

Vol. 800
No. 6



Monday
21 October 2019

PARLIAMENTARY DEBATES
(HANSARD)

HOUSE OF LORDS

OFFICIAL REPORT

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

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

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

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House of Lords

Monday 21 October 2019

2.30 pm

Prayers—read by the Lord Bishop of Salisbury.

Introduction: Baroness Penn

2.36 pm

Joanna Carolyn Penn, having been created Baroness Penn, of Teddington in the London Borough of Richmond, was introduced and took the oath, supported by Baroness Evans of Bowes Park and Lord Taylor of Holbeach, and signed an undertaking to abide by the Code of Conduct.

Introduction: Lord Woolley of Woodford

2.42 pm

Sir Simon Andrew Woolley, Knight, having been created Baron Woolley of Woodford, of Woodford in the London Borough of Redbridge, was introduced and took the oath, supported by Baroness Young of Hornsey and Baroness Hussein-Ece, and signed an undertaking to abide by the Code of Conduct.

Visas Question

2.47 pm

Asked by The Earl of Clancarty

To ask Her Majesty's Government what plans they have to review the visa system for non-European (1) academics and (2) musicians visiting the United Kingdom.

The Minister of State, Home Office (Baroness Williams of Trafford) (Con): My Lords, UK Visas and Immigration continually reviews its global visa operation to improve its performance and deliver fast and fair decisions to customers while protecting the integrity of our immigration controls. UKVI continues to work with all stakeholder sectors, including artistic and academic bodies, to deliver improvements to the way we process visa applications from those who seek to enter the UK.

The Earl of Clancarty (CB): My Lords, there is mounting concern for the health of academic and cultural exchange between the UK and other countries. Is the Minister aware of universities' concerns about the number of academics now refused entry and the worry that ambitions for conferences might be scaled down? Is she further aware of the treatment of some here in the longer term, including, shockingly, that of medical researcher Dr Furaha Asani, who is threatened with deportation to the Democratic Republic of Congo—a ruling decried by the University of Leicester? There is a disconnect between our academic interests and Home Office decisions that needs to be addressed.

Baroness Williams of Trafford: The noble Earl will appreciate that I cannot discuss individual cases, but I hope that he will also be aware that on 8 August the Government announced a new fast-track system for top scientists and researchers, and the numbers are uncapped. Overall, our visa grant rate is 87%, and 98% of tier 2 applications are granted.

Lord Clement-Jones (LD): My Lords, many creative organisations have been forced to use standard visitor visas or the PPE route, despite their preference for the security of the sponsored tier 5 system. Will the Government accept the recommendations of the Creative Industries Federation and ensure that any new immigration proposals reduce the administration and costs for tier 5 certificates and enable artists to undertake multiple engagements with different organisations while they are here on a temporary stay?

Baroness Williams of Trafford: I appreciate the point the noble Lord makes. He has made it before, particularly on the route from Ireland. There is a concession under the tier 5 route for creative workers and entertainers for non-EEA and non-visa nationals. That concession, as he knows, allows them to enter the UK without obtaining entry clearance. But he will also know that new guidance is now out for those multiple applications. Indeed, not only has the route through Ireland been temporarily clarified since February this year, but we plan to make secondary legislation changes to the Immigration (Control of Entry through the Republic of Ireland) Order 1972 so that non-EEA and non-visa nationals who hold a valid COS not only will receive deemed leave but will not have restrictions on paid entertainment.

Lord Kennedy of Southwark (Lab Co-op): My Lords, the Minister has heard a couple of examples of the problems that academics and visiting musicians are having getting visas to work and perform in the UK. What effect does she think these cases are having on our international reputation?

Baroness Williams of Trafford: I outlined the visa acceptance grant rates, which are extremely high—98% for tier 2—and the speed at which they are granted. I think 97% are now granted within the 15-week service standard.

Lord Cashman (Non-Aff): My Lords, the noble Earl raises a very serious issue with his Question. Across the creative industries and the talent unions, there is concern about being able to forward plan programmes and artistic festivals. Will the Minister consult with talent unions and the creative industries to ensure a degree of certainty in these visa applications?

Baroness Williams of Trafford: I thank the noble Lord for that. I misspoke in my previous answer: I said "15 weeks" when I meant 15 days. The whole point of a visa system is not to deter people or keep them out but to encourage the creative industries from around the world, while keeping our borders under control.

Lord West of Spithead (Lab): My Lords, talking of musicians, the Minister will be aware that, 214 years ago today, musicians were playing on the decks of the battleships of the British fleet as it bore down on the Franco-Spanish fleet. Will the Minister pass the regards of the House to the Royal Navy, who still protect the freedom of the seas for our nation, on this very special day for the naval service?

Baroness Williams of Trafford: I shall do that with gusto. Every time the noble Lord asks me a question, I am educated.

Lord Fox (LD): Turning from the high seas to our green and pleasant land, the Minister will be aware that there is already a recruitment problem for workers coming to harvest the crops in this country. The upcoming Immigration Rules will exacerbate this problem massively. It is not only tier 1 academics and people like that, but also people who work on the land, in our care homes and across our economy. That economy is going to be damaged by these rules. Can the Minister undertake to reassess the thresholds that are being used?

Baroness Williams of Trafford: We are trying to achieve a fair immigration system for those who are visiting, those who are staying for a short time and those who are coming to work, from EU and non-EU countries. Looking forward, we are going to create a points-based system so that we can attract the brightest and the best to this country.

Baroness Bull (CB): My Lords, like many noble Lords, I am sure, I welcome the intention within the Queen's Speech for a more accessible visa system that attracts global scientific talent to tackle the greatest challenges facing our society, but does the Minister agree that science alone will not be enough to solve those challenges and that the perspective of the humanities and the social sciences will be essential if we are to take lessons from history, understand how people engage with technology and communicate the messages in a way that will drive changes in human behaviour?

Baroness Williams of Trafford: I agree with the noble Baroness that science alone will not solve the problems that we face, but science is hugely important, particularly given that we have a shortage of scientists in this country and a shortage of specialist engineers. That is why I think noble Lords focus on this area.

Lord Newby (LD): My Lords, does the Minister's definition of "the brightest and the best" extend to the brightest and best fruit-pickers?

Baroness Williams of Trafford: I think that the noble Lord is conflating two issues. In terms of our future immigration system, yes, we want the brightest and best, but it must be a system that works for people coming here both temporarily and for work.

Psychiatrists Question

2.55 pm

Asked by **Baroness Parminter**

To ask Her Majesty's Government what steps they are taking to tackle the shortage of psychiatrists in the United Kingdom.

Lord Bethell (Con): Expanding the mental health workforce, including psychiatry consultants, is an important priority for this Government. We are not complacent about the scale of this historic challenge. In particular, we are focused on driving forward work to improve recruitment in psychiatry, including working with the Royal College of Psychiatrists on its excellent Choose Psychiatry campaign. Our NHS interim plan has also set out a wide range of actions that we will take to reduce the number of vacancies and secure the staff we need for the future.

Baroness Parminter (LD): Vacancy rates for psychiatric posts have doubled in the past six years. Eating disorder services are particularly affected, contributing to lengthy waiting times for treatment, which can be life threatening given the mortality rates for anorexia. Will the Government agree to double the number of medical school places over the next 10 years to deliver more psychiatrists and better care for people suffering from eating disorders?

Lord Bethell: The Government recognise the issue with recruitment, in particular at the higher, consultant end, where it takes 14 years to train a consultant. There is undoubtedly an issue with filling all those places. The work of the noble Baroness on eating disorders is well known and the Government are very focused on that issue; in fact, we announced in 2014 that we would invest £150 million to expand community-based care for children and young people with eating disorders. Recruitment remains an issue that concerns us and we are focused on responding to it.

Baroness Hollins (CB): My Lords, in 2011, 70% of foundation doctors went on to specialty training, but in 2018 the figure was 40%. Does the Minister agree that in psychiatry, this may have something to do with concerns about working conditions, lack of support from specialist nurses and personal safety? I heard just last week of a young doctor who went to work in the evening wearing a stab vest because another trainee had been stabbed while on duty as a psychiatrist the previous week.

Lord Bethell: The noble Baroness is quite correct to suggest that the issues of psychiatry recruitment are complex. They are not simply a matter of funding; the Government have put a large amount of money behind mental health. It is not just a question of places—a large number of vacancies are available in psychiatry; it is one of the employer brand. The employer brand around psychiatry is not where we would like it to be, and safety is a difficult and challenging issue to address.

We are focused on that. The campaign by the Royal College of Psychiatry addresses this very issue, and we will continue to work on it.

Lord Ribeiro (Con): My Lords, two years ago, Sir Simon Wessely, then president of the Royal College of Psychiatrists, identified a serious problem with psychiatric recruitment, particularly among trainees as the Minister has mentioned. As it takes five years to get a trainee through to becoming a doctor, and bearing in mind that we are nearing Brexit or the effects of it and that many doctors come from the European Union, what action are the Government taking now to deal with this problem?

Lord Bethell: I am grateful for my noble friend's question. He is correct that Brexit is a challenge, but I draw his attention to the interim people plan, which is focused on the issue of psychiatry recruitment. It addresses pension tax concerns—a key hurdle for those later in their careers—and increasing university clinical placements, and it bolsters the workforce through greater international recruitment. I remind my noble friend that there were 2,000 more EU nationals working in the NHS in June 2018 than in June 2016.

Lord Watts (Lab): My Lords, there is a massive shortage of consultant psychiatrists, especially for children. What action will the Government take in the next few years to address that problem, which is getting worse, not better?

Lord Bethell: The issue with consultant psychiatrists will take years to address. However, I reassure the noble Lord that it is not only consultants who can help with children's mental health; so can other strata of the workforce. We are providing an extra £1.4 billion to improve specialist mental health services for children and young people. That money will be dedicated to all levels of the workforce.

Baroness Jolly (LD): My Lords, the Minister has referred to the mix of psychiatrists and psychiatric nurses who support children. If the Government's plans are carried out, by when should every part of the country be covered to an acceptable and safe level?

Lord Bethell: The long-term plan published on 19 June announced that, by 2023, an extra 345,000 children and young people aged between nought and 25 will receive mental health support via NHS-funded mental health services. That commitment will go a long way to achieving the objective that the noble Baroness addressed.

Lord Naseby (Con): My Lords, is there not also a problem of retention of young male and female doctors when they qualify? Should we not look at the system in Singapore, where young doctors have to sign on for five years after they qualify? We use that system in our Armed Forces. Is the answer to one of the challenges to look at retention?

Lord Bethell: My noble friend is correct that retention is an issue, although I reassure him that NHS Improvement's retention programme has improved turnover rates of clinical staff in mental health trusts from 14.4% to 13.1% since 2017. However, these numbers are not good enough. The Government recognise that, which is why we are investing money in it. I will take his very good idea to the Minister and raise it up the chain.

Lord Brooke of Alverthorpe (Lab): My Lords, I declare an interest as the Royal College of Psychiatrists provides me with a psychiatrist to help me with my work here. While working with psychiatrists and the royal college, I have learnt that, although understandable concern exists about the dangers of technology for children—particularly gaming—there is also a body of evidence that technology can be very useful in dealing with psychiatric and mental issues. However, there is a lack of work being done on this positive side. Will the Minister undertake that the Government are prepared to explore this more fully than they have so far? That might go some way towards solving the problem of a shortage of psychiatrists.

Lord Bethell: The Government have articulated their commitment to technology in the long-term NHS plan; no Government have ever been more committed to technology. I pay tribute to the work of professionals in the mental health services. It has the human touch more than any other medical discipline. The work done by those in the NHS is exceptional.

NHS: Babylon's GP at Hand App

Question

3.03 pm

Asked by **Baroness Thornton**

To ask Her Majesty's Government what impact assessment has been carried out of the effect that Babylon's GP at hand app (1) is having and (2) may have on (a) GP patient waiting lists, and (b) the funding of primary healthcare.

Baroness Thornton (Lab): My Lords, I beg leave to ask the Question standing in my name on the Order Paper. In doing so, I declare my interests as set out in the register.

Lord Bethell (Con): NHS England and partners commissioned an evaluation report of Babylon GP at hand. This was published in May 2019 and concluded that, overall, users are satisfied with the service, in particular its convenience. The GP at hand workforce demonstrated high satisfaction with the service, particularly with the flexible work arrangements. However, satisfaction was lower for waiting times for face-to-face appointments. Practice funding is being revised to improve fairness following the emergence of digital-first providers.

Baroness Thornton: I am not sure how many noble Lords realise what GP at hand is. It is a virtual GP app that uses artificial intelligence to identify health problems and has a partnership with the NHS in London and Birmingham, where patients can sign up for the digital-first GP at hand service and receive video consultations. I am absolutely in favour of the use of new technology in primary healthcare—this is not a Luddite Question—but clinical commissioning groups in London have, on the instructions of NHS England, had to reserve large sums of money, of up to £1 million, in their 2019-20 budgets for the next year to meet the costs of Babylon GP at hand. They have not commissioned this work; it is not included in the safeguarding or quality oversight of them; and it is paid for without basic information about how many or which patients are leaving local GP lists or the impact that this might have. Does the Minister think that this is a satisfactory situation, in terms of the control and accountability of local budgets? Would the money, which I understand stands in London at about a £21 million deficit, not be better spent providing technology and IT infrastructure for the use of our GPs in their surgeries?

Lord Bethell: The noble Baroness raises an important question. The Government are aware of the issues faced by out-of-area commissioning, and particularly of the concerns of Hammersmith and Fulham Council. We are looking at its concerns about its budget provisioning. We do not recognise all the numbers, but we are trying to understand them better. I reassure her, however, that we are putting in measures to ameliorate the situation. We are looking at ways to disaggregate a patient list if there are large numbers of digital-first patients; we are making more timely adjustments to CCG budgets, moving to quarterly rather than annual assessments; and we are looking at how to apply technology to under-doctored areas.

Baroness Jolly (LD): My Lords, how confident is the department that NHS England is ready to deal with the addition of a new model of access to GP services? Does the Minister have a view on whether legislation would be required to achieve this?

Lord Bethell: To date, there has been no articulation of a need for further legislation.

Lord Foulkes of Cumnock (Lab Co-op): My Lords, is it just a coincidence that Dominic Cummings used to work for this dodgy private healthcare company that is now getting so much financial and other assistance from the Government? How many meetings there have been between Health Ministers, particularly the Health Secretary, and officials from this company, Babylon? If the Minister cannot tell us today, will he write to me with details of every meeting and put a copy in the Library?

Lord Bethell: Decisions on individual providers are made by the NHS commissioners, not by special advisers. The meetings of special advisers are documented in Cabinet Office folders and I would be glad to send a link.

Lord Carlile of Berriew (CB): My Lords, is it not the case that the number of locum doctors working in GP practices is now at a record level? Is it not time that the GP contract and the structure of such practices were re-examined so that doctors who work in them can be expected to take responsibility for their management and smooth running, thereby increasing the potential for a consultation with a doctor one knows?

Lord Bethell: Working practices are changing in GP practices, as they are in every walk of life. One interesting piece of feedback from the assessment study of Babylon was the very high levels of work satisfaction from GPs, who like the flexible and at-home working. The feedback means that they will stay in the profession for longer. The Government assess this form of modernisation as being very helpful in holding GPs in their roles.

Lord Wallace of Tankerness (LD): My Lords, with respect, the Minister did not answer the question from the noble Lord, Lord Foulkes, who did not ask about meetings with special advisers but specifically about meetings between the company and Ministers, and particularly the Secretary of State. Can the Minister give that answer about how many there have been? If not, will he accede to the request of the noble Lord, Lord Foulkes, and write to him and put a copy in the Library?

Lord Bethell: Meetings with Ministers are published. I am happy to check with the department to see whether there has been any oversight, and I will share any response with the Member.

Lord Scriven (LD): My Lords, the big issue with apps and health is that the data used can be used by these private companies in a way that the Government cannot track, and that data—particularly of individual patients—is used in a way they do not control. In light of this, what new regulations will be brought forward, particularly on patient consent to the use of individual data?

Lord Bethell: The use of patient data by the NHS, its contractors and providers is highly regulated. The CQC regulates Babylon as it does every other GP practice, and it is subject to exactly the same rules as every other privately owned GP outfit in the country.

Frequent Flyer Airmiles Schemes

Question

3.10 pm

Asked by **Baroness Jones of Moulsecoomb**

To ask Her Majesty's Government what plans they have to (1) ban or (2) restrict frequent flyer "airmiles" schemes.

The Parliamentary Under-Secretary of State, Department for Business, Energy and Industrial Strategy and Northern Ireland Office (Lord Duncan of Springbank) (Con): My Lords, the fight against climate change is the greatest and most pressing challenge facing the modern world. The UK has done more than any other major economy to tackle emissions. UK airlines operate as commercial

undertakings in the private sector; the Government do not intervene in commercial matters such as customer loyalty schemes.

Baroness Jones of Moulsecoomb (GP): I thank the Minister for his Answer. However, given that, as he says, climate change is the greatest and most challenging issue, surely it would be sensible to encourage airlines so that, instead of rewarding the 15% of the population who take 70% of the flights, it would be better for all the rest of us if they did not run these schemes—and if they did, we should have a frequent flyer tax instead.

Lord Duncan of Springbank: I would much rather that we were able to address 100% of the individuals who take flights. That is why we are participating very strongly in the International Civil Aviation Organization—ICAO—to try to make sure that it addresses this matter at an international level. There are means which can be taken; the next meeting will take place in 2022, and the Government stand ready to play their part.

Lord Teverson (LD): My Lords, the Minister will understand that that is an international offsetting mechanism, which will not work. As individual car drivers we pay 58p per litre in fuel duty, and on top of that we pay VAT. The airlines pay absolutely zero tax on aviation fuel. Surely that is wrong. Would it not be an excellent way to address this, when we chair COP 26 in Glasgow next year, to have as one of our objectives that all airlines internationally should pay their fair tax and their fair contribution to remedying environmental damage?

Lord Duncan of Springbank: To be very clear, the UK has an air passenger duty which raises £3.6 billion a year. It is the highest such tax in Europe—many countries in Europe do not have such a tax—and that money goes a long way to address climate change issues, which are of importance to the Government.

Lord Hamilton of Epsom (Con): My Lords, surely a customer loyalty scheme is what it says on the tin: it is trying to persuade people to fly with one airline rather than another. There is no evidence that if you discriminate against these schemes, people will fly less; they will just choose between one airline and another.

Lord Duncan of Springbank: It is not the policy of the Government to intervene in these commercial decisions. It is also important to recognise that this is a regressive step in many respects.

Lord Brooke of Alverthorpe (Lab): Is it not the Government's responsibility to ensure that anybody going on a flight should know what damage is being done to the environment as a consequence of that flight? Is it not time that each individual should have on their ticket or in the email sent to them the amount of carbon that they will be using on that flight? Is it not right that we should have an international scheme whereby the more that people fly, which is recorded on their carbon footprint, the greater the contribution

they should make towards the cost of the flight and towards putting the environment right by a tax that increases with more flying?

Lord Duncan of Springbank: To be very clear, our air passenger duty is a tax commonly passed on to passengers: the more you fly, the more you pay. Additionally, this should be addressed at international level, as the noble Lord said. I am not averse to the notion of people being more fully aware of what they are participating in, and I will examine that more carefully.

The Lord Bishop of Salisbury: Can the Minister explain why the gap between aviation fuel being untaxed and road fuel being taxed as it is, is so great? If the answer is the difficulty of getting international agreement, why are UK internal flights not taxed to get some parity between different methods of transport?

Lord Duncan of Springbank: The challenge we face in this country is that we are a major hub for international flights, as well as a country with a significant geographical challenge. We do all we can to ensure that people can take the types of journey they are able to take; it is up to commercial companies to determine how best to take that forward.

Lord Tugendhat (Con): My Lords, might the Minister consider a more rifle-shot approach and, instead of thinking about commercial airlines, think about private jets? Might it be an idea to levy a tax on fuel sold to private jet companies, as distinct from the wider question of national and budget airlines? Private jets might be the best place to start.

Lord Duncan of Springbank: My noble friend raises a question to which I do not have the answer in my notes. It strikes me that private jets probably constitute a very small proportion of the overall flights in this country, and that private jets may choose not to come here, depending on circumstance.

Baroness Randerson (LD): My Lords, does the Minister accept that there is great public concern, with the increased awareness of the damage of flying to our environment and climate? Does he accept that it is time that the Government took some action and worked with the grain of public opinion? Will he agree to talk to his colleagues and examine the simple carbon tax introduced by the French Government this year? It will come into force next year, it will tax every flight and it will start to address the damage that is being done.

Lord Duncan of Springbank: The noble Baroness makes a point, but air passenger duty is already a tax on every flight which is directly passed on to air passengers. It is also important to recognise that there is a responsibility on individuals. You do not have to fly abroad to take a holiday: St Andrews, in Scotland, is very pleasant, as are many other places in the United Kingdom.

