ward was a hugely important moment for our community. Mental health is often a taboo, so the suffering of those living with mental health conditions, and of their families, often happens in silence and in private. In the face of a threat to the services that those with mental health conditions rely on, far too many people would choose to look the other way—but not in South Lakeland. The campaign showed that local people were prepared proudly to stand up in solidarity with those living with mental health conditions and with their families. I am therefore extremely proud of my community. In the face of this latest threat, the character of our community is once again shining through.

Westmorland general hospital is the main hospital serving the Lake district, the western Yorkshire Dales, Kendal and much of the rest of rural southern Cumbria. I have learned over the years that the tendency to overlook the health needs of rural communities such as ours means that I need to be permanently vigilant in my defence and promotion of our hospital. The campaigns we have run to win new cancer services, to prevent the closure of the hospital itself and to increase surgery at Westmorland general are testament to the fact that ours is a special community, which will fight with unique energy and tenacity for mental and physical healthcare that is high quality and accessible. Once again, it appears that we must roll up our sleeves and fight to defend our services.

As I said, the ward provides 12 beds, the majority of which are usually full at any given time. The people occupying these beds are often suffering from the most serious mental health conditions. For much of the time, the majority of patients staying on the ward are under section.

The apparent trigger for the proposed closure came after the Cumbria Partnership NHS Foundation Trust was inspected as part of Care Quality Commission's comprehensive inspection programme last November. Its report, which was published in March, awarded a rating of "requires improvement" to the Kentmere ward. In particular, the CQC highlighted concerns relating to

privacy, access to outdoor areas and the internal physical structure of the ward. Having visited the ward myself, most recently on Saturday, I have to say that the quality of staffing and patient care is absolutely outstanding. In fact, the CQC itself was surprised that the trust's response to the report was to close the ward, believing that the upgrades needed to meet required standards were perfectly feasible. Let me be clear: this ward is providing excellent care from outstanding staff in a physical setting that requires some improvement. It most definitely does not require closure. Indeed, the CQC has been clear that it did not recommend closure, or anything of the sort.

As I said, the ward is situated in Westmorland general hospital. The partnership trust that is responsible for mental health in Cumbria is a tenant of University Hospitals of Morecambe Bay NHS Foundation Trust. The hospital is a fairly modern building, with plenty of car parking and a beautiful setting looking out towards the Lakeland fells and the Howgills. Put bluntly, if you have to go to hospital, I cannot think of anywhere more pleasant you could be, and that is not unimportant when supporting people living with mental health conditions. The hospital building is not full. There is a great deal of space on the site, with ward space that is not used or under-used. There are enormous opportunities, with a little bit of imagination, to seek more spacious, more suitable, better-quality accommodation elsewhere in the hospital.

It is clear, then, that Kentmere ward needs upgrading. It is not ideal that it is on the first floor. There could do with being more space for the unit as a whole and greater privacy for the patients. There will be projected costs of a completely new building to meet the requirements of an upgrade. The Minister may have seen those projections. They will no doubt be expensive, and the conclusion that he is probably meant to draw from whatever scary numbers he has been given is that the only affordable solution is to close the ward. He is expected to read his brief and fob me off. However, I know him well, rate him highly, and know that he has much better judgment than that.

The reality is that the needs of patients in South Lakeland could be met on the current Westmorland general hospital site. An immediate project should be launched, alongside the hospitals trust, to ensure that there is a larger unit with ground-floor access that has greater levels of gender segregation, greater privacy, greater dignity, and greater safety. If there is a will, then the way is staring us in the face. Whatever the challenges, which we acknowledge, in upgrading this unit, it is obvious from my conversations with patients, their families, staff, the CQC and the trust that there are serious concerns about the incredibly detrimental impact that closure will have on patients' conditions.

Rachael Maskell (York Central) (Lab/Co-op): What the hon. Gentleman is saying very much echoes what happened in York when the hospital closed nine months ago. The consequence has been loss of life to my constituents. It seems that primacy in decision making is given not to clinical need, but more to the physical environment, and that has to be wrong, does it not?

Tim Farron: I am extremely grateful to the hon. Lady for her intervention and wish to express great solidarity with her in the campaign that she is running in York.

[Tim Farron]

It is of great concern to me that the CQC will make recommendations that will require improvements, and potentially not offer solutions to maintain a plausible and sustainable provision instead. The judgment we have to make is, “Is a good service that is not perfect better than no service?”, and of course the answer is going to be yes.

As I said, the quality of care in Kentmere ward at Westmorland general hospital is excellent, as stated in the report, and the staff are excellent. The ward needs upgrading—that is a given—but its closure would harm the health of some of the most vulnerable people in our community. It is utterly unacceptable that those people will have to be shipped off to Barrow, Whitehaven or Carlisle rather than being treated much closer to home in Kendal. What is more, there is no guarantee that those far distant wards will have the capacity to accommodate them. Already, patients sometimes face the immense journey to Manchester, for example. For many less well-off residents, a round trip to these alternative wards of up to 100 miles, with many hours on the bus or train, will put family and loved ones beyond easy reach. It is the patients who would be harmed if they were cut off from their families and friends and missed out on all-important visits. Instead of the reassurance of familiar faces and surroundings, they would face this dark time alone and in an unknown place.

Jim Shannon (Strangford) (DUP): Does the hon. Gentleman know whether any issues have been raised by veterans’ organisations or by veterans themselves? Ex-soldiers and former service personnel are clearly—

10 pm

Motion lapsed (Standing Order No. 9(3)).

Motion made, and Question proposed, That this House do now adjourn.—(Charlie Elphicke.)

Jim Shannon: Does the hon. Gentleman know whether there is a need to address that issue? A lot of veterans in my constituency need help. Does his constituency have the same problems as mine?

Tim Farron: The hon. Gentleman draws attention to an extremely important matter, namely the plight of so many veterans. It seems that we are happy for brave women and men to provide loyal service and to put their lives on the line for us, but they are often dropped when they return from duty. There are incidences of mental health concerns for them and their families in the years after their return, and I am not clear that we as a general community provide the support that we should. That support can sometimes be provided by the community, but sometimes it needs to be provided in a physical setting as well. I am grateful to the hon. Gentleman for his intervention.

A recent Government report showed that the closure of this ward in South Lakeland would leave our part of the world with among the worst access to mental health services in the entire United Kingdom. Out of the 6,688 open ward stays in adult acute mental health in-patient care in England alone over the past year, only 263 patients—4% of them—received care 30 miles or more away from where they lived. The closure of the Kentmere

ward would leave vast numbers of South Lakes residents—including all of Kendal, as well as many other rural areas—even further away from those services, as the closest alternative in-patient ward is in Barrow, 35 miles away from Westmorland general. The most likely alternatives are further away still: Carlisle is a 45-minute drive, at best, and Whitehaven and Manchester are both more than 70 minutes away, if the traffic is kind.

The provision of replacement community support, which has been offered to compensate for the closure of the ward, would be inadequate. More community support would, of course, be welcomed, but that must be in addition to, not instead of, the 12-bed unit. Increasingly, the majority of patients in the unit are under section, and one cannot section people in the community.

By the way, when people are sectioned, there is an immense impact on our local police force. Closure of the unit in Kendal would mean that our local police force, which is already heavily stretched, under-resourced and under pressure, would have to take patients vast distances across Cumbria to far-off mental health units, taking officers off the beat and threatening the safety and security of our rural communities.

The last time I spent a night out on the beat with our local police force, I was stunned by how much of its time was spent dealing with various kinds of mental health issues. Indeed, that was pretty much all it did on that occasion. Anecdotally, police officers locally tell me that up to half of their workload can involve dealing with people living with mental health conditions. Their dedication and compassion in being the first line of support for incredibly vulnerable and often distressed people and their families is overwhelming, and I am proud of them. However, our police are already working beyond their physical capacity; the closure of Kentmere ward would just add to that pressure. It is unacceptable.

Local people recognise the damage that closure of the ward will have on patient welfare and are once again uniting to make their concerns heard as we stand together to fight to put a stop to the proposed closure. There has been an overwhelming response from local people to the campaign, and as of today our petition has reached 5,500 signatures.

Last week, we were encouraged, in the face of such massive public opposition, as we were able to secure a much welcome but temporary victory: the trust announced that a final decision is to be postponed while it looks at whether the ward can be upgraded and improved to meet CQC standards, which means that it will now stay open and continue to admit patients over the summer. The vulnerable patients I met over the weekend continue to get treatment close to home. If we had not achieved this victory, they would already be being carted off to Barrow or Carlisle—far from home, and far from loved ones. News that new admissions will continue to be made throughout the summer is also welcome.

I am grateful to the trust for listening to our concerns and thinking again. I personally thank every single one of the thousands of local people involved in our campaign. Between us, we forced the trust to hold back on closure. I am especially grateful to volunteers from South Lakeland Mind, and to the local media outlets that have shown such strong support to the campaign. This is only a temporary reprieve for Kentmere ward, and our work is far from complete. My message to the people of South Lakeland is that this is the moment to step up our

campaign, energised and encouraged by this success and spurred on by victories in campaigns for our hospital over the last few years. My message to patients and their families is: we will stand with you and we will not give up, because we must not give up.

It has been very clear from my discussions with the trust over the last few days that its default position is still to close the ward. I have one very specific request of the Government this evening. Will the Minister clearly instruct the Cumbria Partnership trust not to close this vital ward? While the trust looks at upgrade options and alternatives, I ask him to make it very clear, right here and right now, that closure is off the table.

I have spoken to many local residents about the matter over the past few weeks, but a conversation I had with one lady struck me particularly hard. She is regularly treated for her mental health condition at the unit, and she was clearly extremely distressed by the thought of having to trek miles from home to receive care if the ward were to close. Her condition has been visibly exacerbated by the tangible threat from this proposal. A decision by the Minister to instruct the trust, tonight, not to go ahead with closure could directly alleviate the worry and anxiety of that lady and many more like her.

The long-term effects of closing the unit would be far greater than the short-term savings. If the Government are serious about mental health, they must put words into action and prove it by stepping in and preventing the closure of this vital ward. The closure of the ward would be a serious backward step for mental health care in South Lakeland, and the Minister has the opportunity to prevent it. On behalf of the people of the South Lakes, I ask him now to take the opportunity to save Kentmere ward.

10.7 pm

The Minister for Community and Social Care (Alistair Burt): There is no pressure here, then. I thank my friend, the hon. Member for Westmorland and Lonsdale (Tim Farron), for securing this debate and for his vigilance in raising such an important subject, which matters a great deal to his constituents. I put on record my appreciation for the work done by the NHS in Cumbria and I thank the staff for their hard work and commitment to patients. In doing so, I acknowledge what the hon. Gentleman said about the police. As we in the Chamber who know about these matters are aware, the police do a great deal of work in this area. The crisis care concordat, which was piloted by the right hon. Member for North Norfolk (Norman Lamb), has made a considerable contribution to the way in which we look after those with mental health issues at times of crisis, and the police have been intimately involved. I fully accept what the hon. Gentleman has said about the amount of such work that the police in south Lakeland are involved in.

I am fond of South Lakeland. Bury Grammar School had a house at Helsington, near Brigsteer, which I am sure is in the hon. Gentleman's constituency. I remember the place extremely well. It is a beautiful area, and its constituents are entitled both to good service from an MP and to the best quality services.

Let me turn immediately to the subject of the debate. Cumbria Partnership, the provider trust, announced in May its decision to close Kentmere unit following information from the CQC that highlighted the environmental constraints on the unit. Kentmere is an

old mixed-sex unit with no access to outdoor space. The hon. Gentleman's concerns and comments about the decision have been widely reported. As he knows, and despite what he said at the conclusion of his remarks, this is a matter for the local NHS. Neither I nor any other Minister have a role in the decisions that are taken. The hon. Member for York Central (Rachael Maskell), who spoke forcefully about Bootham Park in York, also knows that well.

However, I understand, as the hon. Gentleman rightly says, that the NHS now says that the unit will not close as announced and that decisions will depend on further work. It is, therefore, worth setting out the background and indicating the interest that I have in making sure that the best possible services are provided, while recognising that the old levers of Ministers and the NHS are not quite as they were.

Mental health services for Cumbria are commissioned by the NHS Cumbria clinical commissioning group. Cumbria Partnership NHS Foundation Trust is the provider of mental health services for patients in Cumbria. The CCG has been working on a new mental health strategy for Cumbria for some time. It is fair to say that one of the problems that the NHS, in common with other public services, faces in Cumbria is the geography. The largest towns are at the northern and southern ends of a region that covers a large area, and it is difficult to travel between the smaller towns because the roads are often slow. This means that the NHS has to make difficult decisions about where and how to provide services. To put it bluntly, everything cannot be available in every local community. While cost is a real factor, the main problem is maintaining quality. It is not about saving pennies; it is about making sure that the quality of service is high.

Like everyone else, NHS clinicians learn and improve through experience. Skills that are not being used will decline. Facilities seeing only a few patients tend to lack the patient throughput needed to ensure that services remain of high quality. The cost of employing staff is the main factor driving the cost of services, and providing services from a greater number of locations means that more staff are needed. There are only so many staff to go round. The NHS invariably finds that larger units do better in terms of patient outcomes, but the question is where those larger units should be located. Inevitably, decisions taken by the NHS will disappoint those areas not chosen.

NHS services in Cumbria overall—not just mental health services—are facing a range of challenges, and in many cases the reasons are the same. The northern part of the area is part of a success regime aimed at improving all patient services; the issues at the University Hospitals of Morecambe Bay NHS Foundation Trust in recent years are well known. It is against this background that the NHS is considering what should happen at Kentmere and what is best for the hon. Gentleman's constituents. Cumbria Partnership announced on 17 May that the Kentmere unit would close from the end of June 2016. At the same time, it was announced that the adjoining health-based place of safety would close at the end of May. The trust said that the decision was a result of quality and safety concerns raised by the Care Quality Commission. The CQC had inspected the unit in November 2015 and its report was published in March. However, the CQC says that the decision to close the ward and the health-based place of safety is not a necessary outcome

[Alistair Burt]

of the findings of the CQC inspection, to which the hon. Gentleman referred. In short, while it did identify problems, the CQC report did not recommend the closure of the unit.

The report clearly highlighted concerns about the ward environment, which it said placed service users at risk and did not support good care and treatment. Something does need to be done about those concerns. The unit, which treats men and women, does not meet minimum standards on single-sex accommodation and has poor access to outside space. As I understand it, one issue is that privacy for bathing and sleeping cannot be guaranteed on the mixed ward. That poses an obvious risk to patients.

On 25 May, the trust gave a reassurance that the closure would be temporary and that timescales for the closure would be reviewed. I now understand that, following discussions with the CQC and with commissioners, any decision on closure will be delayed to allow further exploration of what improvements can be made. More needs to be done, and I will say a bit about that later. It says here that the trust accepts it did not get its messages right on the closure, and I think that hon. Members will probably agree strongly with that. Many hon. Members will be aware of similar experiences in other areas, and I think the NHS needs to think carefully about how it communicates with patients and the public, particularly when the news is not good. The facts need to be clearly set out, and it is important not to rush to announcements prematurely.

These circumstances reminded me of the closure last year of Bootham Park Hospital in York, in the constituency of the hon. Member for York Central. There are differences, in that the CQC recommended the closure of Bootham Park on patient safety grounds, which is not the case here. But the report produced on the closure by NHS England makes a number of observations about how difficult processes such as this need to be handled by the NHS. I have discussed this matter with the hon. Lady and I would be happy to discuss these matters further with the hon. Gentleman if we get an opportunity to do so. These are difficult decisions to get right—safety considerations really matter and when things are identified as needing to be put right, they must be put right—but the question then becomes how to do it, on what timescale and what the options are. I will come to that in a moment. The difficulty of handling such decisions, and the way in which they have not been handled well at Bootham Park, reminds us of the importance of getting such decisions right. The report on Bootham Park, particularly in relation to owning and communicating decisions, has been made public, and I have placed a copy of the report in the Library.

As I have said, in relation to Kentmere ward, we have moved in the space of a few weeks from a permanent closure to a temporary closure, and then to the unit remaining open while more work is completed. The safety of patients has to be the primary concern, and we would be failing patients if the NHS continued to tolerate the risk to the quality and safety of care that the environment at Kentmere places on local services. Something needs to be done, and it is up to the local NHS to decide what that is, but I do not think it will do so on its own. That is where the hon. Gentleman and his friends come in.

The CCG recognises that mental health services in Cumbria need to improve and it has already involved service users, their families and carers on this project. Much of the work so far has shown, not surprisingly, that patients want better services closer to home in their local community. Later this year, NHS Cumbria CCG will therefore be consulting about the future configuration of adult in-patient mental health beds across Cumbria. That will ensure it has the right beds in the right place, with a sustainable service that the local NHS can staff for the future. The CCG has already said it will not support any permanent service change at Kentmere without full public consultation.

In preparation for this, the CCG is looking at the current configuration of adult in-patient mental health beds, benchmarking how it is managing mental health needs across Cumbria with other mental health providers and advising on areas where the NHS needs to develop services to meet future needs. The CCG also needs to make sure it has the right kind of beds in place—for example, facilities for children and young people, older adults and psychiatric intensive care beds.

Tim Farron: There is not much time left, and I am very grateful to the Minister for giving way. I want to point out to him, first, that there is not a single tier 4 adolescent or child mental health bed in the whole of the county of Cumbria, and secondly, that the 12 beds on Kentmere ward are nearly always full and the majority of them are for people under a section, so there is no opportunity for community options. It is not the case that there is a lack of demand.

Alistair Burt: I take the hon. Gentleman's point. I cannot be as au fait with the situation as him, but I fully understand the point in general. Whereas there is a tremendous move towards improving community services, which is important and vital in its own right, that cannot be a total substitute for the in-patient acute beds that are needed. I understand his point, and that is my view and the Department's. Getting the right balance is important, but the one is not a cheap substitute for the other. Such services are an important component, because it is important that more is done in the community to keep people away from acute beds and make sure they do not need them, but I entirely take his point.

NHS Cumbria CCG is working with its providers—mainly the foundation trust, as well as clinicians, service users and carers—to help develop the model of care it will need in the future to deliver its vision of improved mental healthcare and sustainable services. I am told that public consultation will be carried out in line with best practice and the latest Government guidance. There will be sessions for stakeholders and the public to share their views, ideas and concerns in communities around the county. I spoke to health service chiefs this afternoon in preparation for this debate, so I know how seriously they take the point about the need for consultation, as well as that they recognise the communication difficulties in relation to how they have got to where they are and that they are open to such a consultation. I therefore urge the hon. Gentleman and his constituents to involve themselves fully in that consultation, which will shape whatever happens to Kentmere in the long term.

