

PARLIAMENTARY DEBATES

HOUSE OF COMMONS
OFFICIAL REPORT
GENERAL COMMITTEES

Public Bill Committee

COUNTER-TERRORISM AND BORDER SECURITY BILL

Fifth Sitting

Tuesday 3 July 2018

(Afternoon)

CONTENTS

Programme order amended.
CLAUSES 14 TO 17 agreed to.
SCHEDULE 2 agreed to.
CLAUSE 18 agreed to.
CLAUSE 19 under consideration when the Committee adjourned till
Thursday 5 July at half-past Eleven o'clock.
Written evidence reported to the House.

No proofs can be supplied. Corrections that Members suggest for the final version of the report should be clearly marked in a copy of the report—not telephoned—and must be received in the Editor's Room, House of Commons,

not later than

Saturday 7 July 2018

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The Committee consisted of the following Members:*Chairs:* † MRS ANNE MAIN, JOAN RYAN

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|---|--|
| † Bowie, Andrew (<i>West Aberdeenshire and Kincardine</i>) (Con) | † Maclean, Rachel (<i>Redditch</i>) (Con) |
| † Chapman, Douglas (<i>Dunfermline and West Fife</i>) (SNP) | † Maynard, Paul (<i>Lord Commissioner of Her Majesty's Treasury</i>) |
| † Coyle, Neil (<i>Bermondsey and Old Southwark</i>) (Lab) | † Newlands, Gavin (<i>Paisley and Renfrewshire North</i>) (SNP) |
| † Dakin, Nic (<i>Scunthorpe</i>) (Lab) | † Pursglove, Tom (<i>Corby</i>) (Con) |
| † Doughty, Stephen (<i>Cardiff South and Penarth</i>) (Lab/Co-op) | † Smith, Eleanor (<i>Wolverhampton South West</i>) (Lab) |
| † Foster, Kevin (<i>Torbay</i>) (Con) | † Thomas-Symonds, Nick (<i>Torfaen</i>) (Lab) |
| † Hall, Luke (<i>Thornbury and Yate</i>) (Con) | † Wallace, Mr Ben (<i>Minister for Security and Economic Crime</i>) |
| † Hoare, Simon (<i>North Dorset</i>) (Con) | † Warman, Matt (<i>Boston and Skegness</i>) (Con) |
| † Huq, Dr Rupa (<i>Ealing Central and Acton</i>) (Lab) | Nehal Bradley-Depani, David Weir, <i>Committee Clerks</i> |
| † Khan, Afzal (<i>Manchester, Gorton</i>) (Lab) | |
| † Lopez, Julia (<i>Hornchurch and Upminster</i>) (Con) | † attended the Committee |

Public Bill Committee

Tuesday 3 July 2018

(Afternoon)

[MRS ANNE MAIN *in the Chair*]

Counter-Terrorism and Border Security Bill

2 pm

The Chair: Before we begin, in the light of the swift progress made so far, I am minded, should we reach this point, to select the two new amendments in the name of Stephen Doughty on the amendment paper, which are amendment 47 to schedule 3 and new clause 8. A revised selection list for this afternoon's sitting is available in the Committee Room. Copies of written evidence received by the Committee are also here.

I remind Members that debates on amendments should focus on the content of the amendment rather than the generality of the clause they seek to amend. If Members have general points to make about the clause, they should wait until the clause stand part debate. If discussion covers the generality of the clause, owing to the nature of the amendment, I will be minded not to propose a separate clause stand part debate but to put the Question on the clause stand part formally.

I understand that the Minister wishes to move a motion to vary the resolution of the Programming Sub-Committee.

Simon Hoare (North Dorset) (Con): On a point of order, Mrs Main. My apologies for interrupting proceedings. I understood that Committee Rooms are usually locked during the lunch adjournment. I left a great wodge of papers here, all of which have now gone. I wondered whether the Clerk had put them somewhere or something.

The Chair: Apparently the room was locked. We shall try to track things down for you, Mr Hoare.

The Minister for Security and Economic Crime (Mr Ben Wallace): I beg to move a manuscript amendment, in paragraph (1), sub-paragraph (d) of the order of the Committee of 26 June, leave out "and 2.00 pm".

It is a delight to serve under your chairmanship this afternoon, Mrs Main. Following discussions through the usual channels, it was proposed not to sit on Thursday afternoon. Accordingly, I have moved a motion to amend the programme resolution.

Amendment agreed to.

Clause 14

TRAFFIC REGULATION

Nick Thomas-Symonds (Torfaen) (Lab): I beg to move amendment 30, in clause 14, page 16, line 33, leave out from "authorise" to "to" in line 34, and insert "another constable".

It is a pleasure to serve under you as Chair this afternoon, Mrs Main. I rise in unusual circumstances, because the Minister responded to parts of the amendment this morning, so I can anticipate some of the response. The amendment relates to proposed new subsection (5)(d)

in the Road Traffic Regulation Act 1984, in subsection (9)(c), which is the part of the clause that will empower a constable in connection with anti-terrorism regulation orders, or ATTROs. I am moving the amendment simply to draw some clarity from the Minister.

The explanatory note states that

"it might be left to a security guard or steward to determine when a provision of an ATTRO is to commence or cease operating on a given day".

I can see the common sense in that. For example, where a particular restriction has a set number of hours and everyone has gone, it would be in everyone's interest to have somebody on the ground who can say, perhaps an hour before the specified time, that the restriction is being brought to an end. What might be more problematic, however, is situations arising all over the country—for example, where a security firm or otherwise has taken on responsibility for particular things—where broad, strategic decisions are taken out of the police's hands and put into the hands of different bodies that may be applying them inconsistently.

Will the Minister set out the balance? There is nothing wrong with making common-sense decisions on the ground in a limited way, and if that is what is envisaged, as it seems to be from the explanatory notes, I would be satisfied by that explanation. What I would be less in favour of is a lot of inconsistency around the country or for common-sense decisions on the ground to perhaps interfere with the overall strategy for these events, which I would expect to be in the hands of the police.

Mr Wallace: I hear the hon. Gentleman's concerns. The key part of this provision, reflecting my earlier answers, is that it hands the constable the right to exercise his or her discretion about when to effectively delegate or allow the power to be used. I would trust the judgment of the police commanders I know—for example, Neil Basu, the counter-terrorism lead—to make that call in those situations. It is important to recognise that we do not want highly trained police officers with powers to be inappropriately used for something that a security guard, a steward or somebody else could do, which would be a better use of their time. I trust their discretion and think that the constable will get it right.

Most such events are properly planned. Where there has been an ATTRO, it will predominantly be because of a specific threat, or certainly enough threat to warrant it, which will clearly indicate a significant amount of deliberate planning, such that the local authority and, for example, the sporting event will be fully played into. I am therefore happy that that is where we are and we can allow those police officers to be used better.

I assure the hon. Gentleman that, all the way through, this is as much about the discretion of chief officers and local authorities in being able to police events properly, with the health warning that this is not to be used as a charging mechanism. It is thought that on average an ATTRO will cost between about £3,500 and £10,000, with approximately 90% of the cost usually going on ATTRO advertising. I do not think that is a significant impact. In fact, where an ATTRO is needed, the cost will sometimes fall on the Crown. I suspect that, for the Commonwealth summit at Lancaster House for example, the required costs will effectively mean Government paying Government.

I do not think we should remove the ability of a constable to delegate where they need to. That is the best way to get the correct policing and the right resources to the right event and also, perhaps, to limit the cost impact on some of these events. I would not want them to be unduly restricted. That is the thinking behind this part of the legislation, and I urge the hon. Gentleman to withdraw his amendment.

Nick Thomas-Symonds: I beg to ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

Clause 14 ordered to stand part of the Bill.

Clause 15 ordered to stand part of the Bill.

Clause 16

DETENTION OF TERRORIST SUSPECTS: HOSPITAL TREATMENT

Question proposed, That the clause stand part of the Bill.

Mr Wallace: I want to speak to clause 16 because I am conscious that, even if no amendments are tabled, some parts of the Bill are important and the concerns that we heard in evidence should be reflected. Even if hon. Members on both sides of the Committee agree with the provision, it is important that those on the outside can hear some of our justification.

The clause amends the Terrorism Act 2000 to exclude time spent in, and travelling to and from, hospital from the calculation of the time a suspect spends in pre-charge detention. General criminal law has long recognised that it is appropriate to pause the detention clock so that the time an individual spends in pre-charge detention does not include any time they are receiving hospital treatment or travelling to or from hospital, in the relatively rare cases where a detainee needs hospital treatment.

At present, the calculation of the maximum period of pre-charge detention for an individual arrested under the 2000 Act makes no allowance for any time spent by the suspect receiving hospital treatment. Consequently, if a suspect were to be injured or fall ill in custody, the amount of time available to the police to interview the suspect would be reduced. That could impair the police investigation and prevent a proper decision from being reached on whether to charge the individual before they must be released. They could therefore evade justice and the public could be put at risk.

The change will ensure that the police can use the full amount of time permitted to them under the law to question a suspect, investigate the suspected offence, and work with the Crown Prosecution Service to reach a charging decision. Terrorist investigations are often exceedingly complex and can involve a high level of risk to the public. As such, it is important that the police are able to investigate fully and get such decisions right.

The change will also apply to the calculation of the maximum time for which an individual may be detained for the purpose of examination under schedule 7 to the 2000 Act, which stands at six hours including the initial hour during which a person may be examined without being detained. That will give effect to a recommendation made by the former independent reviewer of terrorism

legislation, David Anderson, QC, and will bring the provisions of the 2000 Act in line with the Police and Criminal Evidence Act 1984.

Question put and agreed to.

Clause 16 accordingly ordered to stand part of the Bill.

Clause 17 ordered to stand part of the Bill.

Schedule 2

Retention of biometric data for counter-terrorism purposes etc

Gavin Newlands (Paisley and Renfrewshire North) (SNP): I beg to move amendment 14, in schedule 2, page 26, line 5, leave out paragraph 2.

The Chair: With this it will be convenient to discuss the following:

Amendment 34, in schedule 2, page 26, line 16, at end insert—

“(c) the Commissioner for the Retention and Use of Biometric Material has consented under section 63G to the retention of the material.”

Amendment 15, in schedule 2, page 26, line 29, leave out sub-paragraph 3(4).

These paragraphs extend from two years to five years the time period for which invasive biometric data, including fingerprints and DNA, can be retained. This amendment and amendments 16, 17, 18, 19 and 20 would mean that the time period remains at two years.

Amendment 16, in schedule 2, page 29, line 3, leave out sub-paragraph 7(4).

These paragraphs extend from two years to five years the time period for which invasive biometric data, including fingerprints and DNA, can be retained. This amendment and amendments 15, 17, 18, 19 and 20 would mean that the time period remains at two years.

Amendment 17, in schedule 2, page 30, line 3, leave out sub-paragraph 10(4).

These paragraphs extend from two years to five years the time period for which invasive biometric data, including fingerprints and DNA, can be retained. This amendment and amendments 15, 16, 18, 19 and 20 would mean that the time period remains at two years.

Amendment 18, in schedule 2, page 31, line 32, leave out sub-paragraph 13(4).

These paragraphs extend from two years to five years the time period for which invasive biometric data, including fingerprints and DNA, can be retained. This amendment and amendments 15, 16, 17, 19 and 20 would mean that the time period remains at two years.

Amendment 19, in schedule 2, page 33, line 4, leave out sub-paragraph 16(4).

These paragraphs extend from two years to five years the time period for which invasive biometric data, including fingerprints and DNA, can be retained. This amendment and amendments 15, 16, 17, 18 and 20 would mean that the time period remains at two years.

Amendment 20, in schedule 2, page 34, line 28, leave out paragraph 19.

These paragraphs extend from two years to five years the time period for which invasive biometric data, including fingerprints and DNA, can be retained. This amendment and amendments 15, 16, 17, 18 and 19 would mean that the time period remains at two years.

Gavin Newlands: It is a pleasure to see you in the Chair this afternoon, Mrs Main. I rise to speak on amendments 14 to 20, which have been tabled in my name. Clause 17 is obviously a significant provision and relates to the governance and retention of fingerprints, DNA samples and profiles, otherwise known as biometrics,

[Gavin Newlands]

by the police for counter-terrorism purposes. It would affect, among other powers, the retention of biometric data, in particular increasing the maximum duration of a national security determination, or NSD, from two years—or two plus one—to five years.

In addition, paragraph 2 of schedule 2 amends the Police and Criminal Evidence Act 1984, so that fingerprints and DNA evidence relating to a person arrested but not charged with a terrorism-related qualifying offence may be retained for three years. The fact that the power could affect an innocent individual who has not been found guilty of any offence is concerning. That concern was shared by Richard Atkinson of the Law Society, who provided evidence to us. He said:

“It is an area of concern for us because, clearly, it is right that individuals’ data is not routinely withheld”.—[*Official Report, Counter-Terrorism and Border Security Public Bill Committee*, 26 June 2018; c. 32, Q76.]