Lord Bates (Con): My Lords, might not a positive way to address the issue be to extend the benefits of loyalty schemes to those who use public transport, cycle or walk?

Lord Duncan of Springbank: Yes, that is probably true. I am not sure how it would work, but I am willing to go away, look at it and see whether we can do something with it.

Lord Fox (LD): My Lords, the Minister just dubbed this measure regressive in many ways. Could he enlighten your Lordships' House on how it is regressive, given the climate emergency that we face?

Lord Duncan of Springbank: The reason why I suggest that it is regressive is that by taking this approach, whether banning air miles or making other restrictions in this fashion, the people affected will almost certainly be the poorest, not those who are wealthy or who are travelling business class. The problem is that they can continue to afford to do so, while those who take family holidays will be hit by the brunt of the tax. That is regressive.

Baroness Jones of Moulsecoomb: My Lords, I am sorry, but that is absolute nonsense. It is not true. The 15% are the wealthiest people, not the poorest people who take only one flight a year.

Lord Duncan of Springbank: I have a sneaking suspicion that the 15% who are the wealthiest will not be deterred by the removal of a loyalty scheme.

Genocide Determination Bill [HL]

First Reading

3.17 pm

A Bill to provide for the High Court of England and Wales to make a preliminary finding on cases of alleged genocide, crimes against humanity or war crimes; and for the subsequent referral of such findings to the International Criminal Court or a Special Tribunal.

The Bill was introduced by Lord Alton of Liverpool, read a first time and ordered to be printed.

Heritage Railways and Tramways (Voluntary Work) Bill [HL]

First Reading

3.18 pm

A Bill to permit young persons to carry out voluntary work on a heritage railway or tramway.

The Bill was introduced by Lord Grocott (on behalf of Lord Faulkner of Worcester), read a first time and ordered to be printed.

Well-being of Future Generations Bill [HL]

First Reading

3.19 pm

A Bill to make provision for requiring public bodies to act in pursuit of the environmental, social, economic and cultural well-being of the United Kingdom in a way that accords with the Future Generations principle; to require public bodies to establish and meet well-being objectives and report on these and their actions; to require public bodies to publish Future Generations impact assessments and account for preventative spending; to establish a Commissioner for Future Generations for the United Kingdom to advise, assist and oversee public bodies in doing things in accordance with this Act; to provide for the establishment of a Joint Parliamentary Committee on Future Generations; and for connected purposes.

The Bill was introduced by Baroness Jones of Moulsecoomb (on behalf of Lord Bird), read a first time and ordered to be printed.

Goods Mortgages Bill [HL]

First Reading

3.20 pm

A Bill to repeal the Bills of Sale Acts 1878 and 1882 and to make provision for a new form of non-possessory security that may be created over goods owned by individuals; and for connected purposes.

The Bill was introduced by Lord Stevenson of Balmacara, read a first time and ordered to be printed.

Financial Services (Electronic Money, Payment Services and Miscellaneous Amendments) (EU Exit) Regulations 2019

Specific Food Hygiene (Regulation (EC) No. 853/2004) (Amendment) (EU Exit) Regulations 2019

Prospectus (Amendment etc.) (EU Exit) Regulations 2019

Motions to Approve

3.21 pm

Moved by Lord Bethell

That the Regulations laid before the House on 5 and 9 September be approved.

Relevant document: 61st Report, Session 2017-19, from the Secondary Legislation Scrutiny Committee. Considered in Grand Committee on 16 October.

Motions agreed.

Queen's Speech

Debate (5th Day)

3.21 pm

Moved on Monday 14 October by Baroness Anelay of St Johns

That an humble Address be presented to Her Majesty as follows:

“Most Gracious Sovereign—We, Your Majesty’s most dutiful and loyal subjects, the Lords Spiritual and Temporal in Parliament assembled, beg leave to thank Your Majesty for the most gracious Speech which Your Majesty has addressed to both Houses of Parliament”.

The Advocate-General for Scotland (Lord Keen of Elie) (Con): My Lords, it is a privilege to open this day of debate on Her Majesty’s most gracious Speech.

The focus of today’s debate is home affairs, justice, constitutional affairs, devolved affairs and local government. The debate will enable us to explore some of the key themes of the gracious Speech, including laying the foundations for a fair, modern and global immigration system by seizing the opportunities of Brexit, doing more to redress the balance in the criminal justice system, and ensuring that victims receive the support they need and the justice they deserve. Both my noble friend Lady Williams and I look forward to hearing noble Lords’ contributions, given the wealth of experience represented on all sides of the House.

The Government are committed to making neighbourhoods safer and to ensuring that punishments fit the crime. People across the country are, rightly, appalled at the rise in violent crime. For that reason, the gracious Speech included a commitment to introduce legislation to ensure that the most serious violent and sexual offenders spend more time in prison, to match the severity of their crimes. The Government will also seek to strengthen community orders so that they deliver an appropriate level of punishment, address offenders’ behaviour, support people in addressing the potential underlying causes of their offending and provide reparation for the benefit of the wider community.

As well as getting tougher on criminals, the Government are determined to ensure that victims receive the support they need and the justice they deserve. To do that, we are accelerating plans to enshrine in legislation the rights to which victims are entitled, as set out in the victims’ code. We will publish the revised code in early 2020. We recognise that rights are meaningless without the means to enforce them. We want to legislate to ensure that victims understand the minimal level of service they can expect from criminal justice agencies and to increase the powers of the Victims’ Commissioner, who is already a powerful voice for victims. The Government will legislate for the new victims’ law to be consulted on early in the new year. These changes will ensure that victims of crime receive the very best support as well as the information they need at every stage of the criminal justice system.

For the families of murder victims there can be many unanswered questions. No one should endure the anguish of having a loved one murdered and then be denied the dignity of giving them a final resting place. That is why the Government have brought forward legislation to make sure that the Parole Board must take into account an offender’s failure to disclose the location of their victim’s remains. This legislation also addresses another situation where a failure to disclose information about victims causes particular distress: where offenders fail to disclose the identities of children who are the subject of indecent images. The Parole

Board will similarly be required to take into account any failure to disclose the identity of victims when assessing offenders’ suitability for release.

Marriage will always be a vital aspect of our society and it is sad for those involved when a marriage fails, but when people take the decision to divorce, the legal process currently incentivises one spouse at the outset to make allegations about the other’s conduct to avoid otherwise waiting for at least two years of separation. The new process will remove the requirement to evidence a fact to prove that the marriage has broken down irretrievably. In the gracious Speech the Government reaffirmed their commitment to reform the current legal process, which can be especially damaging to any children of the relationship. As well as removing the conflict flashpoints inherent within the current legal process, the Bill will introduce a minimum timeframe for it. This will allow for greater reflection on the decision to divorce and for couples to approach arrangements for the future as constructively and co-operatively as possible.

Domestic abuse shatters lives and tears families apart. It is estimated that in the year ending March 2018, some 2 million adults between the ages of 16 and 59 experienced domestic abuse. The Domestic Abuse Bill and wider action plan will help to ensure that victims have the confidence to come forward and report their experiences, safe in the knowledge that the justice system and other agencies will do everything they can both to protect and support them and their children and to pursue their abusers. We need a society in which there is zero tolerance when it come to domestic abuse and which empowers people to confront it. This Bill will be a step towards doing that.

The Government are determined to seize the opportunities of Brexit and bring an end to free movement to ensure that the UK can deliver a new points-based immigration system which will prioritise people’s skills and contributions to our society. For years, politicians have promised the public an Australian-style points-based system. We will actually deliver on those promises. We also remain committed to ensuring that resident European citizens, people who are our friends, neighbours and colleagues, and who have built their lives here and contributed so much to this country, have the right to remain.

After Brexit, the Government will take forward measures to provide certainty and stability to ensure that the UK is a world leader in private international law. We will ensure that we can continue to have clear and effective legal rules in place for resolving cross-border disputes. For example, if a UK citizen is divorcing and seeking child maintenance payments from another parent living abroad, we will have an agreed international mechanism for resolving this. If a UK business is contesting a contract with an overseas party, an international framework will be available for resolving it. The availability of agreed international rules will give UK businesses, citizens and families the confidence to work, live and trade across borders and will help the UK to flourish as a trading nation as we leave the European Union.

I know that the House will want to join me in paying tribute to the brave police officers up and down the country who do so much to keep us safe. The

[LORD KEEN OF ELIE]

tragic killing of Police Constable Andrew Harper this summer starkly illustrated how police officers put their lives on the line and sacrifice time and again to help others. In July, the Government committed to the recruitment of 20,000 police officers over the next three years. It is now only right that we give all police officers the protections they need to keep the population safe. That is why we are putting our commitment to a police covenant on a statutory footing. We will also introduce measures to strengthen the legal protection given to police drivers when pursuing a subject or responding to an emergency. This will ensure that the police have the protections they need to continue their vital work.

As well as further protections for our police officers, we will invest them with the power to arrest individuals wanted by trusted international partners. As it stands, people wanted for serious crimes by countries outside the EU cannot be arrested if the police come across them on the streets of the United Kingdom. This Bill is about making clear that, where a person is wanted for a serious crime in a country such as Canada or America and may be a danger to the public, we will get them off our streets faster and in front of a judge within 24 hours to allow extradition proceedings to commence.

We will also introduce measures to improve the justice system's response to foreign nationals who abuse the system by committing crimes. Anyone coming to our country seeking to do so should be in no doubt of our determination to deport them. The Government are already working hard to improve the efficient and effective removal of foreign-national offenders from the UK, but tougher action is needed to stop abuse of the system, speed up the process for deporting foreign-national offenders and deter foreign criminals from coming to the UK. This Bill will significantly increase—from six months to five years—the maximum penalty for those who return to the UK in breach of a deportation order. This will send a clear message to criminals who seek to return to the UK in breach of the law: if you return, you will go to prison for a long time.

This Government have always been clear that we will tackle serious violence and make our streets safer. That is why, together with strong law enforcement, we are determined to stop young people being drawn into crime. We need to understand and address the factors that cause someone to commit violent crime in the first place. The new legal duty we will deliver will ensure that all agencies work together to share intelligence and identify warning signs so that we can intervene earlier, protect young people and prevent and reduce serious violence in local areas.

Nothing is more important than ensuring that people are safe in their homes. This Government will legislate to put in place new and modernised regulatory regimes for building safety and construction products, and ensure that residents have a stronger voice in the system.

One of this Government's key priorities is the integrity and prosperity of the union that binds the four nations of the United Kingdom. We will continue to work with all parties in Northern Ireland to support the

return of devolved government and to address the legacy of the past. We want to unleash the potential of every corner of England, Wales, Scotland and Northern Ireland by bridging the productivity gap, levelling up opportunity and prosperity across the nation and starting an infrastructure revolution.

As set out in the gracious Speech, the Government will bring forward our offer on devolution in England and a White Paper, along with refreshed strategies for the northern powerhouse, the Midlands engine and the UK shared prosperity fund. We are committed to invest in every area of the UK to boost jobs, productivity and living standards and, once the United Kingdom leaves the European Union, we will have a unique opportunity to devolve and empower regions across the country.

The measures outlined in the gracious Speech set out a clear direction for the future of Britain: a country with safer streets where punishments fit crimes but criminals are supported to overcome the causes of their behaviour; one where victims are supported throughout the justice process and after, so that they can move on and rebuild their lives; a society that values marriage but accepts the modern realities of divorce and has no tolerance when it comes to domestic abuse; one that gives the most legal protection possible to brave police officers who risk life and limb to keep us safe; a nation that values immigration and has enough control of its borders to welcome the skills it really needs and reject foreign criminals from our shores; one that addresses serious violence at its root causes to keep our young people safe from harm; a United Kingdom where every constituent part and region has the necessary political will, the right infrastructure and the ability to make decisions in its own best interest; one where opportunity is levelled up and every single person can thrive. Over the coming weeks and months, I look forward to debating with your Lordships the many measures that I have outlined today.

3.35 pm

Lord Kennedy of Southwark (Lab Co-op): My Lords, I draw the attention of the House to my relevant interest in the register as a vice-president of the Local Government Association.

I am delighted to see the noble Lord, Lord Bourne of Aberystwyth, in his place. This is my first opportunity to pay tribute to the noble Lord. I always enjoyed our friendly debates across the Dispatch Boxes. He was engaging and courteous at all times, both in and outside the Chamber. He was a very able Minister and is a real loss to the Government. I know he will continue to make informed contributions to your Lordships' business, as he will today.

My focus today is a number of the proposals in the Queen's Speech, covering areas in which I will have some involvement in your Lordships' House in this Session of Parliament—however long it lasts. While this Session continues, and until Parliament is dissolved, I am absolutely committed to working with those on all Benches to improve the Bills that come before us. As the noble and learned Lord, Lord Keen of Elie, has told us, the debate today will cover home affairs,

justice, local government, devolved affairs and constitutional affairs. I have seen only one of the Bills that is to be brought before us. With that proviso, I intend to set out my initial thinking and how I hope we will progress. My noble friend Lord Rosser will cover the areas that I do not reference. I look forward to all contributions from noble Lords to today's debate.

Generally, I welcome measures that seek to address crime, in particular violent crime and thereby strengthen the public's confidence in the criminal justice system. The types of crime perpetrated, and how they come about, change over time. We therefore need to update our response regularly and consistently. But addressing crime is about not only punishment but rehabilitation and addressing the problems in the first place, before we get anywhere near the involvement of the police, prisons or probation services. Longer prison sentences might get the Government a few favourable headlines in some of the tabloids, but do they punish, address offender behaviour and help with rehabilitation? That is the question we should be asking. Any Government who get the balance right and make positive inroads to both addressing offender behaviour and delivering proper rehabilitation will get, and truly deserve, praise for making our country a safer place, and save the taxpayer many millions of pounds.

Looking at some of measures announced in the Queen's Speech, I am pleased that the Domestic Abuse Bill is making progress. I hope it can be speedily passed into law. If we do nothing else before this Parliament is dissolved, notwithstanding the issues around Brexit, I hope that this Bill will become an Act of Parliament. Domestic abuse is a wicked crime, perpetrated by those closest to you—those who should be protecting you, not making your life a living hell. There is no stereotype of a domestic abuser; they come from all walks of life. What happens to victims is wicked and evil, and totally unacceptable. Those who commit such crimes must understand that they will face the full force of the law, while victims must be confident that they have the protection of the state in all its forms.

From the Opposition Benches, I have been working hard, along with my noble friends Lord Rosser, Lady Gale and others, to get this important Bill passed into law. When the Bill arrives in this House, I will raise the issue of victims in some parts of the country being charged by GPs for a letter to confirm their injuries and that they have been a victim of domestic abuse, so that they can get access to services. That is terrible. It is wrong and the Government should put a stop to it. Perhaps the noble Baroness, Lady Williams of Trafford, will address that issue when she responds to the debate.

I welcome measures that will further support victims of crime, and the contributions of the noble Baroness, Lady Newlove, who is not in her place, will be important to those debates.

I hope the Government will take up the care and support of victims of modern slavery. The Private Member's Bill of the noble Lord, McColl of Dulwich, was lost in the other place, which is most regrettable. It will be good if, in this Session of Parliament, the care and support afforded to victims in England and Wales is brought up to the same standard that victims enjoy in both Scotland and Northern Ireland.

The Prisoners (Disclosure of Information About Victims) Bill puts on a statutory footing a practice already in place. Criminals need to understand that their failure to provide the most basic closure to victims and their families will be quite properly taken into account by the Parole Board when they are seeking release from prison.

I agree with and welcome many of the proposals in the Serious Violence Bill. I support a multiagency approach to tackling the root causes of violent crime. An emphasis on intervention with young people and an acknowledgement that law enforcement alone cannot tackle violence is correct—I agree with every word—but that means the involvement of social workers, youth workers, community workers, teachers and other parts of the local government family, along with the voluntary sector. However, it will be no solution to the problem if further requirements and burdens are placed on local authorities without commensurate increases in the resources they have to deliver these new obligations. Unfortunately, it has been a recurring pattern for the Government to do that. We have heard time and again from the Government the standard response that local authorities have the powers to tackle these issues. Maybe they do, but they do not have the resources and that is a big problem.

On social care increases, too many times we have seen that when we have been allowed to increase resources it comes in the form of approval to increase council tax rather than in direct government grants. As noble Lords will know, council tax is a regressive form of taxation.

The proposals to recruit 20,000 new police officers are welcome but have to be seen in the context of the Government cutting a similar number of police officers since 2010. Experience has been lost and I have a Question on tomorrow's Order Paper about the relationship between the number of officers and the number of crimes committed. The Police Protection Bill looks like a measure that we on these Benches can fully support but, again, the detail will be as important as recognising police bravery and supporting officers. What is proposed in the Bill needs to make a positive difference, not only in words but in deeds and proper actions.

Turning to the Extradition (Provisional Arrest) Bill, criminal activity does not respect borders and boundaries, and so making things as difficult as possible for criminals and making sure that they cannot evade justice is to be supported. It is, though, disappointing that these measures may have to be used if we no longer have access to the European arrest warrant, which has been a success in bringing people back to the UK—and in sending them elsewhere in the European Union if they are hiding in the UK—to face justice. Clearly that is another of those Brexit dividends we were not told about. This legislation will need careful scrutiny to ensure that we get the balance right.

Again, in principle I welcome the Divorce, Dissolution and Separation Bill. The noble Baroness, Lady Deech, has sought through private Members' legislation to improve divorce proceedings many times and I will fully support her in anything she does to make these matters better.

[LORD KENNEDY OF SOUTHWARK]

The White Paper on English devolution, referred to in the Queen's speech, seems, disappointingly, to carry on with the same confused patchwork of local government reforms that started with the Cameron Government. This is not a real devolution of power. I see no devolutionary zeal, only tired tinkering, and that is disappointing. The Labour Government elected in 1997 made radical changes to the governance of the United Kingdom. The one country that did not see radical change—other than the establishment of the Mayor of London and the London Assembly—was England, which still has very a centralised form of government. I do not see much progress here to deliver a new settlement.

There has been much talk of measures around electoral integrity. I want measures in place that ensure that people who are entitled to vote are able to and to eliminate voter fraud, but any measure to require that identification be produced at the polling station must be introduced carefully and proportionately. From all the evidence I have seen, voter ID fraud is minimal. We cannot have hundreds more people who have the right to vote being refused it at a polling station. That would be totally unacceptable. We actually have a voter underregistration problem in the UK. Any measures brought in by the Government should address that problem as well as part of any voter integrity package, along with measures to make our elections safe from abuse and from unscrupulous campaigners who seek to benefit from the inadequacies of our electoral law, so that elections are free and fair. The noble Lord, Lord Young of Cookham, who is not in his place, has agreed with me numerous times at the Dispatch Box that our present electoral law is not fit for purpose and in need of urgent reform. That urgent reform should be put in place before we have a general election. The Government will have the full support of the Opposition to do that quickly if they choose to act on these matters, which they should do urgently.

In concluding, I repeat the point I made at the start: I will engage positively with the Government and all Benches in this noble House to improve proposals that come before us for consideration. When I agree with the Government, I will happily say so and support them, and where I differ, I will seek to persuade them of the soundness of my arguments. I always reserve the right, however, to divide the House if all else fails. I look forward to an interesting debate today and to the Minister's contribution at the end.

3.46 pm

Lord Paddick (LD): My Lords, when the Prime Minister promises not to send a letter to the EU requesting an extension and does, and when he promises no border between Great Britain and Northern Ireland and then agrees a deal that would put such a border in place, the primary consideration becomes one of trust. Whether it is promises about ending free movement, ensuring the rights of EU citizens living in the UK, supporting our police or tackling violent crime, I suggest that this Government's promises should not be trusted.

Sometimes this becomes apparently only when you look at the detail. The Home Secretary says free movement between the EU and the UK will end on

31 October when, in fact, this House has already passed secondary legislation which, in the event of no deal, would allow EU citizens unrestricted access to the UK and its employment market, with the only requirement being a day trip to Boulogne every six months, which would be impossible to enforce. Can the Minister say what would happen to free movement in the event of a deal and us going into a transition period? Would free movement end on 31 October?

The Government say they are committed to ensuring that EU citizens resident in the UK have the right to remain, yet on 9 October 2019 only 929,600 of the 2.7 million EU citizens living in the UK had been granted full settled status. That is just over one-third of them. The best way of ensuring that resident European Union citizens, who have built their lives in, and contributed so much to, the United Kingdom, have the right to remain is for the United Kingdom to remain in the European Union, and that is what the Liberal Democrats are committed to ensuring through a confirmatory referendum or, if the public vote for a majority Liberal Democrat Government at the next general election, by revoking Article 50.