Tempting as it is to follow the hon. Gentleman's suggestion that I should decide on the configuration of services, I am afraid that I cannot do so because that

1609 *Kentmere Mental Health Ward,
Westmorland General Hospital*

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*Kentmere Mental Health Ward,
Westmorland General Hospital*

1610

would be outside my authority. I wish him, the hon.
Member for York Central and other Members in the
House good night and good luck.

10.19 pm

House adjourned.

Question put and agreed to.

Westminster Hall

Monday 13 June 2016

[PHIL WILSON *in the Chair*]

Foreign Aid Expenditure

[*Relevant documents: First Report from the International Development Committee, Session 2016-17, UK implementation of the Sustainable Development Goals, HC 103, and oral evidence taken before the International Development Committee on 6 June 2016, on DFID's allocation of resources, HC 261.*]

4.30 pm

Steve Double (St Austell and Newquay) (Con): I beg to move,

That this House has considered e-petition 125692 relating to foreign aid spending.

It is a great pleasure to serve under your chairmanship, Mr Wilson. I am pleased to see so many colleagues here to debate this important issue. We find ourselves here today in response to an e-petition started by John Wellington from *The Mail on Sunday*. I am bound to say that after the events of the past week, *The Mail on Sunday* is my favourite national newspaper. The e-petition calls for the spending of a fixed 0.7% of the UK's gross national income on foreign aid to be stopped and instead for money only to be given to "truly deserving causes, on a case-by-case basis."

I am delighted to have the opportunity to open this debate as a member of the Petitions Committee, because it is the perfect opportunity to set out the arguments clearly. We know that the UK is a world leader on international development.

Tom Brake (Carshalton and Wallington) (LD): Does the hon. Gentleman agree that the UK is a world leader because we deliver spending of 0.7% of gross national income on overseas aid?

Steve Double: I wholeheartedly agree with the right hon. Gentleman, and I will come on to make that point very soon.

We know that in 2013, we were the only United Nations country to achieve our target on aid spending. We know that our 0.7% spending commitment is enshrined in law. Furthermore, let us not forget that our commitment to overseas aid was a clear part of the 2015 manifesto on which a majority Conservative Government was elected. There are people who feel strongly about this issue and feel that we should not be spending this amount of money on international aid. People are perfectly entitled to hold those views, and that is the beauty and very purpose of the Petitions Committee—it gives the opportunity to debate in the House issues that the public raise.

Catherine McKinnell (Newcastle upon Tyne North) (Lab): I know that there are concerns about this issue—in particular when we see cuts to local services in our local areas, such as to social care—but does the hon. Gentleman

agree that the choice between spending on foreign aid and investing in our communities at home is false? We have a duty to do both.

Steve Double: I wholeheartedly agree with the hon. Lady. It is not either/or; it is about doing both.

Several hon. Members *rose*—

Steve Double: I would like to make a little more progress, and then I will accept further interventions.

The issue can be emotive and controversial for some. It is far too easy to get caught up in the attention-grabbing headlines or misled by the wildly exaggerated information out there in the public domain. People want to know how the money is spent and whether it is being spent in our interest, and rightly so. That was clearly demonstrated in the Twitter discussion held this afternoon, in which the Chair of the Select Committee on International Development, the hon. Member for Liverpool, West Derby (Stephen Twigg), and I participated. We had about 3,000 contributions in just an hour. In fact, it was impossible to keep up with the number of people posting, let alone respond to them all, but it was clear from that discussion that there are strong feelings on both sides of the debate.

Mrs Anne Main (St Albans) (Con): I am sure my hon. Friend will accept that there are concerns. My right hon. Friend the Member for Sutton Coldfield (Mr Mitchell) set up the traffic light system that shows how our aid budget is being spent. There are far too many red and amber warnings about how well the money is being spent, and that is what the public are concerned about.

Steve Double: I agree with my hon. Friend. It is absolutely essential that we ensure our aid budget is being spent well and wisely and is delivering value for money for the British taxpayer. I am sure that the Department for International Development is committed to achieving that.

Nick Thomas-Symonds (Torfaen) (Lab): While we all want to monitor aid spending, does the hon. Gentleman not agree that the money has transformational potential, not least for the 11 million children who have gone to school for the first time as a consequence of that spending?

Steve Double: I wholeheartedly agree with the hon. Gentleman. I will come on to that point in a minute. The money is transforming lives around the world, and we should be very proud of that fact.

Chris White (Warwick and Leamington) (Con) *rose*—

Mrs Helen Grant (Maidstone and The Weald) (Con) *rose*—

Steve Double: I will take one more intervention and then I want to make some progress.

Chris White: I have previously had the good fortune of sitting on the International Development Committee, and I have visited countries where I have seen housing, governance and health programmes working. My hon.

[Chris White]

Friend talks about leadership. Can he also explain how our leadership in this country encourages other countries to support international development?

Steve Double: I suspect that is a matter for the Minister far more than it is one for me, but I wholeheartedly agree that this country is providing the leadership and setting the trend on international development. We should be incredibly proud of that and hope other countries follow our lead.

Sir Alan Duncan (Rutland and Melton) (Con): Does my hon. Friend, whom we congratulate on launching this debate, appreciate that the debate is about the 0.7% and that it would be a tragedy—indeed, it would be repulsive—if it was hijacked by those who want to use it to demonise Palestine and Palestinians? The debate should concentrate on the 0.7% and only that.

Steve Double: I thank my right hon. Friend for that intervention, and I agree with his point, but I accept that the debate is wide-ranging and we need to discuss how the money is spent and not just the amount. I believe that the UK can be very proud of how the money is spent.

Mrs Helen Grant *rose*—

Steve Double: I will take one more intervention, and then I will make some progress.

Mrs Grant: Does my hon. Friend agree that the aid spending is in our national interest, both economically and in terms of national security?

Steve Double: I agree wholeheartedly with my hon. Friend. That is the very point I want to make: continuing the spending is not just the right thing to do; it is also in our national interest. The truth is that this country gets great value for money from the aid. Funds are subject to rigorous internal and external checks, and we are helping to create a more stable world.

There are many myths out there relating to foreign aid spending. One example is that aid money from British and European taxpayers has gone to Palestinian prisoners, including terrorists. That is simply not true. Another is that UK aid to the Palestinian Authority funded an £8 million presidential palace. Again, that is simply not true. The myths go on and on, and they are based on out-of-date information or inaccurate reporting. The Government have been very clear on that.

Andrew Percy (Brigg and Goole) (Con): Has my hon. Friend seen the report from the Overseas Development Institute, which found that some of the funding that has gone to the Palestinian territories has resulted in an increase in violence? That is why the Department is re-looking at it.

Steve Double: I have read those reports, but I am assured by the discussions I have had with the Department that that is simply not the truth and is not taking place.

It is right that people have their views heard, and today we will debate the merits and issues surrounding the UK's foreign aid spending. That is what the e-petition is all about. I am proud that this great country has a

strong record of helping those most in need. Helping to save and improve millions of lives is no small task and is something to be incredibly proud of. I believe that as a human race, helping others is something we are designed and created to do. UK aid reaches millions of people across the world.

Let us consider some examples of what has been achieved. Some 11 million children have been supported through school. Some 47 million bed nets have been distributed, which has helped lead to malaria deaths falling by 60% in the past 15 years. Sixty million people have been given access to things that are so simple, yet so vital, and that I am sure each of us takes for granted: clean water, better sanitation and improved hygiene conditions.

Ian Austin (Dudley North) (Lab): Will the hon. Gentleman give way?

Steve Double: I will just make some more progress. From scientific research, health and climate change to economic growth, education, governance and security, there are few aspects of life that our aid does not touch in many of the poorest nations of the world.

Mr Nigel Evans (Ribble Valley) (Con): Will my hon. Friend give way?

Steve Double: Yes, and then I will come back to the hon. Member for Dudley North (Ian Austin).

Mr Evans: I am extremely grateful. What my hon. Friend is saying is absolutely right and reassuring. If we do not recognise that there are issues out there—that is why we are debating this matter—then we need to address areas where the money has been misspent. Does he agree that when we give money to a charity in America that then spends millions on new headquarters as opposed to ensuring that that money gets through to the poorest people, we do an injustice to the poorest people throughout the world and are probably putting the 0.7% in jeopardy?

Steve Double: I agree with my hon. Friend. We have to ensure that whatever money we have is wisely spent and delivered to the front line. When that is not the case, it needs to be addressed.

Ian Austin: The hon. Gentleman is right about the good work that DFID does, but he is completely wrong to say it is a myth that the Palestinian Authority fund terrorists. The fact is that nearly all of DFID's funding in the region goes directly to the Palestinian Authority. That is a matter of concern because of the allegation that the Palestinian Authority continue to fund payments to convicted terrorists and their families, which is in direct contradiction to the demands of the international community.

Steve Double: I thank the hon. Gentleman for that intervention. [Interruption.] I will give way to my right hon. Friend the Minister.

The Minister of State, Department for International Development (Sir Desmond Swayne): Of course we fund the Palestinian Authority. Our funds are paid to named civil servants and pensioners from an audited and scrutinised list for the delivery of public services. British taxpayers' money does not fund terrorism.

Steve Double: I thank my right hon. Friend for that intervention.

Between 2010 and 2015, more than 28 million children under five and pregnant women were helped through the Government's nutrition programmes, more than 5 million births took place safely with the help of nurses, midwives and doctors, and more than 13 million people were given emergency food assistance—and the list goes on. These are not just facts. These are real people living in the same world as us who deserve to have their basic human needs met. What kind of world would we be living in if we reduced or stopped this spending and did nothing or little, or if we idly sat by and watched while the most vulnerable in our world suffered? I put it to this House that the majority of British people wish not to turn a blind eye and see innocent people suffer, but instead stand tall in this world, side by side with those who most need our help.

Comparisons are casually and carelessly tossed about regarding how much is spent abroad and how that money could be spent here at home on nurses, schools and more bobbies on the beat, but it is not that simple. It is not that black and white. It is not about being solely reactive as and when disasters, crises and epidemics happen; it is about being constantly active in this world. This money goes a long way and we should judge our commitment to the rest of the world not solely by figures, but by the effectiveness of it, too.

Mrs Caroline Spelman (Meriden) (Con): On that point, does my hon. Friend not think that one of the problems is that the public have difficulty conceiving what 0.7% of GNI really means? It is a fact that the value of the food we throw away is more than 0.7% of GNI. The amount we spend on takeaways every year in this country is more than we spend on overseas aid. A few of those comparisons can be quite illuminating.

Steve Double: I agree with my right hon. Friend. A stat that I read today said that in the UK we spend more on ice cream than we give away in international aid.

James Cartlidge (South Suffolk) (Con): I congratulate my hon. Friend on his presentation of the debate. My fundamental concern is that we have a twin deficit in this country: a current account deficit that is exacerbated by international aid spending and a public expenditure deficit. Although aid is incredibly worthy—no one would argue with that—can we truly afford to sustain such levels, given the public finances?

Steve Double: I thank my hon. Friend for that intervention, but I believe we cannot afford not to spend money on aid. In the world as it is today, with the many crises and the needs that we meet around the world, it is in the interest of the UK to continue spending on international aid.

Derek Thomas (St Ives) (Con): Will my hon. Friend give way?

Steve Double: I want to make a little more progress, and then I will. The Government have been very clear and consistent in their principles on this issue: our development spending will meet our moral obligation to the world's poorest, as well as supporting our national

interest, a point I will come on to later. Let us not forget the history of how Britain made its wealth. We took resources from countries across the world, especially those in the empire, and then left them as independent nations, giving very little back. Some of the issues that those countries face today have been compounded by the historical actions of this nation, so I feel strongly that we have a moral obligation to help these countries now, in their time of need.

The Government have also been very clear that we will keep our promises and put international development at the heart of our national security and foreign policy, but how we do that is changing. Our official development assistance spending is now shaped by four strategic principles: first, strengthening global peace, security and governance; secondly, strengthening resilience and the response to crises; thirdly, promoting global prosperity; and fourthly, tackling extreme poverty and helping the world's most vulnerable. Through this, it has been made clear that the Government are committed to ensuring that every last penny spent on ODA is spent well and offers good value for money.

It is true that in the past there have been cases where the way in which our money has been spent could have been brought into question, but it has been made clear that funds are now subject to greater transparency. In fact, DFID has been congratulated on being the most transparent aid donor in the world.

Chloe Smith (Norwich North) (Con): I am grateful for the opportunity to contribute to this debate; my hon. Friend is setting out the issues very carefully. Does he agree that it is important for the Government to focus on specific, not open-ended support? In other words, we should focus on results-based projects, rather than general budgetary support.

Steve Double: Absolutely. I agree that we have to ensure that the money is spent as effectively as possible and delivers measurable, tangible outcomes that we can assess. We must accept that there may be times when we do not achieve what we set out to do, and we should be honest with ourselves and admit when that is the case.

Derek Thomas: My hon. Friend is absolutely right. We know that when there is a crisis in the world, the British people are quick to dig into their pockets to give money. Does he agree that international aid is a tool that can be used to promote human rights in countries where the rights of minority groups and vulnerable people are often not upheld? Does he agree that international aid helps to transform the wellbeing of many people?

Steve Double: I agree with my hon. Friend. Our foreign aid funding and budget can achieve many things. Addressing the issues of equality and human rights around the world is one of the positive things that we can do.

I have set out the strategic aims of our foreign aid budget, and the UK's aid will be used to meet those objectives, all of which support poverty reduction and are aligned with the UK's national interest. Money is now going straight to the frontline—to non-governmental organisations around the world, where it is needed most. More emphasis than ever is being put on reforming the way in which aid is spent, and on ensuring that

[*Steve Double*]

DFID is a world leader in aid transparency. It is clear that how aid is allocated, used and spent has changed for the better. The calls that the petition makes are impractical and could prove counterproductive. Rather than simply responding to crises and requests for help, our aid spending needs to be strategic and to take a long-term view to be most effective.

Three years ago, the UK became the only G20 country to achieve the UN target of spending 0.7% of its gross national income as official development assistance. This is a massive commitment to the world's poorest and most vulnerable, and it is disappointing that other countries are not doing the same. I had the pleasure and humbling opportunity to travel to Nairobi with Christian Aid last year to see our aid in action. I went specifically because I wanted to see for myself how our overseas aid money was being spent.

Kenya has a population of 43 million people and is the biggest economy in eastern Africa, yet around 25% of Kenyans do not have enough income to meet their basic food needs. A massive three quarters of the population are dependent on agriculture. This proves troublesome when their weather patterns are becoming increasingly erratic. That beautiful country and those wonderful people face a number of issues, including the unequal distribution of political, social and economic power; tax and governance issues; high maternal and child mortality rates; and—the main focus of my trip—climate change.

Droughts and intermittent flooding are becoming increasingly frequent, each time growing more severe. With each devastating blow that a drought brings, farmers lose a significant percentage of their assets. When that is combined with snowballing vulnerability to disasters that result in severe displacement and human suffering, and an increasing lack of resources such as food and water, it is easy to see how, without any assistance from countries such as the UK, Kenya could find itself stuck in a never-ending cycle of suffering and hampered long-term development.

Mr Laurence Robertson (Tewkesbury) (Con): I agree with the tone that my hon. Friend is taking on this issue. Just a few days ago I was in Ethiopia. I saw the effects of the drought in that country, where more than 16 million people are dependent on food aid to survive. I am proud that this country is stepping up to the mark, because nobody in this country did anything to deserve being born in the relative luxury that we live in. It is pure luck, and the least we can do is help those people.

Steve Double: I thank my hon. Friend for his intervention; he makes a point that I will come on to.

Mr David Lammy (Tottenham) (Lab): Does the hon. Gentleman also recognise another grave threat in Kenya: that of young men, in particular, being seduced by extremism? We saw that extremism again yesterday in Orlando. International development and the 0.7% commitment assist in the battle against that terrible, terrible seduction.

Steve Double: I thank the right hon. Gentleman for his intervention. I agree that if we do not address these issues, they will come home to roost in western countries. One way we can address them is through our international aid spending.

Liz McInnes (Heywood and Middleton) (Lab): I am very proud of the contribution that this country makes to international development, but in my constituency, and I am sure constituencies up and down the country, we have a plethora of food banks. Some of my constituents are not able to feed their families. Until those problems are addressed, the same question will keep arising; my constituents will continue to ask me, "Why are we spending this money on foreign aid, when our children are hungry here?"

Steve Double: I understand the hon. Lady's point, but my point is that it cannot be a simple either/or. We need to fulfil our responsibility in the world and address some of the challenges facing it; that is in our national interests. If we do not, those issues will come closer to us. It is still the right thing to do, although I understand the concerns of her constituents and, indeed, many of mine.

Although I had visited Kenya a number of times before in my previous charity work, my most recent visit was a chance to see Kenya with a different focus. I spent three jam-packed days in the country, meeting members of the Kenyan Government, UK representatives, campaigners and charity workers. On one occasion, I visited an extremely rural area, where the impact of climate change is felt most acutely, and met a local farming community. Rainfall is now much less frequent but heavier, which creates significant challenges of soil erosion and flash flooding. I visited a farm where a partnership of the UK and Kenyan local government has helped to fund the construction of water-capture pits for the farmer. When it rains, the pits enable him to store water, which can last for several months during a drought. This means that farmers can expand their farms and provide employment for more local people—so simple, yet so effective.

Having met these people and heard their stories, which begin with anguish but have a positive and hopeful outcome, I understand much more clearly why this spending is so necessary. My trip made it very clear that climate change, as well as every other single issue facing those who receive aid, is being felt in the poorer countries of the world, where people are less resilient and less able to adapt.

Dr Rupa Huq (Ealing Central and Acton) (Lab): The hon. Gentleman makes a very powerful point about the environment and natural disasters. Does he agree that in a country such as Bangladesh, which has been ravaged by floods year after year, a strong reason for keeping the 0.7% commitment is that it has particularly helped women? He has given many reasons, but he has not mentioned women yet. Women have been lifted out of poverty. That has been particularly apparent in Bangladesh, where Muhammad Yunus has helped to provide microfinance for women's start-up businesses.

Steve Double: Just to be equal, I have not mentioned men either, but I totally agree with the hon. Lady's point. I shall press on and finish my contribution, rather than taking any more interventions.

The next reason why overseas aid spending is so important is to protect our national interests. Whatever we may feel about the moral responsibility we have to other countries, it is in our own interest to continue this

spending. One of the biggest ongoing challenges facing the world is the migration crisis. People are fleeing not only war and conflict, but poverty. If people find, as a result of our changing climate, that life is not sustainable, especially in rural areas that are totally dependent on farming, the likelihood of them migrating to western Europe will only increase, putting more and more pressure on our country. Granting aid that can help communities to adapt and enable people to live sustainable lives in rural areas is not just the right thing to do, but the sensible thing to do.