He suggested that the case for the provision has yet to be made by the Government.

The Police and Criminal Evidence Act 1984 provides the authority to a chief officer of the police to determine whether it is necessary and important to retain biometric data for an additional period of up to two years for the purpose of national security. Although NSDs are reviewed independently by the Biometrics Commissioner, the Bill proposes extending the duration of an NSD from the maximum of two years to a maximum of five years. Amendment 14, in deleting paragraph 2, would retain the Biometrics Commissioner oversight and keep the status quo in terms of the length of time data can be kept.

These provisions have attracted controversy due to the belief of many that they are a direct attack on individuals’ right to privacy. Throughout the Bill’s passage, I have spoken about the need to adopt appropriate counter-terrorism methods that can deal with the current threat. However, that goal does not mean that we should eliminate all appropriate checks and balances that safeguard potential abuses of power, which can affect individual civil liberties.

The commissioner also performs a vital, independent role, reviewing every NSD. In doing so, he will assess the nature, circumstances and seriousness of the alleged offence, the grounds for suspicion, the reasons why the arrestee has not been charged, the strength of any reasons for believing that retention may assist in the prevention or detection of crime, the nature and seriousness of the crime or crimes that that retention may assist in preventing or detecting, the age and other characteristics of the arrestee and any representations by the arrestee about those or any other matters. In addition, the commissioner has the power and authority to order that retained material be destroyed where retaining it is no longer necessary.

2.15 pm

The commissioner provides a layer of protection to ensure that a person’s most private and personal information is not held by the state for very little or, in some cases, no reason. Amendments 15 to 20 are essentially consequential to amendment 14, and remove a number of paragraphs to ensure that data can be retained only for the period currently available to the police.

We should all be concerned that the schedule allows a person’s biometric data to be retained for a significant period, regardless of whether they were charged with an offence, let alone convicted. The provision is overly intrusive and does not respect an individual’s right to privacy. We cannot allow for deeply personal information to be held when the case for doing so is so weak.

I accept that the proposal has been drafted with the goal of tracking down terrorists. However, during my questioning of Gregor McGill last week, he failed to provide concrete and relevant examples of where detection of crime is improved by retaining the biometric data on people who have never been charged or convicted of a relevant offence. Police and the CPS provided some further information on that need, which I requested during last Tuesday’s session. Despite that, I have yet to hear a compelling case that supports this particular requirement, which underlines the point that if we are to strike the balance between security and civil liberties, there is very little justification for retaining the data of an innocent person for a period of five years.

We also need to be aware of the inherent security dangers in storing personal information, particularly over longer periods. During the evidence session last week, I raised the example of America, where more than 5.5 million unencrypted fingerprints were hacked. We cannot ignore that serious concern when we discuss this issue.

The amendments would retain a series of important safeguards that would respect an individual’s right to privacy but allow our authorities to carry out their essential and important investigations.

Nick Thomas-Symonds: The amendment goes to the very heart of the framework of counter-terrorism—the balance that is to be struck between liberty and security. I respect the arguments on both sides. Assistant Commissioner Basu referred to how data obtained from a port stop had been useful in identifying someone who would go on to engage in an act of terrorism. He was absolutely clear that that kind of data could be useful in the fight against terror. However, that has to be balanced against the concerns.

There are concerns, first, about whether the data that is held can be kept secure and, secondly, about two particular classes of people, if I can put it that way. The first class is the person who is arrested because of a mistake, whether that be mistaken identity or a mistake in place or in any other material fact. The second class is the person who has been arrested and never charged. How we strike that balance and protect those people is vital.

Although I have sympathy with the means by which the hon. Gentleman has sought to achieve that balance—essentially by keeping the period of retention at two years rather than extending it to five—the amendment is something of a blunt instrument. You would quite rightly stop me, Mrs Main, if I started to refer to the next amendment that is tabled in my name, but none the less I think that that amendment is a better means of achieving and striking the balance. It would protect the two types of people I have referred to and give them a right to appeal. This amendment is a blunt instrument for achieving the same aim.

Mr Wallace: The hon. Member for Paisley and Renfrewshire North referred to an example. I said at the time of hearing the evidence that it was remarkable that, as the witness was speaking, a verdict was returned in a trial of an individual who was arrested on Whitehall with three knives on him. It is our strong belief that he had been planning to carry out an attack and was en route to do so. The evidence that was used to help to convict that individual was based on biometrics taken from a number of improvised explosive devices in Afghanistan four or five years ago. In fact, he subsequently admitted that he had taken part in the manufacture of 300 IEDs in Afghanistan.

Those biometrics were taken from a schedule 7 stop and retained, and the consequence was that he was convicted. If we had not been able to hold some of those biometric data for longer than two or maybe three years, I am not sure that that individual would have been convicted last week. We should reflect on the fact that not only was that individual seriously dangerous, he was probably on his way to attack people around this building, Downing Street and Whitehall, right in the heart of our democracy and what we hold so dear.

Like it or not, DNA is a successful part of the process. It is often what we need to convict people. Terrorist offences are often highly complex—there are huge amounts of encryption. The ability for us to use communications alone to prosecute people is getting harder and harder. Forensics are very often the key, and DNA forensics are incredibly important.

Nic Dakin (Scunthorpe) (Lab): If that individual was convicted and arrested under the current legislative framework, why do we need this further change?

Mr Wallace: First, if his DNA had been taken under a schedule 7 stop longer than three years ago, it would not have been available. Secondly, we were fortunate that the United States had taken the DNA swabs in Afghanistan because it had a longer retention policy and was therefore available for us to exchange.

Nic Dakin: Going back to the evidence from Richard Atkinson, he said,

“any extension of time periods needs to be justified by objective evidence.”—[*Official Report, Counter-Terrorism and Border Security Public Bill Committee*, 26 June 2018; c. 32, Q76.]

Is the Minister saying that there is further objective evidence to support his argument?

Mr Wallace: The point is that if it is okay to hold it for three years—I did not get an answer from Liberty about whether it believed in holding any data—I do not see the justification for why it cannot be five years. If in principle retention of data is acceptable to people when someone is arrested for a terrorist offence but not charged or convicted, surely if three years are okay, why not four, and if four, why not five? Five years give us that extra time and some of these investigations take a lot of time.

I also refer the hon. Gentleman to the key quote by Paul Wiles, the Biometrics Commissioner. As I said on Second Reading, we have included lots of recommendations from the independent reviewers. The hon. Member for Paisley and Renfrewshire North himself says we should listen to the commissioner and the independent reviewers.

The Biometrics Commissioner said in his annual report 2017: “NSDs”—that is when a police chief decides under the national security determination that biometric data of an individual is required—

“are being reviewed at two yearly intervals as Parliament intended. For some NSD cases...my judgment”—

not ours—

“is that the evidence/intelligence against the relevant individuals is such that they could be granted for longer than two years.”

The Biometrics Commissioner is recommending extending the two or three years, not shutting it down to one year or whatever. We have listened to that and we have looked at our intelligence case load. We know there are people in Syria right now and we do not know when they are coming back. We would like to have the provision of potentially being able to match them to a crime. The first main flush of people going to fight for Daesh was in 2014. We do not know how long they may be out there. They do not come back in bus loads, they come back in trickles, and this mechanism is an important tool for us. I am afraid that the amendments would prevent us from doing that and the Government cannot support them. For that reason, I ask the hon. Gentleman to withdraw his amendment.

Nic Dakin: The Minister is making a strong case for extending the period. It is not clear why it is five years, rather than, as he says, six years, four years or three years. He also recognises that it should be a limited period and that the time should run out at some point, which is welcome. Will he deal with the issue of retaining biometrics from people who have not been charged or found guilty of committing any offence?

Mr Wallace: TACT—Terrorism Act 2000—offenders’ data can be retained if a national security determination is made by a police chief irrespective of whether or not they have been convicted. If someone is convicted of any offence—certainly a serious offence or terrorist offence; I will seek guidance as to whether this applies to a minor offence—their DNA data can be detained for a much longer period, if not indefinitely. This mainly concerns people who have been arrested but not convicted. That is why this measure is important. It is specifically aimed at the more serious offences of terrorism. One of the other challenges in the law is that if someone is arrested under PACE, it may be for terrorism, but it might not be for a terrorist offence. What someone is arrested for defines the subsequent powers that we have. We would like to match that to allow a PACE arrest to lead into us retaining that data.

To give the hon. Member for Scunthorpe some reassurance, the Biometrics Commissioner will review this. If he feels next year or the year after that we are holding data for too long or for too little time, no doubt the Government of the day, as the hon. Member for Paisley and Renfrewshire North says, would be wise to listen to those recommendations, return to the House and do something about it. That is why we have these independent reviewers, tribunals or whatever they are making a judgment on us. Any responsible Government will listen to their advice.

Afzal Khan (Manchester, Gorton) (Lab): Clearly there is an issue of trying to balance liberty and security. One of the points that the written evidence from Liberty pushes is that

[Afzal Khan]

“the retention of innocent people’s DNA has a disproportionate impact on people from BAME backgrounds. Estimates vary, but it has been projected that between a half and three-quarters of young black men have had their DNA stored on the DNA Database.”

What is the Minister’s view on this?

Mr Wallace: I would need to see whether Liberty means people convicted or people arrested but not convicted. If people are convicted of offences, it does not matter what their background is. They are convicted of an offence and their data is stored.

Afzal Khan: They are not convicted.

Mr Wallace: In the terrorist space, it would reflect the threat of the day. Undoubtedly, at the moment the single biggest threat to us going about our lives in the United Kingdom is from Daesh/al-Qaeda. There is our proscription of National Action and a growth in the number of people from the neo-Nazi far right. If we had had a DNA database in the ’80s, the vast amount of the DNA would probably have been from those of Irish descent linked to Irish nationalist and loyalist terrorism. I am afraid the database reflects the threat of the moment. Nearly all the terrorist operations I have ever seen are intelligence-led—they are not rustled up. It is a thoughtful, deliberate process. I do not think the database is indiscriminate or that it targets people based on their black and minority ethnic background. It is just a reflection of the threat we face at the moment, and I suspect that it will shift. In 10 years’ time, the hon. Gentleman and I might be standing here talking about another section of society. In the north-east of England, far-right referrals to Channel outstrip Islamist referrals. If that were to feed into the terrorist threat, in a few years’ time we may see a greater amount of DNA retained from white British people in the north-east.

2.30 pm

Gavin Newlands: Despite the Minister praying in aid the Biometrics Commissioner, I still do not buy the Minister’s comments or the strength of his argument about these provisions. However, despite the outrageous description by the hon. Member for Torfaen of my amendment as a blunt instrument, I am conscious that the Labour Front Bench has tabled an amendment in the next group that retains the Biometric Commissioner’s oversight, although it also retains the five years. I will throw my support behind that amendment and for that reason I beg to ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

Nick Thomas-Symonds: I beg to move amendment 33, in schedule 2, page 35, line 17, at end insert—

“21 (1) A person whose biometric data is retained under the provisions of this schedule may apply to the Commissioner for the Retention and Use of Biometric Material (‘the Commissioner’) for the destruction of that data when the conditions in sub-paragraph (2) are met.

(2) The conditions referred to in sub-paragraph (1) are—

- (a) that the retention of the biometric data has not been previously authorised by the Commissioner or a court of law; and

- (b) that the biometric data was taken from the person—
(i) in circumstances where the arrest or charging of the person was substantially due to a mistake, whether of identity, place or other material fact; or
(ii) the person was arrested but never charged for the relevant offence.

(3) On receiving an appeal under sub-paragraph (1), the Commissioner must seek representations from the chief officer of police in the area in which the biometric data was taken as to whether the data should be destroyed or not.

(4) The Commissioner must determine an appeal under sub-paragraph (1) within three months of receiving the appeal.”

Although I described the previous amendment as a blunt instrument, it was proposed in an effective way and was eloquently argued.

Gavin Newlands: You are forgiven—just don’t do it again.

Nick Thomas-Symonds: I will try not to.

I will put the case for amendment 33, as I started to do in the last series of amendments. The amendment squarely aims at striking an appropriate balance between liberty and security. Two circumstances are highlighted. The first is when there has been a mistake, which can happen, such as a mistake involving identity, place or any material fact—or in the intelligence, which can also happen, as the security Minister would accept. The second circumstance is when a person has been arrested but not charged for the offence. My hon. Friend the Member for Manchester, Gorton referred to the impact on the BAME community, which fits precisely into that category—people who do not end up being charged with an offence.