Further on Brexit and immigration, more than 20 organisations, including the Refugee Council, are currently in receipt of funding from the EU's Asylum, Migration and Integration Fund to deliver a range of services aimed at supporting the integration of refugees in the UK. Can the Minister confirm this funding will cease immediately if the UK leaves the EU without a deal? Do the Government not think that the integration of refugees is important?

On Brexit and crime, it was the conclusion of the National Crime Agency lead on Brexit that the UK will be less safe and less secure if we leave the European Union, with or without a deal. As the noble Lord, Lord Kennedy of Southwark, said, we will no longer have access to the European arrest warrant, for example. Any measures that the Government introduce,

"to arrest individuals who are wanted by trusted international partners",

will be problematic. Extradition will take months, if not years, compared with weeks under the European arrest warrant. Remands in custody pending extradition over such an extended period are likely to be granted only in the most exceptional cases and, even if suspects are detained, it will create additional strain on an already overloaded prison system.

The Government say that they are committed to strengthening public confidence in the criminal justice system. That confidence starts with the certainty that offenders will be caught, and that requires an effective police service. The Home Secretary says that she will put criminals in fear, but it is innocent members of the public who are in fear, as the visible uniformed presence on our streets has all but disappeared.

On policing, the Government promise 20,000 "new" police officers over the next three years. We have lost 20,500 police officers since 2010, 4,800 special constables and over 7,000 police community support officers—the backbone of community policing. That is 12,300 fewer uniformed officers than in 2010, even after the Government's promised 20,000 "new" officers.

It is not just about numbers, as the noble Lord, Lord Kennedy, mentioned; it is also about the loss of experience and the loss of diversity. Historically, there has been a much higher proportion of black and minority-ethnic officers among specials and PCSOs, whose numbers have dropped 30% and 42% respectively since 2010. Public confidence in the criminal justice system is not about an overwhelmingly white police force exercising stop and search with no reasonable cause to suspect any wrongdoing. That results in communities feeling overpoliced and underprotected.

We need to restore community policing with officers who reflect the diversity of the communities they serve. We need to get communities and the police standing shoulder to shoulder against the knife carriers, rather than create a climate where suspicionless stop and search makes some communities feel that they have to fight the police as well as the criminals. What targets are the Government setting in relation to the recruitment of black and minority-ethnic police officers in this drive to find 20,000 new officers, and how realistic is that target of recruiting 20,000 new officers in three years?

A few years ago, I met a PCSO who wanted to be a police constable. PCSOs have no power of arrest, are not trained or equipped to deal with violent offenders and never get involved in violent demonstrations. That PCSO told me that he could not afford the drop in earnings to the starting salary of a PC. PCs run towards danger and put their lives on the line for us every day they are on duty. He was on £30,000 a year as a PCSO. A PC at that time was on a starting salary of £17,000. With the erosion of police officer pay and conditions under this Government, no wonder 22,367 police officers have left the police service in the past three years.

To increase the size of our police forces by 20,000 over the next three years, we will have to select, recruit, train and equip over 42,000 police officers, if wastage continues at the same rate. That is 14,100 police officers a year—50% more than in the last financial year. In fact, in the past 20 years the police have never been able to recruit more than 13,100 officers in any one year. The recruitment, selection and training resources are simply not there, and the money that the Government are promising will not be enough to recruit, train and equip the officers that they are promising to deliver.

The Government say that they are committed to addressing violent crime by making serious offenders spend longer in prison. It is the prospect of being caught, not the length of the sentence, that cuts crime. We need a real violent crime strategy with objectives, targets, co-ordinated implementation of what has proven to be effective and proper long-term funding for initiatives that work, not a patchwork of piecemeal projects and a multitude of funding pots. As the Children's Society put it in its briefing on this Bill,

“the Government runs the risk of implementing short-term ineffective responses to youth violence and knife crime. The current government approach to tackling youth violence through knife crime is punitive—The Children's Society believe this approach is fundamentally misguided”.

More than anything else, we need to invest in our young people, addressing adverse childhood experiences and providing safe and healthy alternatives to criminal

gangs and an education system that excludes no one. The Liberal Democrats will invest in our police, youth services and education system to ensure a fair society where even the poorest and most vulnerable feel safe.

3.55 pm

Lord Judge (CB): My Lords, in the gracious Speech there is a reference to the integrity of democracy. I will address the simple principle that the integrity of democracy in this country depends on the survival of the constitution. We have a great number of problems. We are not providing the constitution with the protection it needs, if I may say so, from Parliament. We never have time to examine these issues as a whole. We examine them piecemeal and do not appreciate that each part of the problem adds up to one problem overall, so I will pick four examples.

First, there is the obvious one. To avoid a political difficulty, Mr Cameron, with a great deal of support in Parliament, and, let us not forget, with its certain concurrence, gave us the Brexit referendum. The public were led to believe that their decision in the referendum would be binding on Parliament. They did not choose the questions that they had to answer; the questions were chosen for them. We now know what answer was given. It did not coincide with the views of the majority of people in either of our two Houses. Simply because a referendum has no real place in our constitution, the constitution did not provide and could not be expected to provide an answer to a simple question.

In such a clash, who wins? Those who support Brexit assert—it has been asserted in this Chamber time and again—that a democratic mandate was given to the people and that this overrides Parliament. The same has been frequently asserted in this House the other way around: the ancient principle that ultimate sovereignty rests with Parliament. What a constitutional shambles! It is a salutary lesson to all politicians on all sides that if you mess about with the constitution it will bite back, and it is the public and nation who suffer the consequent injury.

Secondly, as part of a deal to create a coalition Government—in other words, to deal with a political difficulty—the then Prime Minister, Deputy Prime Minister and Parliament enacted a new principle: the five-year Parliament. The result is that, although the Prime Minister of the day failed more than once to obtain parliamentary agreement to the deal she had agreed with the EU, an absolutely central part of her legislative programme, the country was deprived of the only constitutional way to resolve the problem: a general election. There should have been one, but there could not be. I am not saying that we need a general election now—I keep off general elections or referenda in the present context—but I am reflecting that what I am sure was an unintended consequence of this enactment is that an important constitutional principle was undermined. Before the constitutional change was made, did anyone give thought to how it might impact on that constitutional principle? I regret to say that I doubt it.

I come to my third point. All parties are involved in this. Until recently, the Lord Chancellor held office as a major member of the Cabinet, among other things,

[LORD JUDGE]

and as head of the judiciary, with special responsibility for safeguarding the constitution, the independence of the judiciary and the rule of law. That office has now been downgraded. It is no longer the pinnacle of a political career. In truth, it is a relatively minor ministerial appointment, in Cabinet terms. It will be remembered that this important constitutional change was simply announced to the public, before any discussion with Parliament.

So far as the constitutional responsibilities of the Lord Chancellor are concerned, we now have a Minister for the Constitution; I wonder how many Members of this House know that. However, that Minister is not a member of the Cabinet. Like the Lord Chancellor, the Minister does not have to be a lawyer. Therefore, the Minister for the Constitution is not a member of the Cabinet and, like the Lord Chancellor, he or she may never even have read the Ladybird book on the constitution. I am not forgetting the Attorney-General, but he or she is not a Cabinet member either and, in any event, the basic responsibility of the holder of that office is to give independent-minded advice to the Government when the Government are his or her client.

I would love to enter into the Prorogation question in this debate, but I will not. For today's purposes, I should love to know whether the Minister for the Constitution was consulted in any way, shape or form about the proposal that there should be a Prorogation in September. If not, what is he or she doing? Why do we have such a role? I would argue that in the interests of our democracy and the importance of our constitutional arrangements to preserve that democracy, the Minister for the Constitution should at least be in the Cabinet. I do not expect that we will ever get back to the old-fashioned influence and responsibility of the former office of the Lord Chancellor, but this story is a very serious indication of whether we are at all bothered about the constitution. As things stand, the constitution has been relegated in the government structure and the Cabinet hierarchy. Do we think that is a good idea?

I will make one last point before this turns into a lecture. I want to highlight an issue which may not have crossed all your desks. I am very grateful to the Delegated Powers and Regulatory Reform Committee report of January 2018. Your Lordships' House had nothing much to do with the Taxation (Cross-border Trade) Bill, as it was a supply Bill and therefore not for this House. Nevertheless, our committee reported in very troubled terms on the delegated powers in the Bill, which involved a massive transfer of power from the Commons to Ministers, with over 150 separate powers to make tax law affecting individuals and businesses, running to thousands of pages. Can we bear in mind that the essential foundation of all our constitutional arrangements and the ultimate sovereignty of Parliament depends on the principle which literally goes back to Magna Carta, Clause 12—that there should be “no scutage nor aid” without consent? That moved across the Atlantic in the principle which the Americans took from this country and summarised as “no taxation without representation”.

The report is utterly courteous, but it is damning about the powers that the Bill—now the Act—gives to the Executive. One example will do. Section 32 creates a regulation-making power, subject to not affirmative but negative procedure. It relates to regulations of the widest possible impact, including those on VAT and customs and excise duty, and of course includes all the ability to disapply primary legislation and so on. This is all on the basis of a “public notice” published by the Minister or HMRC commissioners.

The Public Law Project, a national charity, drew my attention to a new statutory instrument made in purported compliance with these powers. It also made a legal argument that the regulations were ultra vires the parent Act and threatened a judicial review. It has now been conceded that, in law, it was right. But that is a temporary victory. The Act remains in force and so do the wide regulation-making powers. We are not even aware of it. This is a return to rule by proclamation, but because nowadays we all know that we dislike that and are very aware of Henry VIII and the Statute of Proclamations, what do we do? We have a “public notice”—a notice that the Treasury, not the Commons, considers appropriate. This is taxation by proclamation. The mind boggles.

I have said this frequently before, so forgive me, but I simply want to highlight that, as Parliament, we vest vast powers in Ministers, the Treasury, HMRC or any other government department, to create laws and change laws. The constitutional framework is shifting. We are building our constitution on softer sand; not loudly or so anybody notices, but it is happening.

For those noble Lords who are disturbed, let us not forget that criticism should be directed to Parliament. It is up to us. It is very simple: if we want to guard our democracy and its integrity, we must guard our constitution against temporary political advantage or expediency. We must be alert to it and we must fight it. Our constitution is wonderfully flexible, but even a wonderfully flexible constitution can be tested to destruction. That is what we must avoid.

Lord Framlingham (Con): Would the noble and learned Lord agree that in times such as this, it is so important that we rely on our tried parliamentary machinery, and that in recent times we have altered that parliamentary machinery without giving due thought to the consequences?

Lord Judge: My short answer is “yes”, but it would be a very long answer if I explained why and what my reservations are about my “yes”.

4.07 pm

Lord Hunt of Wirral (Con): My Lords, I begin by declaring my interests as set out in the register, in particular as chairman of the British Insurance Brokers' Association and as a partner in the global commercial law firm DAC Beachcroft LLP.

It is a privilege to follow what I regarded as an outstandingly good speech by the noble and learned Lord, Lord Judge. It was my privilege to sit with him on the Constitution Committee for several years. Sadly,

we are no longer on that committee and he has moved on to a much higher role in this House, but I welcome his words of reflection on the unwritten constitution. Because it is not written at the moment, we have the opportunity to write, for the first time, our constitution. That is something for which we should bear in mind his wise words.

I recall that we did have a great debate about all this. I am sad to see that the noble and learned Lord, Lord Falconer of Thoroton, is not in his place, because that debate took place on the very idea, put forward by the then Lord Chancellor, that we should in effect downgrade the position of Lord Chancellor, albeit by creating the Supreme Court and siting it elsewhere. In a way it also paved the way for the very situation that the noble and learned Lord, Lord Judge, has just outlined. The constitutional framework has shifted on to “softer sand”, to use his words. We should pause and reflect on that.

Overshadowing us is the fact that, as we are already acutely aware, while we debate so many important aspects of Her Majesty's gracious Address, along the Corridor in another place the protracted and debilitating discussion of Brexit continues. I understand that the latest information is that we will be sitting through Friday, Saturday and Sunday of the coming weekend. No doubt we shall hear more about that.

Brexit touches on all aspects of our lives, including those that we are debating today. My area of activity for the last 50 years has been the financial services sector, which leads the world and is vital to our entire social and economic fabric. It makes doing business possible and brings security into all our lives. Its business model is predicated on highly sophisticated and flexible modelling of risk and uncertainty, and it has done everything possible to make itself Brexit-proof. I pay tribute to the chief executive of BIBA, Steve White, and his team, for their skill in helping the industry prepare for whatever transpires. None the less, the current uncertainty is causing incalculable and unnecessary cost, stress and friction. A no-deal Brexit would still cause significant damage. As the Government seek to steer between the Scylla of a Government led by Jeremy Corbyn and the Charybdis of a no-deal Brexit, they do of course enjoy my full support.

Breathless after that, I will take this opportunity to praise this Government's commitment to the continuing improvement of high-speed broadband coverage. It will improve people's lives, be beneficial to commerce and provide the necessary foundation for the UK to emerge as one of the leading developers of autonomous vehicle—AV—technology. At the same time, I voice a note of caution. For us to remain at the forefront of AV development we shall need greater investment in infrastructure beyond 5G. I refer noble Lords to KPMG's *2019 Autonomous Vehicles Readiness Index*, which noted that, despite leading the way in other areas:

“The UK faces challenges concerning digital and physical infrastructure ... It lags behind other countries in 4G coverage, global connectivity, quality of roads (especially smaller roads) and logistics infrastructure”.

The Law Commission has just published its second consultation paper on the regulatory framework for the safe deployment of automated vehicles in the UK,

which noted that rural areas of the UK would be in serious trouble. What I am talking about is: in Wales, how on earth would a driverless car negotiate flocks of sheep? My experience as a Whip, by the way, is wholly unconnected. I welcome the Government's proposals. Above all, this debate reminds us that there is going to be life after Brexit.

4.13 pm

Baroness Pinnock (LD): My Lords, I draw the attention of the House to my interests as a councillor and a vice-president of the Local Government Association. I join the noble Lord, Lord Kennedy, in expressing my gratitude to the noble Lord, Lord Bourne, for a positive and always very constructive working relationship.

The focus of my remarks today will be confined to some aspects of local government. Nearly 20% of total national spending on public services is through local government. Sadly, though not surprisingly, the two words not mentioned in the Queen's Speech were “local” and “government”. The only conclusion that can be drawn is that the current Government have no interest in, nor concern for, local government. The sins of omission are as great as those of commission. Despite the fundamental place that local government has in the lives of everyone in our nation, this Government have nothing substantial to say on what they intend to do to enhance that offer.

The Government have accepted for at least the past four years that a crisis exists in the funding of care for vulnerable adults. The Prime Minister has told us that he will solve that crisis. I looked in vain for concrete proposals. Once again, the Government are ducking their responsibilities. The Association of Directors of Adult Social Services has put it bluntly, saying that social care in England is adrift in a “sea of inertia” caused by years of budget cuts and concluding:

“The system is not only failing financially, it is failing people”. The Government's only financial response is to pass on to hard-pressed council tax payers the burden of funding social care, with some additional national core funding, which will still mean a significant shortfall in what is required. Can the Minister provide a timetable for the publication of a White Paper with proposals for tackling this crisis?

At least the Government have recognised that there is a crisis in the funding of adult social care. The costs of care for vulnerable children is, if anything, a bigger funding crisis. The total number of looked-after children reached a new high of 75,420 last year, representing the biggest annual rise in the number of children in care in eight years. An average of 88 children now come into care every day and, overall, councils face a £3.1 billion funding gap for children's services by 2025. Again, sadly, the government response in terms of funding is minimal in comparison to the need—just a share of the social care and children's budget of £410 million, when the need is £600 million for children alone. Can the Minister provide assurance that policies are being developed by the Government to address what appears a startling abdication of responsibility for the most vulnerable children in England?

At the heart of these two immense failures is the bare fact that the Government are failing to develop policies for the fundamental reform of local government

[BARONESS PINNOCK]

finance. They have previously committed to a multiyear provision of funding. That has failed, and local government finds that it is unable to plan for more than one year at a time because of it. That is simply not an efficient use of public funds. A major portion of the quantum of funds available comes from business rates. That tax is rightly criticised for no longer reflecting modern business practice. My party, the Liberal Democrats, has at least proposed a solution: replace business rates with a commercial landowner levy and increase funding for health and social care with a 1p rise in income tax. What are the Government's plans?

Of course, a major element of the problem for local government is that key decisions are still taken in London. Where are the plans for a genuine devolution of responsibilities and funding? Perhaps the Minister can provide some clues.

The one glimmer of hope in the Government's plans addresses the viability of some struggling towns. Of course, additional funding is to be welcomed, but deep-seated problems will not be resolved by one-off funding, as previous iterations have demonstrated. Councils provide essential, life-enhancing services. It is a shocking indictment of this Government that these needs are not being addressed.

4.20 pm

Lord Brooke of Alverthorpe (Lab): My Lords, I congratulate the Government and welcome their initiative on the NHS. I assure them that, if they have the chance to put this in place, some of us on this side will ensure that it is well scrutinised and applied. I also welcome the long-awaited Domestic Abuse Bill. I hope that both Houses can come together to find the best way to ensure that this scourge is brought to an end.

I will pick up one minor point in this context. I welcome the Government's initiative in bringing forward an SI on the alcohol abstinence monitoring requirement. When this was being debated about six years ago, I was involved, with the noble Baroness, Lady Finlay, in persuading the Mayor of London to run a trial with it; another trial was introduced in another part of the country. Under this scheme, those found guilty of offences, in many instances involving violence, but who manage to avoid prison, are given community sentences to which are attached a requirement that they should not be taking drugs or alcohol. Monitoring, to make sure they stay sober, has been introduced on an experimental basis. Last week, I had a meeting with the Minister responsible and I am pleased that this is being embraced with enthusiasm and it is now intended to roll it out around the whole country.

This helpful development links to the Domestic Abuse Bill, because much domestic abuse is linked to drugs and, more particularly, alcohol abuse. My major criticism is that people will be kept under review and required to be tested for a period of 120 days. In our jails, people who have problems with drugs and alcohol are given assistance to get sober while they are inside, but when their sentence is over and they go back into the community, they frequently go around in the same old circle and end up recommitting offences, in many

cases linked to drug and alcohol abuse. I therefore question whether looking at people for 120 days is enough. I have suggested to the Minister that he should convene a meeting of interested charities and voluntary organisations. Recognising the pressure on resources, we have to look to all the areas where we can get additional assistance. This might involve the voluntary sector, perhaps using organisations such as AA, which have tried-and-tested experience in assisting people to get permanent recovery. A small conference, bringing together interested parties, might find a way to give longer-term assistance and support, well beyond the 120 days. That would benefit not just those individuals but also their families, who are so often affected by the violence arising from drug and alcohol abuse. That is my major, modest contribution to this debate.

From listening to the debate so far, I have a few comments. I listened particularly to the noble and learned Lord, Lord Judge, and others who picked up the issue of democracy. I spoke on Saturday about our failure as leaders to respond to changes taking place in our communities. Technology is moving quickly and we find ourselves falling behind. People are expressing views and participating by using technology in a way unthought of five to 10 years ago. My guess is that this will move even faster, yet we are very slow in responding to it.

We talk about the constitution, and Scotland immediately comes to mind. There will be a referendum in Scotland. There will have to be an amazing change if there is to be a shift in public opinion in Scotland away from that, so it is an important issue. Northern Ireland and Ireland looms up again, with big changes possible. Even Wales is now splitting in its old party system, leading to completely new ideas emerging there. I suggest that we must spend more time in this Chamber, where we have so much expertise in the constitution and the law, and look at what is around the corner and how we can adapt and try to embrace it in a way that we have not done so far.

The noble Baroness, Lady Pinnock, talked about the problems we have: the country is split between from one region to another and we have to address this and find ways for people in those areas to express their views. In turn, we must be more open to change than we have been so far.

4.26 pm

Lord Hope of Craighead (CB): My Lords, there is an air of unreality about this debate. I cannot recall debates on a Queen's Speech being held in a state of such uncertainty. Nevertheless, there are two issues that the gracious Speech raises that concern me and that are worth commenting on, lest they go further. The first arises from this sentence:

"New sentencing laws will see that the most serious offenders spend longer in custody to reflect better the severity of their crimes".

At first sight, it is hard to disagree with this—if there is something wrong, it needs to be made better—but the background briefing tells us that the main elements of the proposed sentencing Bill include changing the automatic release point from half way to the two-thirds point for adult offenders serving sentences of four years or more for serious violent or sexual offences.

I have to confess that I am in two minds about this. On the one hand, I dislike the system of automatic release before the full sentence has been served. As a former judge, I believe that sentences should mean what they say. When I entered practice some 55 years ago, the system was that offenders had to earn their release before the end of the sentence by satisfying the Parole Board, once they became eligible, that they should be released. That was the position under the Criminal Justice Act 1991, which provided that offenders had to be half way through the sentence before they were eligible. It was to relieve the pressure on prisons caused by a relentless rise in the number of prisoners that the system was changed from one of eligibility to one of automatic release. To move this system to the two-thirds point, closer to what the judge was saying, has some attraction, but I have concerns.