The choice is simple: we tackle the issues at their roots or we wait for them to arrive on our doorstep. As a result of global communications, people in poorer nations are far more aware than ever of the huge gaps between the quality of life in different countries. Young people growing up in places such as Africa are bombarded with visions of the affluence of life in the west. On a global scale, there are very few poor people in the UK. I strongly believe that those of us who have had the luck to be born British have already won life's lottery. Nearly half the world's population—2.8 billion people—survive on less than \$2 a day.

The generosity of the British people never ceases to amaze me. Reacting to major incidents around the world, we step up and help those who have fallen to get back on their feet, instead of just peering down on them from our platform of relative comfort and safety. A phenomenal £372 million was raised by the UK public in response to the 2004 Indian ocean tsunami, and £107 million was raised in response to the earthquake in Haiti in 2010. Our foreign aid spending is no different. It follows the same principle of us, as human beings, wanting to help others; it just comes in the form of Government budget. The Government are committed to ensuring greater transparency and even better value for money.

I hope that I have made my point clearly. I believe it is both the right and the practical thing for the UK to maintain its commitment to international aid. Although I acknowledge the right of those who have signed the petition to do so, and I understand the strong feelings that many people hold on this issue, I respectfully disagree with them. The UK has a proud history of playing a leading part on the global stage in assisting countries that are desperately in need. That is something we should continue to do. It is part of what makes us who we are; it is part of the values of our country; it is part of what makes Britain great.

Several hon. Members *rose*—

Phil Wilson (in the Chair): Members do not need to be told that quite a lot of them want to catch my eye, so I will introduce a time limit of five minutes straight away. The first person I shall call, who will stick to that limit, I am sure, is Joan Ryan.

4.58 pm

Joan Ryan (Enfield North) (Lab): Three weeks after Labour won the 1997 general election, we pledged that Britain would meet the UN target to spend 0.7% of our gross national income on international development. That is one of the acts of which I am most proud from our time in office. I do not deny the important role that

the Liberal Democrats and the Conservatives have played in ensuring that it has become a cross-party national commitment—one that only a handful of countries in the world have met.

However, none of us who support international aid believes we are writing the Department for International Development a blank cheque. We must always ensure that aid meets three tests: it must be effective and transparent, and it must reflect our country's values. In the case of the aid we give to the Palestinian Authority, we are failing those three tests. Let me give one example: the issue of the PA's payments to convicted Palestinian terrorists, including, we must assume, Taleb Mehamara, the uncle of the Sarona market murderers, a member of a terror cell that in 2002 targeted Israelis, killing four in a shooting attack. We are not talking about, as one DFID Minister claimed in 2012,

“social assistance programmes to provide welfare payments”.

Instead, by operating a perverse sliding scale where people receive more money the longer their sentence—in some cases as much as five times the average monthly wage in Ramallah—the payments actually incentivise people to commit the most terrible acts of violence. I simply do not see how that advances the cause of a two-state solution. What are the Government doing about it?

Last month, Palestinian Media Watch showed how the PA sought to deceive international donors by shutting the Ministry of Prisoners' Affairs and claiming that the Palestine Liberation Organisation would assume responsibility for those payments, but that was merely financial sleight of hand.

Sir Desmond Swayne: I have had discussions with the Prime Minister and the Finance Minister of the Palestinian Authority and other officials, and I continually make the point that the right hon. Lady rightly makes: if these are welfare payments, they must be made like welfare payments. The reality is that we do not pay them. Our taxpayers' money goes to build the Palestinian Authority so it is able to morph into the Government of a Palestinian state when that opportunity arises. We pay named civil servants to provide public services.

Joan Ryan: I think the Minister understands the point I am making and wilfully will not look at this. In fact, the payments we make enable the Palestinian Authority to make its payments to prisoners.

In 2015, the PA raised its annual transfer to the PLO via the Palestinian National Fund to 481 million shekels—the amount it needed to fund the newly created PLO Commission of Prisoners' Affairs. That amount was virtually identical to the budget of the old PA Ministry of Prisoners' Affairs—the point I am making to the Minister. I wrote to Ministers last month demanding that direct aid to the PA be suspended while these serious allegations are investigated. In response, I was told by Ministers that the Palestinian Ministry of Finance has confirmed to DFID—we have heard this again today—that

“prisoner payments are fully administered”

by the PLO. With respect, I urge Ministers to dig a little deeper. They should be asking questions about the source of the money, not who is doling it out.

Richard Burden (Birmingham, Northfield) (Lab): I would like to ask my right hon. Friend two questions. First, is she saying that aid to the Palestinian Authority should be suspended? How does she respond to the passage in the report that was referred to earlier, which says:

“To the extent that collapse of the PA or the Palestinian economy would massively increase unemployment, this would raise the chances of a violent escalation”?

Secondly, is she saying that every Palestinian prisoner in Israeli custody is a terrorist?

Joan Ryan: On my hon. Friend’s second point, I have not said that. He just said that, not me. On his first point, I think, as we have said, that tests for aid are very important if there is to be public confidence in where aid goes to. It is important that the aid is suspended subject to an inquiry, which could happen very quickly. I am not in any way against giving aid to Palestinians, as long as it is spent in the right way.

Mrs Sharon Hodgson (Washington and Sunderland West) (Lab): My right hon. Friend is making a powerful speech. Does she agree that one of the ways forward in this debate about how DFID aid is spent in Israel and Palestine is for there to be increased spending on people-to-people co-existence policies?

Joan Ryan: I absolutely agree. I am not going to take any more interventions, as I want to finish my remarks. My hon. Friend makes a very valuable point.

Repeated warnings have been ignored. Nearly two years ago, for instance, the International Development Committee suggested that there is a real risk that the payment of UK aid to the PA in this fashion simply enables it

“to release alternative funds which allow these payments”

to convicted terrorists “to continue”. That is the very point I am making.

While our aid potentially helps to line the pockets of the men of violence, we are providing pitiable support to the co-existence projects that bring Israelis and Palestinians together, as my hon. Friend has said. I have written to the Secretary of State listing a number of co-existence projects that enable Palestinians and Israelis to work together, demonstrating what they have in common, not what divides them. I have calculated that less than 13% of the £1.14 billion from the Government’s conflict, stability and security fund spent in Israel and the Palestinian territories funds co-existence projects. That represents a mere 0.2% of the roughly £72 billion that DFID spends in the Palestinian territories.

Britain can and must help to work towards an independent, democratic Palestinian state living alongside an Israel that is safe and secure within recognised borders. At the moment, I fear that our aid to the Palestinian Authority might be taking us further away from that goal, which is why, as I have previously argued, we urgently need an independent inquiry and a radical rethink.

5.5 pm

Fiona Bruce (Congleton) (Con): I rise to support the 0.7% target, in particular with reference to the impact

that DFID has made to reaching more than 62 million people with clean water, sanitation and hygiene—WASH—support. Behind that statistic, the lives of so many individuals have been transformed. I saw that when I went to Nepal as a member of the International Development Committee last year. We saw a scheme that had recently provided piped water to a remote village of 600 people, including to two elderly former Gurkha soldiers. One of them proudly showed me the water tap to his home and his vegetable garden, which he was able to tend lovingly as a result of having a water supply. He told me that the children of the village are now able to spend more time in school because they do not have to spend hours every day carrying water for the villagers.

That scheme was led by a young engineer from the current Gurkha regiment. It was administered by the Gurkha Welfare Trust and funded by DFID. What was truly remarkable was not only that the scheme engaged villagers from the whole village in implementing it, but that it cost just £18,000 in UK aid. Some 600 lives have been transformed—there have been improvements in health, hygiene, nutrition, education and life chances for all of those people and their families—for just £18,000. Those who criticise UK aid’s value for money will, I hope, think again on hearing of that scheme.

We can be very proud that DFID’s WASH investments have led to improved health and life chances outcomes across the globe, just as in that Nepalese village. As WaterAid’s report “Water: At What Cost? The State of the World’s Water 2016” states:

“The lack of access to an affordable, convenient, improved water source is one of the biggest barriers to escaping a life of poverty and disease.”

As evidence from another DFID-funded scheme in Bangladesh shows, DFID’s WASH programmes have a wide impact on development. There have been reductions in infant diarrhoea—a major cause of infant sickness and death in developing countries—in child stunting, and in the effect of parasitic worms and other infectious diseases, including water-borne diseases. There have been improvements in school enrolment and attendance, and a reduction in school drop-out rates, particularly for girls. There is evidence of reduced gender inequality, as it is often not just children but women who spend time fetching water.

UK aid helps with WASH programmes not just in remote rural areas. DFID’s WASH programmes are increasingly exploring the challenges of providing water and sanitation improvements in urban slums. About 80% of the estimated 1.7 million inhabitants of Mozambique’s capital, Maputo, live in barrios, often in shacks partly built with corrugated iron. Just 9% of homes are connected to the sewerage system, and half of all Maputo’s faecal matter is buried in people’s backyards, which contaminates the water system. A WASH scheme has been helping by providing investment and equipment, building skills and helping the Government to create appropriate regulations to enable the cost-effective collection and disposal of sewage by small local contractors. DFID is funding a not-for-profit company called Water and Sanitation for the Urban Poor, which is helping to develop cost-effective models for providing WASH in urban settings. For the detractors of UK aid expenditure’s value for money, I repeat that it is a not-for-profit company.

Mrs Hodgson: The hon. Lady is making an excellent speech. On the detractors of the UK aid spend, I wish she could print that list of those great projects in a national newspaper. We need to advertise the great work DFID is doing around the world. We all know about it, but I do not think that the public appreciate it, and nor do they know the details she has highlighted.

Fiona Bruce: The hon. Lady makes an excellent point, and I agree with her. The International Development Committee has been urging DFID and Ministers to do that, because she is absolutely right that the public will wholeheartedly support and endorse such schemes.

Mrs Helen Grant: Does my hon. Friend agree that the huge public response to the Nepal earthquake, which she mentioned, shows that British people care about the plight of the poorest?

Fiona Bruce: I absolutely agree. The wonderful thing is that DFID's funds often lever in other, additional moneys through the schemes that the Department so intelligently implements.

DFID set itself ambitious results targets for WASH. Its initial commitment, only six years ago, in 2010, was to provide 15 million people with first-time access to it. That figure was doubled, and then redoubled, to a target of reaching 60 million people during 2011 to 2015. In 2015, after investing almost £700 million over the previous five years on WASH programmes in 27 countries, DFID announced that it had exceeded its target by reaching 62.9 million people. That is the number of people that DFID states have gained access to clean water, toilets or hand-washing facilities, or have been reached through programmes to encourage better hygiene practices. Following that, DFID has committed itself to reach a further 60 million people with sustainable access to safe drinking water or sanitation by 2020.

Levels of disease from living in insanitary conditions that families across the globe still suffer in the 21st century were last seen in this country in the Victorian era. Those families have children for whom they have the same hopes and dreams as we do for ours. Is it too much to ask that we commit only 0.7% of our gross national income—out of all our abundance—to help combat that?

5.12 pm

Stephen Timms (East Ham) (Lab): I am pleased to be serving under your chairmanship, Mr Wilson, and I congratulate the hon. Member for St Austell and Newquay (Steve Double) on his introductory speech.

I first visited Bangladesh 20 years ago. On that occasion, at a charitable health facility that someone had taken me to, I met a lad probably aged nine or 10, literally dressed in rags. It was explained to me that he was not able to go to school because he had to earn a living and worked at the local hotel. At the time, I think only about one half of primary-age schoolchildren in Bangladesh were in school; today, the equivalent figure is more than 90%. A remarkable transformation has been achieved over the past 20 years. It reflects great credit on Bangladesh, with enrolment among girls at a much increased level, as well as among boys, but British aid has made an important contribution to that change.

In February—I am sure other hon. Members have had similar experiences—in Dhaka I visited a little, one-room school run by that remarkable organisation BRAC, which receives a great deal of support from DFID. I met hopeful, eager and enthusiastic primary schoolchildren, optimistically looking forward to their future, which underlined for me just how important the transformation that British aid has contributed to over the past 20 years is. I have no idea what happened to the boy whom I met 20 years ago—rightly, he might have his own children now, but, if he has, they can expect a much better start in life than he had. Our aid has made an important contribution to bringing that about.

Tom Brake: Does the right hon. Gentleman agree that the problems he has seen in Bangladesh are unlikely all to be resolved by 2020? Does he hope, as I do, that all parties in the House will want, in their 2020 manifestos, to maintain the commitment to 0.7% of GNI?

Stephen Timms: I would welcome that, as I welcome the broad support across the Chamber for that commitment. It is interesting to reflect on the reasons for that cross-party support for the 0.7% target, which I think go back to the Jubilee 2000 campaign in the run-up to the millennium, and the tremendous public support for Britain being more generous to the poorest countries in the world. That was then renewed and strengthened by the Make Poverty History campaign in 2005—the great rally in Edinburgh addressed by Nelson Mandela, with the summit at Gleneagles, chaired by Tony Blair, whose decisions made an important contribution.

Ms Diane Abbott (Hackney North and Stoke Newington) (Lab): Does my right hon. Friend agree that a lot of respect has to be paid to the role of the Churches in driving Jubilee 2000? The role of the Churches demonstrates that this matter is not party political, but something that speaks to the good instincts of the British people.

Stephen Timms: My hon. Friend is absolutely right about that. During those campaigns, I remember that a Treasury Minister turned up to work one morning to find the Treasury surrounded by campaigners, arm in arm all the way around the building. They inundated the Treasury with postcards with £1 coins sellotaped to the back of them, one of which we worked out had been sent in by Gordon Brown's mother. The organisers of the two campaigns—Jubilee 2000 and Make Poverty History—estimated that about 80% of the people who supported the campaigns and did those things were from the Churches. That is the reason for this cross-party consensus. It is a remarkable example. People sometimes say that the Churches never achieve much anymore; in this instance, the Churches achieved a huge amount, and it is important to recognise the source and strength of the existing consensus.

Catherine West (Hornsey and Wood Green) (Lab): My right hon. Friend is making an excellent speech. Does he agree that in the same way as Make Poverty History was a huge issue then, climate change is a huge issue now? Value-for-money programmes in Bangladesh, such as those to do with flooding, have an enormous impact. They can prevent not only flooding, but famine, helping with unwanted migration and so on—issues we need to look at. Even terrorism can be linked to the failure to address climate change.

Stephen Timms: My hon. Friend is completely right. I welcome the progress, but a huge amount more remains to be done on that, as well as on education. More than 120 million primary-age children around the world are still not in school, with more girls out of school than boys. A great deal more is still to be done.

Finally, although I welcome today's cross-party support for the 0.7% aid commitment, I hope that there will also be support throughout the House for the amendment tabled to the Finance Bill by my right hon. Friend the Member for Don Valley (Caroline Flint) that would effect country-by-country reporting—the arrangement under which each year international companies would publish the profits made and the tax paid in each country. Years ago, I worked on that idea at the Treasury, and I welcome the growing momentum behind it now. I hope that the support rightly and encouragingly expressed in the debate will enable the House to agree my right hon. Friend's proposal.

5.18 pm

Wendy Morton (Aldridge-Brownhills) (Con): I am a member of the International Development Committee and co-chair of the all-party group for sustainable development goals, so it is a pleasure to support colleagues on both sides of the Chamber who are speaking in favour of the 0.7%. I welcome the opportunity to contribute to this debate on foreign aid spending and, to be precise, the 0.7%. Given the backdrop of the need to secure the UK's economic recovery, it is right to consider the spending of all Departments, not only DFID's. We need to ensure that we deliver value for taxpayers' money and that we understand what does and does not work.

Before I was elected to this place, I had the opportunity through Project Umubano, which was set up by the Prime Minister and my right hon. Friend and constituency neighbour the Member for Sutton Coldfield (Mr Mitchell), to spend time in Rwanda, Burundi and Sierra Leone, so that I could learn about international development by seeing it for myself. I took that opportunity because I wanted and felt that I needed to gain a more detailed understanding of international development. I visited schools in rural Rwanda, a health clinic in Kirambi and NGO projects where they were showing people how to build livelihoods and encourage enterprise. I have many stories I would love to share with Members this afternoon, but I will move on because time is pressing. UK aid has contributed to many of those successes and many others around the world. In the last 40 years, extreme poverty has halved. Since 2000, deaths from malaria have decreased by 60%, saving more than 6 million lives. There are many other examples.

Margaret Ferrier (Rutherglen and Hamilton West) (SNP): UK investment in immunisation saves a child's life somewhere in the world every two minutes. Does the hon. Lady agree that such immunisation programmes not only enable better health in poorer countries but provide an important roadblock to more widespread epidemics?

Wendy Morton: The hon. Lady makes a powerful point, and I agree. A lot of work is done by DFID and in the charitable sector by organisations such as Rotary to help to eradicate disease. The UK continues to lead the way. It is working to help women and girls by

tackling female genital mutilation and preventing sexual violence against women. The breadth of the work that DFID is involved in is exemplary. I believe that we have a moral duty to do such work, but also that it is firmly in our national interest. It can help to strengthen our long-term security and is a vital part of protecting our prosperity as well as helping to foster peaceful diplomacy. As we have seen in recent years with the Ebola crisis in Sierra Leone and the ongoing crisis with the Syrian refugees, the UK is at the forefront of international development work.

Dr Philippa Whitford (Central Ayrshire) (SNP): I got the chance to visit Ethiopia and see the structures that came about because of polio eradication. It was exactly these structures that were able to detect that the Ebola crisis was developing, so we protect ourselves as well as protecting others.

Wendy Morton: The hon. Lady makes a very valuable point. The benefit of such debates is that they enable us to share many examples of projects and the experiences that we have all had. We face a choice: either seek to tackle the root causes of poverty and therefore many of the great global challenges we face, or wait for the problem—be that the threat of mass migration, terrorism, disease, corruption or global climate change—to arrive here on our doorstep, by which point it is often too late.

We have already heard that the 0.7% target is not new. To be honest, I was surprised to find while doing my research that it was actually first accepted in principle back in 1974 by the then Labour Government. Subsequent Conservative Governments also accepted it in principle, and it was finally enshrined in law by the coalition Government. It is important to remember that the 0.7% aid target that we are discussing is 0.7% of gross national income. Let us be clear: that is not "wealth", as indicated in the title of the petition. That means that aid spending could in theory come down: if GNI comes down, that 0.7% as an amount will also come down.

Critics will say that we should spend only what we need to spend. I get that. I understand that we have to deliver value for taxpayers' money, but that has to be balanced and put in context. We are often faced with very complex situations. For example, with Ebola, I fear that if we had waited for too long, the situation that we faced would have been much worse and we would yet again have faced the charge of having done too little, too late.