The amendment states that an application can be made to the commissioner for the destruction of data when the conditions are met. On receiving the appeal, the commissioner must seek representations from the chief officer of police in the area from which the biometrics data was taken as to whether it should be destroyed or not. Even if there is an appeal by an individual to the commissioner, that additional sub-paragraph means that the chief officer of police can make representations, which seems to strike a balance between the two. The individual person has the right, but if there are background concerns, the chief officer of police can make those representations.

There would also be a period of three months in which to determine the appeal, which is a reasonable period for collecting the necessary data from the chief officer of police and for consideration. Of course, there will be circumstances in which appeals will be turned down on that basis, but none the less it provides a framework. If people’s data is being retained in circumstances where a mistake has been made or when they have not ultimately been convicted of an offence, they can appeal to have it taken away, but that safeguard of representations from the chief officer of police remains. In those circumstances, I commend the amendment as a reasonable way through what I accept is a difficult problem.

Mr Wallace: The amendment provides for a person whose fingerprints and DNA profiles are retained under a power amended by schedule 2 to apply to the Biometrics Commissioner for the data to be deleted, if the commissioner has not previously authorised its retention.

The grounds on which data might be deleted are if the individual was arrested or charged as a result of a mistake, for example mistaken identity, or if they were arrested but not subsequently charged.

In so far as the amendment relates to cases of mistaken identity, I am happy to inform the hon. Member for Torfaen that existing legislation already directly addresses this issue, and in fact provides a stronger safeguard than he is proposing. Section 63D(2) of PACE states that biometric data must be deleted by the police without the individual needing to appeal if it was taken where “the arrest was unlawful or based on mistaken identity.”

This aspect of his amendment is therefore unnecessary, although I wholly support the principle behind it.

In so far as the amendment relates to cases where the individual was arrested lawfully and no mistakes were made but they were not subsequently charged, similar ground was covered by previous amendments. One of these amendments would have removed from the Bill—in its entirety—measures providing for an automatic retention period following arrest under PACE on suspicion of terrorist offences. I have already set out why those measures are appropriate and necessary, and I am pleased that the Committee did not pursue those earlier amendments. For a similar reason, I cannot support this amendment.

I have already said that the Bill does not depart from the principle established by the Protection of Freedoms Act 2012 in that the biometric data of a person who has been arrested but not charged should no longer be retained indefinitely in most cases, as it used to be. In passing that legislation in 2012, Parliament rightly recognised that it is appropriate and in the public interest for biometric data to be retained for limited periods in certain circumstances in the absence of conviction. One such circumstance is where a person is arrested under the Terrorism Act 2000 on suspicion of being a terrorist but is not subsequently charged. Under current law, there is an automatic three-year retention period. Anything beyond this requires a national security determination to be made by the chief officer of police and approved by the Biometrics Commissioner. Schedule 2 makes equivalent provision for a case where the same person is arrested on suspicion of the same terrorist activity but under the general power of arrest in PACE. The flexibility to use either power of arrest—TACT or PACE—is open to the police and is a decision that will be taken based on operational considerations. It is a current gap that the same biometrics retention rules do not follow the two powers of arrest in terrorism cases despite the fact that there may otherwise be no material difference between the two cases. Schedule 2 attempts to close that gap.

I fully support the well-established principle that biometric data should be automatically deleted following a mistaken or unlawful arrest, but I cannot agree that we should overturn the equally well-established principle that there should be a limited period of automatic retention following a lawful and correct arrest on suspicion of terrorism. There are many reasons why a charge may ultimately not be brought in such circumstances. The individual might have been quite reasonably suspected and there might be extensive intelligence to indicate that they pose a very real threat, but if it is not possible to produce that intelligence in an open court, for example,

or if it comes from intercept or from sensitive sources which we cannot put at risk then it cannot be used to support a prosecution.

Although the person will therefore be quite rightly treated as innocent as a matter of law, that does not mean that the police can simply wash their hands of them and take no further action to protect the public. It is right that there should be a limited, automatic period during which their fingerprints and DNA profile can be retained so that the police can identify their involvement in any further suspected terrorist activity. If there is no information to suggest that they pose a threat at the end of this limited period, then it will be neither necessary nor proportionate to seek a national security determination to authorise its ongoing retention, and the data will have to be deleted. This approach strikes the right balance. Although I appreciate the spirit of the hon. Gentleman’s amendment, it would shift that balance and raise a number of difficulties.

Given the limited automatic retention period in question and the need for both a chief officer of police and the Biometrics Commissioner to approve any further retention, it is not necessary to introduce an additional review of the case in advance of the one that would occur at three years. Existing safeguards ensure the proportionality. The Biometrics Commissioner has not raised a concern about them in the case of TACT arrests and they have not been found to infringe disproportionately on the rights of suspects. To add an additional review would place an unnecessary and disproportionate burden on both the police and the Biometrics Commissioner. A more fundamental issue is that it would be difficult to have a meaningful and transparent application process in which the reasons for decisions could be provided to applicants. The hon. Gentleman’s amendment does not specify the criteria by which the Biometrics Commissioner might consider an application from a terror suspect, but presumably it would be the same as the test for retaining the data under a national security determination: that it is necessary and proportionate to do so. The Biometrics Commissioner and his staff have the necessary security clearance to make such a consideration on the basis of all relevant information, including sensitive intelligence.

In cases of the kind I have alluded to, where intelligence clearly suggests that a person poses a risk but it cannot be adduced in open court to support a prosecution, that would prevent the individual from being informed of the reasons for any decision to reject their application. It would also prevent any judicial review of the rejection of their application from being heard in open court. To do so could compromise sensitive sources of information and could reveal the extent of intelligence coverage of the individual. The simple fact of a decision to retain or delete the data could reveal the existence or absence of a hitherto covert investigation into them, and could indicate the level of the police’s interest in their activities. Such information could clearly be valuable to an active terrorist, as it could allow them to disguise their activities and avoid intelligence coverage, or it could provide assurance that the authorities are not aware of their activities. That would simply not be in the public interest and would strike the wrong balance. It would make such an application scheme very difficult to operate in practice. For those reasons, I hope the hon. Gentleman will withdraw his amendment.

Nick Thomas-Symonds: I have three points to make in response. First, although I take on board the point about section 63 of the Police and Criminal Evidence Act 1984, having a personal right to appeal in the Bill is an important principle.

Secondly, on the balance between keeping intelligence confidential and revealing enough for there to be a meaningful process, that is covered by the chief officer of police being consulted and making representations. The balance between what can be said on paper and what cannot occurs right across the spectrum of terrorism offences.

Thirdly, the test that the commissioner would apply would obviously be the necessary and proportionate retention of data, which is very common. On that basis, I wish to press the amendment to a vote.

Question put, That the amendment be made.

The Committee divided: Ayes 9, Noes 10.

Division No. 1]

AYES

Chapman, Douglas	Khan, Afzal
Coyle, Neil	Newlands, Gavin
Dakin, Nic	Smith, Eleanor
Doughty, Stephen	Thomas-Symonds, Nick
Huq, Dr Rupa	

NOES

Bowie, Andrew	Macleay, Rachel
Foster, Kevin	Maynard, Paul
Hall, Luke	Pursglove, Tom
Hoare, Simon	Wallace, Mr Ben
Lopez, Julia	Warman, Matt

Question accordingly negatived.

Schedule 2 agreed to.

Clause 18

PERSONS VULNERABLE TO BEING DRAWN INTO TERRORISM

Nick Thomas-Symonds: I beg to move amendment 31, in clause 18, page 19, line 14, at end insert—

“(8) After section 39 (Power to amend Chapter 2), insert—

‘39A Review of support for people vulnerable to being drawn into terrorism

(1) The Secretary of State must within 6 months of the passing of the Counter-Terrorism and Border Security Act 2018 make arrangements for an independent review and report on the Government strategy for supporting people vulnerable to being drawn into terrorism.

(2) The report and any recommendations of the review under subsection (1) must be laid before the House of Commons within 18 months of the passing of the Counter-Terrorism and Border Security Act 2018.

(3) The laying of the report and recommendations under subsection (2) must be accompanied by a statement by the Secretary of State responding to each recommendation made as part of the independent review.”

This amendment presses for a statutory review of the Prevent programme. Let me make it clear that I have visited the Prevent programme. I am very grateful to the Minister for the way he facilitated my visit, and to the Home Office civil servants who accompanied me on that visit, where I saw some excellent work going on. I would not for a moment denigrate the work that is

being done to divert people from a life of terrorism to a far more constructive life. That is absolutely to be praised.

However, it is part of good governance to regularly review whether policies are working as well as they should be. If improvements can be made on the basis of those reviews, they should be made. I would highlight two concerns around Prevent, both of which could be considered within the scope of that review.

2.45 pm

The first has regard to its aims. I have seen the Prevent programme in action in schools, for example. I have seen it in action dealing with particular individuals; I have heard the previous reviewer of the counter-terrorism legislation, David Anderson, speak about it and interview people who feel they have benefited from the programme. I call that aspect of Prevent the welfarist aspect. However, when we look at the aims of the programme, we have to be careful about what we are seeking to do, because it is also seen as an intelligence-gathering exercise.

Prevent also has the aim of community cohesion. I have seen some very good work in the narrow reaches of the programme, but there are concerns about whether there is scope for the kind of community cohesion activity that is required when we see swingeing cuts to local government services, whether that is children’s services or youth clubs—something that has been highlighted to me by local authorities during the work I have done on Prevent.

Some communities also have difficulty being confident in the programme, which relates back to my point about Prevent’s aims and it being seen as an intelligence-gathering exercise. I am not saying that there is not excellent work going on as well, but in those circumstances it is sensible and reasonable to want to review the programme, ensure that it has wide community support and be in a position to make improvements if necessary.

Dr Rupa Huq (Ealing Central and Acton) (Lab): It is a pleasure to serve under your chairmanship. I speak to clause 18, in support of my hon. Friend the Member for Torfaen’s plea for an independent review of the programme. As he said so persuasively, it is doing some good work out there, and nobody is arguing against safeguarding. However, we have to accept that in its current guise and its earlier incarnation of preventing violent extremism, Prevent has been dogged by accusations of feeding mistrust and harbouring suspicion against certain communities, who feel disproportionately targeted by its impact. I am speaking mainly about Muslims, who may already be feeling jumpy in this post-Brexit climate of the rises we have seen in hate crime. We do not want to be unwittingly pushing them into the wrong arms.

Simon Hoare (North Dorset) (Con): What would the hon. Lady say to the counter-accusation, if we can call it that, that some within a variety of communities sought to undermine the robustness and work of the programme, by making such allegations? They did so not because they had any particular axe to grind against Prevent; they were just trying to divert attention away from their activities to create distrust in the agenda. What does she say about that, given that a canon of evidence seems to be building, which demonstrates that as a fact?

Dr Huq: What I would say is that the hon. Gentleman needed to bear with me and hear what I was going to say as I developed my argument. I had barely finished my first sentence. If he bears with me, I will give examples of other communities, too—not just Muslims, of course. We do not want this to be a cover for people to do their illicit deeds. If he will bear with me, I would like to continue.

I would like to give two observations from the coalface to the Minister. Both the Minister and the shadow Minister go and see these projects all the time, I am sure. In the last week and a half, without my trying, I have come across two examples in our Prevent team at Ealing Council—the London borough of Ealing gets quite a lot of funding for this. The first example was the week before last. I had convened an interfaith meeting at our town hall. I go to a lot of civic services, because we have two synagogues, two mosques, loads of churches, Baha'is and all sorts of faith groups, and they all talk to me, but they do not talk to each other. My idea, therefore, was to bring them together in a room to see what sort of things they are doing—food banks and other services—but it is not a theological group. I had the Prevent officer there, but she was rounded on by some Muslims from one of our mosques, who said that Ealing council is getting a reputation for being Islamophobic. One group, MEND—it stands for Muslim Engagement and Development, and I have met some of its members in Parliament—had wanted to hold a meeting at the town hall, but had been banned by the Prevent team because red flags had been raised about it after a Channel 4 “Dispatches” documentary. I think the programme was called “Who Speaks for British Muslims?”

Banning the group was seen as an overreaction, because the programme was just a bit of shoddy and sensationalist journalism. There are always bad apples in any group—as in any political party, because we can be umbrellas for different interests—but people felt that it was a bit much to ban the group MEND, whose aim is to combat Islamophobia. People from MEND have been in this building, Portcullis House, to see me. They gave me a whole dossier, and were anticipating the attack, saying, “We’ve got a point-by-point rebuttal of the programme, which is coming out next week.” Again, that gave Prevent a bad name.