The gracious Speech goes on to say that the Government,

“will work to improve safety and security in prisons and to strengthen the rehabilitation of offenders”.

To move the release point to two-thirds will mean an increase in the prison population, according to the Government's own estimate, by about 3,000. It is no secret that England and Wales already have more people in custody than any other western European nation, and it is well known that many of our prisons are overcrowded. This has consequences. As the Royal College of Psychiatrists pointed out in its briefing note, prisoners are dying at an unprecedented rate from suicide and physical ill-health, and mental health teams are finding it difficult to access prisoners who need help. How, it asked, are prisoners supposed to be treated and rehabilitated and enabled to prepare themselves if they are required to spend longer in these conditions?

The longer prisoners spend in custody, the more they become institutionalised and the more difficult it becomes for them to face up to what will happen if and when they are released. During one of my many visits to prisons when I was Chief Justice in Scotland, I met prisoners who had long since forgotten how to use a knife and fork when eating their meals, and for mental health reasons they found it very hard to sit at a table with other people at mealtimes. Rehabilitation matters, and overcrowding is an obstacle to progress. I hope that the Minister will explain how increasing the prison population to such an extent can be reconciled with the aim, which of course I support, of strengthening the rehabilitation of offenders.

I have time to mention one other concern. The gracious Speech says:

“Laws will be introduced to ensure that the parole system recognises the pain to victims and their families caused by offenders refusing to disclose information relating to their crimes”.

But this is already the established practice. We are told that making this a legal obligation will reassure victims, but I dislike the rigidity of a statutory obligation. Judges know all about this when they are faced with rigid rules which have been fixed by statute when it comes to the matter of sentencing.

One has to bear in mind too that under the established practice of the Parole Board, very occasionally mistakes are made. For example, Victor Nealon, having been convicted of rape, spent 17 years in custody beyond his tariff release date because he refused to admit his

guilt. He was eventually released when DNA evidence showed that he could not have committed the crime. For him, his repeated appearances before the Parole Board were a prolonged nightmare.

There may be a variety of reasons why a prisoner does not disclose information, some of which he cannot control. I fear that a legal obligation may increase the number of mistakes, especially if the measure extends to any failure, as the noble and learned Lord, Lord Keen of Elie, said in his opening speech. I would much rather leave this to the discretion of the Parole Board, with all the sensitivity that it can bring to bear, unless it can be clearly demonstrated that there is a real need for this change. I would be grateful if the Minister could explain what the need really is for this to be a statutory obligation rather than for it to be left to established practice.

4.32 pm

Lord Dholakia (LD): My Lords, I am delighted to respond to Her Majesty's gracious Speech. Almost all the major Bills announced have been trailed from the time Boris Johnson became Prime Minister. I have no doubt that this announcement, disguised as the gracious Speech, will form the Conservative manifesto at the next election.

The Speech contains announcements which I welcome: for example, on bringing forward legislation on domestic violence and improving the treatment of victims of crime by the criminal justice system. Regrettably, however, these sensible measures have been overshadowed by the Government's determination to project a macho, harsh image towards criminals by yet again increasing the severity of sentencing.

The problems in our prisons are well known and they have been debated many times in this House. This country has the highest rate of imprisonment in western Europe. There are 139 prisoners per 100,000 population in England and Wales, and 150 per 100,000 population in Scotland, compared with 104 per 100,000 in France and 77 in Germany. The severity of our sentencing has greatly increased. Last year, the average sentence for an indictable offence was 58 months—or just under five years. This is more than two years longer than the average sentence 12 years previously in 2006, when it was just under three years.

As a direct result of our high use of imprisonment, the state of many of our prisons is a national disgrace. In his annual report for 2018-19, the Chief Inspector of Prisons said that,

“far too many of our jails have been plagued by drugs, violence, appalling living conditions and a lack of access to meaningful rehabilitative activity”.

Prisoners and staff now feel less safe than they have at any point since records began. The number of deaths in prison has almost doubled in the past decade. Rates of self-harm by prisoners are the highest ever recorded. Assaults in prisons are also at the highest level ever recorded. The number of recorded sexual assaults in prison has quadrupled since 2012. Assaults on staff have tripled in the past five years.

Yet the Government now propose sentencing changes which will send even more people into already overcrowded and struggling prisons. They propose to increase the

[LORD DHOLAKIA]

proportion of sentences to be served by violent and sexual offenders before they are released on licence from one half to two-thirds of their sentence. When those prisoners are released, the length of time for which they will then be supervised on licence will be less than it is now, despite the strong evidence that such supervision greatly reduces the likelihood of further offending.

It is perfectly obvious that the motivation behind that is to enable the Government to adopt a tough-looking stance in a forthcoming general election. When judges conclude that an offender is dangerous, they already have the power to pass an extended sentence. When they do so, the offender serves two-thirds of their sentence in custody, followed by an extended period of supervision in the community, so it is difficult to see what benefits the new proposals will have for public safety. The Government also propose to increase the minimum periods which life sentence prisoners must serve by changing the way in which tariffs are calculated and increasing the number of offences for which prisoners receive whole life tariffs.

These changes also do nothing to increase the safety of the public. Life sentence prisoners who have served their minimum term are released only after a careful review of their case by the Parole Board, which must be satisfied that their risk is minimal before they can be released on licence. The proportion of offenders released on parole who commit a further serious offence is less than 1%, so it is difficult to resist the conclusion that the changes are simply a grandstanding gesture. The result of that grandstanding will be felt on every landing in every prison in this country. It will be felt by prisoners and by hard-pressed prison staff, who are struggling to cope in an overstretched and underresourced prison system. What is the Government's estimate of the increase in the prison population which will result from their proposals on sentencing?

These changes will do little, if anything, to reduce crime. International surveys, including a thorough international survey by our National Audit Office in 2012, have shown that there is no connection between the level of imprisonment in a country and its crime rate. Rates of crime depend on a wide range of factors in society, including rates of employment, the extent of drug and alcohol misuse, levels of family breakdown, income inequality, mental health provision and the way in which a society supports its most vulnerable and marginalised members. In comparison with those factors, sentencing has only a marginal effect.

The best way to combat crime would be a strategy to reduce the use of prison, increase the use of community sentences, which are less expensive and more effective, and increase the resources devoted to social measures which can prevent or reduce crime. It is regrettable that the Government have abandoned sensible proposals floated by previous Secretaries of State for Justice which could have offset some of the damage which will result from the new sentencing proposals.

Until recently, the Government were canvassing the idea of introducing a presumption against short sentences.

Baroness Bloomfield of Hinton Waldrist (Con): I remind the noble Lord of the advisory speaking time. Perhaps he could draw his comments to a close.

Lord Dholakia: I shall do that. It is an advisory limit, but I shall conclude now.

Short sentences are the most ineffective of all types of custodial sentences. They have the highest reconviction rates. They are not long enough for any serious attempt at rehabilitation, but they can result in offenders losing jobs, accommodation and family life.

Looking at the rehabilitation of offenders would do more to protect the public than headline-grabbing announcements designed to help win a general election rather than fight crime.

4.39 pm

Lord Horam (Con): My Lords, this particular section of the Queen's Speech is always a bit of a pot-pourri of issues because of the extensive responsibilities of the Home Office, the other home departments and the Justice Department. I extend my sympathies to my noble friend Lady Williams, who must contend with responding to 50 speeches on a wide range of subjects. I am afraid that I am about to add to her difficulties, for which I apologise, by raising yet another subject that has not been discussed much so far: the contentious issue of immigration. I do so because it is my view that no Government—neither the present Government, nor the coalition Government or the Labour Government that preceded them—have handled this issue well in recent times. They have handled it so badly that it has contributed to the distrust of the political and constitutional system that has been much commented on in the course of our debate.

However, with Brexit, there is an opportunity to reset our policies in this area to ones that are more sensible and command greater public support. This can be done in a number of ways. First, the Government should look not just at immigration per se but population trends as a whole—in short, the entire demographic picture of the country. The fact is that we are a very crowded country. For example, England is twice as heavily populated as Germany and three and a half times as heavily populated as France.

Moreover, the population of the UK is growing at its fastest rate in more than a century. The central forecast of the Office for National Statistics is that, if this growth continues, we will over the next 10 years add the equivalent of the populations of Greater Manchester and Birmingham to existing populations. I recommend to the House my noble friend Lord Hodgson of Astley Abbotts's excellent pamphlet, *Britain's Demographic Challenge*, which spells out some of the consequences of this extraordinary prospective increase in population. I accept that this is just a forecast, of course, but it is the central forecast of the main government forecasting body. Is this what we want? Is this what the public want? Not according to surveys of public opinion. The latest ones on this subject indicate that three-quarters of our present population think that the country is already overcrowded, and more than 70% think that the net immigration figure should be reduced to tens of thousands a year.

Secondly, we need to pay much more attention to the questions of social cohesion and quality of life, as opposed to the economic aspects of immigration. For example, the main body that the Government consult on immigration issues—it is referenced throughout the White Paper on immigration, produced in December last year—is the Migration Advisory Committee. However, with one exception, all the committee members are university economists. I am a graduate of the dismal science, so I am not likely to underestimate the value of good economic advice, but, frankly, that is ridiculous. The committee needs some social scientists, a local authority representative, a geographer—perhaps even someone from Population Matters, the organisation headed by Jonathon Porritt and Sir David Attenborough, because population is also a climate change issue. Certainly, a more holistic approach to this issue, rather than a purely economic one, is required.

Thirdly, in the course of their discussions on immigration, the Government have mentioned the example of Australia. Australia's points system is actually not dissimilar to our own, but it has something that we do not have: an immigration planning programme and system, which sets out the number of permanent visas in a budget every year. The total is broken down into various categories—skilled workers, unskilled workers, families, et cetera—and there is some flexibility for trade between the various components. Canada, another country with extensive immigration experience, does much the same. It seems to me that we should learn from these countries with real experience in immigration of a kind that, until recently, we did not have.

Finally, all of these countries make a point of presenting the annual immigration plan to their Parliaments for an annual debate. I would prefer, as I have suggested, to look at the demographic picture as a whole rather than purely just immigration, but whichever way it is done, the idea of a kind of Budget statement and debate with parliamentarians, whatever their views on the subject, being able to dissect government policy, the reasons for their approach, and to come to conclusions. If this policy framework or even something like it was set up, we would have a system that was more accountable and transparent. In my view, it would give us a chance to have more sensible and sustainable population and immigration policies with a better balance between economic, social and environmental concerns. It might also reduce the distrust of ordinary people of government which, as I have mentioned, is now so evident. It would, in short, be good government—and, my heavens, we need some good government today.

4.45 pm

Baroness Lister of Burtersett (Lab): My Lords, I have chosen to speak today in order to raise a pressing devolved affairs issue, but I turn first to some other matters. The proposed immigration Bill will be the third such Bill before your Lordships' House since I joined it. The two previous ones created the legislative underpinnings for Mrs May's really hostile but now compliant environment. I do not see any signs that this one will start to dismantle that. Indeed, talk of deportation has fuelled fears that many EU citizens could become embroiled in it if they fail to apply for settled status in time—Windrush revisited.

There are a number of asylum and refugee issues that also need to be addressed, in particular the right to work, family reunion and the destitution faced by too many who fall through the bureaucratic cracks when granted refugee status because they are not allowed enough time to move from asylum support to mainstream social security. Further, although these are not strictly speaking immigration issues, the Bill would provide an opportunity to put right a couple of injustices raised recently by the Joint Committee on Human Rights. One is the denial of citizenship to the offspring of fathers from British Overseas Territories who were not married to their mothers. When we recently debated this, the Minister agreed that,

“we need to remedy this sooner rather than later”.—[*Official Report*, 23/7/19; col. 708.]

Can she confirm today that it will be remedied in this Bill?

The other issue is the exorbitant fee of £11,002, of which only £372 represents the administrative costs, charged for children born here or who have spent most of their lives here who are entitled to British citizenship but who have to register that entitlement because of their parents' status. The previous Home Secretary admitted over a year ago that the fee represents a “huge amount” and said that he would look at it, yet despite concerns raised repeatedly in both Houses and a critical chief inspector's report, nothing has happened other than that the fee was not raised this year. It is nearly a year since the Minister wrote to me with an assurance that,

“we are actively considering what changes we might be able to make to the charging framework for children”.

Given that the new Home Secretary apparently raised the issue herself with the Home Office shortly before taking on her new role, can we finally hope for action and not just “active consideration”?

The gracious Speech also promised that Ministers, “will ensure that all young people have access to an excellent education”.

All too often, such access is impeded by poverty. For instance, hungry children are not well placed to benefit from their education, however excellent it might be. Questions about the future of funding after March 2020 for the very successful national school breakfast programme have been met with the answer that decisions will be taken as part of the spending review. Well, the review statement has been and gone and I have seen no mention of the decision. This is urgent because schools need to start planning now. When will we have an answer?

Urgent too is the devolution issue I wish to raise concerning social security mitigations in Northern Ireland. Because of Northern Ireland's special circumstances, a mitigations package to soften the impact of certain elements of so-called welfare reforms was agreed up to March 2020 by the Northern Ireland Executive. There is considerable anxiety in Northern Ireland about what is going to happen to this package in the absence of a functioning Executive. A recent joint report by the Work and Pensions Committee and the Northern Ireland Affairs Committee recommended that it be extended beyond next March, stating:

“The UK Government must act quickly to end the uncertainty”.

[BARONESS LISTER OF BURTERSETT]

It argued that the circumstances—

“a potentially drastic impact on vulnerable people and no Assembly to extend the legislation”—

are sufficiently exceptional to override questions of devolved competence.

The response I received to a recent Written Question on this was that:

“The Department for Communities in Northern Ireland is responsible for the delivery”,

of the mitigation scheme, and that:

“A decision to extend ... beyond March 2020 would be a matter for an incoming Minister for Communities in a restored Northern Ireland Executive”.

I am sorry, but this is simply irresponsible given that there is no certainty that the Executive will be restored in time.

The Department for Communities itself has made clear that:

“In the absence of a functioning Assembly it is considered that the only viable option for providing the legal authority for the Department to make mitigation payments beyond 2020 would be for the Westminster Parliament to bring forward appropriate legislation”.

But there is no mention of this in the gracious Speech. There is a clear civic and political consensus in Northern Ireland that the mitigations must continue beyond March 2020. In the absence of a local devolved Assembly, the UK Government must act. Will the Minister therefore give me an assurance that this will now be looked at as a matter of urgency? I am speaking at a civil society conference in Belfast this week and would like to be able to offer a ray of hope.

Of course, the mitigations package does not mean that Northern Ireland's claimants have been immune from all social security cuts. The Cliff Edge Coalition NI told the joint committee that the largest financial losses were due to the cut in the real value of benefits and credits since 2011. Until the change in Prime Minister, Ministers deflected criticisms of the four-year benefits freeze with the assurance that it is coming to an end next year. Although that did nothing to address the significant loss in the value of benefits it has caused, it was at least reassuring. However, now Ministers are refusing to give a straight answer to questions about the future of the freeze. This is very worrying indeed, especially given concerns about the likely impact of Brexit on those on the lowest incomes.

In his introduction to the briefing on the speech, the Prime Minister assured us that,

“we will move forwards, towards a future in which our children, and their children, can grow up to live longer, happier, healthier and wealthier lives”.

If his Ministers cannot give an assurance that the benefits on which their families rely will again be index-linked, that promise rings hollow for the growing numbers of children living in poverty.

4.52 pm

Lord Beith (LD): My Lords, this is a fantasy gracious Speech, because it comes from a Government who do not have a majority to carry out their programme and because there will be an early general election and another gracious Speech, with a Government who

may look very different from this one. As Liberal Democrats, we are certainly looking forward to that election, which would have happened already had we not had a Prime Minister who was willing to use the Prorogation as a space free of Parliament so that he could go ahead with a no-deal or bad-deal Brexit without scrutiny or challenge.

I turn first to the criminal justice section of the Speech, which reads as if a good draft prepared by David Gauke, the former Justice Secretary, has been chopped and changed by the Prime Minister and his political advisers so that the good intentions—such as rehabilitation and multiagency co-operation to combat serious violence—remain in, but the resources are mostly diverted away from this work in order to keep many more people in prison for longer. Promising to do this is seen by some—I think wrongly—to be a vote-winner.

The sentencing provisions in both the sentencing Bill and the foreign-national offenders Bill, which will have wider inflationary effects on sentencing, will demand massive resources that could be much more effectively used in tackling the causes of crime and reoffending. What is the point of spending a lot more money than we already spend to feed, clothe, house and guard returning foreign offenders? We could have used that money more efficiently to prevent them returning in the first place, or more efficiently and quickly to return those we now identify—or, in many cases, fail to identify.

Prison is a very expensive resource. We need it to safeguard our citizens from dangerous, persistent and serious offenders while we attempt to turn them away from crime, but every unnecessary or excessive use of expensive custody diverts resources from crime prevention and contributes to the inability of overcrowded and understaffed prisons to carry out essential rehabilitation.

There is a phrase in the Queen's Speech, quoted by the noble and learned Lord, Lord Hope:

“New sentencing laws will see that the most serious offenders spend longer in custody to reflect better the severity of their crimes”.

Using expensive custody as the sole barometer or signal of the seriousness or severity of a crime leads to ineffective policy. We must develop more cost-effective non-custodial sentences, or parts of sentences, which are seriously challenging to offenders and a more effective response to the seriousness of the crime than merely adding massively to the cost of the prison system.

The serious violence Bill has ambitions with which I entirely agree. However, I cannot think of anything that cannot be done without it; it seems to me an unnecessary Bill. On the other hand, the Bill dealing with the online procedures of the courts and tribunals is much needed, and has now been lost twice due to Prorogation or Dissolution, but did not appear at all in the gracious Speech.

I turn now to our constitution, on which the noble and learned Lord, Lord Judge, gave such stimulating thoughts. Ours is not an entirely unwritten constitution—some of it is written—but much of it is dependent on conventions and assumptions about how political leaders will behave. This is explained by our colleague the

noble Lord, Lord Hennessy, as the “good chap” theory of government. These behavioural issues are particularly relevant to safeguarding the monarchy and promoting the rule of law. These presumptions have been tested much more severely than before during recent events.

When Her Majesty addressed both Houses, fresh in her memory will have been the Prime Minister’s advice, unanimously overruled by the Supreme Court, that Parliament should be prorogued for five weeks. It is certainly fixed in our minds, not least because it was followed by the public questioning by Ministers of the independence of the judiciary. These included the Prime Minister himself, who said in an interview in the *Daily Telegraph*:

“If judges are to pronounce on political questions in this way, then there is at least an argument that there should be some form of accountability. The lessons of America are relevant”.

Those lessons are relevant, but in an entirely negative sense. Trying to identify the political opinions of judges and choose them accordingly would be extremely bad for our country.

I have no doubt at all that the Lord Chancellor and the Advocate-General for Scotland, who opened today’s debate, are resolute in their personal commitment to judicial independence. But I am not so confident of the Government as a whole, still less of their political advisers. We must never go down the road of political appointments to the judiciary, or of confirmation hearings designed to test a judge’s past and present political and social opinions. We appoint judges on the basis of their ability to set aside their personal opinions and use their knowledge and intellectual ability to interpret and define the law in accordance with the statutes that this Parliament has passed and the inheritance of common law.

We will face further constitutional issues with the withdrawal agreement Bill. There were repeated requests from members of the Constitution Committee to have advanced sight of the main clauses of the Bill, so that we could examine its structure and the mechanisms it uses. Clearly, any draft we saw would subsequently be affected by the changes made to the withdrawal agreement by the current Prime Minister, but it was necessary, or would have been better, for us to have had advance sight of some of it. It is likely to involve a massive expansion of the power of Ministers to act independently of Parliament. Will those powers be confined as much as possible? Will they be strictly time limited? How adequate will be the opportunities for parliamentary consideration of the orders made under the powers? This House, in a matter of a few months, has examined 500 Brexit-related orders. How are we going to manage that with the consequences of the withdrawal agreement Bill? Will this House be able to do the same if huge gaps in our law open up as a result of Brexit and need to be filled urgently? Henry VIII will be stalking our corridors, day and night.

Possibly as soon as next week, the focus and the Bill will shift from Commons to Lords. This House may be under extremely severe pressure to wave through unamended a constitutionally significant transfer of legislative power to the Executive.

Baroness Bloomfield of Hinton Waldrist: I remind the noble Lord that the advisory speaking time is for the benefit of the House.

Lord Beith: I am the second Liberal Democrat to whom the noble Baroness has given that helpful advice, but I am on my last sentence: that it is our job to make sure that the Bill is properly examined.