There is growing global inequality in terms of peace. The most peaceful states are more peaceful than ever, but some of the most fragile states are more fragile than ever. That is why I welcome the shift in the Government's aid strategy to place a greater focus on supporting such fragile states. That often requires a much longer-term approach, which can often bring challenges, and it is certainly not without risks, but without security and stability, development is not possible and it is not possible to move beyond dependency upon humanitarian aid.

I will turn briefly to governance, accountability and transparency. The e-petition states that our aid is leading to "waste and corruption". I believe it is for DFID to always answer and make its case for the work it does. I am a member of the International Development Committee, which holds inquiries into the Department's work, and the Department is also scrutinised by the

Public Accounts Committee, which recently published a report, the National Audit Office and the Independent Commission for Aid Impact, which I believe was set up while my right hon. Friend the Member for Sutton Coldfield was Secretary of State. The purpose of that organisation is to scrutinise DFID's work and ODA spending. I would like to see more scrutiny. We have yet to fully make the case for aid to the British public. We all have a part to play in doing that. I would like to see more cross-Department inquiries to better reflect the way that the 0.7% cuts across Departments. The case for 0.7% is an important one. It is worthy of scrutiny and debate, but in my view it is worthy of our support.

5.26 pm

Stephen Doughty (Cardiff South and Penarth) (Lab/Co-op): It is a pleasure to follow the hon. Member for Aldridge-Brownhills (Wendy Morton), a fellow member of the International Development Committee, and I agree with many of her points. It is important for Members to understand the reason why we are here today, which is not only the petition but the fact that it was started by *The Mail on Sunday*, which said when talking about our aid budget:

“Rather than helping people who desperately need it, much of this money is wasted and...fuels corruption, funds despots and corrodes democracy in developing nations.”

Quite frankly, that is lazy and wrong, and it is irresponsible for anyone who cares about our national security and global security—

Mrs Main: Will the hon. Gentleman give way on that point?

Stephen Doughty: I will give way in a moment, but let me make a few points. It is important to note that there is both a moral argument and a practical and national security argument for why we should spend 0.7% on aid. The moral argument should shame us all. As a Christian, I think it is appalling that 800 women die every day in childbirth and 20,000 children die every day from preventable diseases. We can list the statistics, which should shame us all. It is irresponsible for us to ignore those in a world where poverty, insecurity and instability have consequences for our streets and our cities.

Gross poverty has fuelled instability in Yemen. There are ungoverned spaces there where militants can train and extremism can flourish. *The Mail on Sunday* is quite happy to tell us about the immigrants flooding towards us—it was happy to put that on its front page instead of the massacre in Orlando—but what it does not tell us is that many of those people trying to find a better future are fleeing because of the very poverty and insecurity that our aid aims to tackle. Do we seriously think that diseases such as Ebola and other pandemics, and the HIV/AIDS epidemic, resist borders? Of course they do not. Our aid plays a crucial role in tackling such diseases.

Mrs Main: The hon. Gentleman said that there is nothing in the corruption point. If he reads the ICAI report on anti-corruption and DFID, he will see that it is on red-amber, showing that there are serious concerns about our 0.7% budget being used corruptly in some areas.

Stephen Doughty: I will come on to that point directly. It is absolutely right that any allegations of corruption or aid money being used by terrorist organisations, or any other allegations of that nature, are robustly and efficiently investigated. I have every confidence that DFID will do that. Indeed, we have the Independent Committee for Aid Impact, which the hon. Lady mentioned, which is investigating those very issues. I am convinced that we have one of the most robust regimes in the world, and it has been regarded as such by many other Governments.

The fact is that there is a paradox. If we operate in risky environments, some things will not work out. We would not say to a small business, “Don't use your capital, because something might go wrong and you might lose some of it.” We would not say to our troops, “Don't go in and fight that battle, because something might go wrong.” We should not say, “Let's not give aid in risky environments, because something might go wrong with it.” On balance, we are far better off being in there trying to deal with the root problems and consequences than not engaging at all and pulling up the boundaries and saying, “None of this matters and none of it affects us.”

The fact is that corruption thrives in poverty and insecurity. We have withdrawn our aid from countries where there has been absolutely categorical evidence of it being used inappropriately. When I worked in Government at the Department for International Development, we removed aid from the Malawian Government when they said that they were going to spend it on a jet. We have never given money directly to many aspects of the Government of Zimbabwe because of concerns about that—we give aid through charities instead. To say the aid is all going to despots is completely wrong.

Ian Austin: I agree with much of what my hon. Friend is saying, but I just want him to understand that those of us who are concerned about the Palestinian Authority's support for terrorists are not saying that we should withdraw, walk away and leave them to it—not at all. We are saying that perhaps some of that money would be better spent supporting projects that work across both communities, with Palestinians and Israelis, building dialogue and putting in place the building blocks of the peace process that we all want to see.

Stephen Doughty: The point I am making is a wide one. It is right to look carefully into any allegations of such a serious nature—and several have been raised today. I listened to what the Minister said about specific cases, but that is not the point I am making. I am speaking generally, with reference to the impression created by *The Mail on Sunday* petition. The fact is that the countries that our aid supports have been regularly reviewed. The coalition Government made different choices about which countries to support from the Labour Government that I was part of; but that was right—we should review those things. We have stopped giving aid to India, and places such as China—it was a difficult decision but I think it was the right one—yet a myth is perpetuated that we are still giving them money.

As has been said, there is increased independent oversight from the Independent Commission for Aid Impact, which, incidentally, reports to the International Development Committee, not the Government. That means

[Stephen Doughty]

there can be independent scrutiny of what our aid is being spent on. Things have also moved on in the sense that cross-Government co-operation has increased. I welcome the steps that have been taken to increase co-operation between defence, diplomatic and development activities, through the National Security Council. It is the right decision, and it ensures that we are co-ordinated across our international sphere. It is not a zero-sum game. I firmly support the 2% spending target for defence, but I also support the 0.7% aid target. I am in favour of supporting charities and those tackling poverty in my constituency, such as food banks, but I also support providing life-saving drugs to people dying from Ebola or HIV across the world. That is not a zero-sum game—we can do both. Indeed, if I want to ask why people in my constituency are living in poverty, I will have far more questions for the Government about some of their other policies than about what the international aid budget is being spent on.

Patrick Grady (Glasgow North) (SNP): Does the hon. Gentleman share my concern about the Government's increasing tendency to double-count spending both to the 2% NATO target and the 0.7% GNI target?

Stephen Doughty: I think there is a danger of things sometimes being blurred, but there are activities that can legitimately be described as measures contributing to security and to development. It is not a zero-sum game. I saw that in Afghanistan. I saw the close working between our development staff, armed forces and Foreign Office staff—there is overlap, but we need to be cautious about completely skewing things in one or the other. As to proportions, the fact is that in 2014-15 defence spending was 75% of our total international spending. Aid, diplomacy and intelligence made up just 25%. That is a perfectly reasonable balance, and the co-operation that is going on is absolutely right.

The growing chaos in Yemen, parts of the horn of Africa, and north and central Africa, shows exactly the consequences of ignoring gross poverty and instability. Our aid is a tiny investment—less than a penny in the pound. It helps us to tackle threats. It is morally right and it shows us to be a compassionate and progressive global power. In my view it is madness to slash the budget that is focused on tackling those threats to our national and global security that drive people to flee their countries and drown, and that, most importantly, degrade us all.

Several hon. Members *rose*—

Phil Wilson (in the Chair): Order. I am going to have to drop the time limit for speeches to four minutes because there are still more than 20 Members who want to speak.

5.33 pm

Amanda Solloway (Derby North) (Con): As the chair of Conservative Friends of International Development I felt compelled to speak in the debate. Yesterday we celebrated Her Majesty's 90th birthday. As always, watching and joining in with the celebrations, I felt incredibly proud to be British. To me, a part of being British is

having compassion and helping those who are less fortunate than we are. I am fully supportive of the fact that our country supports those overseas who are less fortunate by giving 0.7% of our GDP in aid. I have always believed that this country should be nothing but proud of its work to support developing countries and those who are less fortunate than us, and proud of what it does in worldwide emergencies. Last year, when Ebola broke out in Africa, we gave support to treat and contain the disease. As the scale of the Syria crisis has continued to grow, we have given continuous support, and taken steps to react and to help the most vulnerable at the heart of the situation.

I have visited Rwanda with Project Umubano and seen first-hand how the country has managed to start rebuilding itself after such horrors, and I have never had any doubt that we should help those who are less fortunate than we are. I have also visited Jordan and seen refugees, in the camps and in the host communities, and have spoken to them about their aspirations to return home to the country they love. I have no doubt that we should be giving hope to those who have so little hope. We are often blind to the daily challenges so that many people face around the world—the humanitarian crisis that might not be reported in the news, and the underlying problems at the root of things in some nations that make a quick fix an impossible task.

I wholeheartedly agree that we must have a rigorous process in place to ensure that the right money gets to the right places, and I believe the Government should ensure that there is the right level of scrutiny. I believe that that does happen. It is, after all, the public's money that is being spent. We must be able to demonstrate that it is being done effectively.

Alex Chalk (Cheltenham) (Con): Britain is of course a humanitarian nation, and it is right that we do our duty by the world's most vulnerable, but there are legitimate concerns that the requirement to meet the target of 0.7% each year creates a risk that poor-value projects will be approved, and that money will be shovelled out of the door as the financial year end approaches. Does my hon. Friend agree that, if that target were to apply over a longer period, but allowing for annual variations to reflect need, that would give taxpayers greater comfort that British money was being spent properly?

Amanda Solloway: One thing we must do is protect the 0.7%. I am fully committed to the idea that we need to do that annually, because so many projects are needed each year. All aspects of the spending of the 0.7% are rigorously scrutinised. That is in addition to internal monitoring and evaluation to ensure that projects stay on track and deliver value for taxpayers' money. We must also remember that the UK's aid budget is without doubt one of the most transparent in the world. We have taken steps to ensure that taxpayers know exactly how their money is spent. The hon. Member for Washington and Sunderland West (Mrs Hodgson), who has left the Chamber, spoke about making the way DFID money is spent more public, and I think we should do that.

Economic growth is undoubtedly the best way of driving people's incomes and reducing poverty in the developing world. The private sector has a vital part to

play in generating and sustaining economic growth, as it creates jobs and opportunities for men and women to support their families and build more stable futures. It is fast becoming a key priority of our international development programme and in the long term could result in less investment being required in many nations.

As a nation we have never shied away from helping those who need it most. Every day we do so much fantastic work. I said earlier that I am proud to be British, and I am. I am proud that we lead the way in providing aid to those who need it most, and proud that we enrich people's lives and save people's lives. I cannot support anything that detracts from that. A life is to be valued wherever we live in the world and I fully support the fact that we help and develop those who are unable to do that for themselves.

5.37 pm

Stephen Twigg (Liverpool, West Derby) (Lab/Co-op): It is a pleasure to serve under your chairmanship today, Mr Wilson. I draw the House's attention to my relevant entries in the Register of Members' Financial Interests. I visited Jordan last autumn with Oxfam to meet Syrian refugees, and I worked with the Aegis Trust charity, which does important work preventing genocide, including in Rwanda.

As Chair of the Select Committee on International Development, I welcome today's debate and the high attendance and public interest. As the hon. Member for Aldridge-Brownhills (Wendy Morton) said, this is not a new issue. The United Nations General Assembly adopted the 0.7% target in 1970, and, as she said, Governments of all parties have committed themselves to it ever since.

Mr Andrew Mitchell (Sutton Coldfield) (Con) *rose*—

Stephen Twigg: I give way to the former Secretary of State.

Mr Mitchell: On the hon. Gentleman's first point, about the number of people here today, will he join me in urging the usual channels to go back to the principle that used to exist of having an annual full-day debate on the Floor of the House on international development? Today's attendance shows that we are missing that and need to have it restored.

Stephen Twigg: I will certainly do that.

The 0.7% target was first achieved by the UK in 2013. Just five other countries achieved it as well: Norway, Sweden, Denmark, Luxembourg and the United Arab Emirates. We need to recognise that there is genuine public concern—the hon. Member for St Austell and Newquay (Steve Double) spoke about the Twitter debate earlier this afternoon—with some saying we should simply not be spending that amount of money and some raising issues about what the aid is spent on. It is important that we engage seriously with those concerns that our constituents are raising. That is why the International Development Committee takes its scrutiny role very seriously. As others have said, we have unique support in doing that. Not only do we have the work of the National Audit Office, but thanks to the right hon. Member for Sutton Coldfield (Mr Mitchell), we also have the Independent Commission for Aid Impact. The onus is in particular on those of us who support the

0.7% target to ensure that the money is spent properly and that we deliver value for money. I pledge today as Chair of the Committee—I know other members of the Committee, from all parties, agree with me—that we will seek to ensure that that is delivered.

There are many practical examples of the real difference that this investment makes; I want to refer to a small number of them. One is Ebola, which has been referred to by a number of Members. Our report on the Government's response to the Ebola outbreak praised DFID for playing a strong, leading role in co-ordinating the response in Sierra Leone, which made a real, practical difference and saved lives. DFID set up Ebola treatment facilities in Sierra Leone to improve the response, providing additional beds and greatly improving the country's capacity to fight Ebola. On polio, the United Kingdom is supporting the programme for polio eradication, with the aim of ensuring the full vaccination of 360 million children by 2019. Those are real examples where we can make a difference to people's lives.

Dr Philippa Whitford: Africa is now clear of polio, which is still present in the border area between Pakistan and Afghanistan. If we take our foot off the gas, we will slide back. We will see outbreaks. It is not "job done" yet.

Stephen Twigg: The hon. Lady is absolutely right. In my experience, when we make these arguments and talk about challenges such as polio and Ebola, our constituents see the real, positive benefits of investment by DFID.

I will say something about the Syria crisis, because I think that as a country we can be proud of our Government's response to the Syria crisis, both in Syria, with support for those who are internally displaced, but also, crucially, through the work being done in neighbouring countries such as Lebanon and Jordan. I saw that for myself when I went with Oxfam to Zaatari last year, and also when I visited families living in host communities. The practical differences to things like education, health, and jobs and livelihoods ensure that those Syrian refugee families are able to live the best life they possibly can in the most appalling of circumstances.

That is not just the right thing to do morally; it is actually in our interests to ensure that those people thrive. There is an economic case for that, but, bluntly, there is a security case for it as well. If we are supporting those families to stay in the region, they are less likely to risk their lives and try to come to Europe. I think we should be proud of that work. My Committee has decided that we will be conducting an inquiry into DFID's work on education. Education is a crucial part of both humanitarian relief and development assistance in the long term.

I will finish by talking of the need to look beyond aid. We are not going to achieve a more equal world, or a world in which economies in Africa thrive as much as they do in other parts of the world, solely with aid. I want other wealthy countries to match our 0.7% achievement, but I also want us to recognise the role of remittances and the brilliant work that the diaspora communities do on that, and the importance of genuinely free and fair trade. My right hon. Friend the Member for East Ham (Stephen Timms) reminded us about the key issue of taxation and country-by-country reporting, and also ensuring that countries can collect their own

[Stephen Twigg]

taxes. In the end, aid is important, but it is not sufficient if we are to address those issues. As a House, let us engage more with the public on a cross-party basis about UK aid and development and call on other countries to do more so that they reach the 0.7% target, but also remind ourselves that aid on its own is not going to deliver the end of poverty and a more equal world.

5.44 pm

Dr Matthew Offord (Hendon) (Con): It is a pleasure to serve under your chairmanship, Mr Wilson. For the most part, DFID delivers global goods, lifts people out of extreme poverty, champions the rights of women and girls, and delivers humanitarian relief when disaster strikes. However, support for helping the poorest people on our planet is harmed, and DFID suffers reputational damage, when behaviour that contravenes aid agreements is unchallenged and when, despite being presented with evidence, DFID takes no remedial action. There is no greater example of that behaviour than the support DFID provides to the Palestinian Authority. However, I do not wish to dwell upon that as my views on the subject are well known. Where I seek to take this debate is to how DFID spending can assist in the quest for a two-state solution—something that all of us believe in.

Will Quince (Colchester) (Con): I had the great pleasure last year of visiting Israel and Save a Child's Heart, a wonderful charity that has helped about 4,000 children, half of whom are from the west bank and Gaza. Does my hon. Friend agree that that is the kind of co-existence project that DFID funding should be supporting?

Dr Offord: I absolutely agree, and I, too, have had the pleasure of visiting that hospital. I am very proud of my hon. Friend the Member for Brigg and Goole (Andrew Percy), who makes a monthly donation to that hospital out of his own pocket, which is something he should be commended for.

However, I do not wish to dwell on the Palestinian Authority and where they spend money. There is a need for greater support for individual projects actively promoting peaceful co-existence in the region, as Save a Child's Heart does. That would support the UK Government's own stated goal of securing a lasting and peaceful two-state solution, which, once again, is something that all of us in this room want.

Sir Alan Duncan: Does my hon. Friend understand the foundations from which he wishes to build that co-existence that we would all like to see? Will he unequivocally confirm that he endorses the Government policy that Israeli settlements on Palestinian land are wholly illegal?

Dr Offord: I can confirm that I think that. Indeed, the Israeli Supreme Court says that as well, so there is no misunderstanding about that.

In April the Minister announced that DFID is “open to considering further support” through the conflict, security and stability fund “for strong co-existence projects that bring Israelis and Palestinians together”.

Chloe Smith: I agree with my hon. Friend on the thrust of his remarks on peaceful projects. Does he agree with me that this is an example of how we should be looking to move away from general budgetary support and to specific project support, which I believe has already been done in countries such as Rwanda and Malawi?

Dr Offord: I certainly agree with that sentiment, and the examples I wish to raise are of ongoing projects that do not achieve the aims that are sought.

Less than 13% of DFID's £1.17 billion funding of Israeli and Palestinian NGOs goes towards projects that bring the two peoples together. That represents around 0.2% of the £72 billion that DFID spends in the Palestinian Territories. A number of NGO projects currently sponsored by DFID in Israel and the Palestinian Territories carry out laudable activities, yet have a questionable outlook of endorsing violence. Some of those NGOs engage in activities that undermine peace efforts and increase tensions, and a number are heavily involved in “lawfare” and the so-called Boycott, Divestment and Sanctions movement.

UK-funded NGOs have their own NGO, through something called NGO Monitor, that looks at how some of the funding is spent through the conflict, stability and security fund. NGO Monitor seeks to hold NGOs in Israel and the Palestinian territories to account, and regards UK funding to a number of those NGOs as “a manipulation of the democratic process, an attempt to change ‘Israeli civil and military judicial practice and decisions’ and government policy”

and notes that some of those groups are “engaged in anti-Israel efforts.”

NGO Monitor has also said that

“a significant proportion of the NGOs receiving British funds promote the Palestinian political narrative, focusing only on allegations of Israeli human rights violations.”