Sometimes these groups form an alphabet soup of acronyms, and some of them are a bit voguish and flavour of the month. The poor Prevent officer at my meeting had all these people saying, “Ealing council is Islamophobic”, and, although Channel and all the other bits deal with the far right and so on, perhaps Prevent falls disproportionately on Muslims. That is why a review is a good idea, and that is all my hon. Friend the Member for Torfaen is asking for—a sensible review to take stock and to see whether the strategy is working.

My second example is from this weekend when I was at the Somali Advice and Development Centre which was celebrating receiving a Queen’s award. This SADC group in my constituency, which actually operates borough-wide, channels people away not only from extremism but from criminal activities generally—at the weekend the group was talking about knife crime a lot. Again, the Prevent officer was at the celebration. A young Somali girl said to me, in hushed tones, that Prevent did not trust them at all, not as far as it could throw them.

She even works for the local authority in another guise, so she is a public servant, but she mentioned another group, Cage—the one that deals with prisoners—and said that she would rather deal with it than Prevent any day. Cage dealt with Moazzam Begg. Again, the Prevent officer’s face dropped, saying, “No, that’s on our banned list.”

Mr Wallace: I have listened to and understand the hon. Lady’s case. Much of what she says is genuine, but before she goes down the Cage line, she is right that there are groups and groups. I do not want her to wander inadvertently into thinking that Cage is some small representative of prisoner groups. The leadership of Cage praised Jihadi John as an individual before a Committee of this House. If there is one group that seeks to undermine Prevent for the wrong reasons—there are people who oppose Prevent for perfectly valid reasons—it is Cage, which would take the view that it is anti-state. Cage wants nothing from the state, including Prevent. It is one of the groups, similar to some of the far-right groups, that would like us to have a less integrated society and less of a common-values platform. She is perfectly right to express other concerns, but she should be cautious about Cage. I would never say that I would rather deal with Cage than Prevent. It would be a slippery slope.

The Chair: Before I call the hon. Lady to resume her remarks, I remind the Committee that at the beginning of the sitting I said that if comments were wide ranging, we would not have a clause stand-part debate. Given that she is ranging quite widely from the wording of the amendment, I shall probably not have a separate clause stand part, so she should be mindful of that as she carries on with her remarks.

Dr Huq: I am grateful to the Minister for flagging up that one should be cagey about Cage. I have never encountered Cage directly, but am reporting verbatim what someone said to me. That is my point: if people feel they are being alienated, we do not want to radicalise them and drive them into the arms of the wrong people.

The Somali girl said she had undertaken training at the London borough of Hillingdon. She had been shown a video that said that the tell-tale signs for spotting that someone is becoming radicalised include going to a mosque and having a beard. She said that that covers most of the people she knows. Again, it may be that some of the training materials are a bit defective. She said that after her niece’s schoolteacher had been on training in Feltham in the London borough of Hounslow, the kid—a primary school child who sometimes wears a hijab and sometimes does not—was called in with her parents. Again, perhaps we should have a review of the materials that are being put out there. Her point was that the video would make anyone feel a bit mistrustful of Muslims, but would not have done the same for far-right activists. Although the video gave an example of far-right activism, it was not on a par.

The vast majority of referrals come through schools, and there are figures on that. Academic papers from the law department at Oxford—I went to Cambridge, so I intrinsically mistrust anything from Oxford—

Simon Hoare: Order.

Dr Huq: Sorry. The law department at Oxford said that referrals come through schools. Getting flagged by some over-enthusiastic teacher who has watched the shoddy training video can be a black mark against a schoolkid's name forever.

The Somali girl said that everything was on condition of anonymity. She said, "I'll talk to you, but I don't want to be named." She said, "It makes you scared to say anything ever." People might have legitimate concerns, but what does it stretch to? If a kid has a Koran in the corner of their bedroom, or if there is a campus meeting to discuss Israel's policies, could that be among the things to look out for in the Prevent video?

It is not just me saying that having a review of Prevent would be a good idea. David Anderson, the former independent reviewer, who has been mentioned by the Minister and the shadow Minister, called for a review and said that Muslims are being made to feel "under siege". There is a sense that the net is being cast too wide. Salman Abedi, the Manchester bomber, was not caught, although people at Didsbury mosque reported that he was saying some dodgy things. Sometimes it is not catching people, and sometimes it is too wide.

Julia Lopez (Hornchurch and Upminster) (Con): It is extremely dangerous in debates like this to talk about the Muslim community as if it has a single viewpoint.

Dr Huq: I did not—

Julia Lopez: You did just now.

The Chair: Order. I have not said anything.

Julia Lopez: I am sorry that I addressed the Chair. I apologise.

Prevent deals with extremely delicate issues, and it is about building trust in the community, so we cannot talk about the community as though it is singular. For instance, groups of mothers who are extremely worried about their children leaving for places such as Syria want to engage with Prevent. Saying that Prevent is divisive and breeding mistrust is misplaced and dangerous in the circumstances.

Dr Huq: I completely accept the hon. Lady's point about the differences within Islam. There are many denominations; I would be the first to agree with that. I am sorry if I was giving that impression. That is what a review would bring out. She makes a good point and illustrates why we need a review. Our Prevent officer in Ealing pointed out that Rafał Ziemkiewicz—a Polish holocaust denier and anti-Semite, who wanted to come and speak in Ealing—was banned. I had a hand in having him banned from coming to speak in Acton.

I am not saying that this affects only one community, but the polling shows that there is mistrust, and some of the teaching materials are not good. The groups wax and wane. One minute the Muslim Council of Britain was Tony Blair's favourite Muslim group, and the next minute it was cast into darkness, so sometimes these groups can feel a bit vogueish. A review would be an eminently sensible idea.

Only this week, a review into bouncy castles was called for after the tragic death of a young child at the weekend, so reviews are never a bad thing. The Prevent

strategy has been going for some time now, so it is time to take stock. Freedom of information requests from the Association of Chief Police Officers show that a disproportionately large number of referrals by teachers are for things that kids have done, which turn out to be nothing.

The hon. Member for Belfast East (Gavin Robinson) flagged that Northern Ireland has not been dealt with. The Minister said that different groups have different threats, but we never know what is going on and it is good to remain vigilant. The Home Office's wording is about hearts and minds. That should not mean kneejerk reactions, which this programme can be susceptible to. I agree with my hon. Friend that we need a review, because in some aspects of this programme we could do better.

3 pm

Gavin Newlands: In supporting the intention of the amendment, I shall briefly set out the differences in the devolved Administrations' implementation of the Prevent strategy.

The Prevent strategy is implemented in Scotland through Scottish public bodies. The delivery and implementation of Prevent in Scotland is overseen through Consent. There has always been a distinction between preventing terrorism, and community cohesion and integration. In Scotland, Prevent has been more closely aligned to the areas of policy that promote community safety, tackling crime and reducing violence.

Agencies in Scotland have defined terrorism on the basis of the rule of Scottish law. The delivery of Prevent in Scotland benefits from the positive relationships that the community has built through years of regular engagement. That is perhaps missing from its implementation in England and Wales. The Prevent strategy is not universally popular. The Educational Institute of Scotland, a teaching union, opposes it. However, it noted the difference in implementation, stating:

"Scottish councils have, by and large, not bought into the anti-Islam narrative that pervades Prevent in England."

Given that, will the Minister, in acquiescing to the amendment of the hon. Member for Torfaen, as I feel sure he will, look at the implementation of Prevent in Scotland in any overall review of the Prevent strategy?

Stephen Doughty (Cardiff South and Penarth) (Lab/Co-op): It is a pleasure to serve under your chairmanship, Mrs Main. I, too, support a review, but perhaps for slightly different reasons.

I have had a close working relationship with South Wales police for many years, and my experience of Prevent locally has been largely positive. Indeed, my interactions with South Wales police overall have been positive. I know that they take great care to engage with the relevant parts of communities, build the necessary personal relationships and focus on what they can do to prevent young people from being drawn into any form of terrorism or extremism—not just Islamist-related extremism, which is regularly referred to, but far-right and other types of extremism.

I am clear from speaking to colleagues in this place that experiences of Prevent vary widely up and down the country. I have no truck whatever with those who

suggest that we should prevent Prevent—scrap the whole programme—or those who demonise it, because that does not reflect how it operates in many parts of the country, and scrapping it would be wholly counterproductive in dealing with the issues that we want to deal with.

Many members of my community—Muslims, Hindus, those of other religions and those of no religious faith—have concerns about extremism and terrorism, and want to deal with them. In fact, when I was first elected to this place just under six years ago, a local imam came to me to express serious concerns about what young Muslims in the community were viewing online—the sort of grooming that we discussed in previous sittings.

I take a slightly different approach from my hon. Friend the Member for Ealing Central and Acton. We should have nothing to do with organisations such as Cage—she did not suggest we should. I also have deep concerns about the organisation Muslim Engagement and Development, which I have raised directly with MEND representatives in my community. I have seen some of its positive work to tackle Islamophobia and raise awareness of issues affecting the Muslim community. However, like any other organisation, it does not speak for “the” Muslim community or any other sector of society. It is one organisation that puts forward a set of views and concerns. Sometimes those are positive, but sometimes I have significant concerns.

I have discussed those with my local police force and directly with the organisation. I believe in having a dialogue and understanding where the organisation is coming from, but I am not afraid to raise concerns about things that have been said. Cardiff featured in the Channel 4 documentary to which my hon. Friend referred. I was somewhat alarmed by its findings, although some parts of it may have been alarmist and created undue fear. We have to be cautious, frank and robust with such organisations.

I support a review, but because of a different set of reasons and concerns about the way Prevent is working. My major concern, which I have expressed to the Minister and his predecessors, is that at times Prevent is too focused on elites and community leaders, who are often self-appointed, and does not do enough to deal with grassroots organisations and individuals, particularly young people. That is my experience locally. At times there has been too much silo working. People meet under local authority structures and ways of working when we actually need complex, nuanced and deep relationships across the community to understand what is going on and the concerns that people have about Islamist extremism or far-right extremism, and to build the trust that can help prevent people from being drawn into such activity.

I do not think Prevent’s role in relation to far-right extremism is understood fully enough. I know about the work that is going on locally and the extent to which work is done with individuals who are drawn into far-right organisations, but there is a great deal of concern in some of the most diverse religious communities in my area, such as Grangetown, Butetown and the docks areas of Cardiff, where we have one of the oldest Muslim communities in the UK. We have six mosques and three Hindu temples—there are many

different faiths and backgrounds—but unfortunately we have recently seen concerning examples of far-right extremism.

A few months ago, just before I was due to speak at an anti-racism march in Cardiff, neo-Nazi swastikas and slogans were posted all over the community on the route that many children take to school. The fantastic response by South Wales police and the council re-established trust and assurance in the community, but there is understandably concern about what the individuals who are drawn into such groups may do.

We have only to look at the individual who drove from Cardiff to attempt to kill many people in Finsbury Park, or of course at the tragic murder of our former colleague, Jo Cox, by a neo-Nazi who was inspired by far-right ideology, to understand why that is so crucial. However, the issue is not widely understood. Dealing with extremism and terrorism, whatever community or ideological background it comes from, is key to bringing confidence to all communities.

I note what the hon. Member for Paisley and Renfrewshire North, who represents the Scottish National party, said about the devolved Administrations. The Welsh Government play a crucial role as a partner, but that can create clunkiness in the system. I am sure the Minister accepts that UK Departments do not always deal as consistently with the devolved Administrations as we may want. I have had conversations about things that it was assumed were being done by the Ministry of Housing, Communities and Local Government with civil servants and officials who did not understand that those matters were dealt with on a practical level by the devolved Administrations in Scotland, Wales and Northern Ireland. I would therefore like assurances from the Minister about how the UK Government will work with the Welsh Government to ensure that these programmes work.

I support a review, so I support the amendment tabled by my hon. Friend the Member for Torfaen, but I do so for the reasons I have outlined rather than because I think we should not have such a programme or we should not attempt to stop people being drawn into extremism and terrorism.

Neil Coyle (Bermondsey and Old Southwark) (Lab): I wish to echo some of what my hon. Friend the Member for Cardiff South and Penarth said. I share some of the concerns of my hon. Friend the Member for Ealing Central and Acton about the materials, although I suspect some of them have been updated. If simply having a beard made one a suspect, Father Christmas would be in trouble—were he to exist.

As co-chair of the all-party group on counter-extremism and someone who represents a constituency that has been attacked, I recognise the benefits of Prevent. After last year’s attack at London Bridge and Borough market, I spoke to the five mosques in my constituency, which frankly wanted to open their doors. They wanted to know that their sons and daughters—in particular their sons—would not be targeted by those who seek to groom the innocent and turn them into people who seek to attack and undermine our way of life. They also wanted engagement, to counter the Islamophobia that grows when attacks occur. There is a role for Prevent in such situations. We should not forget that the attackers at London Bridge and Borough market chose to commit their atrocity at the very time when real Muslims were

[Neil Coyle]

breaking fast. They were not Muslims, and it is not Islamophobic to try to prevent such men from committing atrocities.