5 pm

Lord Hodgson of Astley Abbotts (Con): My Lords, as other noble Lords have remarked, today’s debate takes place under the shadow of major developments as regards Brexit. However, Brexit will eventually, thankfully, finally come to a conclusion and it is important that in the interim we reassure our fellow citizens that we are not unaware of the many other problems and issues that affect their lives. In that sense, and the sense that we need to move on, I support the general approach of the Government’s programme. The *Financial Times* may have rather disobligingly dismissed the contents as “sunny optimism”—as if sunny optimism was somehow a crime—but, for me at least, some optimism is far from unwelcome.

The Queen’s speech gives an opportunity to step back from the day-to-day preoccupations and look at the wider picture. I wish to focus on two issues of which the Government need to be aware and take into account in their future thinking.

The first major challenge is the impact of the fourth industrial revolution—that of artificial intelligence and robotics. In the 1960s, Gordon Moore, the founder of Intel, devised what became known as Moore’s Law, which is that computing power will double every two years into the future. The sceptics laughed at Mr Moore but, so far, he has been proved right. We no longer have to confine ourselves to computing power; we now have the rapidly increasing programming power. It is this combination of computing power and programming power that will change the way we live and work.

It is estimated that between 7 million and 8 million jobs in the UK will either disappear or be radically reshaped over the next 20 years. The charges for Governments over that period will be to consider what geographic areas and spheres of economic activity will be particularly affected and then to take remedial action if we are to avoid what may prove to be intolerable strains on our social cohesion.

That circumstance takes me to my second point: the rapidly increasing population of the United Kingdom, as referred to by my noble friend Lord Horam. I have raised this matter in your Lordships’ House before, and again today I make it clear that this is not an attack on immigration or immigrants. I recognise that a level of immigration refreshes our society and economy. My concern is about the wider impact that each one of us—young or old, whatever our race, colour or creed, whether we arrived here five minutes ago or 500 years ago—has on our country. The numbers are stark. As my noble friend Lord Horam has pointed out, the population of the country is increasing by over 1,000 a day: roughly 400 from natural increase—the excess of births over deaths—and something over 600 from net immigration. The longer-term picture is no easier to

[LORD HODGSON OF ASTLEY ABBOTTS] understand and discern. The ONS suggests that by 2040 we will have more than another 7 million people in this country. My noble friend Lady Williams knows Manchester well and that its population is about 2.5 million. So, we are going to have to build three Manchesters over the next 25 years.

The Migration Advisory Committee, to which my noble friend referred, provides expert advice to the Government on these matters. Its work is valuable and no doubt its advice will be sought in establishing the promised points-based immigration system, but, as my noble friend also pointed out, it has one fundamental strategic weakness: that, following its terms of reference, it sees everything through an economic prism and in economic terms. However, demographic change is about much more than economic impact: it has huge quality of life impacts.

This is a big subject but let me give two quick examples. First, water. The Environment Agency says that by 2040-45 this country, especially in the south-east, will be running short of water. Some of this, of course, will be the result of global warming, but much more will come from the growth in population. Each of us on average consumes 140 litres of water a day.

Secondly, there is the impact on our environment and ecology. In 1970 the United Kingdom had 20 million pairs of farmland wild birds. By 1990 we had lost half of them, and by 2010 the number had halved again. Behind this came collapses in the less glamorous forms of life: insects, plants, fungi, lichens and bacteria. Is this all down to demographic change? Of course it is not, but growth in population is clearly playing a significant role. Does it matter? To many of us in this House, it does not matter that much because we will not be here in 2045 when these developments finally play out and we see the impact. However, there is surely a need for a calm, rational debate, discussing how to weigh up these many difficult, sensitive and often conflicting objectives, if only, and not least, to take into account the views of the generations who will come after us. So, when the Government produce an Environment Bill—pages 98 to 100 of the briefing on the Queen's Speech—which does not even mention demographic change, I am inclined to despair.

5.05 pm

Baroness Humphreys (LD): My Lords, I add my name to the tribute paid by the noble Lord, Lord Kennedy, to the noble Lord, Lord Bourne of Aberystwyth, who, thankfully, is still in his place. He gained the House's respect and admiration on devolved issues and we will miss his wisdom and knowledge at the Dispatch Box. He has been a true friend to Wales, and I thank him very sincerely for his massive contribution to the devolution process.

Like the noble Lord, Lord Wigley, who spoke on day 2 of this debate, I read the Queen's Speech carefully, hoping to find some reference to Wales—something to show that the Government understood that for the devolved Administrations the process of the further transference of powers is important. From these Benches, my colleagues have, in the past, made the case for the powers highlighted in part 2 of the Silk commission's report to be transferred to the Welsh Assembly: further

powers over transport, energy, broadcasting and youth justice, among others. We have also made the case for the funding of Network Rail in relation to Wales and for new powers for Wales's Children's Commissioner. The list is not short, so I am surprised and disappointed that the Secretary of State for Wales was unable to find support among his Cabinet colleagues to address at least one of these issues.

Last year we deplored the Government's decision to turn their back on major infrastructure projects in Wales: the electrification of the railway line from Cardiff to Swansea and the Swansea Bay tidal lagoon scheme. I look forward to hearing the Chancellor's Budget Statement at the beginning of next month, to learn whether, now austerity is apparently over, at least one of those projects will make it back on to his list and we will, at least, get a mention.

I am a federalist who has always supported devolution, believing that the devolution process Ron Davies talked of would eventually lead to the destination of a federal UK with a mature, mutually respectful system of government of equals. But progress is slow and, as the noble Lord, Lord Brooke of Alverthorpe, suggested earlier, opinions in Wales are beginning to diverge. This year we have seen a number of independence marches across the country—not as large as the People's Vote march we saw outside Parliament on Saturday, of course, but equally focused and as quietly determined.

Those of us who live in Wales have become used to a new political term this year: "indy-curious". It describes people—unionists, federalists and the hitherto uncommitted—who want to know more about independence and how it would work for the people of Wales. They are both Welsh and English speakers, who have watched the Brexit fiasco over the past three years and come to the conclusion, even before the Prime Minister's latest plan to create a new economic border in the Irish Sea, that the prospect of Irish reunification is an increasingly real one, as is the prospect of Scottish independence.

The vision of a future UK consisting of Wales and England only is the one that the indy-curious find less than attractive. Just as remaining in the European Union is best for the UK's economy and security, I believe that Wales remaining in the UK is best for Wales's economy and security. However, the Government should understand that, if there are increased calls for independence for Wales, they will be fuelled by the pragmatism of the indy-curious and not necessarily just by nationalism.

A recent Welsh Government report, *Reforming our Union*, has concluded that this Parliament should allow Wales to hold an independence referendum if politicians who call for one win an Assembly election, and that the UK must be open to Wales voting to quit the union. In comments on the report, Mark Drakeford, the Welsh First Minister, himself a unionist, said that the parliamentary sovereignty model in which the UK Parliament is the highest form of authority in the land does not,

"provide a basis for the future".

The fault-lines in our union are showing. The self-styled Minister for the Union, who is prepared cavalierly to break from the European Union and carelessly begin

the dismantling of the UK by placing an economic border in the Irish Sea, needs to understand that giving himself a fine-sounding title will not in itself heal this fracturing union. That will require leadership and the ability to listen, to compromise and to put aside partisan opinions and make decisions that benefit everyone—but, above all, it will require a change in attitude.

English paternalism, however well meaning, has had its day. The devolved Administrations are reaching maturity and have their own visions of their future. I would prefer that future to be one that sees the nations of the UK working together as equals. If this union is to survive, the Government need to take action to secure it.

5.11 pm

Lord Bourne of Aberystwyth (Con): My Lords, it is a great pleasure to follow the noble Baroness, Lady Humphreys, whom I know well from the National Assembly and who always has valuable insights, for which I thank her very much.

This is a very interesting time to debate a Queen's Speech. We have waited a long while for one and now I suspect that there will be two along in close succession, just like the proverbial buses. It is also interesting that it gives us the ability to look beyond the pathological obsession that we have had with Brexit as a House, and indeed as a Parliament, to some of the important things that need doing in our country. Let there be no doubt about it: out there, down at the Dog and Duck, people want us to get on to other things, and this gives us an opportunity to consider some of them.

There is much to welcome in the Queen's Speech. I particularly welcome the Domestic Abuse Bill, which has massive cross-party support and will be one of the lasting legacies of the previous Prime Minister, Theresa May. I very much welcome it. Following on from what the noble Baroness said about devolution, it is important to note that we need some constitutional underpinning for the devolution settlement. It is important that the different arms of government speak together to exchange best practice on different policy areas, and it is important that we have some institutions to do that. In a very small way, in the Ministry of Housing, Communities and Local Government, I set up a devolution forum whereby Scotland, Northern Ireland, Wales and England, or Westminster, could come together to discuss different policies. It was very valuable to be able to encourage other parts of the union in saying, "This works", or, "This doesn't work", and I think that that should be picked up by other government departments. It is something that we really need to look at—it is unfinished work.

I personally welcome metro mayors, although there is more work to be done there. There is a gap in West Yorkshire, for example, that needs filling, but elsewhere it will be good to see what these proposals bring forward. I agree with the noble Lord, Lord Kennedy, that the English part of this dimension is the dog that has not barked, and we certainly have to look at that.

Perhaps I may say a few words about housing, which we have not touched on but is vital and is, believe me, one of the topics discussed in the Dog and

Duck. We need not just action on building more houses but when doing so—we are in control as a Government on garden towns and villages, for example—we need to make sure that practice in best design is embedded there. We need to ensure that we improve our accessibility standards; there is a classic opportunity on the back of the Hackitt review to help both the disabled and all of us as we age. It just makes sense to do that. I know that the Minister is personally committed to these things but I would welcome some reassurance from her that we are committed to good design—I know that the Secretary of State is—to accessibility improvement for homes, to doing something on energy improvements in homes to meet our climate change targets and to providing cheaper energy for the people who live there. This is imperative; somebody—I think my noble friend Lord Duncan during Questions—said that the climate change agenda is the most important challenge we face as a world. That is certainly the case.

Integration is vital, and tied in with concerns about population growth is the important work we are doing on that. Some of this is driven by statute and some by government policy, but I would welcome reassurance on resources for the teaching of English to people whose first language it is not. There are a lot of those people, and this is something that people are very concerned about out there—our surveys have shown that there is unity on this.

The race disparity audit, which is also very much to the credit of the previous Prime Minister, Theresa May, has shown what we all suspected: that those with the worst life chances in our population by some margin are Gypsies, Roma and Travellers. They have atrocious outcomes in health and education. It is high time that we really did something for these communities. I know that we are committed to this, but I would welcome some timeline on what we are doing because it really is important.

There is also the definition of Islamophobia. This country led the world on the definition of anti-Semitism; it is very important that we do the same on Islamophobia. I am not sure whether this will be given statutory effect, but it is important and we have started that work. It would be valuable if the Minister could give some timeline for this and restate that commitment.

In this same area, hate crimes have gone up atrociously. The very important anniversary is coming up in 2020 of remembering Srebrenica and the dreadful genocide that happened there 25 years ago. It is an important commemoration year. We have a valuable British Bosnian population; as a Government we have a commitment to ensuring that this is properly celebrated, so I would like reassurances on what they are doing to back up Waqar Azmi, head of Remembering Srebrenica, in this crucial year.

There is much to welcome here, particularly on domestic abuse and climate change, on which there is much to do in terms of our commitments. We have the Conference of the Parties in Glasgow in 2020, which is a great opportunity to lead the world on this issue. These are the challenges that will face us when we are through Brexit. I know we will not be through all of Brexit for some time, but, at least when we are through

[LORD BOURNE OF ABERYSTWYTH]
the major decision on it, for heaven's sake, let us begin to tackle the things that really matter to the people of this country and will matter for years to come.

5.18 pm

Lord Morgan (Lab): My Lords, it is arguable that Brexit is not primarily about Europe. It was about other things: austerity, inequality and immigration. To a degree, it is also about the constitution. The distaste for and dissatisfaction with the constitution that emerged from about the 1970s onwards, particularly in Scotland, has been made far worse by the atmosphere of poisonous nationalism released during the Brexit controversy.

Some of the complaints about the constitution have been exaggerated—for example, the criticism of the judiciary and the Supreme Court, which founded its view on traditional ideas of parliamentary sovereignty going back to the reign of James I. Others were more serious. The subtle interaction, as mentioned by noble Lords, of convention, tradition and precedent has been undermined, partly by the Prime Minister and partly by the leaders of other political parties, including my own. It is striking that, apart from a few generalities, the Queen's Speech said very little about these issues.

Going rapidly through some of my points, the monarchy has of course been affected in a way that I think is very dangerous for the Head of State, with the wrong, unlawful advice that the Queen was given about the Prorogation of Parliament. Parliament itself has been treated in a most extraordinary way, with the Prime Minister suggesting at various times that he might not obey a vote of no confidence or legislation passed by the House of Commons. His view of Prorogation was the same as that taken by Charles I and we all know what happened to him.

As the noble and learned Lord, Lord Judge, said very properly in his remarkable speech, the tendency has been towards the Executive taking over the powers of the legislature—Henry VIII powers. I noticed some discussion in a newspaper article comparing Boris Johnson to Henry VIII, not to mention Anne Boleyn. With legislation, the effect has increasingly been of the Executive exercising Henry VIII powers to take over prerogative powers.

Parliament has been diminished by the way the referendum has been deemed, quite wrongly, the fount of sovereignty. After all, the referendum—whatever one thinks about the dismal quality of the campaign—was only an advisory mechanism and far too much weight has been imposed on it. It is very fortunate that we have well-meaning citizens such as Gina Miller who have taken up the role of challenging these tendencies in a way that the constitution itself has been unable to do.

We have had attempts to use Parliament or portray it as the enemy or the embodiment of the elite. That is very wrong. In passing, the Civil Service has been undermined and described as no longer being servants of the Crown, as the noble Lord, Lord Armstrong, observed. Instead, war is being waged against it by the phenomenon of Mr Dominic Cummings.

The law at least is powerful. It should be. The rule of law is so essential to the way we live. There were some interesting aspects to the famous Supreme Court

case. One was that the court was absolutely unanimous in its judgment that the Prime Minister was wrong and had acted unlawfully. I notice that this view was also taken by Lord Justice Sumption. The constitutional position was stated very clearly and emphasised that judicial review is central to the procedures of the constitution. The judges are not enemies of the people; they are central to our freedoms.

Finally, I totally agree with what the noble Baroness, Lady Humphreys, observed about devolution. Devolution was threatened by the way the EU withdrawal Bill was pushed. It was very dangerous in its effect on Scotland. It also caused great dismay and disappointment in Wales and strengthened the cause of nationalism there.

In all these respects, we need to protect the constitution. It is being partly protected by the courts. Having had the great privilege of serving on the Constitution Committee with some of the distinguished speakers who have spoken, I suggest that the House of Lords and its constitution should remain the guardian of the way we live.

5.24 pm

Baroness Smith of Newnham (LD): My Lords, the noble Lord, Lord Horam, pointed out that the Minister will have a difficult job responding to 50 speeches on a rather eclectic variety of topics. I note that I appear to come at the end of a small group from Wales. I am not from Wales, but I am originally from Liverpool, so it is close enough. I might touch at the end on a devolved issue, not for Wales, but for Northern Ireland.

Exactly five years ago to the day, I arrived in your Lordships' House with a mixture of excitement and trepidation, because the then Black Rod had led us to believe that when we were introduced we had to do a whole set of things and that if we started looking round and smiling at our families it would put us on a very dangerous path indeed. No smiling was to be done and no looking up at the Gallery. I very much hope that the noble Lord, Lord Woolley, and the noble Baroness, Lady Penn, who were introduced today, had a slightly easier and more fulfilling entry into your Lordships' House. I also hope that at least one of them and I will still be alive in 2040 or 2045. Some of us are slightly below the average age in your Lordships' House. We might still see a little more of the 21st century than the noble Lord, Lord Hodgson, suggested.

However, it never occurred to me when I arrived in your Lordships' House that four of the last five years would be spent preparing for a referendum on the UK's relationship with the European Union, having that referendum and trying to deal with its consequences. Far less did I anticipate speaking in a Queen's Speech debate in October. After all, the expectation was that elections would be once every five years, so the likelihood would have been a Queen's Speech in May or June this year and another after a general election next year. We are in a very strange time.

I also feel that we had a somewhat unusual Queen's Speech; perhaps Her Majesty the Queen was reading something that looked a little closer to a Conservative Party manifesto than a standard gracious Speech. In particular, this afternoon when the noble and learned

Lord, Lord Keen of Elie, made his introductory remarks it felt as if he was trying to read out a Conservative Party manifesto. One of the problems with party manifestos is that it is not wholly clear that they are intended to be read at all. If they are, they are not intended to be read out loud to an audience.

A set of proposals came forward, some of which were quite encouraging and others of which sounded a little worrying, depending on which side of the political spectrum one comes from. In the Prime Minister's notes to the gracious Speech he asserts that,

"we will seize the opportunities that Brexit will bring to take back control of our borders ... and we will pave the way for a new points based immigration system".

The gracious Speech itself pointed out that Her Majesty's Government remain,

"committed to ensuring that resident European citizens, who have built their lives in, and contributed so much to, the United Kingdom, have the right to remain".

That is a very positive statement. It continues:

"The Bill will include measures that reinforce this commitment".

Could the Minister reassure the House and those millions of EU citizens who have given so much of their lives to this United Kingdom that the legislation really will give them the rights they deserve? Another aspect of the gracious Speech and the accompanying notes was a very clear commitment to ending free movement for EU citizens. How do those two things go together?

Further, while, like my noble friend Lady Pinnock, I am delighted to see the commitment to adult social care and to the NHS, could the Minister reassure the House that the Government have assessed Brexit's impact on the NHS and, in particular, the care sector, for EU nationals who work in them? A points-based immigration system, intended to bring in the brightest and the best, the most talented and the best educated, does not guarantee to bring in the people the care sector relies upon. There are some very real concerns embedded in the gracious Speech.

Finally, like other noble Lords I looked closely at the gracious Speech and noted the commitment to the United Kingdom, which is very important. Her Majesty announced that:

"The integrity... of the union that binds the four nations of the United Kingdom is of the utmost importance to my Government. My Ministers will bring forward measures to support citizens across all the nations of the United Kingdom".

Can the Minister who winds up the debate give us examples of such measures? Can she reassure us that when the Prime Minister talked of the need for,

"a new vision for Britain",

he really meant "this United Kingdom"? Was it just an oversight? I hope so, because the UK and Northern Ireland deserve better.

5.30 pm

Lord Astor of Hever (Con): My Lords, I begin by expressing my support for our Prime Minister, who is facing the Herculean task of ensuring that we leave the EU with a deal. The sooner we can draw a line under this and move forward, the sooner we can return to addressing other important domestic issues that have had to be neglected in the wake of the Brexit debate.

I very much welcomed this sentence in the Queen's Speech:

"My Government remains committed to working with all parties in Northern Ireland... to address the legacy of the past".

I pay tribute to all those who helped bring about the Northern Ireland peace process. I am aware of the huge effort and the immensely difficult compromises that this entailed.

However, I regret that there was no clause in the Queen's Speech initiating a Bill to protect those former soldiers who have served in Northern Ireland. No one is above the law, but there must now be legislation to protect those whose selfless service has been to uphold the law. I welcome the Prime Minister's commitment to action on this issue. It is quite wrong that our veterans are subjected to the threat of repeated investigations and potential prosecution in connection with historical operations many years after the events in question. When I served in Northern Ireland during the Troubles, the article of faith was that if we did the right thing and followed the rules of engagement, the system would always back us up. This was essential in inspiring confidence.

I have raised the case of former Life Guards Corporal Major Dennis Hutchings several times in this House. I declare an interest in that I served with him in this country and overseas, and I can confirm that he was an exemplary soldier. He has been committed for trial in a Crown Court in Belfast on a charge of grievous bodily harm with intent and attempted murder. The Northern Ireland DPP recently permitted the trial by jury of Ivor Bell, accused of an IRA killing, but prevented Dennis from having a jury trial. This cannot be fair.

The Supreme Court has now set a precedent in Dennis's case. Any future trials of service personnel will take place without a jury. Many members of my regiment, the Life Guards, believe this to be a grave injustice and that scrutiny has been applied to the security forces in a way that has not been insisted on for others. I am also concerned that effective legal help is not being given to all ex-servicemen for non-High Court inquests and coroners cases, as these can lead to prosecution. Do the Government really want to see these loyal former servicemen sent to prison? I cannot believe that they do. In light of these words in the Queen's Speech:

"My Ministers will honour the Armed Forces Covenant", can the Minister give me an assurance that the Government will introduce the comprehensive legislation to protect these ex-servicemen without any further delay?