The UK Government currently funds 10 NGO projects in Israel through the conflict, stability and security fund: the Peres Centre for Peace, INJAZ, Kids Creating Peace, Yesh Din, Gisha, Peace Now, Terrestrial Jerusalem, the International Peace and Co-operation Centre, and Rabbis for Human Rights. Because of the limited amount of time, I will look at just one of those. Yesh Din describes its mission as working

“to oppose the continuing violation of Palestinian human rights in the Occupied Palestinian Territory... documenting and disseminating accurate and up-to-date information about the systematic violation of human rights in the OPT, by raising public awareness”.

In October 2013, members of Yesh Din took part in an Arab celebration on the ruins of a Jewish community in Homesh, with attendees desecrating Jewish symbols and waving anti-Semitic posters, including one depicting a Jew with a spear through his head. That is where our money is going.

I would like the Minister to hear our concerns today and not to continually view this problem through a prism of conflict between Israelis and Palestinians. Our money is going to some causes that I am sure he would be ashamed of. I hope that we can take that message to the Government today and make sure that we actually look at our spending.

5.50 pm

Albert Owen (Ynys Môn) (Lab): It is always a pleasure to serve under your chairmanship, Mr Wilson. I congratulate the hon. Member for St Austell and Newquay (Steve Double) on opening the debate on this petition and on the manner in which he did so.

I welcome the commitment to 0.7%—a cross-party commitment, as has been said—and, in particular, the fact that the previous coalition Government and the current Government have enacted it. I have supported it for some time and have worked on it with others. I am also a member of the International Development Committee and have seen many of the projects that have been undertaken. We have a good record of scrutinising the Government on this issue.

Like my hon. Friend the Member for Cardiff South and Penarth (Stephen Doughty), who is not in his seat, I believe that our commitment of 2% to defence is important as well. Strong defence and security go hand in hand with development. The UK stands tall with five other countries in the world—Denmark, Norway, Luxembourg, Sweden and the Netherlands. I understand the concerns of those who have signed the petition. Many of the points have been dealt with today, but perhaps not sufficiently for many.

Like everybody else, I want to see good housekeeping from DFID on ODA—that 0.7% of our GNI—just as I want to see good housekeeping on the 99.3% that the Government spend on other issues. We need to use our finances well and get value for money. Having listened to the previous speaker, the hon. Member for Hendon (Dr Offord), I certainly do not want to see ODA going on terrorism, whether that be state terrorism, organisational terrorism or individuals and groups that conduct it. Nobody wants to see that, but we do have a good record in this country and we must be proud of it.

Unfortunately, I will not be able to stay to hear the Minister winding up, but I know that when we scrutinise him and his Department and raise issues, they come back with answers. It is very important that our job as a Select Committee to scrutinise gets taken seriously by this Government—that work is open and transparent to the public: it is on transcript—and that we work together with civil society. The Churches have been mentioned, and credit needs to be given to them. It is also important that we as parliamentarians raise the issues that our constituents raise with us. I recall that during previous campaigns—the millennium goals, Make Poverty History and many others—hundreds and hundreds of people wrote to us. Many of them asked us to have 0.7% in statute. We have delivered that; now we expect the Government to deliver value for money on that 0.7%.

The supporters of this petition need to understand that what we are doing abroad is good for this country, and I will finish on this point. We took evidence on the Ebola inquiry from British doctors and nurses who put their lives at risk in those countries, not just to stop the disease in west Africa, but to stop it crossing the globe to Britain. It is in Britain's interest that the money is well spent. It is in the world's interest, and, as a communitarian, I support my local community, the national community and the international community. As proud British, that is in our DNA. We must ensure that the Government give value for money, but we must be proud of 0.7% on ODA.

5.54 pm

James Cartlidge (South Suffolk) (Con): It is a pleasure to serve under your chairmanship for the first time, Mr Wilson. I congratulate my hon. Friend the Member for St Austell and Newquay (Steve Double) on introducing this debate and on his excellent speech. There have been many excellent speeches; in fact, I am honoured to follow a very good one.

Across the House the word “pride” is mentioned constantly. Of course it is a source of huge pride that our country delivers this spending target, and that is absolutely right. I have not visited many of the international development projects that other Members have referred to, but I trust what they say entirely. Turning to my experience, my wife and I were in the Sri Lankan tsunami. It was Boxing day and I was standing on a beach when it came in. The very next day, someone with whom I had been swimming in the sea the day before—who confessed he was a Chelsea headhunter—got a box, put it in the middle of the restaurant area and said to every western tourist, “Put every penny you have got into there.” He was British. The British are good at this: we raise money, we are passionate about charitable giving, and I agree with that.

I accept that there is an overwhelming governmental mandate for this policy and I welcome the consensus across the House, but my concern is that there is a danger of complacency. We have a very large current account deficit in this country and a persisting public expenditure deficit in terms of public borrowing. Of course I have immense trust in the predictions of our Chancellor, not least in terms of the outcome of certain decisions we might be making shortly—unlike some—and I am sure we will go back into the black soon, but what if we do not and these issues persist? My personal view is that I would like there to be some consideration, when we protect Government budgets, that we do so on the understanding that some of it comes from a surplus. In other words, that it is clear we can afford it and that we are not borrowing the money and putting charitable spending on a credit card, which worries me.

Toby Perkins (Chesterfield) (Lab): I do not want to turn this into a political debate because it has been remarkably consensual, but let me tell the hon. Gentleman that I and many of my colleagues could give him a whole list of alternative things that we think the Government could make different decisions about rather than aid spending. He can wait for the Government to be at a point where they can say, “These are now lavish times: these are times when we are actually going to afford for children not to die of diarrhoea or afford for them to go to school,” but we will never reach that moment. He is arguing for the end of aid spending, not something else.

James Cartlidge: It is a political debate, and we have to debate this issue. Of course I am not arguing for the end of aid spending; that is a ludicrous thing to say. Japan, the United States, Italy, Portugal and Spain are not international pariahs and they spend 0.2% of their GDP on aid. That is disappointing, but that is a £8.5 billion difference. When we make a choice in this country to protect DFID when there is a deficit, it is a statement of fact that we will inevitably impose tougher reductions on other Departments. That means things like social care and long-term care of the elderly; we have to be open and honest about that.

[James Cartlidge]

That is my concern, especially in this political climate. The hon. Member for Heywood and Middleton (Liz McInnes), who is not in the Chamber any more, made the point that she had constituents who were concerned because we have food banks. Many years ago Charles Dickens wrote about telescopic philanthropy: the perception in humanitarian spending that we are prioritising the problems abroad rather than those at home. In those areas where there is an anger at politics and a feeling of disengagement—I fear I know how some of those people will be expressing that shortly—and in this climate we have to be very open and transparent. We have to show the public that we are debating these things and are prudent in our use of public finances.

Albert Owen: The hon. Gentleman is absolutely right to point out that charity begins at home, but it does not end at home. We as internationalists have an obligation and people understand that in this country.

James Cartlidge: That is a very fair point. We are in the era of Donald Trump—let us be clear that there is clearly anger out there at politics. We all know that and we therefore have a duty, even if we continue at this level—there is massive support for that and the Prime Minister has an incredibly strong mandate for it—to be seen to be debating it, to be very clear about every aspect of the expenditure, and to hold it all to account. That message must go out strongly and we should not just blithely accept this.

Dr Philippa Whitford: Does the hon. Gentleman not think that we also have a duty to explain what our aid does and achieves and that it is audited in a technical way? We do not actually talk about the fact that polio was nearly eradicated or about peace building in Rwanda. Future wars will be about water, not oil, so we need to include climate change and do the job of explaining to the public what our aid is trying to achieve.

James Cartlidge: I agree, and some other hon. Members will shortly have a chance to do that. I am aware that time is ticking by, so I will simply conclude: I support this, and the passion of our Government and of MPs across the House is very clear. The public must perceive that every aspect of it is prudently held to account and budgeted for. If we saw a deterioration in our public finances or any events coming up that might affect them, it has to be obvious that we would be prepared to examine every item of expenditure and not protect every Department in the way we are at the moment. We can afford to do that now, but we may not always be able to.

6 pm

Dr Lisa Cameron (East Kilbride, Strathaven and Lesmahagow) (SNP): It is a pleasure to serve under your chairmanship, Mr Wilson, and to take part in this debate as a member of the Select Committee on International Development and because the Department for International Development in Scotland is based in my constituency.

[MIKE GAPES *in the Chair*]

It is estimated that UK aid helps to save a life every two minutes. It has provided 13.2 million people with access to essential TB treatment. Since 2011, it has

reached 62.9 million people with water, sanitation and hygiene interventions and has ensured the safe birth of 5.1 million children by making appropriate medical assistance available. However, aid from the UK does not just save lives. It helps to tackle social inequalities and to encourage prosperity. It supports those suffering from poverty to overcome hardships and helps to provide education opportunities to children, including girls, across the world. It increases people's abilities and skills to earn a living, and generates employment, fosters trade and develops markets. It helps to address climate change, to reduce conflict and to increase stability across our world. All that is in the interests of developing countries and the developed world.

Evidence indicates that our aid is effective. Thanks to significant progress in international development, the proportion of people living in extreme poverty declined by 60% between 1990 and 2011. This means almost 1 billion people have been lifted out of poverty. To meet the valuable aspirations of the sustainable development goals, it is vital that the UK continues to meet our strong aid commitment of 0.7% and encourages other countries to follow suit.

Patricia Gibson (North Ayrshire and Arran) (SNP): My hon. Friend is setting out the compelling case for continuing overseas funding at this level. Does she agree that there is real concern that the same section of the right-wing press is whipping up public concern based on misinformation to undermine the whole notion of foreign aid spending altogether?

Dr Cameron: I am grateful for my hon. Friend's intervention. She made her point very well.

Long-term planning realises sustainability and provides leverage to transform millions into trillions, which is required to achieve our sustainable development goals.

In the run-up to this debate, I was contacted by a constituent and former Minister, the right hon. Adam Ingram, who expressed concern about the spending of international aid via the Palestinian Authority. He requires further reassurance from the Minister on transparency and whether the payments are needs-based and affordable, alongside independent vetting.

I was contacted by another constituent who was keen for me to support foreign aid spending in this debate. In her email, she advised me that she cares about people living in poverty around the world and loves helping them with the UK's aid budget. Importantly, she said it is good when politicians keep promises. I very much hope that we will continue to keep this one.

The Scottish Government's international development policy and £9 million aid fund convey our party's vision of Scotland fulfilling its place in the world as a good global citizen, committed to playing its part in addressing the challenges facing the world. It focuses on seven countries around the world and links with our world-leading climate justice fund.

As a country, we cannot act with credibility overseas if we are blind to inequality at home, but our ambitions for a fairer Scotland are undermined without global action to tackle poverty, to promote prosperity and to tackle climate change. As a Christian, I believe we have a moral duty to fulfil our commitment to achieving the sustainable development goals around the world. As humans, we share one planet and we must contribute to making it fair, healthy and safe for all.

6.4 pm

Andrew Percy (Brigg and Goole) (Con): It is a pleasure to serve under your chairmanship, Mr Gapes. This has been an interesting debate and rather than being sniffy or patronising about *The Mail on Sunday*, we should thank it for raising the issue and giving a voice to the concerns felt by many people. I do not share those concerns. I have always robustly defended the 0.7% and will continue to do so, but in this age of Trump politics, or whatever they are, when many of the public are disenchanted with politicians, it is not for us here to be patronising and sniffy about those who have a different view. Instead of being rude about people with such views, we must go out and win the debate.

I have always been robust with my constituents. When one points out to them the spending on HIV/AIDS and fighting polio and TB, people say of course they want that to continue, but not the other bits—the bad bits and the cover-up bits. None of us wants that, but we must be honest about the fact there is some corruption and some misuse of our aid budget, and we must do something about that. I think the Minister and his Department have done a good job in trying to tackle much of that, but obviously there is still work to do.

Another point that we must make to constituents is that if we as a nation do not project through foreign aid our own values and those of western democracies, it will be left to others who perhaps do not share our values in spending money in poorer countries to project values that we would not wish to see projected further. Again, that is a point that constituents are responsive to. We should accept the genuine concerns in this area and we must be prepared at all times to justify our spending and to improve it where we can.

There may be some groans, but I will say something about funding to the Palestinian territories. I heard the Minister's intervention and I think he is right in much of what he said in that the Department has tried to get a grip on this and is keen to do more, but concerns continue that while we might be able to say that British money is not directly funding individual terrorists in prison, it is perhaps displacing other funding in the Palestinian Authority general fund or elsewhere that is being used to fund terrorists. We should be concerned about that. I welcomed the article in *The Jewish Chronicle* last week saying that the Secretary of State and the Department are reviewing that.

As the right hon. Member for Enfield North (Joan Ryan) said, there are people engaging in terrorist activities, including Hamed Abu Aadi who last year confessed—

Andy Slaughter (Hammersmith) (Lab): If I understand the hon. Gentleman correctly, having been corrected by the Minister and told that UK Government funding is not, for example, paying salaries to Palestinians prisoners, he is now conjecturing something else. On reflection, would he and others not think that hijacking this important debate effectively to give cover to the Netanyahu-Lieberman regime is a gross abuse of an important subject?

Andrew Percy: I mentioned patronising and sniffy, and the hon. Gentleman's intervention is a prime example. It was so patronising it is not worthy of a response. Members are allowed to come to this Chamber and speak as they wish on a matter of international aid, and

this is about international aid from British taxpayers' money. The hon. Gentleman can patronise all he wants, but I won't be silenced from saying what I think I am entitled to say in this Chamber on this issue.

Ian Austin: It is not just supporters of the Netanyahu Government who are concerned about this. The central point is that the Palestinian Authority receives our aid money because it has signed a memorandum of understanding with DFID which is underpinned by renunciation of violence and a commitment to peace. That is directly contradicted by funding terrorists, whether or not the money comes directly from the UK, and is directly contradicted by the Palestinian Authority's routine incitement of violence. On both grounds, the Minister should be examining the matter in greater detail.

Andrew Percy: I am conscious of time, and I will perhaps give way to the Minister in a moment. The hon. Gentleman is entirely right in a lot of what he says. The Overseas Development Institute stated that our aid money to the Palestinian Authority had failed to promote peace and a peaceful attitude. There is more to be done.

I mentioned a terrorist who confessed that he had engaged in his behaviour to obtain payments. I also want to mention NGO funding, particularly the Ibda'a cultural centre, which will receive £5,602 from DFID this year. Last year, it hosted an exhibition to honour martyrs, including Mohanad Al Halabi, who killed one and injured 11. We must be careful about where our money is going and always be prepared to review.

Sir Desmond Swayne *rose*—

Andrew Percy: I will give way to the Minister out of respect.

Sir Desmond Swayne: Let me say that we take the issue of incitement very seriously indeed. With respect to the hon. Gentleman's point about *The Jewish Chronicle*, I assure him that both I and my right hon. Friend the Secretary of State keep that matter under review continually, precisely because it is so controversial. With respect to the matters raised in relation to integration and so on, I understand that I am receiving a delegation from the hon. Member for Dudley North (Ian Austin) to discuss that on Wednesday.

Andrew Percy: I thank the Minister and I hope that he will look at the Ibda'a cultural centre grant that I mentioned.

In my last minute or so, I want to talk about some of the co-existence projects. We had a wonderful meeting last year in Jerusalem with a group of Palestinian and Jewish young people from MEET—the Middle East Entrepreneurs of Tomorrow. It was a really inspiring meeting. Those Palestinian youth and Jewish youth were being educated together. Both were very open about what they thought about each other beforehand and how that project had helped to bring them together. We should be supporting projects such as that, as we should—in these last 46 and a half seconds—be supporting Save a Child's Heart, which I am proud to serve as a UK patron of. It is a wonderful charity. I was very moved when we visited it last year, particularly when we were meeting and talking with the young Gazan children

[Andrew Percy]

who receive treatment through it. That organisation supports heart surgery not just for Palestinian children—it is mainly Palestinian children, with Israeli doctors—but for Tanzanian children and Iraqi children. It trains doctors and nurses and is a project that has a reach beyond just Israel and the Palestinian territories. I hope that that is one of the projects we can look at funding in the future.

6.11 pm

Mr David Lammy (Tottenham) (Lab): I am grateful for the opportunity to speak under your chairmanship, Mr Gapes. First, I declare an interest as a former trustee of ActionAid and an ambassador for that fantastic non-governmental organisation, and also as president of the British and Foreign School Society, a grant-making trust that gives grants to developing countries across the world.

It is vital to say at the start of this important debate that I do not believe that aid is a panacea. I lament some of the adverts that we see on television every week showing emaciated black and brown children with bloated bellies, and, frankly, the poverty porn behind too many of our great NGOs. I am also concerned that, whether we are talking about Comic Relief or Sport Relief, there is an armchair approach to aid, whereby people just sit back, give money and do not ask hard questions about countries' governance, transparency and trade—and in the end, it is trade that we want to see across the developing world.

That said, this debate goes to the heart of the poverty that still exists in our world. Across the world, 124 million young people are not in school and not being educated. This country has a proud tradition, but it also has a colonial past inextricably linked to that of many of the countries mentioned in this debate. As a descendant of people from one of those countries—my parents are from Guyana—I think it is important to put that on the table. As we move from empire to Commonwealth, we remain interconnected.

Mr Alistair Carmichael (Orkney and Shetland) (LD): The right hon. Gentleman is making an exceptionally important point: aid alone is not enough. One particularly clamant example that I can offer him of that is this country's tax treaty with Malawi, which was entered into before Malawi was given its independence. The partnership needs to be recast as one of equals, rather than us having the relationship of exploitation that we had in the past.

Mr Lammy: I am grateful for that intervention. The right hon. Gentleman will also recall Jubilee 2000, the campaign to write off debt, and our deep history with many of the countries where there is that debt and that environment. Yes, there must be aid, but there must also be very important discussions—discussions that we are failing to have as a society about how these countries move into economically stronger positions.

Mrs Helen Grant: I hear what the right hon. Gentleman says about aid not being a panacea, and not being enough, but does he agree that legislation is quite useful

because it provides certainty and predictability, and therefore allows smarter long-term investment, and so increased aid impact?

Mr Lammy: I do agree with that point, and that is why I stand by the 0.7%. That target was first established in 1970 by Jan Tinbergen, a Nobel prize-winning economist, and he came to that figure because he believed it was the amount that would allow developing countries to get into growth. That is why Britain should stand firmly in a leadership role. I represent a north London constituency that has seen two riots in a generation and that has deep pockets of poverty. Many of us in this House have talked richly today of travelling to developing countries; it is important that we understand that that is a privilege that many of our constituents do not have, and for that reason we play a leadership role in this debate. We lead and explain; we do not simply follow those who act understandably, given that they face poverty. However, we should always remember that constituents such as mine give far more in remittances to the developing world than is given in aid by the British taxpayer. The money is from people from all corners of the world who are working hard and paying their taxes, but also from those sending small amounts of money—indeed, I am one of those people—to relatives who barely have shoes on their feet. It is important to put that firmly on the table.