There was community concern about the nature of the people targeted by groomers, for want of a better word—people with learning disabilities and mental health problems. Given the circumstances they live in, there is nervousness about providing information about such people. That is where communities need reassurance about the support that is available outwith the influence of those who seek to corrupt. That would be welcome, and that is what amendment 31 gets to. A review could help to build trust and demonstrate what the Government do to support those who are genuinely vulnerable in such circumstances. I therefore hope the Government welcome the amendment.

Afzal Khan: I will try to be brief. I echo much of what colleagues have said. I was involved with the 7/7 taskforce and served in the European Parliament as a vice-president of security and defence, so I know there are many aspects involved, but I urge the Minister seriously to consider a review.

People have different perspectives on Prevent, from feeling picked on to feeling under siege. Some talk about preventing Prevent. Others say it is toxic. At the heart of it, the trust of communities is key. Some mainstream groups have taken issue with Prevent—the Muslim Women’s Network UK is the largest to have done so. The Muslim Council of Britain, another large organisation with more than 500 affiliates, also thinks there needs to be a review.

The journey we have been on in the past 12 years or so has clearly had positive elements, and elements that we need to learn from to improve. A review would help us all. The emphasis on the far right, which has clearly become an aspect of Prevent in the past few years, is welcome.

If the Minister wants expansion, it is vital that there is sufficient funding both for training, so that we do not end up with prejudices pushing the agenda, and for local authorities. We have seen the cuts to local authorities in the past eight years—they will need sufficient resources to take the strategy forward.

Nic Dakin: It is a pleasure to serve under your chairmanship, Mrs Main. I appreciate the comments by my hon. Friends, who drew on rich experience. As my hon. Friend the Member for Bermondsey and Old Southwark said, there is a clear role for Prevent, which has done a lot of good work. However, as my hon. Friends the Members for Manchester, Gorton and for Ealing Central and Acton pointed out, there are areas where it does not command the trust of communities. It is therefore important that we have a proper review. As my hon. Friend the Member for Manchester, Gorton said, that would rebuild trust and strength, which would benefit everyone.

I go back to what Assistant Commissioner Basu said at our evidence session. The strongest piece of evidence I heard was when he said:

“The biggest problem we have in counter-terrorism, without a doubt, which is making this a generational challenge, is radicalisation.”—[*Official Report, Counter-Terrorism and Border Security Bill Committee*, 26 June 2018; c. 6, Q3.]

3.15 pm

Getting this right is at the heart of the challenge to our society and communities. People recognise that a lot of good work is going on. The challenge is to maintain trust, because we have a tradition of policing by consent. Whenever I meet the police, they tell me that when they have the eyes, ears and intelligence of the community, they can do so much more to keep that community safe. There is no other area where this is more important, which is why we need a proper review drawing on strengths and learning lessons, so that we can be even stronger in trust going forward, to ensure that we deliver for all our communities a good answer to Assistant Commissioner Basu’s challenge. The challenge—to all of us—of radicalisation is such an important thing to get right.

Mr Wallace: These Committees can be quite dry. We talk about, for example, “subsection (5), paragraphs (d) and (e)”. I am grateful to the Chair for her flexibility in merging the amendments with the stand part debate so that we can have a proper discussion about Prevent. Members of Bill Committees are often encouraged by the usual channels not to engage so much, and it is welcome that that has not been the case with the Bill. I am very keen that the Committee is about airing people’s policy initiatives, challenging the Government, helping to bring forward legislation that we all agree with and, I hope, doing the best job we can. That is what I have done in clause 3 and matters of public order.

I will let the Committee into a secret. The secret of Prevent is that we are always reviewing Prevent. It is a dynamic, evolving policy. It started under the former Labour Government, it has evolved and, as the hon. Member for Manchester, Gorton said, it has moved a long way. It has adapted to the threat. In many parts of the country, it has become about tackling far right extremism. It is a maturing but evolving policy that is always reviewed. That is what I see as a Minister working with all the stakeholders. Prevent has to adapt and move, but I do not believe that there is a requirement for an independent reviewer effectively to take a snapshot in time of it.

I say that because of a number of measures that have been taken in the last two years since I have been the Minister to try to build that confidence in Prevent. First, we published the figures. When I started as a Minister, no one published Prevent figures or discussed it. I have been very keen to do that in order to demonstrate that Prevent is—

The Chair: Order. I am sorry, but it is rather discourteous to the Minister to be passing round wine gums. [*Interruption.*] Order. I will call the Minister again and I hope those wine gums will have disappeared.

Mr Wallace: We need a Prevent strategy on wine gums. The importance of publishing the data is to indicate how Prevent fits into broader safeguarding, putting it into perspective and challenging a number of the myths. How it fits into broader safeguarding is in the simple numbers: 7,000 Prevent referrals a year, of which just over half are youths under the age of about 25, I think, compared with 621,000 safeguarding referrals every year from teachers, social workers and health clinicians when dealing with everything from sexual and

domestic abuse to a wider range of other types of safeguarding. So it is not the mass spying exercise that some critics allege it is.

Dr Huq: Taking on board the point made by my hon. Friend the Member for Bermondsey and Old Southwark that those categories were stratified, taking account of some mental health issues, the Exeter Giraffe would-be nail bomber Nicky Reilly had quite serious Asperger's syndrome. The inquest has not been done, but he has since died in Manchester prison. He was a convert, and that is something else that concerns me. The point has been made to me that a lot of these famous cases involve converts, including Richard Reid the shoe bomber; and Khalid Masood, who attacked us here in Westminster, was born Adrian. Converts and mental illness are an issue.

Mr Wallace: I would be happy to talk to the hon. Member for Ealing Central and Acton afterwards about the details of terrorists' profiles rather than the Prevent element, but I would be ruled out of order if I wandered into that. The main issue about the Prevent duty was that within the numbers, we obviously see a significant number of young people. We see more people who are vulnerable, depending on the type of attack in which they are involved. To answer part of the point that the hon. Member for Ealing Central and Acton made, there is a higher number of significant mental health issues in lone wolves than there is in complex attack planners. Going back to the point about being vulnerable and radicalised and groomed in streaming: they may be loners, they may be on their own, and they may not have a wide friends network. We certainly see that.

The other reason I wanted to publish the data was to counter some of the myths, including the myth of there being a widespread spying operation. Clearly, Prevent is not that, if you compare it with the wider safeguarding of hundreds of thousands. Another part of the Prevent programme was to show that some of the myths peddled are the enemies of the myths themselves. They get repeated time and again, and people say, "Well there is a perception problem and we have to have a review" or, "There's something wrong with it."

Two of the big current myths doing the rounds are: "I live in a terraced house", about a referral in Lancashire. It was not a Prevent referral; the statement was in fact, "I live in a terraced house and my uncle beats me". It was a domestic abuse referral and it never went near a Prevent officer or a police officer, but you will hear the likes of CAGE peddle that every single week and month, as well as some people who do not want to check their facts. Another myth refers to a child in Bedford caught playing with a toy gun, the mother arrived and apparently there was a great Prevent operation. That was not a Prevent referral at all. One of the strongest myths—I am afraid the hon. Member for Ealing Central and Acton repeated it—is that the Prevent guidance issued by the Home Office includes things like someone going to a mosque and someone with a beard. That is categorically not part of the training package, and not part of the Home Office information at all. It is however part of the propaganda spouted by CAGE in reference to what Prevent is about.

Dr Huq: Will the Minister look into the materials put out by the London borough of Hillingdon? It may not

be Home Office guidance, but somewhere in the food chain it has been told to me that that is what they are pumping out.

Mr Wallace: Have you seen it?

The Chair: Order. This is way beyond the scope of the amendment, and even ranges way beyond the debate we said we would have. I will bring the Minister back to his comments and maybe he can respond to the hon. Member later.

Mr Wallace: It is important to talk about whether we need a review. I say that we do not need a review because a lot of the perception issues out there are peddled by myths rather than facts. When you start to examine the facts, you realise that there is an element of Chinese whispers. People go round and round in circles and everyone else is now in a space in which people are confirming facts that are not facts, and the myth is undermining the policy in itself. If you look at the core of where some of these myths come from, it is from the enemies of Prevent, not people with a genuine worry about Prevent.

Afzal Khan: The point I am trying to get across is that there are major organisations that are not buying it. I gave two examples to the Minister: the Muslim Council of Britain and 500-plus affiliate organisations across the country, and the Muslim Women's Network, which is the largest organisation of its kind. What steps are you taking to make sure that they buy into this? We need that.

The Chair: I am sure the Minister will answer, not me.

Mr Wallace: The first step was to publish the information, discuss it with whomever we liked and ensure the Prevent statistics are all out there. They show that a large number of referrals into the Channel programme came from the far right and that this is a safeguarding policy for the benefit of us all, whether Muslim, middle class, in a community or diaspora. We know that the way people are being radicalised and the groomers doing it have no worries about following traditional routes. They will go wherever they can to groom victims.

The important thing about publishing that is to show those communities, to ask the hon. Gentleman to say to the MCB or others, "Look, here are the statistics. Here is what Prevent is doing in the north-east of England to prevent the extreme right wing dividing our community. Here are the actual numbers."

That is the first step. The second step is broader engagement. I met the hon. Member for Manchester, Gorton last week when he raised the issue of the MCB and others. I am open to examining some of the suggestions about how much we engage with many of those groups. I represent north Preston but, in a sense, I am not fussed where people come from; I am interested in where people are going.

There are some groups I am aware of—I have named CAGE—to which I do not want to give the credibility of a meeting, so that they can spout what they do. I know their agenda and it does not benefit the communities they say they represent. That is the way it is. There are other groups I would be happy to meet; I know some of them are taking strong steps. Going back to the Prevent

[Mr Wallace]

review requirement, it is interesting that when many of those groups espouse their “Prevent”—what they would do—it is the same. It might not be called Prevent but it is the same; it is safeguarding.

I said the reason we do not review is because Prevent is always evolving; we are always reviewing it in a sense. There are measures in the Bill to broaden Prevent to include more input from local authorities. It is not just a police-led initiative. It would allow local authorities to be part of the process. We have to start the process by saying communities are often and strongly represented by their local authorities and the local authorities should be able to shape that.

That goes to the observation of several Opposition Members that Prevent is working in some parts though not so well in others. That is all about the characteristics of the community, how it has approached Prevent and its background. I find more settled Muslim communities much more engaged in Prevent than very new communities, which are worried about any kind of state because they have probably come from a state that oppressed them.

In Kirklees, Lancashire, where I was not long ago, they are very happy to be engaged. In Scotland, they have done some amazing stuff around broadening delivery of community safety. We should all learn from the knife crime work they have done in Glasgow. Budgets have been just as restricted and tough but they have managed to deliver successes. We want that to evolve.

I spoke to Andy Burnham not long ago. He is doing a review that is out soon on effective community cohesion and that impact. Appointing a reviewer of something that is moving and evolving, on a subject that is working the vast majority of the time, is not what is required at this moment. Yes, we should all do more work in separating the myth from the reality, for example, the myth I have heard that if someone has a beard they will be referred to Prevent. I believe if we do that we demonstrate the success: 500 people have come through Channel. People go into Channel when there are serious concerns about them and, out the other end of Channel, in two years, they are no longer of concern. That is 500 people who were a real threat to our safety and security on the streets. Those were not peripheral people but ones we had real concern about. It took one person to attack Westminster bridge; think of the impact that had.

I understand the position about having a review. I am delighted we no longer hear much, “Let’s get rid of the Prevent duty.” Some 12 months ago, that was the call from a lot of people; now we are talking about review.

Dr Huq: I am listening to what the Minister is saying about the statistical evidence to counter the myths and all that stuff. If he is dead set against an independent review, does he accept the point that if some of these Muslim groups felt they had a hand in the design, they would feel less that they were being picked on? The ones I have spoken to feel that there are a lot of converts who are all being tarred with the same brush, and it is not them.

3.30 pm

Mr Wallace: I am open to the hon. Lady’s suggestion. In fact, where Prevent works best already, those communities do help. In parts of Birmingham there are some good

examples where those communities have helped to shape Prevent with the local Prevent co-ordinator, and it has a really good impact. I am completely pragmatic about how we design Prevent below the national level of the Government and about how it is delivered. On the point made by other colleagues about funding, I understand the pressure on funding. That is why the pilots we are looking at have a multi-agency approach, which again will broaden it out. The Home Office will fund those three pilots centrally, so it is not a pressure on the local authority.