5.34 pm

Lord Bichard (CB): My Lords, I was delighted to see that the gracious Speech included a commitment to publish a White Paper,

"to enable decisions that affect local people to be made at a local level",

and to unleash regional potential. The word on the street is that we can expect to see that White Paper before Christmas. If we do, it will not be before time, because our current system of governance is close to

[LORD BICHARD]

being dysfunctional. For me, the big question is whether the Government have in mind further tinkering with this dysfunctional system, or whether they have the courage and the capacity to be bold and deliver proposals which genuinely address the flaws in the current arrangements—if not all at once, then over a period of time, and in all, not just some parts, of the country.

Our system is more centralised than that of any other developed country. To change that, the Government will need to reduce the power of Westminster and Whitehall by devolving significant power to localities to prioritise their spending. Are they prepared to do so, or are they only committed to the decentralisation of power to implement decisions which have already been taken at the centre? Maybe civil servants and Ministers still believe that they know better than the people of Gloucestershire, Northumberland, Cornwall or East Anglia. If they do, they should reflect on the fact that many people voted for Brexit because they felt that they had lost the power to shape their own lives. Simply repatriating powers to a sadly discredited centre of government will not be enough to meet their expectations. Instead, as the nine metro mayors urged recently, we should move quickly to a place-based approach to strategy and budgeting, starting with next year's comprehensive spending review.

We have a system which not only is excessively centralised but has become increasingly fragmented—some might say confused. The landscape of local services encompasses county councils, district councils, mayors, combined authorities, local economic partnerships, police and crime commissioners, separate fire and rescue services, health trusts, clinical commissioning groups, children's trusts and private sector providers. I could go on. Not surprisingly, citizens are confused and this mass of independent agencies often fail to co-operate and deliver services which make any sense to their clients. If noble Lords doubt this, they should ask any vulnerable, frail old person, fighting to make sense of the different forms, procedures and regulations required by one or other of the bureaucracies whether this all makes sense, because it does not. If merging some of the bodies is a step too far in the short term, we need to look at ways to better incentivise joint working, again perhaps using a place-based budgeting approach.

Inevitably, this level of fragmentation, which we have encouraged, has also led to reduced accountability. Exactly who is responsible for the success or failure of a particular project or service? Even at the National Audit Office, which I chair, we struggle on occasion to answer that question. Sometimes we even think that was the intention. Confused accountability leads to waste and a failure to accept responsibility and learn from mistakes. Any new arrangements need to clarify accountability rather than further obfuscate. There need to be new ways of ensuring that the non-statutory sector, the voluntary groups and the charity and not-for-profit groups, are genuine partners in meeting the needs of local communities. Many of them feel that they are not at the moment, and many feel unable to liberate the talents of their workers and volunteers. If we can do just some of those things, Whitehall civil servants—currently so stretched—will be able to devote

their efforts not to the location of street signs but to issues which only national government can resolve, such as immigration, climate, the environment, trade and the productivity catastrophe, where our recent record has been lamentable.

It is 10 years since the then Chief Secretary, on my advice, launched a scheme called Total Place to improve the quality of services and value for money through better joint working between service providers, statutory and non-statutory. It was hugely popular, with more than 100 areas quickly committing to it. Sadly, the coalition failed to grasp its significance—shame on the devolutionists in the Chamber—but could we be on the threshold of a similar place-based approach to local government? Could we be about to revive Total Place—obviously, completely rebranded? I can only dream.

5.40 pm

Lord True (Con): My Lords, it is a pleasure to follow the noble Lord, Lord Bichard; I much agree with what he has just said. I also associate myself with the remarks of my good friend, the noble Lord, Lord Kennedy of Southwark, about the noble Lord, Lord Bourne. As a vice-chairman of the Local Government Association, I know how true that is.

I welcome the gracious Speech, its measures on crime and the victims of crime outside and inside the home, on good education and a clean environment, and its strong tone of humane concern for those who are sick and old. This is anything but a programme for an extreme Government.

But, of course, when one listens to a gracious Speech, nothing strikes one more than the voice that reads it—that unique, unforgettable voice; how I dread the day when that should be stilled. It is the voice of serenity above turmoil, dignity above conniving, duty above self-interest, healing above rancour. It is the voice of stability, the voice of the United Kingdom.

The bedrock of our constitution is the Queen in Parliament. For my part, I have been sad in these last days to see the expressed will of the Queen in Parliament impeached and overturned. These are matters to which we must return, the fall-out from past legislation and recent decisions which we must review, but I do not want to dwell on them today.

I am deeply troubled by the tone and conduct of this Parliament. Each passing week, the problem seems more acute and the reputation of Parliament sinks lower, and the gulf between Parliament and much of the public grows wider. Was it not sad that on the one day that many of us had longed for, when people for once took some interest in the proceedings of Parliament when they were televised live to millions, a too-clever-by-half procedural device in the Commons denied the nation resolution and prolonged the agony that has surely rent our social fabric for far too long?

There are aspects of this deal that noble Lords will know I do not much care for, but enough—enough. The Spartans have sheathed their swords; let those on the other side show the same spirit of compromise. Let Fabius the Delayer come down from his high place and lay down his sword. *Es ist genug*. Let us move on.

Today, for the first time since May 1641 and profoundly mistakenly, we have a law that the House of Commons cannot be dissolved except by its own volition. Untouchability in the Commons did not serve us too well in the 1640s. That House avowed very high ideals, but it executed Ministers without trial, beheaded the Archbishop of Canterbury, committed regicide, abolished your Lordships' House and dissolved into military dictatorship. I do not of course say that the House protected by the Fixed-term Parliaments Act—in my view, a written antidote to any cry for a written constitution—is capable of such excesses, but a sense of inviolability inevitably has a behavioural effect. The fixed-term Act protects a Commons reckless of past promises and the popular will. That is a view I know some contest, yet, unequivocally, as proved by its own votes, that inviolable House is unwilling to face the general election that Mr Johnson has offered and test the verdict of the people as to whom they trust to carry the nation forward.

Bad cases do not make good laws. The profound crisis provoked by this Parliament's failure to do what the people by lawful majority asked should not stampede us to more incautious constitutional change. Before that—and how much I agreed with the wise speech of the noble and learned Lord, Lord Judge—we should examine the harm and conflict flowing from some recent innovations thrust into our long-standing constitutional law and conventions. I do not exclude from that referendums, first or second.

I am an optimist. I believe that we can rebuild conventions, and the common sense and flexibility that convention both encourages and requires. We can treat our opponents with more respect. That should begin with a Prime Minister who backed Mrs May's compromise and now offers us another, and who has been subjected to a campaign of personal vilification and who is no would-be dictator. Rather, he is a widely read, deeply civil, good humoured, humane and liberal-minded person, whose optimism appealed across all divides as a twice-elected Mayor of London and wishes to do so again.

We politicians cannot heal this nation without seeing in others opposite the sense of duty, decency, principle and concern for the common weal that motivates almost all who turn their hands to the hard, high vocation of public service. Healing cannot come without respect. Agreement cannot come without compromise. Conflict cannot be ended without permitting a 12 year-old boy to walk home with his father without a police escort.

“O wad some Power the giftie gie us
To see oursels as ithers see us!
It wad frae mony a blunder free us,
An' foolish notion”.

I beg that we should hear and heed the tone of the gracious voice of the United Kingdom.

Lord Ashton of Hyde (Con): My Lords, I want to acquaint noble Lords with the position on the Urgent Question and Oral Statement. The Statement has not yet started in the House of Commons, so we will have to delay our Question and Oral Statement. Let us say that it will not be before 6.15 pm and hope that they will have started it by then. Otherwise, we will have to be flexible again.

5.48 pm

Lord Truscott (Ind Lab): My Lords, when the Prime Minister of Britain breaks the law by illegally suspending Parliament and openly pits elected parliamentarians against the people, we are sailing perilously close to a nasty form of authoritarianism that has led to dictatorship in the not-too-distant past. In threatening to circumvent the Benn Act and the law, the Prime Minister is courting the basest form of populism. The UK's unwritten constitution makes it clear that we are a representative parliamentary democracy and not a one-man banana republic or dictatorship. While it is undeniable that the British people voted by a narrow margin for Brexit, it was never clear what form that might take. Over three years later, it seems reasonable to offer the electorate a say on the form of Brexit now proposed.

As a historian, though not as distinguished a one as many noble Lords in the Chamber today, I will make a couple of historical allusions. First, Boris Johnson should beware of what happened to Charles I when he tried to bypass Parliament and rule from 1629 to 1640 with his eleven years' tyranny, a historical period mentioned by the noble Lord, Lord True. This led not only to civil war and the execution of Charles I, after his impeachment and trial, but also the trial in Westminster Hall and execution of his chief adviser, the Earl of Strafford. Dominic Cummings should remember that fact when he next advises the PM to bypass Parliament. While I would not press the parallel too far, there is a case for impeaching Cummings and locking him up in the Elizabeth Tower.

My second historical allusion takes me to Russia. In 1991, another Boris, Boris Yeltsin, deliberately orchestrated the disintegration of the USSR, so that he, as President of the Russian Federation, could seize power in the rump of the old Soviet Union. Our own Boris is willing to do the same, taking risks with the union in Scotland and Northern Ireland, in order that he can hang on as PM of a little England with just Wales attached. Furthermore, as is the penchant of our PMs and their advisers, the Queen's Speech itself repeated an old Soviet slogan. We heard Tony Blair promote Vladimir Ilyich Lenin's phrase: “Education, education, education”. Boris Johnson's Queen's Speech advocates a “new economic policy”. Is he, or his advisers, aware that the “New Economic Policy”, or NEP, was announced by Lenin in 1921, and later abandoned by Stalin in his “great break” with the past, leading to mass collectivisation? Premier Johnson is now promoting his own great break with the EU, at great economic cost to the country. Have I gone to sleep and woken up in the Soviet Union, led by a megalomaniac pursuing policies of economic ruin? Perhaps the PM's advisers need a bit more “Education, education, education”.

In conclusion, this country's unwritten constitution, the rule of law and our representative democracy are the envy of the world. Those who seek to undermine it do no service to the British people and the cause of democracy, which we all rightly cherish.

5.52 pm

Lord Stunell (LD): My Lords, it is a pleasure to contribute to this debate. I will speak primarily on the climate emergency. I would have spoken in the debate

[LORD STUNELL]

on Thursday, but I had, in parallel with it, a meeting of the Committee on Standards in Public Life, the work of which is needed at present, as the noble Lord, Lord True, reminded the House. I therefore missed the introduction to that debate by the noble Baroness, Lady Vere of Norbiton, but I was careful to read it and was able to listen to much of the remainder of the debate in the afternoon. Many noble Lords spoke about the need to revolutionise our transport system, the technology of power generation and the lifestyle choices that we make. I will focus on another vital ingredient of tackling the climate emergency which is relevant to today's subject: the need to tackle carbon reduction in our built environment. That crosses so many ministerial and departmental policy silos that I could have spoken in any debate. I hope that, when she winds up, the Minister will be able to give reassurance on some of my points.

The heating, lighting and powering of buildings is responsible for about one-third of the United Kingdom's CO₂ emissions. That includes our homes, schools, hospitals, care homes, offices, factories and shops. It also includes colleges, universities and civic buildings. I point out to the noble and learned Lord, Lord Keen of Elie, that it also includes courts and prisons—we are clearly going to be needing some more prisons. It includes national and local civic buildings and places of entertainment and worship. The typical house emits more carbon dioxide in a year than a typical car. Yet public policy is focused towards cutting emissions from road vehicles, for which significant subsidies are available, with public policy on saving energy for buildings actually going backwards since 2015. I speak as the Minister who was responsible for getting the zero-carbon homes policy ready to go live in 2016, only to share the frustration and anger of the industry when that policy was abandoned by the new Conservative Government in 2015, together with the scrapping of the Green Deal, which aimed at upgrading the performance of existing homes. However, I acknowledge the work of the previous Chancellor, Philip Hammond. His Spring Statement this year gave notice of the future homes standard, aimed at resuming forward progress. I am sure it is completely coincidental that he has since had the Tory Whip removed.

The Government are now consulting on new, higher standards of energy performance for new homes. If they go forward, these would come into force in two stages in 2025. The Government dress up this nine-year delay in reaching the standard that was going to come into play in 2016 as evidence of their being “the greenest Government ever”—I think that comes under the heading of “classic Dom”. We have had a Queen's Speech with almost nothing to say about the urgent steps needed, in every policy area, to combat the climate emergency. We have got an Environment Bill, and it offers some useful and interesting ideas but, as drafted at the moment, it will make no measurable impact on cutting CO₂ emissions. We have a belated consultation on introducing higher standards for newer homes, but that will not be until 2025. There is absolutely nothing planned to raise the energy performance of the 20 million homes that are already built and whose planned life extends beyond 2050. There is nothing

about raising new building standards for all the other kinds of buildings, new or existing. There is nothing even about enforcing energy performance certificates for homes, nor displaying them on all the other buildings to which the public have access. That would be the safest of nudge policies, yet the current Government have deliberately allowed them to fall into misuse and no use. I asked a Question about how many of the Government's buildings actually had a display energy certificate—which, incidentally, is a legal necessity—but they have not got the slightest idea.

The Liberal Democrats have plans to tackle all these things and more and an intention to reach the target of carbon neutrality for our country in 2045, not 2050. The climate emergency requires urgent action on all fronts now. The built environment has to be rapidly moved up the Government's agenda for action. Sadly, the Queen's Speech is a feeble and disappointing signal of their intentions.

5.58 pm

Lord Norton of Louth (Con): My Lords, the gracious Speech is welcome in identifying a range of measures of domestic importance and not focusing exclusively on Brexit. However, Brexit is the fundamental issue facing the nation. A combination of unique developments has resulted in the debate surrounding Brexit putting our constitutional fabric under intense pressure.

The debate on Brexit is toxic and it is binary. We are used to the politics of justification, with each side able to engage with the other. What we now have is the politics of assertion, with each side shouting at the other and not being interested in the response. The language is stark and often takes the form of accusation and abuse. The nature of the debate is exacerbated by, and contributes to, the tensions that now exist and which pose a serious threat to the Westminster model of government. Those engaging in the debate are so consumed by the moral superiority of their policy goal that they treat our constitutional arrangements as secondary to achieving that goal.

At the heart of the Westminster system is the concept of accountability. There is one body responsible for public policy—the party in government. Collective responsibility ensures that it is a united entity, accountable between elections to Parliament and at elections to electors. Parliament scrutinises and challenges the Government but does not seek to substitute policy of its own. MPs have always privileged party above the interests of the House of Commons. Party, however, has facilitated accountability. We are in an exceptional situation where no one body is accountable. Electors cannot hold themselves to account for the outcome of a referendum. Electors cannot hold to account a transient majority comprising an ad hoc amalgam of parties and independents in the House of Commons.

The position we are in derives from the collision of two concepts of democracy. We had an exercise in direct democracy in the form of a referendum, and an exercise in representative democracy the following year, producing results not clearly compatible one with the other. The House of Commons has sought to wrest control of public policy from the Government. That, as I have argued before, is not “taking back control”:

you cannot take back something you did not have in the first place. Because a transient majority cannot be held to account, it is an exercise in power without responsibility.

It is a unique situation and it is important that we do not seek to generalise from an *N* of one. We need to stand back and make sense of what is happening, not rush to judgment with calls for reform of the constitution. We hear calls for a written, or codified, constitution. It is not clear how, had we had one, the present situation would be any different. It is not so much an answer as a displacement activity.

The gracious Speech has the merit of not rushing to judgment and advancing any constitutional reform. I welcome that. I also caution the Government against listening to those who, in their failure to grasp the principles of our system of government, advocate change to bodies that produce decisions with which they disagree, be they the courts or this House. Perhaps my noble friend Lady Williams will confirm that the Government have no plans for changes to our constitutional framework and that Ministers will comply not only with statutory obligations but with the expectations and moral obligations imposed by conventions of the constitution.

Our system of government is sound, but recent events have undermined popular support, especially for the House of Commons. The most recent Hansard Society *Audit of Political Engagement* showed that only 25% of those surveyed had confidence in the Members of the House of Commons in handling Brexit; 73% had not very much or no confidence. Furthermore, 42% of those questioned agreed with the statement:

“Many of the country’s problems could be dealt with more effectively if the government didn’t have to worry so much about votes in Parliament”.

That is a remarkable finding, impossible to imagine in earlier years.

The challenge for parliamentarians, especially Members of the other place, is to recognise that the solution lies not with constitutional reform but with their own behaviour. They are part of the problem. They need to become part of the solution. That requires a degree of balance and self-awareness that has been sadly lacking.

6.04 pm

Lord Best (CB): My Lords, my contribution to this debate on the humble Address considers the forward direction for housing policy in the UK and is Brexit-free. I draw attention to my housing interests in the register. This Queen’s Speech was virtually silent on housing, yet the issue is often cited, particularly by those aged under 40, as their most pressing concern. As the Affordable Housing Commission, which I chair, has found, rents now often absorb well over 40% of a household’s income, leading to arrears, debt and personal problems. From the most affluent suburbs to the most modest council estates, so many young people in their 30s must stay in their childhood homes because the only alternative is a privately rented flat at a rent they cannot afford. Buying a home has become a distant dream, especially in the southern half of England. Rough sleeping is more visible on our streets and acute shortages mean families and children living in temporary

accommodation, such as bed and breakfast hotels, on a scale unseen for many years. Housing costs and conditions so often lie behind the other social ills of poverty and ill health.

Your Lordships might expect me to be horrified that no announcements were forthcoming in the Queen’s Speech to address these pressing problems of housing scarcity and affordability, but if the absence of new measures means continuity in the pursuit of policies now in the pipeline—a continuation of a direction of travel set by Mrs May and her Housing Ministers—no news may well be good news. I have paid tribute in this Chamber to the way the previous Prime Minister sought to reshape housing policy during her tenure. In a seminal speech at the end of her period in office, to the September conference of the National Housing Federation, she talked of government becoming the victim of a single-minded drive for home ownership, when the most pressing need was for homes at modest rents.

On Mrs May’s watch, some of the highly unfortunate measures in the Housing and Planning Act 2016 were scrapped or abandoned: an end to the forced sale of the best council housing to pay for an extension of the right to buy; abandoning the horrid “pay to stay”, whereby council tenants would have to pay more if they made a success of their lives and increased their earnings; and scrapping the plan to end secure, lifetime tenancies in the social sector. More positively, the cap on borrowing to build council housing was abolished, which is now leading to an emerging new stream of affordable accommodation. Indeed, we even have a model for what council housing for the 21st century should look like, following the award of the coveted Stirling Prize for architecture to Norwich Council’s new street of 105 energy-efficient, secure, well-designed family homes in a real community setting. As one new tenant there remarked, “I feel like I don’t rent it, I own it”.

This direction of travel has also embraced reforms to private renting, including abolishing agents’ letting fees for tenants, a commitment to end no-fault evictions and the creation of a new ombudsman for private landlords and their tenants. Housing associations have been given access to new funds for social rent, which has started the return to building what is really needed rather than being pushed into letting at rents mistakenly termed affordable, but which are, in so many areas, beyond the reach of people in the lower half of the income range.

All these changes from Mrs May’s Administration—I pay tribute to the noble Lords, Lord Barwell and Lord Bourne, and Toby Lloyd, who advised her—represent steps in absolutely the right direction. They should lead, if undisturbed by any countermeasures, to government acceptance that what is needed is for at least a third of their target of 300,000 homes a year to comprise homes to rent within the means of those on average incomes and below. We all know that this has to mean a significant increase in the levels of grant to social housing landlords, but we also know that investment in affordable new homes pays for itself—unlike, for example, the £1.7 billion a year spent on temporary accommodation for homeless families. Paying grant

[LORD BEST]

up front saves far more further down the line, not least in finally reducing the housing benefit bill and in cutting social care and health costs. I add that, while waiting for the payback on capital investment in new homes, social security policy must keep up. Shockingly, benefit freezes and caps mean that increasing numbers of the poorest households are having to make up a shortfall on the payment of rent out of the benefits intended for their living costs.

My question to the Minister is simple: can we take the lack of mention of housing issues in the Queen's Speech as a positive sign that there will be no turning back from the path chosen by Mrs May? Will the Government take forward her important consumer reforms for the private rented sector and continue to pursue energetically her programme of supporting a new era for council housing, and will the upcoming Budget herald significant extra investment in the development of truly affordable rented homes?

6.10 pm

Lord Tyler (LD): My Lords, I wish to concentrate of the Government's promise to,

"protect the integrity of democracy and the electoral system".

It has been suggested that their intention is to address only an alleged, tiny and peripheral problem of impersonation at polling stations. I shall come back to that later. Far more important and urgent are a number of reforms which are necessary, and which have been the recommendation of the official bodies that advise Parliament, to make our electoral law fit for purpose.

First, following the Supreme Court judgment last year, election candidates and their agents need the clarity of the recent codes of practice from the Electoral Commission to be approved. Without them, the dividing line between national campaign and constituency campaign expenditure will remain a dangerous legal minefield for all those involved in elections.