I remind the House that one of the biggest aid programmes was the Marshall plan. That was, in a sense, the birth of aid. It came at a time when this country was in rubble. We got \$3 billion from the United States of America. That plan involved wheat, raw materials and industrialisation that was needed across Europe, and that money came through aid from the United States and birthed much of the current aid debate. It is important to preserve the 0.7%, which we put in statute, but also to have deep discussions about and scrutiny of where those funds go. Let us remember that this debate is not isolated. A long history ties us to these countries, which we now stand beside. We must remember our position in the Commonwealth, but also a history that carved up Africa with arbitrary borders and created lots of strife because of different tribal wars. For that reason, this is not the time to walk away from the important aid discussion.

Several hon. Members *rose*—

Mike Gapes (in the Chair): Order. As there is so much interest in the debate, I will have to reduce the time limit on speeches to three minutes, and I will call the Scottish National party spokesperson, the Opposition spokesperson and the Minister from 7 o'clock, so I would be grateful if hon. Members could restrain themselves from intervening; then more of them may be able to speak.

6.18 pm

Pauline Latham (Mid Derbyshire) (Con): It is a pleasure to serve under your chairmanship, Mr Gapes. I congratulate my hon. Friend the Member for St Austell and Newquay (Steve Double) on starting the debate off. We have heard many interesting speeches and lots of facts and figures from various hon. Members. I would like to bring this down to just one example, and if anybody

feels, after they have heard this example, that we should not be spending 0.7% on aid, they must be pretty hard-hearted.

I have been a member of the International Development Committee for six years, and we visited Burundi—a country that is in a much worse situation than it was. Some members of the Committee were embedded with various families overnight. Everybody else in the group had a very happy family, with a mum, a dad and some very smiley children, but I was put with two girls, one of 22 and one of 14. The mother had died, as well as the five-year-old son, I suspect of HIV/AIDS. The girls could not afford to go to the funeral and did not know where their mother was buried. The father wanted to kill the children because they were living in their grandmother's house and not with him. The villagers hated them.

We went to Burundi with the charity ActionAid UK, which was helpful in putting us with the families. These people had nothing. I asked the girls how often they were able to wash their clothes and they said, "Not very often. Probably about twice a year because we can't afford soap." Now, how many people in this country cannot afford soap? The only meal that they had was beans, rice, sweetcorn, and a bit of onion and tomato. They only ate that one meal a day, and they had only one bowl, which they shared with a neighbour's child. The three of them sat around the bowl eating. They had three chairs, three forks, three spoons, three knives and a platform for a bed. The only other possessions they had were three guinea pigs. Unfortunately, I am not very keen on guinea pigs, so although I was quite happy to sleep on the floor, I had to ask to sleep on the platform because I could not bear the guinea pigs running around me throughout the night. Those guinea pigs were not for eating. They were there because the girls needed something to love, and something for affection. The guinea pigs did not run away. There was no door on the hut, as it was a mud hut. Those people lived, in my view, in absolute poverty. I saw nothing in that hut except those things. I saw no more clothes. Anyone who is not in favour of 0.7% should be ashamed.

6.21 pm

Stuart C. McDonald (Cumbernauld, Kilsyth and Kirkintilloch East) (SNP): It is a pleasure to serve under your chairmanship, Mr Gapes. I, too, am a strong supporter of the 0.7% commitment, but that is not to say that there are not legitimate concerns with which we must engage. The petition refers to painful spending cuts at home. At a time when food banks have become a normal part of British life and public services are facing drastic cuts, it is easy to see cutting the international aid budget as a simple solution, but it is not the right solution. Indeed, it is no real solution at all.

When people really see the benefits that the international aid budget delivers, they tend to come around to the same way of thinking. People see that cutting the funding that saves children from malaria, supports millions of children to go to school and provides access to clean water for tens of millions is not the right way to solve the problems that they face at home. Ultimately, we live in one of the wealthiest countries in the world and there is no excuse for us MPs not to deliver on international aid and end the need for food banks here in the UK.

There is some merit in the petition supporters' argument that the focus should be on outcomes, and not just on spending targets. It is true that we should not just spend money for the sake of reaching a target. Each and every project should be carefully vetted and monitored, which is precisely why we have systems in place. Between the Independent Commission for Aid Impact, the Select Committee on International Development, the Public Accounts Committee, the National Audit Office and the eagle-eyed MPs in this room, the Secretary of State and her Ministers can hardly move for monitoring, but that does not mean that things do not go wrong.

MPs and newspapers are very good at highlighting when things do indeed go wrong. However, when things go wrong in the national health service, we fix it. We do not use it as a reason for cutting the NHS budget or shutting down the NHS. In the same way, when things go wrong with the international aid budget, we should fix it. We should not stop all the other fantastic work that is going on, and we have heard lots of speeches highlighting all that good work today. I agree with other hon. Members that being a leader on international aid is in our interests. Without international aid, problems and crises would become more significant, immediate and dangerous.

My hon. Friend the Member for Glasgow North East (Anne McLaughlin) was due to speak today, but unfortunately cannot owing to family circumstances. She wanted to deliver a message from the children of Wallacewell Primary School in her constituency, who have designed paper school satchels that my hon. Friend will deliver to the Prime Minister. Their simple message is that regardless of where children come from and how much money they have, they should all be entitled to an education. It is pleasing that the Chair of the International Development Committee agrees with those children and will be holding an inquiry on the subject. I give the target my full support, and I am pleased that so many other hon. Members do as well.

6.24 pm

Sir Eric Pickles (Brentwood and Ongar) (Con): It is a long few years since I was at anything that you chaired, Mr Gapes. I think that last happened during our days at the British Youth Council about 45 years ago. I congratulate the Minister of State, Department for International Development, my right hon. Friend the Member for New Forest West (Sir Desmond Swayne) on his knighthood, which was announced over the weekend.

I, too, am very proud of the 0.7% spend on international development, but it is not unreasonable, during times of stringency, to address the quality as well as the quantity of that aid. The impact of our funding, especially on conflict-stricken regions, is of the utmost importance, and I particularly want to talk about the conflict between Israel and Palestine. DFID's stated goal in aiding the Palestinians is to help to secure a lasting and peaceful two-state solution. That is very sensible, but I regret that the funding does not follow that laudable ideal. As the right hon. Member for Enfield North (Joan Ryan) and my hon. Friend the Member for Hendon (Dr Offord) pointed out, we are talking about 0.2%, and that does not seem to be a point at which we can readily move on.

I must say to my right hon. Friend the Minister, with great affection and respect, that it is no good just saying, "We don't fund terrorism." There is a kind of knock-on effect. If my right hon. Friend is saying,

[Sir Eric Pickles]

determinedly, that not a single one of the civil servants whom we fund has committed a criminal act, and that their job has not been left open for them, that is a wonderful thing, but the report from the Overseas Development Institute says:

“For public sector employees the opportunity cost of conflict is lowered as their employment will be kept open when they return from detention, and their family will continue to be paid their salary”.

That needs to be addressed.

Richard Burden: Has the right hon. Gentleman read the ODI report entitled “Does the wage bill affect conflict? Evidence from Palestine”, from February 2015? It states that

“some of the factors linked to the development of grievances at least in the West Bank, including the construction of the West Bank Wall and the Palestinian prisoners, are associated with increases in conflict intensity. Removing these factors may well be a more effective strategy in reducing the conflict in the long-run than any employment opportunities provided by the public or private sector.”

Does he agree with that as well?

Sir Eric Pickles: I want a two-state solution. I want young Palestinians and Israelis to work together. I do not want to change Government policy; I merely want to see the actuality on the ground reflect it.

My hon. Friends have spoken with great powers of persuasion about the various groups that we have seen on visits to Israel and Palestine, particularly the Middle East Entrepreneurs for Tomorrow. There was one thing that really struck me about that. When I was talking to a young Palestinian, I said, “What’s the big difference?”, and he said, “I’ve never met an Israeli before. The only Israeli I’ve ever met is a soldier with a rifle and body armour. This gave me an opportunity to actually meet an Israeli.”

The organisation Save a Child’s Heart provides an opportunity for parents to talk about the future of their children, and about working side by side with Israelis. That must be for the better, but worrying reports have emerged that some NGOs that support the Palestinian territories have been promoting violence on social media pages. Surely it is not unreasonable for us to ask the Minister and his officials to check what is going on on those pages. Surely it is not unreasonable to say that if people are to receive money from the British Government, they should unequivocally renounce violence in all its forms and work for a two-state solution.

6.28 pm

Mark Durkan (Foyle) (SDLP): I apologise for missing the opening contribution of the hon. Member for St Austell and Newquay (Steve Double) owing to a flight delay.

Like others, I am here because I have been contacted by a number of constituents, most of whom support the 0.7% commitment for many of the reasons that hon. Members have given. Indeed, Foyle is the constituency where the sixth fewest people have signed the petition. In fact, of the constituencies with MPs who take their seats here, only the two small island constituencies represented by the right hon. Member for Orkney and Shetland (Mr Carmichael) and the hon. Member for

Na h-Eileanan an Iar (Mr MacNeil) have had fewer signatories to the petition. That is because the city of Derry has always had an outward-looking approach, and the diocese of Derry has always made the highest per capita contribution to the annual Lenten collections for Trócaire, the Irish equivalent of the Catholic Agency for Overseas Development. People support the 0.7% contribution not just because, after many years, it is about time that we finally stepped up to meet that long-standing commitment, but because they know that such a commitment will, of itself, be transformative. Aid should not just be transactional; it should be transformational.

The petition talks instead about taking action on a case-by-case basis. If we were to reduce aid by doing that, the situation would be impossible; the problems would far outstrip the solutions. There is a gear change that results from the sort of commitment that the UK has made—we would see that if we could get more Governments to follow the UK’s excellent example—as we have seen in recent years with the commitment to the Global Fund to Fight AIDS, Tuberculosis and Malaria, which has made a big difference.

Big differences have also been made on education; 20 years ago, one in 10 children died before they reached the age of five, and now that is down to one in 20. Of course, not only are more children reaching the age of five and going to school, but there are more schools for them. We need to do more. We should not be content to get more children, particularly girls, into education; we should move on to guaranteeing them 12 years of education. In responding to humanitarian crises, we should think about education, which is often one of the last things to be thought about because of all the other pressures and crises. Front-loaded commitments to a healthy level of predictable and sustainable aid can ensure that we make our commitment to the sustainable development goals meaningful. We cannot meet our goals through intermittent top-ups. The sustainable development goals need sustained aid at 0.7%.

6.31 pm

Robert Jenrick (Newark) (Con): At the risk of sounding like Mark Antony at the funeral pyre of Julius Caesar, I genuinely come here to praise international aid, but I come as a critical friend, in the knowledge that several hundred of my constituents signed *The Mail on Sunday’s* petition. As a general rule in politics, if we brush aside the fears of our constituents, it only damages the goals that some of us wish to further. I do believe in international aid. Today’s debate has been extremely good, but relatively few of us have acknowledged the views, if we are honest with ourselves, of millions of citizens of this country. If we believe in international aid and a 0.7% commitment, as I do, it is absolutely right that we try to acknowledge and address some of those concerns, so that the commitment remains for future generations to benefit from.

The concerns that I hear from my constituents fall into a couple of categories; we have discussed many of those concerns today. First, of course, are the concerns, some legitimate and some not, about waste, and the lack of scrutiny of some of the poorer decisions that DFID has made over the years, as well as the many good ones. There are also concerns about politicisation,

as we have heard in relation to the Israel-Palestine conflict. We have already heard a lot of that debate, and time is pressing.

The other point I would make on behalf of some of those who are concerned about the 0.7% commitment is that the commitment may not be the best way to do government. Those of us who have pressed the Government to spend on particular projects know that, because of the 0.7% commitment, there is often a lower bar for getting a project approved in DFID than in any other Department; we all have to address that if we care about the maintenance of this public commitment. We have to be able to say to our constituents that this money is being spent as well by DFID as if it were being spent on the NHS, on education or by any other Department. One way of doing that is by measuring the 0.7% commitment not in one year, but over two or five years, or even over an entire economic cycle, so that we could be sure that projects were not being pushed through at the last minute, as we all know they frequently are, and that the quality of projects was sufficiently high to allow us all to stand tall at hustings and in conversations with our constituents, and to defend them, in the knowledge that they were furthering the cause of poverty alleviation across the world.

6.34 pm

Jim Shannon (Strangford) (DUP): Mr Gapes, I think this is the second time that you have been back in the Chair in Westminster Hall. It is good to see you.

International development aid is no different from spending in any other Department: Departments are accountable to their Ministers; Ministers are accountable to this House; and Select Committees scrutinise the work of Departments. I support the target of 0.7% of gross national income, but as the hon. Member for Hendon (Dr Offord) and the right hon. Member for Enfield North (Joan Ryan) have said, accountability is needed within that process. The Public Accounts Committee recently said:

“The value for money for the UK taxpayer of the Department’s funding of UN agencies is undermined by the overlapping remits of the agencies and inflexibility in their systems.”

The Committee noted that there is something wrong, and there clearly is.

I have a couple of quick examples from Palestine. Two Palestinian terrorists who repeatedly stabbed two women, killing an American lady and leaving a British woman with life-threatening injuries, are receiving a salary from the Palestinian Authority. A convicted double killer—he was interviewed by a newspaper and confirmed that he murdered two people—receives a monthly salary. My constituents are appalled by the examples of DFID’s spend, which is why they support the Israel-Britain Alliance’s campaign to stop such abuses. My constituents are even more incandescent when they receive responses from British Government Ministers in both DFID and the Foreign and Commonwealth Office restating the collective denial that such payments are made.

Let us make this very clear to the Minister: we know that the Palestine Liberation Organisation pays the prisoners, and we know that the Palestinian Authority pays the PLO. We further know that the World Bank pays aid money to the Palestinian Authority. Finally, we know that British aid money is sent to the World Bank,

which is clearly where the issues are. Will the Minister ensure that British aid money does not support Palestinian Authority incitement to commit violence? All he has to do is turn on his computer and visit www.palwatch.org to see for himself that the Palestinian Authority is misusing the funds given to it by Britain.

In Northern Ireland, parties to peace had to sign up to the Mitchell principles. They had to sign up to using democratic and exclusively peaceful means of resolving political issues. In 2011, the World Bank, the International Monetary Fund and the UN assessed that the PA’s governance functions were sufficient for a functioning state, but that it had to renounce violence, and it is clear that the PA has not done that to the extent it should have. I therefore call on the Minister to commit to implementing the recommendation of the 2014 International Development Committee report that set out how the payments-to-prisoners issue can be resolved.

I further ask the Minister to commit DFID to tackling the PA on the evidence of its incitement to and support for violence. If the PA does not end its support for the men and women of violence, our support for the PA must be reviewed. A demand without an incentive is worthless. Middle east peace will be achieved only if both sides participate in the process, yet DFID’s support for co-existence programmes between the Israelis and the Palestinians is pitiful. I ask the Minister to use some of DFID’s mammoth budget to help make those things happen.

6.38 pm

Mr Andrew Mitchell (Sutton Coldfield) (Con): I congratulate my hon. Friend the Member for St Austell and Newquay (Steve Double) on moving the motion and on doing the House a favour by encapsulating most of the key arguments. I look forward to seeing his words repeated faithfully in *The Mail on Sunday* next weekend.

Nothing antagonises our constituents more than the stories of hard-pressed taxpayers hearing that their hard-earned money has been spent corruptly. DFID is one of the most transparent Departments, if not the most transparent, in Whitehall, and it is precisely to promote the necessary openness that in 2010 we set up the Independent Commission for Aid Impact, which has been much mentioned this afternoon. The commission was not entirely welcomed by the development community because it is independent and because it reports not to Ministers, who can sweep inconvenient truths under the carpet, but to Parliament—it reports not to DFID but to the International Development Committee. That Committee is not appointed by Whips; it is elected by its peers and encompasses a large number of independent-minded Members. The Committee is led, of course, by the hon. Member for Liverpool, West Derby (Stephen Twigg) who, though burdened by being a member of the Labour party, is nevertheless a fearless, independent operator. I say to the House and to *The Mail on Sunday* that the ICAI is their friend. If there are allegations or suggestions of improper use of aid, it is to the ICAI that they should be referred.

Of course, the independent commission covers the whole budget, not just the money spent by DFID. Nearly 25% of money now goes through other Departments. I stopped aid to China and to Russia, which inexplicably was still receiving aid in 2010, and

[Mr Andrew Mitchell]

negotiated the winding down of the programme in India, which since the second world war had always been our biggest programme. If the Foreign Office chooses to spend money in China, or indeed south America, where DFID no longer has any programme, it is no good for the Foreign Office or other Departments to try to hide behind DFID's skirts and coattails. They need to explain to the public why they are spending money. If they cannot do so, they should not be spending it.

I have a lot of sympathy with what my hon. Friend the Member for Brigg and Goole (Andrew Percy) said. This is an important debate, and the *Daily Mail* and *The Mail on Sunday* have done a service by emphasising it. As a Ugandan Foreign Minister once said to me, Ministers in this country and in his go straight not because they see the light but because they feel the heat. The campaign led by the *Daily Mail* and *The Mail on Sunday* puts the heat on Ministers, who must respond to these matters. Although I do not have time to discuss it, I hope that *The Mail on Sunday* will allow a rebuttal of the wholly inaccurate points that it has made about the Centre for Global Development and the airport at St Helena.

6.41 pm

Patricia Gibson (North Ayrshire and Arran) (SNP): Like so many other people who have spoken, I welcome and support the commitment of 0.7% of national income to foreign aid, but to depart from some of the comments that have just been made, and understanding some of the comments made earlier in the debate, I recognise that some of our constituents have concerns. However, I urge every Member of this House not to underestimate the power and the effect of the hysterical right-wing tabloid press, which has aggressively campaigned to discredit not just the 0.7% commitment but the idea of foreign aid altogether. That is not being snippy or sniffy, or whatever word was used; it is simply asking for more responsible journalism.

The commitment is the right thing to do. The UK has a good story to tell, and it is about time that we were on the front foot in telling that story, although of course we must ensure that what is spent goes where it is supposed to go. How much support we offer those much less fortunate than ourselves is a measure of who we are. As was said much earlier in this debate, the choice between austerity at home and aid abroad is a false one, and we should have no truck with it. We can gradually turn our backs and come around to the view that the people we are discussing live far away from us, and that it is not our problem, or we can continue to open our hands and hearts and recognise that such suffering in the world diminishes us all. It diminishes us even further if it is within our power to do more to prevent or mitigate it, and we do less.