A review of Prevent is not necessary. There are a lot of other things to do with Prevent, to improve it and evolve it, but I do not think that reviewing it is right. There are a lot of statutory bodies already out there. The lead Commissioner for Countering Extremism could, I am sure, do a review if she wants to: she is the lead Commissioner for Countering Extremism. There are independent commissioners out there who can look at these things from outside. Andy Burnham is undertaking a strong review.

Afzal Khan: First, the Minister uses the figure of 500, which we welcome, if we have been able to achieve that, but that figure of 500 is from over 9,000. If we look at the ratio, it is 1:18. Does he not want to see more improvement than that? Secondly, what is the loss if we have a proper review?

Mr Wallace: My rebuttal to that would be: what is the gain? What would the reviewer do? Yes, we can be more accurate; we can reduce from 7,000 referrals to fewer, but what is interesting is that in the two years of the published figures we see exactly that. Prevent is evolving; we are seeing better reporting and we are seeing the sections of society that are and are not reporting. We see exactly the same proportions that we see in wider safeguarding referrals. In Prevent, 30% of the 7,000 need other safeguarding. They do not need to go to Prevent for terrorism purposes, but they go into other safeguarding for domestic abuse or something else. That is exactly the same percentage as we see in the wider safeguarding. If Prevent is the entrance to getting my children better safeguarding, I am happy with that. If somebody is taking an interest in behaviour or actions being inflicted on a child or vulnerable person, I do not mind whether the person who spots it is a Prevent officer or a safeguarding officer; we just want it to be dealt with.

The hon. Gentleman is right that these figures allude to Prevent’s accuracy, but they also allude to its success, in my book. That is the first start point. A review that is frozen in time is not necessary when Prevent is starting to have real success. The Government think that people realise that it is for all of us and not just for the Muslim community. It is for all of us.

I will finish the point about the review by saying that I spoke recently to the headmaster of a pupil referral unit in one of the toughest parts of Lancashire. He had a 15-year-old boy who was referred for neo-Nazi, far-right extremism. The Prevent team came in and the boy is now in mainstream further education college, with a multi-ethnic group of friends, doing his higher-level qualifications. If hon. Members know anything about pupil referral units, they will know that very rarely do 15-year-olds move out of them. The headmaster said to me, “Give me Prevent every time; I wish I had it for the broader spectrum of troubled people.”

I am afraid I cannot agree with the Opposition that we need a review. I am happy to engage, to sell the policy more and to correct the perceptions, but I think a statutory review in the primary legislation is unnecessary.

Nick Thomas-Symonds: I have three brief points. First, the Minister talked about myths. An independent review would assist in debunking those myths. Secondly, that a policy is evolving is not an argument against a review—otherwise, hardly any Government policies could actually be reviewed. Thirdly, the Minister said that the policy is being internally reviewed in any event. Why not give those reviews independent status and the weight that would come from that? I will press my amendment to a vote.

The Committee divided: Ayes 9, Noes 10.

Division No. 2]

AYES

Chapman, Douglas	Khan, Afzal
Coyle, Neil	Newlands, Gavin
Dakin, Nic	Smith, Eleanor
Doughty, Stephen	Thomas-Symonds, Nick
Huq, Dr Rupa	

NOES

Bowie, Andrew	Maclean, Rachel
Foster, Kevin	Maynard, Paul
Hall, Luke	Pursglove, Tom
Hoare, Simon	Wallace, rh Mr Ben
Lopez, Julia	Warman, Matt

Question accordingly negated.

Nick Thomas-Symonds: I beg to move amendment 32, in clause 18, page 19, line 14, at end insert—

“(8) Within 6 months of the passing of this Act, the Secretary of State must conduct a review to establish whether local authorities have sufficient resources and expertise to effectively carry out their duties in supporting people vulnerable to being drawn into terrorism.

(9) Within 12 months of the passing of this Act, the Secretary of State must lay the results of the review under subsection (8) before the House of Commons.”.

The Chair: We have had extremely wide-ranging debates, so I shall be quite firm in keeping this debate close to the wording of the amendment.

Nick Thomas-Symonds: You will be pleased to hear that this relates to a very narrow point, Mrs Main. The change made by the Bill to how the current programme relates to local authorities is very narrow: it will give them the ability to refer directly to the Channel programme without the necessity of going through the police. That is one of a number of measures simultaneously going on regarding local councils.

Without going off-point, I should briefly mention that data will be shared with local authorities, which is something that was separately announced by the Government. It is in that context that I put the amendment forward. I just want to raise a number of concerns, and I hope the Minister will be able to offer some reassurance.

The first regards the whole idea of data security for local authorities. I appreciate that, through safeguarding, local authorities already possess sensitive data—on

childcare cases and matters like that, for example—but this is clearly data of a different category, and keeping it secure will be important on a number of levels. Secondly, will local authorities be appropriately trained to deal with this data when it is passed on to them?

My third point, which goes to the heart of my amendment, regards resources. I appreciate that the Minister does not yet run the Treasury and so is not in a position to simply hand out money, as it were—it is only a matter of time, I am sure. However, related to the whole debate on Prevent and the wider aspect of community cohesion is that there is no doubt that cuts to local councils have meant that childcare services and youth services have been substantially reduced. If we are to expect local authorities to do more on our counter-terror agenda, I suggest that they should have the resources to do so. It is on those points that I seek reassurance from the Minister.

Mr Wallace: The amendment would require the Home Secretary to review whether local authorities have sufficient resource and expertise to carry out their duties relating to Prevent. In responding, I will say a little about the work of the Channel programme, on which the Home Office works closely with local authorities to support individuals vulnerable to terrorism, before turning to local authorities’ wider work in carrying out the Prevent duty.

A Channel panel is chaired by the local authority and works with multi-agency partners collectively to assess the risk of an individual being drawn into terrorism and to decide whether an intervention is necessary. The police are a key partner in this process and currently provide dedicated resources to administer and manage it.

If a Channel intervention is required, the panel works with local partners to develop an appropriate, tailored support package. Any specialist ideological interventions are directly funded by the Home Office and have no resource implications for the local authority. The support package is monitored closely and reviewed regularly by the Channel panel. The current arrangements are that the work of Channel panels is resourced from existing local authority budgets, which is in line with other safeguarding programmes.

Project Dovetail is a pilot currently under way through which the Home Office directly funds posts that support the Channel panel process within local authorities and removes some of the case management functions from the police. This frees the police to concentrate on issues where their unique skills, powers and expertise are best used and brings Channel into greater alignment with other safeguarding processes in local authorities. As the Home Office is directly funding the additional posts, that should come at no additional cost to local authorities. The resource requirements will be carefully monitored to ensure they are adequate before rolling out the project any further.

This pilot has been key to identifying the need to make the change provided for in clause 18 and enable local authorities, as well as the police, to make the formal referral of an individual to a Channel panel once the initial assessment phase has concluded that there are genuine vulnerabilities the panel needs to discuss.

[Mr Wallace]

3.45 pm

Prevent is implemented in a proportionate manner that takes into account the level of risk in any given area or institution. We recognise the fundamental importance of working in partnership with a range of partners, including local authorities, to reduce the risk of radicalisation in communities and to support vulnerable individuals. That is why we supported 181 community-based projects in 2017-18, reaching over 88,000 participants.

We have supported the roll-out of the Prevent duty—set out in section 29 of the Counter-Terrorism and Security Act 2015—with guidance for each sector and a dedicated package of training for frontline staff in the NHS, universities and schools, and local authorities. Since 2011, Prevent training has been completed more than 1.1 million times. The delivery of Prevent is led locally and driven by analysis of the threat in communities. Local authorities are among the most vital partners in our network. The Prevent duty requires local authorities to establish or make use of existing multi-agency groups to assess the local picture, co-ordinate activity and put in place arrangements to monitor the impact of safeguarding work.

In priority areas, where the risk of radicalisation is assessed as being the highest, Prevent co-ordinators employed by local authorities—again, funded by the Home Office—build partnerships in communities, oversee the delivery of local action plans to respond to the risk of radicalisation, and work with partners to embed safeguarding activity in statutory services, including social care, health and education.

The threat from terrorism is shifting, and there are increasing concerns about the far right. We have seen local authorities rise to the challenge in order to tackle this threat. As I set out in response to the previous amendment, over 500 individuals have received Channel support since April 2015—that is 500 fewer potential people of danger on our streets. To my mind, that demonstrates the success local authorities have had in delivering Prevent and Channel—we should remember that local authorities chair the Channel panel, not the police—and shows they have the resources and training to deliver this effectively.

I thank the hon. Member for Torfaen for his amendment. I share his concern for protecting people who are vulnerable to terrorism and at risk of being drawn into violent and divisive ideology. I trust that I have been able to show that, as it stands, local authorities are able to fulfil this vital safeguarding role effectively with funding provided by the Home Office and that we keep the provision of that funding under close scrutiny to ensure that it is adequate to the task. Given that, I ask him to withdraw his amendment.

Nick Thomas-Symonds: While I appreciate the Minister's reassurances, we will continue to hold the Government to account in other arenas on resourcing local authorities. I beg to ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

Clause 18 ordered to stand part of the Bill.

The Chair: We now come to clause 19. Four amendments were deemed to be sufficiently varied to be addressed separately. I ask hon. Members to speak to each amendment in turn, and each amendment in turn will then be voted on.

Clause 19

TERRORISM REINSURANCE

Neil Coyle: I beg to move amendment 45, in clause 19, page 19, line 20, leave out paragraph (b) and insert—

“(c) the use of a motor vehicle during acts of terrorism; and

(d) any loss which falls within subsection (1A).”

This amendment would ensure that personal injury sustained as a result of the use of a motor vehicle during acts of terrorism would be covered by terrorism reinsurance arrangements.

It is a pleasure to serve with you in the Chair, Mrs Main. The explanatory notes speak for themselves: the amendment would cover vehicles used in acts of terrorism. I will speak to several amendments to the clause, and I should explain at the outset that this is almost wholly driven by the experience of all those people and businesses affected by the London Bridge and Borough market terror attack in my constituency on 3 June last year, which saw eight innocent civilians murdered in a brief but brutal assault on a vibrant, positive and dynamic part of our capital and my community.

The cowards who chose this area knew that it would be full of people of all ages enjoying an evening out. They knew it played host to tourists from all over the world celebrating everything that London has to offer in terms of food and drink. Its impact was universal, and I will say more about the outcome, because despite their vile intentions, we have seen a new togetherness and a new sense of community. I will speak about that later as I bring forward further amendments.

I would, of course, like to say much more about the attack and its aftermath, but for now I will make just two additional points linked to the amendment. First, I would like to thank the police and emergency services again for their truly heroic efforts that evening. The swift action of paramedics meant that many lives were saved, including those of the people who were hit by the vehicle on the bridge and those who were attacked with knives in and around the market. Those who ran trauma centres deserve huge praise in particular.

The swift and even more heroic action of police officers deserves mention too. They ended the attack before more innocent lives could be taken, with officers taking huge risks, and some interventions resulting in life-changing injuries for those involved. I mention just one: PC Wayne Marques was very badly affected, and I thank Southwark cathedral for acknowledging his efforts in a very novel way. He is believed to be the first living model for a corbel for the cathedral, which was unveiled at the commemorative service last month. If anyone would like to know what a corbel is, they are more than welcome to visit. I am no architect; a real amateur would call it something akin to a gargoyle, but that is very much not what it is—it is a supporting structure.

When I was first elected in 2015, I was warned by security officers that my constituency was more likely to be attacked by terrorists because of its location, attractions such as the Shard, the Globe theatre and the Tate, and the six million tourists who visit, and

because of the potential global impact. Sadly, there is also the potential to grow an attacker—to have someone living or brought up in our area who attacks or tries to attack others. Sadly, both those things have to come to pass in just three years.

Thankfully, a potential attacker was thwarted by his own ineptness in attempting to target commuters on the Jubilee line, and he is now in prison thanks to the police and security services. The horrific events of June 2017 were an even greater shock, but they also revealed weaknesses about how we respond as a country and how we try to protect people and businesses in the event of attacks involving vehicles and knives.

I will outline some of those weaknesses as we scrutinise clause 19, starting with motor vehicle use in attacks. This is a probing amendment, as I have made clear from the outset. I am aware of cross-party interest and conversations on this matter, and I understand that the hon. Member for North Dorset had a meeting on this issue this morning.

It may surprise some Members to note that the Government-backed pool reinsurance system has existed since 1993, and is designed specifically to cover acts of terror—those incidents causing significant damage to our country, people and physical infrastructure. Since 3 June 2017, I have been amazed at how its presence and potential to support those affected by terrorism has been somewhat muted by the Government and the Treasury in particular. Instead of adapting it and ensuring swift access to help in the event of an act of terror, the Treasury has squirreled it away and designed new and more complex systems to compensate individual victims or groups of businesses affected by terrorism.