Secondly, and similarly, it would be unthinkable to trigger a general election in the next few months without implementing the unanimous recommendation of the Information Commissioner's Office, the Electoral Commission and the DCMS Select Committee that there must be effective transparency for all online political messages. This should apply especially within the short campaign period for an election and for a referendum, but the law must move on from the analogue age to embrace digital campaigning. Facebook and the other platforms have recognised the need for this, but surely it should not be left to those commercial organisations to protect the integrity of our electoral process.

Thirdly, legislation for a possible people's vote referendum has already been drafted by the cross-party and non-party group that I convened last year. We were able to demonstrate that the objections of the Brexiteers that it would take too long to implement were unfounded. It could be done in weeks. Indeed, a legal source said today that it could be done in six weeks, as was the case in 1975. The timetable we presented to the Cabinet Office envisaged a one-clause paving Bill to enable the Electoral Commission to

begin its consultations immediately, while the fuller Bill would remove the defects of the 2015 Act. The choice would be much simpler than in 2016. The Government's proposal would have to be clearly stated in a White Paper as an alternative to the equally clear proposition of remaining exactly as we are now. Where there is a political will there must surely be a parliamentary way. If diehard MPs or Members of your Lordships' House attempted to filibuster, they would surely be exposed as wishing to sabotage the "will of the people"—to use the expression that they themselves like to use.

Fourthly, in its recent report the Electoral Commission highlights the extent to which the register is neither complete or accurate; it should surely be a priority task for government to improve the integrity of the electoral system to make it as easy as possible for all eligible citizens—at home or abroad—to register and then to vote. We should be improving the number of people voting, rather than discouraging them from doing so as active citizens.

The commission chairman highlights that only 71% of young people aged 18 to 34 in Great Britain are correctly registered and that, overall, 17% of eligible voters here are not correctly registered at their current address. These are major defects and they require immediate attention. These issues must be taken alongside the entirely justifiable challenges put before your Lordships this afternoon by the noble and learned Lord, Lord Judge, and echoed by the noble Lord, Lord Morgan, and my noble friend Lord Beith. Our constitutional settlement is very vulnerable.

By contrast, the incidence of fraud at the polling station is minuscule. The additional cost to local authorities of providing the new ID for the millions who have no passports or driving licences should itself be challenged as dubious value for money. More relevant, surely, would be to sort out the problem identified by the RNIB with the "tactile voting device" provided for blind and partially sighted electors. The court judgment that these arrangements are a,

"parody of the electoral process",

should lead to urgent government action.

I appreciate that the Minister replying to this debate will not be able to answer all these points, but I expect a detailed response from the Cabinet Office Minister in due course—when one is recruited. Apparently, no Cabinet Office Minister is answerable to your Lordships' House at the moment.

Meanwhile, I make a plea for a much needed change in the level of public discourse. It has fallen to very unsatisfactory depths. Ministers' talk of "saboteurs", "the surrender Act" and "the people versus Parliament" may suit the short-term machinations of Mr Cummings, but it is doing long-term damage to our body politic. In the *Times* on 2 October, Jenni Russell summed it up:

"Talk of betrayal will rebound on the Tories: Distrust is not a genie that can be put back in the bottle once those in power have exploited it".

My noble friend Lord Paddick referred to the need for trust in our political system, and the noble Lord, Lord Cooper, pointed out recently that his focus groups were horrified by the extent to which people misunderstood what the Government were putting

before them. Oversimplified slogans do not help to reinforce trust. Given that the only sure way to avoid years of Brexit bickering—whether with the Johnson deal or even no deal—is to stop Brexit now, the slogan “Get Brexit done” is a recipe for yet more disillusion, alienation and a genuine feeling of betrayal.

6.16 pm

Baroness McIntosh of Pickering (Con): My Lords, I welcome the gracious Speech. I will focus on local government in a rural setting, and family law.

I hope the Minister will join me in applauding the initiative of North Yorkshire County Council in setting up what I understand is the first ever rural commission in England to look at issues such as housing, farming and transport to save North Yorkshire's most rural communities from decline. There is a need for affordable homes in the rural setting—I pay tribute to the words of the noble Lord, Lord Best—particularly to allow older farmers to leave the farm and move into smaller accommodation, allowing the next generation to step into their farming shoes.

At the heart of rural communities lie farms and other rural businesses, as well as market towns, often in remote, isolated areas where transport is sparse and hospitals and GP practices are some distance away. While North Yorkshire is certainly one of the most beautiful counties in England, it is also one of the sparsest of all, with 85% of the county classed as—to use a new term—super sparse. The commission will report in a matter of months and will consider the particular challenges of deeply rural communities and make recommendations to maximise their sustainability with regard to housing, farming, transport, connectivity—such as broadband and mobile phone—and access to public services. I hope that its recommendations will not fall on the deaf ears of urban government, which is represented broadly in London.

Secondly, in the brave new post-Brexit world, the gracious Speech sets the scene for our future. In this regard, the immigration Bill sets out the procedure for ending free movement of people. That is a matter of personal regret to me, as I have enjoyed a number of opportunities, both as a student and having worked elsewhere in the European Union. However, a matter of greater concern and regret is that the position of almost 2 million Britons living in other European Union member states has still not been made clear. I believe that this is a missed opportunity and a great omission in the gracious Speech. What skill level and salary will be set for those from other European countries, or from Commonwealth and other countries? Will those skill sets be swept aside in the points-based system?

Will my noble friend assure the House today that we will continue to attract and make welcome workers from EU countries whom we hope will work on our fruit and vegetable farms and deliver our health and social care? Will the Government commit to increasing the number of those entering under the seasonal agricultural workers scheme? How does my noble friend imagine that the Government will address the current shortage of veterinary surgeons? Without all those workers, our rural economy will grind to a halt.

I welcome the Bills outlined in the Queen's Speech which will help families. Examples include the Divorce, Dissolution and Separation Bill, which will minimise the impact of divorce on children in particular; and the private international law (implementation of agreements) Bill, affecting judgments handed out where one or other parent lives abroad. I speak with particular interest as co-chairman of the APPG on Child Contact Centres. However, are we seeking unilaterally to amend the Hague conventions which apply in this regard, because that would seem a very odd approach?

Most welcome are the Bills setting out new regimes for agriculture, fisheries and trade, changing measures that have been in effect for more than 40 years. Expectations run high that the Environment Bill will set out the means to protect our environment in the way that European Union policies have protected our waters, rivers and coasts in particular. Can my noble friend assure the House today that the level of protection from the new agency, the organisation for environmental protection, will be at least as strong as that currently exercised in the European Union? Will there be a role for the UK courts, taking up the previous jurisdiction of the European Court of Justice?

Finally, many of the decisions currently taken by the Scottish Parliament and the devolved Assemblies have been passed to Whitehall through the common frameworks. Can my noble friend commit to the House that they will be wound up in four rather than seven years, so that important decisions on fisheries, agriculture and other policies can revert to the devolved Governments?

6.22 pm

Baroness Butler-Sloss (CB): My Lords, I want to raise two quite separate issues to the House. I am a member, with two MPs, of the review of sexual exploitation. We heard very disturbing evidence about the border police and the Border Force. There is a difference between entry passengers by air, who are carefully checked, and entry passengers at maritime ports, particularly Dover, where there is little, if any, checking at all. There is a lack of information for border control as to who is travelling. People can just turn up, buy a ticket and get on either the train or the ferry and come to the United Kingdom. There is no advance information.

We were told that Dover was a major route for victims. Albanians are arriving through Holyhead—traffickers and victims—and we know that a number of Albanian gangs are working, very effectively from their point of view, in England. How did they get in? Presumably, by the maritime ports or through St Pancras.

This is a very wide issue, not an EU issue at all. Border control cannot identify those who may be crooks or undesirables without advance information as to who they happen to be. There is a balance between stopping vehicles and interviewing those in cars or lorries and ensuring that queues do not reach for miles and miles. It looks as though the balance is in favour of getting the vehicles through.

There is also a problem with leaving by maritime ports. There are exit checks with the National Border Targeting Centre, but they do not come back in time, and within 45 minutes or so people are on the way to

[BARONESS BUTLER-SLOSS]

France. As I said, St Pancras is very important for people coming in and going out. There are not necessarily sufficient checks there, although they are better than at the maritime ports. I understand that there was a ministerial oversight team some time last year but, as far as I know, there has been no report and nothing done.

I am co-chairman of the All-Party Parliamentary Group on Human Trafficking and Modern Slavery, and we are very concerned about the entry for sexual exploitation or forced labour of victims coming through one or other of those ports. The Government are committed to a single entry policy for all immigrants. Will the new policy pay particular attention to the need to intercept foreign crooks and other undesirables, particularly traffickers and the victims of traffickers across borders?

A foreign-national offenders Bill has been announced. Will the Government consult organisations experienced in the field, including the Human Trafficking Foundation, of which I am a vice-chair, so that work to help victims can be strengthened by renewed government efforts on prevention, which has been seriously overlooked?

My second issue is how best to deal with drug and drink addicts who are repeat offenders. There was reference in the Queen's Speech to rehabilitation. Serial addicts go in and out of prison. In prison, they have access to drugs. Out of prison, they have no money to feed their addiction, so they end up back inside. There are alternatives. I suggest one to the Government, which is a residential clinic. It should be a requirement of probation that people go back to prison if they do not co-operate and stay, so there would be a tough regime. There would be work on the addiction and we would hope for rehabilitation. We would save a lot of money long term. Up front it would be expensive, but cost effective. Would the Government at least consider a pilot scheme? It would be well worth a trial for the benefit of the courts and prisons, which are both clogged up, and to address the high cost of reoffending.

6.27 pm

Lord Shipley (LD): My Lords, I want to say something about housing but I first pay tribute to the noble Lord, Lord Bourne, for his work as a Minister, particularly in relation to the private rented sector. It was always a pleasure to work with him.

I declare my vice-presidency of the Local Government Association. The Queen's Speech says very little about housing. Indeed, in the five days of our debate, there is no mention of housing as a topic, despite the Government's continual claims that they are committed to solving the housing crisis. The truth is that there is an absence of both money and clear policy objectives to solve that crisis. Some extra money was put into reducing homelessness over the summer, but it was insufficient. As the noble Lord, Lord Best, reminded us, at the Housing 2019 conference, the then Prime Minister, Theresa May, said that social housing has been a,

"victim of the single-minded drive for home ownership".

She was right, but the big new idea of the current Housing Secretary seems to be to extend the right to buy to housing association properties. The problem he

needs to solve first is the lack of supply of properties that people can afford to live in. This initiative seems more likely to worsen the housing crisis.

There is rising homelessness caused by the lack of supply of social homes. There are 277,000 people homeless in England today, with 7,000 families in bed-and-breakfast accommodation costing £93 million in the past year. There are 62,000 families homeless in England in temporary accommodation. Shelter reports that 3 million social homes are needed over the next 20 years, yet the Government built only 6,500 in the past year. Our waiting lists for social housing have a million people on them and the dream of home ownership is out of reach for many people. So I ask the Minister this specific question: will the Budget due next month start to address this serious lack of resources?

In London in June, the Greater London Authority and the G15 group of housing associations said that the government grant for affordable homes in London needed to increase sevenfold, to £4.9 billion a year. That is evidence of the scale of the problem that the Government need to address. Meanwhile, in the past two years, the 50 biggest housing associations have built more homes for market sale than they have for social rent. Given all the evidence, I conclude that the Government should suspend the right to buy, not extend it.

In this Queen's Speech, I welcome the building safety standards Bill to improve high-rise safety, in particular, proposals around accountability and the enforcement of compliance. There are suggestions that there could be a Bill on reforming leasehold and commonhold; that would be welcome, as would the further strengthening of regulation in the private rented sector. Regarding the private rented sector, I hope that the Government will proceed with ending the Section 21 "no fault" termination of tenancies at six months. Can the Minister confirm the timings on that?

Today, the average price of a home is eight times average wages. In London and the south-east, it can be 12 to 15 times. Only 38% of people under the age of 34 own their own home. Thirty years ago, it was two-thirds. Generation Rent has pointed out that four in 10 young people live in the private rented sector. Twenty years ago, it was just one in 10. I conclude that the priority should be increasing the supply of new housing and doing so sufficiently to make housing genuinely affordable for those on average and low incomes.

Today, there is a welcome increase in the building programmes of local councils but we need much more. That means greater leadership and finance from the Government now that they claim that austerity is over. It needs a willingness to capture more of the rising value of land with planning permission for community benefit. It means an increase in capital investment in social housing to reduce the high levels of housing benefit going into the private rented sector, which now has to provide accommodation for one in five households.

As we work towards housing costs not exceeding a third of a person's income, we need to stop calling homes affordable; self-evidently, the Government should not call homes affordable when they are simply not for so many people.

Brexit Statement

6.33 pm

The Minister of State, Department for Exiting the European Union (Lord Callanan) (Con): My Lords, with the leave of the House I shall now repeat in the form of a Statement the Answer given in the other place earlier today by my right honourable friend the Secretary of State for Exiting the European Union. The Statement is as follows:

“Mr Speaker, notice of the withdrawal agreement Bill was given to the House on Saturday. The Bill was handed to the House yesterday, as agreed with the House authorities. It will be introduced for First Reading at the start of main business today.

The publication of the withdrawal agreement Bill is therefore now being delayed by the leader of the Opposition because he has tabled an Urgent Question requesting the publication of the withdrawal agreement Bill—genius. The withdrawal agreement Bill could not be finalised until the European Council on Thursday 17 October. Then followed a historic meeting of this House on Saturday 19 October. It has then been introduced on the following sitting day; as you said just a moment ago, Mr Speaker, in response to a point of order, ‘What could be shorter than the next sitting day?’ The sooner this Urgent Question and the next are concluded, the sooner the Bill will be available to Members.

In respect of the Prime Minister’s letter of 19 October to President Tusk, this was sent in compliance with Section 1 of the Benn Act. The President of the European Council has accepted the request as valid, and indicated that he is considering it and consulting with member states”.

6.34 pm

Baroness Smith of Basildon (Lab): Well, my Lords, what an extraordinary response.

On Saturday, MPs from all parties voted to seek an extension to ensure that the necessary legislation will be passed prior to Brexit day. The Prime Minister maintains that his deal, and its enabling legislation, must be delivered by 31 October, yet your Lordships’ House has always said that such a self-imposed deadline runs the risk of either not completing the legislation and crashing out or making serious errors in haste.

The Letwin amendment provides insurance against “no deal by default” as the legislation must be in place first—a perfectly reasonable approach. The new Bill is likely to run to around 100 pages or more, about the size of the document I am holding, and will include arrangements for the new border down the Irish Sea, a range of vital protections for EU citizens and a range of broad delegated powers. It will probably include Henry VIII powers; perhaps the Minister can confirm whether that is the case. It will also amend or repeal parts of the original withdrawal Act, to which your Lordships’ House devoted something like 150 hours of consideration. This is significant and complex legislation, which will need proportionate scrutiny. To seek to force a Bill of this complexity through both Houses of Parliament in a little over a week is irresponsible.

Mr Johnson’s response on Saturday was like the tantrum of a naughty child. Yes, he sent the letter, but he did so in the most contemptuous way possible. He has shown no respect for the second withdrawal Act, so perhaps we should not be surprised that he shows such disdain for the normal scrutiny processes of Parliament. I have two questions for the Minister on top of my question about Henry VIII powers. Can he confirm that this House and its committees will have an appropriate amount of time to scrutinise the legislation? Secondly, will all supporting documentation, including impact assessments, be published alongside the Bill?

Lord Callanan: I thank the noble Baroness for her questions. On her first point, the deadline is not self-imposed; 31 October is the legal default. I must say, I am delighted to hear her new-found enthusiasm for parliamentary scrutiny; it seemed a little absent when we were told that we had to push the Benn Act through all its stages in this House in less than a day. Of course, the usual channels will discuss the appropriate scrutiny provisions for the Bill with third parties and others.

We have been talking about these issues for three years. I have lost track of the countless hours that I have stood at this Dispatch Box and answered questions on a range of such issues. If the House is willing and able, we need to give the Bill proper scrutiny but we need to pass it so that we can get this done by 31 October.

Lord Stoneham of Droxford (LD): My Lords, the lack of dignity displayed by the Prime Minister in writing to the European Council on Saturday perhaps underlines why he attracts such little trust in Parliament. The Prime Minister described his deal as a great deal but few of its benefits have been set out since it was announced, apart from the fact that it implements the will of the people and gets things done. When the Government publish their Bill, will they publish an impact study on the deal’s economic benefits? Or can we assume from their not publishing it that people will be poorer that they would have been under Mrs May’s deal—and certainly poorer than under the deal we currently have?

Lord Callanan: We will publish an impact assessment on the Bill. It is hard to do so because so much depends on the future relationship and the details of the future trade agreement that will be negotiated.

Lord Hamilton of Epsom (Con): My Lords, if the Bill gets a Second Reading tomorrow, will that count as a meaningful vote?

Lord Callanan: I think my noble friend is getting somewhat ahead of himself. We will wait to see what happens in the other place, but until those provisions are changed or altered by statute, the provisions for the meaningful vote under both Section 13 of the EU withdrawal Act and the Benn Act remain in place.

Lord Liddle (Lab): My Lords, does the noble Lord agree that while we have debated Brexit for many hours in this House, what was agreed at the European Council last week is a fundamental change from anything

[LORD LIDDLE]

we have considered up to now in two crucial respects? The first is the constitutional implications for Northern Ireland. No one ever contemplated that we would go for some version of the Northern Ireland backstop that would be permanent and have serious constitutional implications for the whole of the country. Secondly, I believe that in the political declaration, the economic policy and the ambition for the trading relationship are fundamentally different from what Mrs May suggested and would be terribly damaging, particularly to workers and companies in the manufacturing sector, as virtually all the trade associations in the sector have said. Is it not time that we made sure that these proposals, which could have profound impacts for decades to come, are properly considered, rather than the Government attempting to rush them through before we know what they actually mean?

Lord Callanan: It is always important that we in this House scrutinise these matters carefully, and that the House of Commons does so as well. However, I have to say to the noble Lord that I remember sitting here when Members were solemnly telling us how vital it was to rush through all the various stages of the Benn Bill. I recall thinking, "I'll remind them of this when it comes to future legislation".

Lord Bridges of Headley (Con): My Lords, will my noble friend clarify that the withdrawal agreement Bill will take out the provisions of the Constitutional Reform and Governance Act and override them?

Lord Callanan: I cannot say that that would be definite but it is important that we abide by the provisions of the Constitutional Reform and Governance Act. Of course, the House passing a statute provides the appropriate coverage for doing that.

Lord Wigley (PC): My Lords, in view of the Minister's reference to the fact that the border in the Irish Sea will have implications, can he give an assurance that the contents of this Bill have been discussed with the Government of Wales?

Lord Callanan: Yes, we have certainly discussed many aspects of it with the Government of Wales.

Lord Beith (LD): How will it be possible for Select Committees of the House, such as those dealing with the constitution and statutory instruments, to examine the Bill to ensure that broad powers are not being given to Ministers which may extend even beyond Brexit?

Lord Callanan: We await the publication of the Bill later this evening. I am sure that the various organs of the House that wish to do so will have the opportunity to look at the provisions.

Lord Hunt of Kings Heath (Lab): My Lords, I think the noble Lord said that the Government will publish an economic assessment alongside the Bill. Why has the Chancellor refused to give the economic assessment that the Government have produced to the Treasury Select Committee?

Lord Callanan: I said that we will publish an impact assessment. As I said in response to an earlier question, it is difficult to model the precise economic impact, bearing in mind how difficult it has been to model economic impacts over a number of years anyway. That is because so much of this depends on the future relationship in the political declaration. The withdrawal agreement Bill itself discusses those areas we have talked about previously, including citizens' rights, money, the implementation period and the Northern Ireland protocol. The big economic impacts will of course be in the details of the free trade arrangements.

Lord Campbell-Savours (Lab): My Lords, on the question of business management, is it true that we will be asked to sit on Saturday and Sunday?

Lord Callanan: These are of course matters that the usual channels will wish to discuss.

Baroness McIntosh of Hudnall (Lab): My Lords, I am confused by the answer given by the noble Lord to my noble friend on the Bench in front of me. I think the Minister said that the Government would publish an impact assessment, but I think he also said that it was very difficult to publish such an impact assessment. Can he tell the House whether there is an impact assessment, will it be published and when? Could he also respond to the question of why it was not made available to the Treasury Select Committee?

Lord Callanan: I said that we will publish an impact assessment but that the economic impact of the Bill is very difficult to assess because it depends on the negotiations for a future free trade arrangement. I am sure that when it comes to the discussion, noble Lords will wish to look at that in detail. I would have thought that there will almost certainly be differences of opinion over what that future arrangement should consist of. One of the commitments we are giving is that we will involve Parliament fully in the discussions about that future economic relationship.