I do not think that that is who we are. That is not who the people of Scotland are, and it is not who the people of the UK are. It is about time that we were prouder of and more vocal about the support that we give.

Ian Austin: There is a difference between being concerned about individual aspects of DFID spending and being opposed to international aid completely. The idea that the British people who have signed this petition are so

stupid that they have been taken in by right-wing propaganda, and that we should dismiss their concerns out of hand instead of considering them and trying to address them with fair and reasonable answers, is completely wrong.

Patricia Gibson: What I am talking about is journalism that is not responsible. There are some—

Ian Austin: Are the public so stupid?

Mike Gapes (in the Chair): Order. Mr Austin, please.

Patricia Gibson: No, but there are some sections of the right-wing media where, if I read the football scores there, I would need to check them. I would not believe everything that I read in certain sections of the right-wing media.

Dr Offord: Does the hon. Lady accept that there are also some unacceptable left-wing media as well?

Patricia Gibson: I am confining my remarks here to the misinformation perpetrated about foreign aid with the sole agenda of undermining that 0.7% commitment. That is despicable. In effect, it is waging a press war against the most vulnerable people on our planet, which is wholly outrageous, and we should be willing to say so.

Joan Ryan: As far as I can see, nobody in this room who has put questions about aid, particularly to the Palestinian Authority, and about the desire for transparency, is saying that the 0.7% is wrong. In fact, everyone who has made that point has expressed a firm commitment to the 0.7% and the desire for transparency.

Patricia Gibson: Absolutely. I have not suggested that we should not scrutinise the budget, and I apologise if I have come across as doing so. I am saying that the agenda of certain sections of the press is to undermine the entire ethos of the 0.7% commitment, and of foreign aid altogether. I recognise what the right hon. Lady says about nobody questioning the 0.7%, but we must be careful where that agenda takes us.

Aid at its current level must continue. To reduce it is to say that we have no particular commitment or humanitarian responsibility to those born into the very worst poverty. Although foreign visits might give an insight into such poverty, people in this room probably cannot comprehend it. We are talking about some of the least well-off people on our planet. I do not think we want to say that we do not have a particular responsibility to them. We must be very careful and mindful where the right-wing agenda in certain sections of the tabloid press takes us.

6.46 pm

Jeremy Lefroy (Stafford) (Con): I refer to my entries in the Register of Members' Financial Interests. Almost all the work that I have seen carried out with the support of DFID tackles individual poverty. It also supports global public goods, which is in the interests of us all. As the hon. Member for Central Ayrshire (Dr Whitford) mentioned earlier, if we take our foot off

the gas with diseases such as polio, malaria or neglected tropical diseases, the tremendous work done over the last 15 or 20 years will be undone. We must continue it.

The same is true of the work on water and sanitation referred to by my hon. Friend the Member for Congleton (Fiona Bruce). DFID's work has reached 60 million people over the past four years—vulnerable people in remote rural areas and the most difficult of circumstances. We have heard about the work with Syrian refugees who can have an education as a result of the work funded by DFID. Just two or three months ago, the International Development Committee saw the tremendous work being done with children in the north of Nigeria to ensure that they have an education fit for the 21st century, and last year we saw forestry work done over more than 20 years in Nepal, increasing forestation there by around 15%. That is important in tackling climate change.

I want to mention five ways in which DFID could look for improvement. The first is always, where possible, to consider the use of returnable capital instead of grants. In many cases, grants are most appropriate, but in many other cases, particularly involving work with the private sector, it would be better to use concessional lending or returnable capital, which can then be recycled.

The second is maximum leverage. We find, for instance on health, that many of the countries where we work committed in Abuja in 2001 to spend 15% of their budgets on health, but are nowhere near that at the moment. If we can connect the work that we do with them with reaching the target that they themselves set, we will get tremendous leverage from our spending.

The third, mentioned by the right hon. Member for East Ham (Stephen Timms), is effective partners such as BRAC. If we can use effective, low-cost partners that are prepared to work in difficult circumstances, we will find that our aid goes much further.

The fourth is to encourage the backing of small grants. Often, as hon. Members have mentioned, grants aimed at organisations working from our own constituencies can do a tremendous amount of good, perhaps matching the money that we raise locally. DFID says that that is sometimes too difficult for it to do.

Finally, DFID needs to be more rigorous in planning and more efficient in spending. There is much more work to be done on that.

6.49 pm

Ms Margaret Ritchie (South Down) (SDLP): It is a pleasure to follow the hon. Member for Stafford (Jeremy Lefroy).

Like my hon. Friend the Member for Foyle (Mark Durkan), I have received many letters and emails from constituents about this debate, most of them agreeing that the 0.7% commitment to foreign aid should remain legislatively binding, which is a view I concur with.

Development aid is not the only answer but it is a major part of the answer. The UK is one of six countries now meeting the UN target of overseas aid and leading the way for other countries to follow suit. This commitment has helped to ensure that national contributions to foreign aid are a race to the top and not a race to the bottom. The Overseas Development Institute estimated that, in 2015, the funding gap for humanitarian crises

was some £10 billion. Our support keeps the pressure on other countries to follow our lead and to close that funding gap.

Oxfam has told us that our development aid has helped it to deal with the Ebola crisis, and with the Democratic Republic of the Congo and Nepal. Therefore it is vital that the commitment to foreign aid spending remains enshrined in law, rather than being demoted to a policy commitment. Legislation provides a greater level of stability and reliability, allowing developing countries to budget for the long term rather than operating on a volatile year-to-year basis. It would be helpful if the Minister outlined in his response to this debate how that 0.7% has been spent and how having the commitment to that spend deals with development aid in a much better way than giving money on a one-off or yearly basis.

Foreign aid plays a dual role in meeting humanitarian crises and in funding long-term development in state-building. It also strengthens democracy and governance. It has been vital in helping some of the world's poorest people, by funding education, healthcare and sanitation, and by enabling tens of millions of people to engage as citizens in the political process and to scrutinise their Governments, which is another benefit of aid. Having talked to Oxfam last week, I know that it estimates that, in 2014-15, the UK's aid facilitated the holding of more transparent, free and fair elections in 13 countries.

According to opponents of foreign aid, it is the source of all economic ills, and this 0.7% of GDP could fund our NHS, build all the homes we need and end relative poverty. Although those issues are very important in their own context and in the UK generally, it is also important that we fund work in other countries.

Several hon. Members *rose*—

Mike Gapes (in the Chair): Order. I am afraid that I will have to reduce the time for speeches to two minutes and even then I cannot guarantee that everyone will get in.

6.52 pm

Mrs Flick Drummond (Portsmouth South) (Con): Our commitment to overseas aid was a manifesto commitment that I supported wholeheartedly, having been brought up in developing countries for the first 20 years of my life. It is our responsibility as one of the world's largest and most prosperous economies to help those in need and those in danger of exploitation. We should feel a sense of pride and involvement in the amount of aid that we deliver and the benefits it brings, but obviously we need to do more at home to explain exactly how our aid is delivered, because sadly now it has become a target for the press. However, it is also important that we debate these issues, because we must always ensure that public money is well spent and directed to the right ends.

In fact, 86% of people believe in the importance of overseas aid. We are debating this petition because it has crossed the threshold of support, but I personally receive far more correspondence supporting the work of the Department for International Development than correspondence attempting to undermine it.

[Mrs Flick Drummond]

The work that we have done with Rwanda shows that even the most chaotic states can get on the road to recovery with the right intervention, and Britain has been the birthplace of many of the world's most important charitable and voluntary organisations. Those organisations are key partners of DFID in delivering aid, as well as raising funds themselves.

However, this issue is never just about spending money; it is also about deploying British expertise that has been built up over decades. We are a trading nation. We must always be on the look-out for new markets and new partners to deal with. The investment in developing countries brings them into our markets, as we can see now across Asia. It is also vital that we get the world's young into work, for their own dignity and personal development as well as for their economic future.

With the rise of the internet, people in poorer countries can see the lifestyle that we enjoy here in the developed world and it is no surprise that they want to migrate here. By developing other countries, we also help to prevent the large amount of migration that is denuding countries of their most valuable resource—their informed and educated population. Our foreign aid must be directed towards building the economies of developing countries and it must continue to do so until it is no longer needed.

6.54 pm

Ian Austin (Dudley North) (Lab): Nearly all the direct UK grant to the Palestinian Authority is provided through the Department for International Development's "Statebuilding and Service Delivery Grant", and the Minister must do much more to assure us that it is not simply being paid—untied and un-earmarked—into the central treasury account of the Palestinian Authority, and that the verification of the funds is more than simply a notional accounting exercise. The Overseas Development Institute concluded that it is of "questionable robustness" and "provides few fiduciary assurances".

By contrast, as we have heard, just 0.2% of 0.2% of the money that DFID spends in the Palestinian territories goes to projects bringing Palestinians and Israelis together. I have visited the group that was mentioned earlier and that brings Israeli and Palestinian students together to break down barriers and acquire new skills. Actually, it would be quite useful if the Minister noted some of this down, so that he can answer the specific questions that he has been asked when he sums up at the end of the debate.

For example, can the Minister consider funding the Cherish Project and the One to One Children's Fund, which tackle the mental health problems suffered by children affected on both sides of the Israeli-Palestinian conflict? Would he consider funding OneVoice, which gives mainstream Israelis and Palestinians a voice, helping them to campaign for a peaceful two-state solution? The Aviv Peace Impact fund creates jobs and boosts prosperity by investing in growing businesses that employ Palestinians and Israelis side by side. Also, will he go to Rawabi, a new city that I have visited, which has new homes for 40,000 people in the west bank, a hospital, sports and community facilities, a shopping mall, offices and a business park that will provide jobs and prosperity for thousands of Palestinians, but which needs support and investment? He ought to look at funding Rawabi.

I have some specific questions for the Minister. Will he publish the memorandum of understanding with the Palestinian Authority? Will he commit to DFID implementing the 2014 recommendations on prisoners?

Joan Ryan: I simply rise to ask my hon. Friend a question: does he agree that when we ask for this forensic analysis of DFID spend, we do so in order to support the 0.7% commitment, because if there is any question about that spend it will undermine the whole project?

Ian Austin: I agree with my right hon. Friend entirely and I am grateful for the extra minute that she has given me to speak.

I also want to ask the Minister whether he will tackle the Palestinian Authority on the evidence of incitement. We should use Britain's aid spending to bring people together by promoting peace and co-existence, tackling poverty, and creating jobs for Palestinians by promoting trade and economic development in the west bank and Gaza. The British people would be proud to support projects such as the ones I have mentioned, instead of being so concerned about support for terrorists that they back the *Daily Mail* campaigns against international aid.

The truth is that British aid feeds 25 million under-fives, educates 11 million children, has helped 4.3 million babies to be born safely, has helped to tackle Ebola in Africa, feeds the starving, helps refugees and builds stronger economies around the world. It does all that and so much more, but I am afraid that it also funds the Palestinian Authority, which in turn funds terrorists, and that undermines much of the good work that it does.

6.57 pm

Oliver Colville (Plymouth, Sutton and Devonport) (Con): Thank you very much, Mr Gapes, for calling me to speak. I will keep my contribution very short, very brief and to the point.

First, may I congratulate my hon. Friend the Member for St Austell and Newquay (Steve Double) on securing this debate, which is a really good idea? Secondly, I declare my entry in the Register of Members' Financial Interests. I am the chairman of the all-party group on Zambia and Malawi as well. Indeed, I was in Zambia with the hon. Member for East Kilbride, Strathaven and Lesmahagow (Dr Cameron) last summer, where we learned quite a bit about how it is that places such as Zambia are being affected very badly by tuberculosis and HIV. As hon. Members know, HIV ends up cutting down the immune system and makes a sufferer much more likely to get TB. During the course of this year, we have seen a lot of people coming into this country by ship and we do not know whether they are coming in with TB. That is one very good reason why we should most certainly remain committed to spending the 0.7%.

The other issue that I will talk about very briefly is the whole business of what is happening down in southern Africa, especially in Zimbabwe. I am the vice-chair of the all-party group on Zimbabwe—indeed, I will be going to Zambia and Zimbabwe, and hopefully Malawi too, during the course of the summer, including for the Zambian presidential election. There is a very bad

problem developing with El Niño, which is badly affecting people. It looks as if 2.8 million households will face real difficulty, including difficulty in just getting food.

This issue is incredibly important and we need to take it seriously, and if I am honest I am rather surprised that we spend much more time talking about the middle east than we do talking about a really important part of Africa, which, frankly, is part of our home, because we have a responsibility there. Actually, my great-uncles were both deputy governors down in Malawi and I know the place very well indeed.

6.59 pm

Patrick Grady (Glasgow North) (SNP): It is a pleasure to serve under your chairmanship, Mr Gapes. I pay tribute to you and to the previous occupant of the Chair for having been able to call so many Members—admittedly, though, not everyone who wanted to get in has been called. I am aware that a number of Members came along to show solidarity with the debate without any intention of speaking or expectation of being able to do so, but that emphasises the point rightly made by the right hon. Member for Sutton Coldfield (Mr Mitchell) that this is the kind of issue that thoroughly deserves a full day's debate on the Floor of the House. I am happy to back that call.

I refer to my entry in the Register of Members' Financial Interests. Before the election, I worked for the Scottish Catholic International Aid Fund and was the vice-chair of the Network of International Development Organisations in Scotland.

One message that comes through loud and clear from the debate is that aid works. No one is disputing that aid from the United Kingdom Government, and indeed from the Scottish Government, has saved and changed millions of lives around the world over the years. There is a consensus about that and there does not, fortunately, seem to be any suggestion that aid should stop altogether. The substance of the debate seems to have been the effectiveness of aid and the appropriate amounts of spending and, to a certain extent, questions of public support for aid. I think that there is public support.

The debate was triggered by a petition—these Monday debates are becoming something of a highlight of the parliamentary week, which is to be welcomed—but there is a difference between a petition that people voluntarily sign and broader indications of public support. Repeated opinion polls show that a majority of people in the United Kingdom, and indeed across OECD countries, support the principle of aid. The point about public understanding was made relatively early in the debate. Interestingly, in 2011 a Chatham House-YouGov survey showed that the average estimate of UK aid spending was £79 billion, when in that year the actual spend was £8.5 billion. Polling across OECD countries consistently shows that people believe their Governments spend between 10% and 20% of their gross national income on aid and think it should be between 1% and 5%. In fact, the public think that more should be spent than is.

In my own constituency, the sum total of 95 people signed the petition, and only 5% of the signatories came from Scotland, which is far less than Scotland's proportionate share. Mention was made by my hon. Friend the Member for Cumbernauld, Kilsyth and

Kirkintilloch East (Stuart C. McDonald) of how our hon. Friend the Member for Glasgow North East (Anne McLaughlin) had primary schoolchildren who signed up to the Send my Friend to School campaign, and I have met primary schoolchildren from the Glasgow Academy who want to send the message to the Prime Minister loud and clear that children's education must be an important aspect of our international development spend.

Three key points have been touched on in the debate, the first of which is the principle of aid itself and the importance of the target. The second is the impact aid makes and why it is in our enlightened self-interest to spend money on it, and the third is how we go beyond aid and the role of the sustainable development goals. I will try to touch on all three points and still leave plenty of time for other Front-Bench colleagues.

As I have said, there is a consensus that there is a need for aid. I join other Members in giving credit to Labour for the creation of the Department for International Development as a stand-alone Department, and to the Conservatives and Liberal Democrats, first for maintaining DFID and secondly for passing the legislation that was in all the party manifestos. I hope that the commitment remains in those manifestos, for which people voted and which they, and Members in this Chamber, have endorsed.

The need for aid is clear, as we have heard in the many statistics, stories and anecdotes we have heard. As the right hon. Member for Tottenham (Mr Lammy) said, 124 million children are out of school—63 million of them girls—and some 650 million people are living without clean water. That is why continuing to provide aid is incredibly important, and it is something to which the Scottish National party has given its long-standing support. Indeed, the White Paper on independence for Scotland suggested that an independent Scotland would want to go beyond the 0.7% target to about 1%.

If the principle is established that there should be aid, the question is how much and why. The 0.7% target was agreed 40 years ago. It is not just a target for the United Kingdom, as many Members have recognised; it is the target for developed countries around the world. It was calculated that it represented the amount of money that would need to be generated to end poverty and bring people up to an equitable standard of living comparative to that which we enjoy. If the UK had been meeting the 0.7% target ever since it was agreed in 1970, an additional £87.5 billion would have been made available for aid spending and perhaps some of that would have lessened the need for aid today.

Sir Desmond Swayne: Will the hon. Gentleman reflect on the fact that, if all the rich countries of the world had met that commitment when they made it, we might be dealing with very different problems now?

Patrick Grady: That is exactly my point. I did not necessarily mean what I said to be a criticism; I am trying to offer a bit of context about why the target is so important.

As the hon. Member for Aldridge-Brownhills (Wendy Morton) said, it is a proportionate target, so it will go up, or indeed down, depending on the strength of the economy. The hon. Member for Foyle (Mark Durkan) made an important point about how the target, and

[Patrick Grady]

that predictability, allows people to plan and provide the step change—the gear shift—that is needed to really make an impact. Speaking of the need for and the importance of impact, the hon. Member for Plymouth, Sutton and Devonport (Oliver Colville) was absolutely right to address the hunger crisis in southern Africa. Predictable aid flows allow agencies to put measures in place that mean that when disasters strike, the resources are there to be mobilised immediately, rather than our sitting back, as the petition seems to suggest, and waiting for something to happen before scrabbling around and figuring out how much aid we can spend.

Aid does work. We have heard the statistics. My hon. Friend the Member for Rutherglen and Hamilton West (Margaret Ferrier) said that every two minutes immunisation sponsored by a United Kingdom aid programme saves a child's life. At the same time, no one is disputing that everything is not perfect, but my hon. Friend the Member for Cumbernauld, Kilsyth and Kirkintilloch East made the valid point that not everything is perfect in the NUS, or rather the NHS. Not everything is perfect in the National Union of Students either—[*Laughter.*] I do not see many petitions calling for the national health service to be shut down, although there probably are elements of the right-wing press that would support doing that.

It is right that questions have been raised about the use of funding in Palestine, and it is also right that the Minister has had the opportunity to respond. That is why we have structures of scrutiny in this Parliament. DFID is one of the most highly scrutinised Departments of Government but it is important to recognise the work that is done. Of course, DFID funds organisations by funding specific projects. It does not fund global headquarters for organisations. If an organisation wants to build a global headquarters, it has to get the funding from somewhere else and justify the spend to those funding sources. DFID gives money for specific projects that are fully accountable back here, and that is why we have this kind of debate.