There are so many different pools of support, depending on whether someone is hit by a vehicle, stabbed or targeted with explosive devices, and each has different levels of support and ease of access. Nobody can or should be expected to know all of them in advance of an attack affecting them. That is the case with motor insurance.

I should thank all those involved in the sector for their advice and briefings since last June for the various meetings and events I have held or participated in—the British Vehicle Rental & Leasing Association and Thrifty are just the latest two.

Sadly, rental vehicles have become a choice of weapon, and the sector is very worried about what is happening as a result. Twenty-three thousand businesses are involved in renting vehicles, with 5 million vehicles on UK roads covering 3 million jobs and providing an estimated £150 billion to our economy. It is a significant sector and one that we should ensure is not harmed by terrorist aims or actions. The amendment and the Bill offer that chance.

The sector is taking action, including better screening of people seeking to hire vehicles. Members of the sector are making strides, but they were very disappointed not to receive replies to correspondence with the Treasury in April that outlined their concerns. I hope the Minister will nudge his colleagues in the Treasury for a reply, albeit a delayed one. No nod is forthcoming, but I hope that will happen.

We cannot pretend that the sector can resolve this alone. With the best will and policies in the world, it would not be able to deter the most hard-minded terrorists.

Even if the private rental sector could stop all hiring of vehicles for this purpose, the second-hand sector might become the sector of choice for those seeking vehicles, so it is important to ensure that the market works for the private rental sector and that the terrorists do not win by changing how we work or the availability or cost of rental vehicles.

Signs of failure are already emerging. On opening for bids to reinsure its fleet, one major car rental company, which wishes to remain anonymous, found that two insurers immediately withdrew from offering cover specifically because of

“concerns regarding potential terrorism exclusions on reinsurance treaties”.

A further insurer offered only part-cover with a significantly raised self-funded retention figure. Those risks are there.

There are several reasons for the withdrawal of former help and for the changes. Rental operators are required to have motor insurance and cannot trade without it. When a vehicle is used for terror, the company that rented it out has unlimited risk liability. That is new—it has been the case only since a judicial review in 2017. Before that, the criminal injuries board paid compensation, although it was not unlimited. The CIB still covers attacks not using vehicles, and the limit is £500,000. Those changes—the rise in the threat and the forms of attack that have taken place on Westminster bridge, at Finsbury Park and in my constituency—are causing great fears. This is a global phenomenon. When a truck was used in Nice in July 2016, the collective damages were more than £500 million. The sector is very anxious. There are threats to withdraw cover from 2019 without urgent action. Small and medium-sized enterprises in the sector will be affected to an even greater and swifter degree from as early as next year, but the amendment potentially offers a solution.

A more agile Treasury might think to use Pool Re as a permanent rule, as supported by Zurich in its letter to the Committee, in which it flagged up

“building a new model to fund a uniform compensation mechanism; and devising a holistic approach for compensating and rehabilitating victims of terrorism.”

Pool Re exists for that very purpose and since 1993 has paid out about £630 million in relation to, I believe, 13 incidents. Instead of taking that approach, the Government appear to be inventing new and different compensation schemes to cover different kinds of losses. It is an out-of-date system and should be overhauled. Pool Re is the obvious model to offer more universal protection. In Australia and Austria, it is the norm. In France, Spain and Italy, insurers are also mandated to pay into a Government-backed scheme, akin to Pool Re.

Given the points I have made, hon. Members may wonder why this is a probing amendment. That is because there is another means of addressing some of the concerns. The Motor Insurers' Bureau is the sector overseer, for want of a better term. Every insurer underwriting compulsory motor insurance is obliged by virtue of the Road Traffic Act 1988 to be a member of the MIB and to contribute to its funding. The MIB consulted its members on their views about mutualising risk from injuries resulting from acts of terror, and a vote is under way on adopting proposed changes. If the MIB vote fails to address insurers' concerns, market failure beckons and a Government-backed approach may be the only option. An indication from the Minister

[Neil Coyle]

of the Government's thinking and plans for action in the event of that failure would be very welcome and could reassure many of the businesses affected.

The Minister's views would also be welcome. Even in the event of that vote passing, the Treasury will be asked to convene the sector—the British Vehicle Rental and Leasing Association, Road Haulage Association and Freight Transport Association—to work on a new system that does not overload businesses and industry. Whatever the outcome of the vote, the Government will have a role in shaping what comes next.

Timing is crucial. By the time the Bill reaches its next stages and the House of Lords, we will have the outcome of the vote, and preliminary discussions involving the Treasury and the sector will have occurred. The amendment may not be needed a few months down the line, hence its probing nature. However, in the event of vote loss or discussions calling for greater Government involvement, the Pool Re model is on the table through this amendment and discussions now. I look forward to hearing the Minister's reply.

Simon Hoare: I do not wish to detain the Committee for long, not least because all the copious notes I took from the meeting that the hon. Gentleman alluded to seemed to go missing in the lunch recess. Perhaps we should be more concerned about our security and counter-terrorism than anything else.

I want to support the probing nature of what the hon. Gentleman just said. The licensed vehicle fleet is very large and represents a significant percentage of new car sales in the UK. We know full well the huge importance that the automotive sector has for our UK economy.

It is also an important part of our UK tourism sector. Lots of people live in our big towns and cities because there is good transport and they do not require to run a motorcar. However, they want to go on holiday in the United Kingdom with their kit, their kids and everything else, so they hire a car. We also want to ensure that foreign tourists who are here on a UK-only destination or as part of a wider European tour have access to a vehicle.

As we know, insurance is a pivotal measure that vehicle rental companies must have. The hon. Member for Bermondsey and Old Southwark alluded to the huge problems that that can create when trying to find insurance. That seems to be a difficulty not just for the larger players in the sector but smaller business. Businesses large and small create a significant number of jobs.

The hon. Gentleman referred to the ongoing consultation on the vote. One hopes that that will address the issue. As the Bill progresses towards Report and processes in the other place, I urge my right hon. Friend the Minister that it is a timely trigger for a more intragovernmental conversation about how our mature and well respected insurance sector considers altering its products and remit, and how it looks at requests for insurance in sectors that are prone to claims, which are themselves hard to define. Vehicles would obviously be one of those. There seems to be a time lag between the mindset of the insurance sector and what today's modern business requires.

A constituent is having to claim on his domestic insurance for loss of possessions as an indirect result of terrorist activity. His insurer has told him, "Terribly sorry; you are not covered." Lots of other sections, be it Government, police, security and so on, have had to recalibrate a lot of what they do in order to face these new challenges. That is what we are trying to do in the Bill. There is a time lag in some elements of the insurance sector, so I support the hon. Gentleman.

Dr Huq *rose*—

The Chair: Order. Before I call the hon. Lady, I was about to make the hon. Gentleman come back to motor vehicle acts of terrorism. I would rather that did not involve wider discussions of insurance. If it is not on a wider discussion of insurance, I call Rupa Huq.

Dr Huq: I want to make a parallel. The hon. Gentleman referred to a time lag. When there were riots in my constituency in 2011, the Riot (Damages) Act 1886 was not fit for purpose.

The Chair: Order. The hon. Lady is now coming on to clause 19, which is about delays.

Dr Huq: I wanted to say that the Riot Compensation Act 2016 tidied that up. It would be good if that were considered in some form.

Simon Hoare: I was drawing my remarks to a close. I am not going to speak to all of the amendments, conscious of your injunction, Mrs Main.

Neil Coyle: It is not just a time lag, although that is part of the problem. The insurance sector takes the same approach as the one that led to Pool Re, being conscious of the fact that the cost they could incur are much higher as a result of the judicial review last year.

4 pm

Simon Hoare: The hon. Gentleman makes an apposite and valid point. My right hon. Friend the Minister will have heard it. I concur with it. I will not rise to speak in support of the probing nature of the hon. Gentleman's other amendments, but I hope my right hon. Friend the Minister has taken the point about the need to talk to the Treasury and others responsible for City and insurance matters to ensure that we have a sector fit for purpose to both meet the security challenges and also—I see Clerks waving their hands as if I am saying something completely outrageous; I am not sure why. The Minister has heard what we have had to say.

Mr Wallace: I am very sympathetic to the aims of the amendment, and the clear issue that people who are going about their business not thinking about terrorism become victims. They run small businesses, and then without much ado they go through the terrible attack that we saw on London Bridge. Visiting people was amazing, and I pay tribute to the courage and bravery of the constituents of the hon. Member for Bermondsey and Old Southwark. When individuals cut across the bridge and ran into people, the first thing the public did was run to help. The best of humanity came out that night, and also some of the worst. Not content with murdering people who came to help, the terrorists then embarked on an attack in Borough market, and we saw unarmed people challenging them and doing their best

to make sure that they were not allowed to go any further. Then the police came and took very strong action.

I understand what the amendment tabled by the hon. Member for Bermondsey and Old Southwark seeks to do, but I have to point out the difference between Pool Re and other insurance companies. Pool Re effectively insures insurers. It is not a customer-facing organisation where we make a claim against it. Individuals make a claim to an insurance company and that company goes to Pool Re, and under certain conditions the claim is paid out. The hon. Gentleman's amendment would slightly change that relationship.

The amendment also does something that has been alluded to by Opposition Members. Our difference of opinion is about timing. The MIB, the Motor Insurance Bureau, is having a vote as we speak—a postal vote. Can we, as a Government, say to them, “Don't worry, we'll step in. Don't worry about mutualising your risk”? That is ultimately where most countries solve that problem. It is where many other issues around niche insurance—it is pretty niche—is dealt with. The insurance industry mutually insures the risk out of its profits. I am often slightly frustrated by the insurance companies, but we should not forget that the risk of being involved in terrorism is tiny. I have raised this before. One by one, travel insurance companies have dropped covering counter-terrorism. The risk of it is very small and therefore the impact of standard cover for terrorism on profits will be minimal.

Neil Coyle: I appreciate that the risk to the individual of being involved in an attack is minimal, but we have been here before. The reason for Pool's existence is the astronomical costs to insurers, as we saw in the case of the Provisional IRA attacks in the early '90s targeting physical infrastructure and not individuals. There were huge costs that the insurance market said it could not be expected to cover. That is why Pool exists. We are seeing a similar position emerge in motor insurance potentially, and the Minister is taking a slightly complacent attitude to that. If we saw—I very much hope we do not—a Nice-style large vehicle attack on civilians, those costs would be there and the insurance market would collapse.

Mr Wallace: That is why our preference is for those companies to mutualise their risk through their profits. As I said earlier, our challenge is perhaps a difference of opinion on timing. The MIB is having this vote, and if the Government were right now to indicate, “Don't worry, we will take it out of Pool Re,” those insurance companies would feel less compelled to vote to mutualise that risk, not more. The Government will, for now, maintain the view that we step in when something is uninsurable and at the extreme of market failure. I do not think that now is the moment to indicate that somehow the MIB can pass it on to the system.

The hon. Gentleman refers to catastrophic losses and scale. Pool Re already covers that large pool of loss, to some extent. I would be interested to see the insurers' calculations of the actuarial risk, if we extended it to personal injury through motor vehicle. Whether we like it or not, the catastrophic costs of the big IRA bombs, for example, were because of the scale of the truck bombs, which led to the sealing off of large parts of city centres of high retail value and high-expense property.

That cost is extreme. He talks about Nice, but the current indication is that that scale of threat to people and personal injury is still very rare. The Government's position is, therefore, that we would like the industry to mutualise that risk.

At the same time—this is good news—we are moving in the Bill to ensure that loss of business is covered by Pool Re. When areas are shut down, we think Pool Re has a role to play in that, and not enough has been done by the insurance companies. Perhaps it is a matter of timing that divides us, rather than what we both want to achieve. I will get on to timing at a later amendment. I am slightly thrown, because I think the timings have changed for the Committee.

The Chair: Order. The Committee finishes—

Paul Maynard (Blackpool North and Cleveleys) (Con): If the Minister wishes to move to adjourn, he is more than welcome to.

The Chair: No; it is the Whips who will decide.

Mr Wallace: I hear hon. Members' concerns, but for that reason, and to see where we get to with the MIB and its vote, I ask that the hon. Member for Bermondsey and Old Southwark does not press his amendment. We will explore what more can be done. I understand the concerns, especially about vehicles being used as weapons. I believe that our insurance companies, which are on the frontline in their relationship with customers, should deal with this risk. The Government should step in only if those companies fundamentally fail to do so.

Neil Coyle: I beg to ask leave to withdraw the amendment.
Amendment, by leave, withdrawn.

Neil Coyle: I beg to move amendment 11, in clause 19, page 19, line 27, at end insert—

“(c) the acts of terrorism referred to in paragraph (b) occurred on or after 1 January 2017”.

This amendment would mean that the extension of terrorism reinsurance arrangements to losses that cannot be directly linked to physical damage would apply to those businesses that had financial losses due to terrorist acts occurring on or after 1 January 2017.

Key to this amendment is the backdating of extended coverage, which the Minister has just referred to, to 1 January last year, to cover business interruption rather than just physical damage. Speaking to each amendment separately gives me the chance to thank everyone involved, and I thank the Clerks for their advice and support. We should at least ensure that this amendment is watertight. I also thank the Borough Market Trust for its information and advice and the way it has held the community together with the support of United St Saviour's in the past year, including by distributing donations to those most in need locally, in the absence of the coverage that this amendment is designed to achieve.

As I have mentioned, I never expected to be involved in terror insurance issues when I stood for election in 2015. Most of us assume we will never be affected by a terror attack. The Minister has just said there is a tiny chance of our being involved. Most of us also assume that the Government have systems in place to ensure that people and UK businesses are protected as far as

[Neil Coyle]

possible from such events happening, and that if terrorists do get past, the efforts of our excellent security services and dedicated police support will be available.

We also assume that, whoever is in charge, the Government will act in our best interest and ensure there is adequate preparation for future attacks. Sadly that is untrue, given the nature of the attacks we now face, warnings about the types of attacks being witnessed, and inaction by the Government on having protection in place despite two and a half years of alerts about the changing nature of terror in the UK—the targeting of civilians with vehicles and knives. The attack at London Bridge and Borough market exposed the gap that has emerged, despite the Government’s awareness of the matter.

The example given on page 30 of the explanatory notes is Borough market:

“The extension of the terror threat to cover not only bomb attacks causing physical damage to commercial property but also the use of vehicles and knives targeting individuals has led to a gap developing in the cover that Pool Re offers. In the case of the June 2017 terrorist attack on Borough Market, there was limited physical damage...but traders lost business as a result of the week long closure of the market to enable the police to investigate the crime scene. As the losses incurred by Borough Market businesses were not consequential on physical damage to commercial property, any terrorism-related insurance backed by Pool Re and held by those businesses may not have covered such losses.”

So the Bill would extend coverage to provide better help to employers affected by future attacks, but it offers nothing to the 150 businesses in my constituency that were hit last year, despite the fact that the market is used as an example and justification for extending the new coverage. The amendment would helpfully backdate coverage so that the example given would also be covered by the Bill.

The 150 affected firms assumed they would have protection, because of that tiny chance. They also assumed that the language the Prime Minister used, saying that the terrorists would not win, meant that assistance would come to stop terrorists costing firms, jobs and our way of life in the area—and well beyond it, given the nature of Borough market’s suppliers across the country and internationally. We have had 13 months of ministerial visits and meetings, but nothing has been offered. My amendment is designed to change that and offer some of the affected firms extra help in the absence of Government direction or action.

The attack last year was over very quickly, thanks to police attendance, but eight minutes of attack led to a closure affecting the market and the area for 10 days. It affected 150 businesses and it cost £2 million. The consequences were colossal. In some cases there was physical damage. I have been through the accounts of some of the affected businesses. In that limited pool, which is a range of tourist attractions, traders and restaurants, physical damage was the smallest part of the damages. It included damage to doors, and the vehicle damage on the bridge. I have seen about £26,000 of damage in the accounts.

A second category was produce. The market is not just somewhere for people to pick up bits and bobs. There is tonnes of produce there, supplying the restaurant and hotel sector for miles around. Stock loss accounted for about £84,000 in the handful of accounts that I have

seen. Staffing was another business interruption loss that could not have been predicted. People who witnessed the attack, or knew it had happened in their workplace, chose to leave. The recruitment costs for the employers accounted for about £86,000 in that limited sample. There were also income losses. Contracts to supply other firms and restaurants were lost, and so were bookings, including at the Golden Hinde. That amounted to about £400,000.

I read out some specific examples on Second Reading and will not go through them all, but a case in point is Turnips fruit and vegetable distributor, which lost almost £100,000. Aviva has not paid out despite repeated requests to reconsider. There are good and bad guys in the insurance world. The NFU came across well in its response to local businesses, although it did not cover all costs involved. I should add that some firms are still battling with insurers more than a year later. One small trader said “We keep trying” to secure payments; some had parts of claims paid. One tourist venue has a £40,000 shortfall, and is still seeking more. Some felt under pressure—both from insurers and because of business need and the impact of the attack—to accept what they were offered. One specialist alcohol producer and supplier stated that insurers had made an offer it was “obliged to accept”. The amendment could help to change that, ease the pressure and resolve outstanding issues.

I should add that others had extended terror insurance cover, including one tourist attraction and one restaurant with £200,000 of damages, which is now in dispute with its insurer over the full costs. The amendment would backdate coverage and act as an extra urge on both Pool and individual insurers to provide more flexibility and direct support.

4.15 pm

Traders and others have shown me correspondence with insurance companies. When they took their insurance out, some of them were advised not to take out terror insurance as it covered only physical damage, which they were unlikely to need. That left exposure—needlessly, had business interruption been included sooner. The amendment is an opportunity to offer some extra help, at least to those who held terror insurance.

Consider different responses with the same rationale as this amendment: public donations of £100,000; Barclays offering office space; business donations matching public support; News UK and Mergermarket, a financial news specialist, offering vouchers worth £40,000 to their staff to use at the market; the London Borough of Southwark providing rates relief of £100,000; the Borough Market Trust waiving rents; and Sadiq Khan at City Hall freeing up close to £300,000.

The Government have offered nothing. Even now, 13 months on, in this Bill and with this amendment, nothing is being offered. Ministers have come and gone in this place, including the Prime Minister, the Home Secretary, Business and Treasury Ministers. Not a penny has reached the people or firms affected. We could help now; the amendment offers that chance.

The Government’s update to the Pool system is welcome, but where is the help for those who suffered from Government inaction? Consider those firms with email chains explaining why they did not take out insurance, why they declined it, why it would not pay out, and why

they were right in the light of the attack itself—not because they did not want terror insurance, but because the Government failed in their duty to prepare and cover, and to ensure that the gap was closed when they were first warned some years ago.

I welcome the Government's clause to close loopholes for firms, areas and MPs affected in future, but there is an issue of responsibility here. I find it offensive that the explanatory notes to the Bill suggest Borough market as reason for change without addressing the impact on my constituents and the firms in my local area. The Government are twisting the knife 13 months after the attack, having suggested they cared but delivering nothing practical to help. My amendment would address that.

I hope the Government reconsider this matter now and allow 1 Jan 2017 to be the start date. That support is still needed. If it had not been for public support, firms could have gone under, and jobs and Treasury revenue could have been lost. It is the Government's responsibility. They failed to prepare, but there is a chance to rectify that failure now. There is no new cost to taxpayers or to the Government. Pool and insurers can be persuaded to cover it.

I ask that the Government extend coverage to 1 Jan last year, to retrofit the extension of cover. I hope that the Minister will be sympathetic. If Ministers are unable to work with this very limited amendment, the Government must show what they will do. Will they produce a different means of reflecting on the losses and supporting those British businesses to ensure that terrorists cannot win? Will the Treasury build in a new cost to the public purse—a new compensation system—that ignores the viable alternative that is available now? I look forward to the Minister's response.

Mr Wallace: I listened to the passion that the hon. Member for Bermondsey and Old Southwark has about his constituency. I have heard similar passion from my colleague the hon. Member for Manchester Central (Lucy Powell), who also argued for such things after the arena attack.

I understand the challenges that businesses—especially small businesses—have faced, but this is one of those moments where the Government have to say difficult things. Retrospectively changing the terms of insurance would go far wider than the hon. Gentleman's constituents. If we put in law a retrospective date, the unfortunate consequence would be that we would all pay—not for the particular issue that he has raised, but by adding risk to the insurance market, which is obviously what insurance products are based on. Insurance would never know whether at any moment the Government of the day might change the risk and table an amendment to set the date back in time. If it was not 1 January 2017, it could be the bomb damage we have seen over decades. Where would we draw the line?

Neil Coyle: As the Minister suggests, we draw the line at 1 January 2017 to acknowledge the unique circumstances faced by people who experienced terror attacks in our country last year, and the unique failure of the Government to address a gap that they knew about in advance.

Mr Wallace: I dispute the hon. Gentleman's view of our failure to address the gap. If someone is a victim of another terrorist attack—even one that happened five years ago—they would quite rightly see it as completely

unjust that their event, their damage, their loss of business or their injury was not deemed important enough to make it into the deadline of 1 January 2017. I spent my early life in places that were bombed and blown up, and I spent my early career with victims of terrorism. When I meet them, even to this day, they hold that loss to them personally. To say to them, "Yours isn't valid, but others are," would be deeply unfair.

Neil Coyle: But with respect, the Bill specifically deals with Pool Reinsurance and the Government's extension to cover business interruption. That is all we are dealing with and that is why 1 January 2017 makes sense, as the amendment proposes.

Mr Wallace: The Government's proposal in the Bill is about the future. It is about recognising, because of the lessons learned from attacks such as Borough market and the Manchester Arena, that the type of attack we are seeing now is having a major impact on business continuity and that the terrorism insurance market does not cover that enough in some areas. That is why we are taking action.

I wish I could do something about the past, and about people who did not have insurance or whose insurance companies were unreasonable, but the principle of the Government retrospectively putting that type of legislation in place would, I am afraid, have a significant impact on the insurance markets. I do not mean on their profits; I mean on us, as customers, who would understandably feel the change in risk profile. There are lots of other examples of losses, which are perhaps not as tragic as terrorism, but for which the constituents of many hon. Members would seek to claim for retrospective loss. It is not that I disagree with trying to help the victims of terrorism. It is just a simple fact about how our insurance market and the private sector work.

The principle of retrospective legislation means that it will not be possible for us to accept the amendment, not least because it raises the question of who would go and talk to all who were victims of terrorism in 2015, 2010, 1998 or 1992, when I lost 30% of my sight—would I get retrospective insurance? I am afraid that that is just the way we try to frame our legislation. The Government do not seek to denigrate people's experiences in Borough market by saying no, but we must accept the way the insurance market and risk work. We seek to deal with that by trying to head off the problem in the future, but we cannot do it retrospectively for the last year.

Where we can, and where there are requests for financial assistance, I am happy to listen to the hon. Gentleman and help him to champion that cause, if he feels that he has not got any money for Borough market from the Government. I did the same for the hon. Member for Manchester Central and for Andy Burnham to ensure that we got the money for Manchester in that bigger pot and that No. 10 understood the importance of it. I am happy to take that on board.

Neil Coyle: Again, that comes back to the point and purpose of Pool Reinsurance. We have the system and funding in Pool Reinsurance to cover that event and others like it. Why would the Minister suggest a new compensation, a new tax, a new use of public money, a new job for the Government and new civil servants when there is an existing system that the amendment would allow to help to cover?

Mr Wallace: Pool Re insures insurers. Because of the way in which Pool Re works, the amendment would effectively intervene in existing contracts made between insurers liable for additional risk, and customers. It is not customer-facing insurance; it is not a state version of Aviva or anyone else. That is one of our biggest challenges.

There are cases in which the Government seek to use grant money to help business rate relief. We gave money to Manchester, as I think we will to Salisbury, to help tourism, to help it get back on its feet and a whole load of other things. I think we gave Manchester £23 million to deal with that.

As the hon. Gentleman alluded to, some insurance companies have been quite helpful, but not all of them; some have paid out outside their remit. I agreed with him on Second Reading in hoping that Aviva would respond with flexibility. It has since written to me to say that, contrary to my comments, it had been flexible and paid out, even for people who did not have that part of terrorism insurance—although I do not think that affects people who did not have terrorism insurance. However, I should certainly put on the record that Aviva says it has been flexible.

The Government cannot retrospectively interfere in contracts between insurers and customers, which would be the amendment's effect. I am afraid that is why we can only try to deal with this for the future. By doing so,

we will hopefully make sure that future events like that at Borough market have a minimal impact on people and that the terrorists do not win. While I do not think it is likely, I urge the hon. Gentleman to withdraw his amendment. I hope he understands that this is not about motives, but simply about the structure of the insurance market and the Government's relationship to retrospective legislation.

Neil Coyle: In the debate on the last amendment, the Minister seemed to say that insurers need to up their game. On this amendment, he says that insurers must resolve again, despite there being outstanding claims. My constituents will note the Government's muteness about their ability to help and to step in, even through this very limited amendment.

I cannot say that I am happy to withdraw my amendment at this stage, but I am hopeful that the Government will reconsider it as the Bill progresses. I beg to ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

Ordered, That further consideration be now adjourned.—(*Paul Maynard.*)

4.28 pm

Adjourned till Thursday 5 July at half-past Eleven o'clock.

Written evidence reported to the House

CTB 05 Liberty

CTB 07 Zurich Insurance