A point that has so explicitly been made by many today is that this is not just a moral argument. Aid is in our enlightened self-interest. Some members clearly want to prevent migrant flows, displacement and the spread of tropical diseases, and investment through our international development funding is absolutely crucial to that. However, as has also been said, not least by the chair of the International Development Committee, the hon. Member for Liverpool, West Derby (Stephen Twigg), aid is only one part of the development process. We have to look at how we go beyond aid, and ultimately get to the stage at which it is not as necessary because countries are able to stand on their own two feet. There is a need for fair trade arrangements, support for civil society and good governance, the development of national infrastructure, fairer tax treaties—mentioned by the right hon. Member for Orkney and Shetland (Mr Carmichael)—and fair and effective implementation of the sustainable development goals. A coherent policy approach across the whole of Government is something that the Scottish Government are keen to take forward, and I hope that the UK Government will do so too.

It would be useful to hear from the Minister when DFID expects to publish its bilateral and multilateral aid reviews. It would be interesting to hear any further

reflection he can offer on double-counting towards the NATO and Overseas Development Institute targets, and to know how DFID plans to drive forward the sustainable development goals across Government.

I am a big fan of my tartan ties, and the one I am wearing is the Zambia-Scotland tie. As with many tartans, it is an expression of solidarity, and solidarity ought to be, as I said in my maiden speech, the basis of human relationships.

7.9 pm

Sitting suspended for Divisions in the House.

7.34 pm

On resuming—

Mike Gapes (in the Chair): Order. The sitting is resumed and the debate may continue until 7.54 pm. I call Diane Abbott.

Ms Diane Abbott (Hackney North and Stoke Newington) (Lab): I congratulate the hon. Member for St Austell and Newquay (Steve Double) on introducing this important debate.

I emphasise that it is possible passionately to support our commitment to spend 0.7% of GDP on aid and yet feel very strongly about accountability and transparency, as I do. It is not only a question of the accountability and transparency of the Department for International Development, although I appreciate that it is doing a lot of work on that. It is about accountability and transparency in the big non-governmental organisations, which do excellent work but have more to do on transparency, and it is about the accountability and transparency of the UN institutions, which are often the least transparent actors in development.

I feel strongly about accountability and transparency not just on behalf of the *Daily Mail* readers in Hackney North but because my family and those of many of my constituents come from the global south. I assure Members that people who live in the global south feel as strongly about accountability, transparency, good governance and minimising corruption as any *Daily Mail* reader. That is the context in which I wish to make my remarks.

We have spoken a lot about aid, but development is not only about aid. It is worth reminding the House that Africa loses \$58 billion more in flows out of Africa than it receives in aid. Aid spending is dwarfed by the financial flows out of countries in Africa. Every year, the continent receives around \$30 billion in aid, but it loses \$192 billion—more than six times as much as it receives in aid—in debt repayments, lost tax revenue, tax transfers, multinational profits and other financial flows.

When we discuss this subject, we should not think that aid is the only instrument of development. Aid is important, and I defend the 0.7% contribution, but there are other important issues for the developing world. As my right hon. Friend the Member for Tottenham (Mr Lammy) pointed out, the value of remittances to some countries of the global south are even more important than aid. The value of those remittances is that they go directly to communities, with no top-slicing through bureaucracy. In the event of humanitarian disaster, it is often remittances that get to the affected communities faster than any aid.

As the Labour party spokesperson on international development, I have been privileged to have been able to make a number of visits to all parts of the world in the past few months and see for myself how DFID money is spent. I went to Uganda with the International HIV/AIDS Alliance to see some really impressive projects focused on women and young people with HIV. I went to Ghana with ActionAid, where I saw how important women's health projects were funded. I have also been to Somaliland, where I saw evidence of the drought that is sweeping across eastern and southern Africa. Anyone who says our money is being thrown away should see, as I saw, the starving peoples who have lost their livelihoods because their livestock has perished. They are dependent on the aid funds that come from overseas.

Stephen Doughty: Is not Somaliland a perfect example, because our aid, security support and diplomatic support are working, together with the Government there, to bring peace and stability in a region that is not known for its peace and stability? It is a perfect example of how we are doing things right.

Ms Abbott: My hon. Friend is absolutely right that Somaliland is an example of how we are doing things right, although we would not see that on the pages of *The Mail on Sunday*.

Mr Mitchell: Is the hon. Lady aware that Somaliland absolutely makes her point? It has a budget of around £50 million, of which Britain provides something like £10 million, while the remittance value is more than £400 million. That shows that we must all look at more creative ways of ensuring that remittances are well used.

Ms Abbott: I agree. I come from a community that sends remittances. Not only are they very important and the diaspora communities that provide them true partners in development, but it is important that they are used creatively. I have been to the camps in Lebanon with Human Appeal and I visited Syrian refugees in Turkey, so I have seen for myself how well our aid can be used and how important it is.

Some very unpleasant remarks have been made about the Palestinian Authority. I am all for transparency and accountability, but let us remember that United States Secretary of State John Kerry said:

“Prime Minister Netanyahu made clear he does not wish for the collapse of the Palestinian Authority”.

He pointed out that, without the Palestinian Authority, Israel would have to

“shoulder the responsibility for providing basic services in the West Bank”.

The ODI report on the matter clearly said that the UK support on the ground helped to prevent economic collapse and an escalation in violence.

Andy Slaughter: I wonder whether my hon. Friend shares my dismay that there has been a concerted campaign today to demonise the Government's funding of the Palestinian Authority, which the Minister has rightly resisted. Does she agree that, if there is concern about UK and EU money going into Palestine, we should be most concerned about the demolition of Palestinian homes and villages funded by the UK to make way for illegal Israeli settlements?

Ms Abbott: My hon. Friend puts it very well. It is of no help to people in the region, particularly ordinary Palestinians on the west bank, to demonise the Palestinian Authority. I am confident that DFID is exercising scrutiny and is not giving money directly to so-called terrorists.

I said at the beginning that being committed to 0.7% is not the same as saying that we should not have more accountability and more transparency with all the key actors. I listened with interest to the testimony of Ian Birrell of *The Mail on Sunday* on 6 June to the International Development Committee's inquiry into the Government's use of private contractors. I want to let it be known that I am interested in the issues he raised. I share his concern that the Government might be allowing

“excessive profiteering off the back of British taxpayers on the one hand and off the backs of the poor”

on the other. Those issues are worth looking at. I know that the Chair of the International Development Committee, my hon. Friend the Member for Liverpool, West Derby (Stephen Twigg), thinks that, too.

I am also concerned about DFID's use of the big four accountants, which I believe to be contrary to sustainable development. PricewaterhouseCoopers, for example, is involved in industrial-scale marketing of tax avoidance schemes for corporations in the global south. I have other concerns about how the Government are spending aid to subsidise the fossil fuel industry and on deportation deals and building prisons. However, having expressed my concerns, overall I think that every single speaker in this debate has spelled out how British aid has helped strengthen health and education systems across the global south and contributed to cutting extreme poverty between 1990 and 2011 by 60%. Our contributions to the global health fund and the Ross Fund have played an enormous role in the battle against the killers malaria, HIV/Aids and TB.

As it is, the UK spends less on aid as a proportion of gross national income than Sweden, Norway, Luxembourg, Denmark and Holland, but we are the first country to commit to the fixed 0.7% provision. When aid is spent efficiently—that will often mean locally or through small grants, as has been said this afternoon—it builds capacity in local institutions and reduces poverty and inequality. When Labour formed DFID, we did not do so to set up an aid industry; we did so with the aim of ending aid dependency.

Supporting 0.7% does not mean that we can suspend our critical faculties in regards to how efficiently and well some of the money is spent, but we should be proud of committing to spending 0.7% of GDP on aid. The money we spend through aid often gives us more influence and moral suasion than some of the money spent on military adventures. I am glad that almost every Member who has taken part in the debate has supported 0.7%. Certainly on this side of the House we stand not just for a commitment to 0.7%, but for a continuing commitment to scrutiny and accountability. That is not just for our voters, but because the people of the global south deserve no less.

7.44 pm

The Minister of State, Department for International Development (Sir Desmond Swayne): It is a privilege to follow the hon. Member for Hackney North and Stoke Newington (Ms Abbott). She is very well informed, and

[*Sir Desmond Swayne*]

she speaks on the subject with passion. If I may, I would like to take the speech of the hon. Member for Glasgow North (Patrick Grady) as my own; it was excellent.

A number of my constituents have been driven into a state of apoplexy by stories of how their hard-earned tax money is shovelled out the door without scrutiny of any kind, particularly towards the year end. I am glad that I have been able to refer them to the dfid.gov.uk website, where they can find a point-by-point rebuttal of all the accusations.

I respect the petitioners, however, and I thank them for the opportunity that they have afforded us to debate this important issue. I am glad that a number of Members have used the opportunity to evangelise about international development aid, and I want the debate to go well beyond this Chamber. My ambition is to ensure that by the end of the Parliament, more people write to thank us for what we as a kingdom are doing on international aid than to complain about the level of it.

I have a duty to represent all my constituents—not only those who have written to me complaining about the level of international aid, but those who have been tweeting all day about how proud they are of our international aid. Equally, I must represent the views of the 99.99% of my constituents who have expressed no opinion whatever. I am glad that the right hon. Member for Tottenham (Mr Lammy) reminded us that we have a leadership role as Members of Parliament; our job is to bring our constituents information, to persuade them and, dare I say it, to bring enlightenment.

The UK aid strategy sits firmly in our security and defence strategy. The 0.7% spent on international aid and the 2% commitment to NATO are the 2.7% that we spend, in our international interests, on securing a safer, more stable and more prosperous world.

Patrick Grady *rose*—

Sir Desmond Swayne: I know what the hon. Gentleman will say, because we have had the argument before. We may secure our national interest through the ability to deploy lethal force, but I put it to the House that often, the deployment of soft power is a much more effective tool of policy. There is no doubt among any of us that it was in our national interest to spend hundreds of millions of pounds on securing an end to the Ebola epidemic. Without doubt, had it been allowed to spread, it would have come to us and caused terror and economic dislocation. Equally, our main effort has to be on economic development in the poorer parts of the world.

The reality is that in the end, everything is about jobs. In the next 10 years, the world needs 600 million new jobs if we are to avoid an army of underemployed young people who are frustrated and increasingly angry. We have to make investments. I am alive to the concern expressed by my hon. Friend the Member for Stafford (Jeremy Lefroy) about development capital. We have to tackle the causes of poverty and injustice, because if we do not deal with those problems at source, we know where they are going: to our doorsteps and our shores. Aid is undoubtedly in our national interest.

Overseas aid is also undoubtedly controversial; it has to be. If I am spending British taxpayers' money on helping the people of Bangladesh who live on the chars

to deal with climate change and flooding, it is clearly not available to deal with flood defences in Durham, York or elsewhere. However, I put it this way: we have pledged to spend 0.7% of our national income on international development, which means that we have 99.3% to spend on ourselves. I do not know anyone who spends 99.3% of their income on themselves; I am not sure I want to know such a person, and I am not so sure that they would have any friends. That is equally true of a nation. What influence would we have in the world, and how could we carry our heads high, if that were the case, and we were to abandon this important pledge? It is important to focus what we spend, rigorously demanding value for money, and ensuring that we have the systems to secure that and to drive down costs, so that we get proper value.

I am sorry to see that my hon. Friend the Member for Newark (Robert Jenrick) is not in his place, because he referred to a low bar. I invite him to see me in DFID to explain to me and my officials what this low bar is, because I am the “low bar”. I am the one who has to be persuaded that the projects are value for money, so I shall be very interested to hear his explanation.

The reality is that over the past five years, we have delivered education for 11 million schoolchildren; 69 million people have received financial assistance and services to trade their way out of poverty; 29 million people have benefited from our nutrition programmes; 5 million people, as my hon. Friend the Member for St Austell and Newquay (Steve Double) said, have benefited from having healthcare professionals attend at birth; 63 million people have had access to clean water; 15 million people have been able to cope with climate change; 44 million children have been immunised; and we have delivered emergency care to 13 million people in the wake of 33 disasters. That is a measure of the importance of what we are doing.

The bit of the development picture that people get is humanitarian relief. They put their hand in their pocket to the tune of over £100 million after the Nepal earthquake. What we need to get over to them is that the people who appear suddenly to provide that relief and do the search and rescue have to have their core funds covered throughout the year when there is not an earthquake. The success of our intervention in the Nepal earthquake was built on years of investment in resilience beforehand; there was a blood bank in place and a logistics centre for the distribution of emergency aid, which saved seven weeks cumulatively. People rehearsed and rehearsed how to deal with the aftermath. This is what we spend the money on. I believe passionately that we have to get the democratic legitimacy from our people by persuading them. The moment we explain this to them, they get it. We need to hold their attention and get the opportunity to do that, and this debate gives us that opportunity, so let us build on it.

7.52 pm

Steve Double: I thank everyone who has participated in this debate. I am sure that we all agree that it has been an excellent debate with many passionate contributions. I also thank all the petitioners and the *Mail* for enabling us to have this debate; it has been absolutely right to hold it. We have had clear cross-party support for spending 0.7% of GDP on international development.

It is absolutely right for genuine concerns to be raised. Those concerns must be addressed, and I am sure that the Minister has listened.

As the Minister has said, we should welcome the opportunity for this debate, because it allows us to celebrate all the good things that our nation achieves around the world using our overseas aid budget. Millions of people have been helped in so many ways, and the debate gives us the opportunity to spread the word. If there is one thing I will take from this debate, it is the need for us to communicate far better exactly how the money is spent and what it achieves on a global scale, as millions of people are helped. The point has been made many times that the more we can communicate that, the more the public will understand how important the funds are, and the more support there will be.

The debate has been great. I thank everyone who has taken part. There is a very clear message that I want to take away: we should not be talking about cutting the UK's aid budget; we need to put more pressure on other nations around the world to increase theirs.

Question put and agreed to.

Resolved,

That this House has considered e-petition 125692 relating to foreign aid spending.

7.54 pm

Sitting adjourned.

Written Statements

Monday 13 June 2016

BUSINESS, INNOVATION AND SKILLS

Post-Competitiveness Council

The Minister for Universities and Science (Joseph Johnson): My noble Friend the Parliamentary Under-Secretary of State for Business Innovation and Skills (Baroness Neville-Rolfe) has today made the following statement.

The Competitiveness Council took place in Brussels on 26-27 May. Under-Secretary of State for Business Innovation and Skills, Baroness Neville-Rolfe, represented the UK during the internal market and industry discussions on day one, with Shan Morgan (UK Deputy Permanent Representative) representing the UK in the research discussion on day two.

The presidency presented on the recent Quantum Technology conference in Amsterdam. This was followed by a presentation by Luxembourg on high performance computing. There was no debate.

The next item dealt with the Commission's online content portability proposal. I have previously made you aware of the UK's interest in the speedy implementation of this package. The proposal means citizens will be able to watch films, sport and other subscription services while on holiday or working temporarily in another member state. Following interventions by a number of member states, the Council agreed a general approach to the regulation. The proposal will now pass to the European Parliament who will agree its position in the coming months which could mean implementation of the proposal by the end of 2017.

At the regular competitiveness check-up the Commission gave a presentation that highlighted the issue of EU productivity. The UK welcomed the presentation and highlighted the link between services and productivity; I spoke about the significant amount of evidence which shows how important services are to economic growth.

The following item was a policy debate on the better regulation conclusions. I spoke for the UK in support of the conclusions, which build on the Commission's better regulation package released last year. I also welcomed the Commission's commitment to reduce burdens on business through the introduction of targets.

There was a presentation by Slovakia as the incoming presidency of the Council of the EU. This was followed by a readout of the recent Friends of Industry conference in Warsaw. The final any other business item was on the principle of country of origin marking.

The final item on the agenda was a discussion on proposed revisions to the posting of workers directive. There was a divergence of views between member states. The explanatory memorandum for this proposal was submitted on 24 March.

The research day of the Competitiveness Council took place on the morning of Friday 27 May.

The plenary opened with a discussion on Framework Programme 7 (FP7, which ran from 2007-13) and the future outlook for research and innovation. Council Conclusions on this topic were approved, noting that the recent evaluation of FP7 will be an important input to next year's interim evaluation of the successor Horizon 2020 programme.

The meeting also approved Council conclusions on research and innovation friendly regulation, following a short discussion on the subject.

The presidency then opened a debate on open science, noting that the Council conclusions called for a transition to open access to publications in Europe by 2020.

There was general agreement that the benefits of open access were achievable, though a number of member states highlighted concerns on practical issues such as remuneration systems for scientists publishing in open access journals. Following the discussion, the Council approved the draft conclusions. There followed a presentation from Professor John Womersley (Chief Executive of the UK Science and Technology Facilities Council, and Chair of ESFRI, the European Strategy Forum on Research Infrastructures). Professor Womersley briefed the Council on ESFRI's work to develop an updated set of priorities for European research infrastructure.

Commissioner Carlos Moedas followed this with a brief summary of the responses that had been received to the public consultation on his proposal for a European Innovation Council.

Finally the incoming Slovakian presidency outlined its priorities on research, which included "support for young researchers", "implementation of widening participation under Horizon 2020" and "improving the framework conditions for researchers in the EU".

[HCWS39]

ENERGY AND CLIMATE CHANGE

Energy Council (6 June 2016)

The Secretary of State for Energy and Climate Change (Amber Rudd): Today, my noble Friend, the Parliamentary Under Secretary of State for Energy and Climate Change made the following statement.

I am writing to report on discussions at the Energy Council held in Luxembourg on 6 June.

The Council, chaired by the Dutch presidency, featured discussions around a central theme of energy security.

The meeting began with the Council approving a general approach on the proposed decision with regard to intergovernmental agreements (IGAs) in the field of energy.

For the second agenda item European Commissioner Miguel Arias Cañete opened a policy debate on gas security of supply by calling for improvements to regional co-operation, solidarity and the transparency of commercial gas contracts. This was in order to address vulnerabilities that still exist in the case of major disruptions to gas supplies. Interventions from member states were mixed; some supported the Commission's approach whereas others referenced the need for a more flexible, voluntary approach to regional configurations. There was further discussion on the concept of solidarity arrangements and how these would apply not only to EU member states but to energy community states; a group of countries from south-east Europe and the Black Sea region.

Later, the Dutch presidency presented their conclusions on electricity market design which they hoped would provide guidance to the Commission on their proposals due out by the end of the year.

In the afternoon the Council listened to presentations from the Dutch presidency on the security of supply of medical radioisotopes to promote a longer term, more sustainable market. This was followed by a presentation from the Slovak Minister on their forthcoming presidency's work programme.

The Council ended with an update from Commissioner Cañete on recent events in international relations as well as progress on implementing the Commission's strategy on LNG (liquefied natural gas) storage which is to be implemented later this year.

[HCWS38]

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Monday 13 June 2016

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