Brexit: Preparations

Statement

6.44pm

The Minister of State, Department for Exiting the European Union (Lord Callanan) (Con): My Lords, with the leave of the House, I shall repeat a Statement made today in another place by my right honourable friend the Chancellor of the Duchy of Lancaster. The Statement is as follows:

"Mr Speaker, with permission, I would like to make a further Statement on our preparations to leave the European Union on 31 October. Before I do so, perhaps I may underline the gratitude of Members on all sides of the House for the efforts of not only the House authorities but also those of the police on Saturday. I also thank Opposition Members, including the Members for Manchester Central and for Brent North, for their kind words on behalf of all Members of the House.

The Government are determined to do everything they can to leave the EU with a deal, and the agreement the Prime Minister concluded at last week's European Council gives this House the opportunity to honour the 17.4 million people who voted to leave the EU on time and in an orderly fashion. Parliament had the opportunity on Saturday to support a meaningful vote which would have allowed us to proceed smoothly to ratification of our deal and exit on 31 October, but the House instead voted in such a way as to put an orderly exit on that date in doubt. I appreciate and understand the honest intentions and genuinely sincere motives of many of those who voted for the amendment which stood in the name of my right honourable friend the Member for West Dorset. Perhaps I may place once more on the record the very high personal regard in which I hold him, because I know that he always acts in what he believes to be the national interest and I deeply deprecate the personal criticisms directed towards him.

But the House's decision to request that a letter seeking an extension to Article 50 be sent unfortunately creates no certainty about our exit in an orderly fashion on 31 October. Before Saturday's proceedings in the House, European leaders, including the President of the European Commission, the President of France and the Taoiseach, deliberately and explicitly explained that Members should not cast their vote on the assumption that the EU Council will offer an extension. There is no certainty in this matter. Furthermore, no formal response from the EU has yet been received to the two letters sent by the Prime Minister on the evening of Saturday 19 October: the first requesting an extension to the 31 October deadline as required under the terms of the EU (Withdrawal) (No. 2) Act; the second setting out the Government's position that we believe that a delay to Brexit would be corrosive—a view shared by the EU 27 leaders.

With no clear agreement yet in this House to ratify our withdrawal agreement and no certainty that an extension will be granted by 31 October, I fear that I must now take appropriate steps to prepare for the increased possibility that the legal default position will follow and we will leave on 31 October without a deal. The clear advice to me from officials is that we must now intensify contingency arrangements. That is why the Cabinet's XO committee met yesterday to agree that the Government's Brexit preparations now move into their final and most intensive phase and that Operation Yellowhammer be triggered.

Let me be clear: no one would be happier than me to turn off those preparations and stand down planning for no deal. I do not think that anyone in this House can doubt my desire to see a deal concluded. But if we are to be certain to avoid a no-deal outcome on 31 October, we have to vote for the Prime Minister's deal. We must ensure that the vessel which brings certainty passes expeditiously through this Parliament and avoid any attempts to delay, capsize or hole it below the waterline. In that spirit, I thank the many parliamentarians across the House who have indicated that they will be backing the Prime Minister's deal, which, until he brought it home, many people thought would be impossible to negotiate. This deal ensures

that we can leave the EU. It is entirely consistent with the Belfast agreement and all our other domestic and international obligations.

I also underline that once a withdrawal agreement has been ratified, this whole House will be involved in agreeing the mandate for negotiations on our future partnership arrangements with the EU, and we will work particularly closely with all parties to ensure that vital protections for workers and the environment are secure.

In underlining the vital role all MPs will play in securing a strong future partnership, I also emphasise that we want business, trade unions and civil society to help us shape a bright future outside the EU. It is striking how organisations, from the UK Chemical Industries Association and UK Finance to the Country Land and Business Association and the Federation of Small Businesses, have welcomed progress on the deal and asked parliamentarians to end the uncertainty by supporting an agreement.

But, as I have explained, in the absence of that certainty, preparations for the risk of no deal have to be intensified. We will now accelerate our efforts to help businesses and individuals mitigate any dislocation and disruption that may ensue. From today, the Government's XO committee will meet seven days a week to provide strong ministerial focus across government. Hundreds of public servants across the UK will have to be redeployed. They will transfer to work in operations centres, ready to identify challenges, work together to resolve problems swiftly and implement contingency plans. Government, local resilience bodies and operational partners will be working together, ready to respond 24 hours a day according to need. We are also finalising the latest update of our reasonable worst-case planning assumptions and will share these with the House very shortly.

We must maintain our public information campaign. From tomorrow, this will reflect our renewed urgency of preparation. The advice will help businesses and individuals appreciate what they must do to prepare, given the uncertainty that unfortunately still prevails. I again urge everyone to check the information relevant to their situation on GOV.UK and the comprehensive summary of actions to take, which are contained in the Government's *No-Deal Readiness Report* published on 8 October.

We are complementing this information campaign with hands-on advice and assistance. The Department for Transport is continuing to give personal advice to hauliers at sites across the UK and the European Union, and working with local resilience forums to finalise traffic-management plans, particularly making sure we have a smooth flow of people and goods across the short straits. To supplement that, on 11 October 2019 it was announced that four operators—Brittany Ferries, DFDS, P&O Ferries and Stena Line—had been successful in their bids to deliver freight capacity for a six-month period from 31 October to 30 April. They will operate over 13 routes from eight ports in England: Teesport, Hull, Killingholme, Felixstowe, Harwich, Tilbury, Poole and Portsmouth.

Her Majesty's Revenue & Customs is stepping up work to deliver its export webinar programme to thousands of firms. The Department for Environment, Food and Rural Affairs is distributing a Brexit farming

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advice guide to agriculture businesses. The Department for Business, Energy and Industrial Strategy is reaching hundreds of companies at readiness roadshows. Key departments are ensuring they have help-desk capacity in place, with advisers ready to give the direct support required. This will build on the estimated 850 recorded engagements with large businesses by DExEU and regular forums with over 70 trade associations conducted so far. We are taking note of comments and feedback left on GOV.UK by people seeking advice, and passing on details of issues and concerns to the relevant government departments.

We are also accelerating our programmes of key policy and legislative decisions to ensure full readiness, including making and laying secondary legislation. We will be laying the final SIs to ensure that all critical Brexit-related legislation necessary for day one is in force by 31 October. This includes the legislation for the new temporary tariff regime, for customs and for avoiding a border in Northern Ireland.

It remains the case that Northern Ireland would face unique challenges in a no-deal Brexit, and we will need to take steps to ensure effective governance and give directions to the Northern Ireland Civil Service. For the past two years, in the absence of devolved government—today’s session being a rare exception—my right honourable friend the Secretary of State for Northern Ireland has made alternative arrangements for governance. Legislation and guidance have been introduced to empower Northern Ireland’s civil servants to continue to take decisions in the public interest. I pass on my gratitude. While this arrangement has been sustainable to date, leaving without a deal would represent a formidable challenge to the current position. In that case, we would have to start formal engagement with the Irish Government about further arrangements for providing strengthened decision-making. That would include the real possibility of restoring a form of direct rule. We would, of course, do everything to ensure that the interests of all communities across Ireland were safeguarded in any arrangements. We all must recognise that this would be a grave step from which, experience shows us, it would be hard to return, particularly in the context of leaving without a deal.

Even as we prepare for the challenges of no deal, we will make the case in every forum we can for leaving with a good deal. Parliament has previously shown determination and a focused resolve to pass laws expeditiously when the occasion warrants. The deal we have secured honours the referendum mandate this House pledged to uphold, allows the UK to leave the EU whole and entire and puts in place the pathway to a new partnership with the EU based on free trade and friendly co-operation. That is why I again urge my colleagues in this House, all of us democrats first and foremost, now to support the Prime Minister’s deal. I commend this Statement to the House”.

6.55 pm

Baroness Hayter of Kentish Town (Lab): I thank the Minister, back again after his long stint on Saturday—and no doubt looking forward to the XO committee, which I believe he serves on, meeting seven days a week—for repeating the Statement.

However, I have to question the underlying assumption, and indeed perhaps even the legality, of these preparations. If Mr Gove is so confident that we will leave on 31 October with a deal, how come he lacks the confidence to put Yellowhammer aside? More importantly, why are the Government continuing to work against the decision of the Commons? He surely does not actually think we will not get an extension from the EU.

On Saturday, the Minister attempted to throw back at me the claim I had made that,
“there is no desire for a deal. It is all a ruse”,—[*Official Report*, 19/10/19; col. 360.]

by saying—and I paraphrase—“Aha! Here we are: we’ve got a deal”. The truth is that, for all the claims that the withdrawal deal was miraculously reopened by the brilliance of the Prime Minister’s negotiating skills, not only was it reopened only to make it worse and to add a new tariff, VAT and standards border between Northern Ireland and Great Britain—as the Statement says, posing “unique challenges” to Northern Ireland, as well as the possibility of direct rule—but it actually is a ruse. The Government are continuing to plan for a no-deal outcome; if not next Thursday, I think that is what the Government contemplate for the end of 2020. No wonder the Government are still determined to be ready for no deal. It is not simply the legal default; it is becoming clear that it is the desired outcome.

For all the talk of providing certainty, especially for business, this continued no-deal work is unsettling the financial, manufacturing, agricultural and service sectors. As Ian Wright of the Food and Drink Federation said, while we might all be “exhausted” by Brexit, this does not,

“mean we sleepwalk into mistakes that will haunt the UK economy for a generation ... The most urgent priority for the ... industry has been to prevent a no-deal exit”.

He also pleads for sufficient time in the implementation period after the legislation,

“for businesses to fully adapt”,

warning of,

“the damaging loss of frictionless trade and regulatory divergence with the EU that the new deal heralds”.

Similarly, on Saturday my honourable friend Madeleine Moon MP reported:

“Ford is leaving Bridgend, where it has 1,700 jobs—with 12,000 jobs across the south Wales economy—because it was worried about a no-deal Brexit”.—[*Official Report*, Commons, 19/10/19; col. 615.]

She also fears that even the new deal risks the end of just-in-time manufacturing. What are we doing preparing for an outcome that could devastate our valleys, our industrial heartlands, jobs and the economy?

The pretence that we need to make urgent preparations for a no-deal exit, which the Commons has voted against, is all for show. I do not know whether other noble Lords were as angry as I was when, late on Saturday night, I read in the PM’s billet-doux to Donald Tusk of the,

“corrosive impact of the long delay in delivering”,

Brexit—as if it had nothing to do with him. Who was in Government and then resigned in July last year at the time of the Chequers deal? Who refused to support the original deal in November, causing further delay? Who has now manufactured the totem of 31 October

as his own virility test, at enormous expense to Parliament's ability to scrutinise legislation, business's ability to prepare and increased uncertainty? It was of course Boris Johnson, who has got what he wanted out of it: he is now Prime Minister. It is now time that, as Prime Minister, he put the national interest first. He should put aside this shroud-waving of 31 October and Yellowhammer and turn his attention to ensuring that the UK's trading links with the EU are strengthened, that such trade is frictionless as well as growing, and that UK citizens across the EU can have some certainty about their future.

Before I finish, I want to say two positive things. There is one really welcome statement in what we have just heard: that the Commons will be involved in agreeing the mandate for negotiations on our future partnership arrangements with the EU—effectively, I think, the Monks-Lea amendment that we put to the 2018 Bill, and which sadly did not survive in the Commons, and the Trade Bill amendment passed in your Lordships' House. We have yet to see the withdrawal agreement Bill; we will see it later this evening. If, once we have seen it, that commitment to the prior approval of the negotiating mandate is included in the Bill, we on this side will at least cheer that.

I absolutely concur with what the Minister said on behalf of the other House, and what we should also say here, about the incredible work across the House to enable us to meet on Saturday. If I heard my noble friend right earlier, I fear that they may be requested to do it again, in which case it may have to be a "please" as well as a "thank you".

Baroness Smith of Newnham (LD): My Lords, I will follow on seamlessly from the noble Baroness, Lady Hayter. I have not had the advantage of seeing the Statement before the Minister repeated it, and so I am responding very much on the hoof.

I note that the Secretary of State suggested that it would have just been for the House of Commons to have voted in favour of this deal to honour the will of 17.4 million people. However, as the noble Baroness, Lady Hayter, pointed out, there were many opportunities: three times, a previous deal was voted down, and one of those who kept voting against the previous deal was the man who is now Prime Minister. The idea that somehow the House of Commons could have, on Saturday, ensured leaving on time is an interesting concept. I understood leaving on time to mean leaving by 29 March 2019. Theresa May, as Prime Minister, said 109 times that we were leaving on 29 March. The idea that, on Saturday, MPs somehow prevented us leaving on time is a little misleading.

If we are to leave the European Union, it ought of course to be done in an orderly way. Preparations for a no-deal scenario make sense. But if preparations for no deal, or to leave at all, were so important, how unfortunate it was that David Cameron prevented the Civil Service even preparing for the eventuality of a vote to leave. How unfortunate that the preparations for a no-deal scenario, which we are led to believe were made in advance of 29 March, were ripped up.

The Minister repeated that freight capacity will be increased from 31 October and that four operators have been contracted for six months to deal with

freight. I seem to recall that we spent quite a lot of time earlier in the year asking questions of the noble Baroness, Lady Vere, about the contracts that had been let and subsequently set aside for the previous no-deal arrangements. Will the Minister tell us how much these new contracts cost and what will happen in the event that we do have a deal? Are we contracted to four freight operators for six months whether we need them or not?

It is clearly important to have effective arrangements for a no-deal scenario. Yet it seems that, in the last weeks, the person who has done the most work is Michael Gove. He and his office have been preparing actively for no deal. He is now talking about working seven days a week. How much effort has been put into ensuring that there is sufficient time in the event that a deal is agreed? How much time is being put in place to ensure that Parliament can do its duty? It cannot go forgotten that the Prime Minister tried to prevent Parliament carrying out its scrutiny duty for five weeks by attempting a Prorogation, which was then deemed null and of no validity. That was precisely the time when Members of your Lordships' House and the other place could have been scrutinising both the prospect of a deal and no deal. That time was wasted.

This afternoon in the other place, quite a lot of time was spent discussing how much time it will have to debate and scrutinise the withdrawal agreement Bill, which, as I understand it, nobody has yet seen. I know that the Minister will throw the Benn Act back at us and say, "Ah! But noble Lords wanted a truncated process". But the Benn Act was a short and relatively simple piece of legislation. The withdrawal agreement Bill cannot be a short and simple piece of legislation. We are talking about enacting an agreement of over 500 pages. The withdrawal Act of 2018 is extremely detailed legislation. If there is a withdrawal agreement, the Act to bring it into play and to amend the withdrawal Act of 2018 will inevitably be deeply complex. The idea that we can do that within 10 days seems incredible.

Lest the Minister and others on the Government Benches wish to say that this is our own fault, I ask this: how much time are the Government proposing to allow Parliament to sit? Would it not be sensible, as the Father of the House of Commons has suggested, that the Commons sit later into the night and on Friday? It is little use to suggest simply that your Lordships' House sit on Friday and Saturday. What about ensuring that the democratically elected Chamber has the time to do the job that it is meant to do?

Finally, the noble Baroness, Lady Hayter, talked about a ruse. I wonder too whether there was not a ruse. Are we being told that we must prepare for no deal to make the hysteria so great that MPs feel the need to adopt this deal—any deal—simply to avoid no deal? Surely that is not good decision-making.

Lord Callanan: I thank the noble Baronesses for their comments and questions. I will turn first to the noble Baroness, Lady Hayter.

It is important to point out that, in these matters, we are acting on the appropriate official advice. Not to act on that advice would be the irresponsible thing to do. The noble Baroness made the quite incredible

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statement in her introduction that an extension was guaranteed and that surely we did not have to worry about it. I assume that she has not seen the statements of the President of France, the Taoiseach of Ireland or the President of the European Commission, who all said that an extension was by no means guaranteed. A number of other commentators in Europe have spoken against an extension—so not to prepare would be the irresponsible thing to do.

I repeat that no deal is not our desired outcome. We have negotiated a deal precisely because we want to see it agreed. However, in its absence, 31 October remains the legal default. That was the extension granted previously by the European Union, and of course the solution is in its hands. As I have repeatedly said, if Labour is so keen to avoid a no-deal exit, there is a deal on the table for it to vote for. There was a deal on the table for it to vote for several months ago and it decided not to do so. If it wants to avoid a no-deal exit, the best thing to do is to vote for a deal. However, the suspicion remains that it is not a no-deal exit that Labour is against but an exit at all. It is against Brexit.

I apologise to the noble Baroness, Lady Smith, if she did not get a copy of the Statement in advance. It is very difficult to respond to these matters if one has not seen them beforehand, so she has my sympathy. She also has my thanks, because she was one of the few Liberal Democrats who originally said that the referendum result should be respected—although I think she has changed her mind recently.

As to the freight contracts, these are framework contingency plans. We hope that they will not be required, but they are contingency plans in case there is severe disruption to make sure that we can still get category 1 goods—medical supplies et cetera—into the country. It is our hope and expectation that, with all the mitigations and the extensive and extensive planning that we have put in place with the various local resilience forums, the contingency contracts will not be required.

The noble Baroness made her own point about time for parliamentary scrutiny. She is quite right. I was going to throw the Benn Act back at her. However, I do not need to talk about the hypocrisy of that, because I have already made that point. Again, to be fair to the Liberal Democrats, they have been clear that they are against Brexit at all and not just a no-deal Brexit. However, I am sure that they will want to play their part in the appropriate parliamentary scrutiny.

7.11 pm

Baroness McIntosh of Pickering (Con): My Lords, my noble friend has made great play of inviting us to agree the deal that will be before the House in this Bill. However, the likelihood of no deal being deferred to December 2020 is the greater now because my understanding is that the Government are going away from the original proposal of dynamically aligned regulation towards equivalent regulations and a free trade agreement as the future relationship. My noble friend Lord True agrees with me that there is a stronger likelihood now of merely deferring no deal until December 2020. Does the Minister not agree that that is totally unacceptable?

Lord Callanan: The noble Baroness is correct that we want to see a best-in-class free trade agreement. That should be relatively straightforward to negotiate, and we believe that it can be done before the end of 2020. We want to see that done and in place so that we can move on to the next phase of our relationship.

Lord Carlile of Berriew (CB): My Lords, given that the Minister has told us in no uncertain terms that we could be 10 days away from a no-deal exit from the European Union, can he now assure the House that steps have been taken to ensure that the data this country requires to protect itself from terrorism has been protected so that it will not be diminished after 31 October? Can he also assure us that steps have been taken to ensure that what we will lose from leaving the European arrest warrant has been substituted by improving the sometimes difficult measures that are applied by Interpol?

Lord Callanan: I can certainly assure the noble Lord that we have had extensive discussions and that planning has taken place with the security services to ensure that they have all the data available to them to enable them to do their job. It is the case, of course, in terms of national security, that many of these discussions go on outside the European Union, and those good relationships will continue. With regard to law enforcement data, we are putting mitigation steps in place to make sure that we can still take full advantage of the procedures.

Lord Howarth of Newport (Lab): My Lords, given the serial inability of the House of Commons to reach a constructive conclusion on Brexit even when presented with this deal, which reasonable people should surely be able to compromise on and agree with, and given the very real possibility that the EU Council—fed up with the dithering and indecision of our Parliament—will decide that it has had enough and refuse to grant us an extension, is it not mere common sense that the Government should redouble their efforts to prepare for the contingency that we leave the European Union without a deal on 31 October? In these circumstances, would it not also be appropriate for this House to express its appreciation of all those officials who are straining every sinew to make sure that we are adequately prepared for such an eventuality?

Lord Callanan: I thank the noble Lord for his comments. It is indeed common sense that we prepare for that eventuality. It seems to be a common sense that escapes a number of Members in this Chamber, but it is the sensible thing to do. I indeed want to pay tribute to the many officials who are working extremely hard, up and down the country, seven days a week. As I walked into a meeting in the Cabinet Office on Sunday morning to discuss these matters, I thought of that very fact.

Baroness Janke (LD): Many of us in this House, and the Minister's good self, will be aware that, whatever happens with regard to leaving the EU, with or without a deal, there are many years ahead of negotiations, work and reaching resolutions of problems after 40 years

of being in the EU. Does the Minister feel that the “Let’s get Brexit done” slogan of his party at the moment gives the right impression to the public? Does he not think that, as we have many years of negotiations ahead, members of the public will again feel that they have been lied to and misled and that the idea of bringing the country together and moving on will be fiction after all?

Lord Callanan: I thank the noble Baroness for her question. I cannot believe that I am being lectured about sloganeering by the Liberal Democrats. I would repeat the slogan that they gave us on Brexit, but it would probably be unparliamentary language, so I had better not. We should indeed get Brexit done.

Lord Howell of Guildford (Con): My Lords, is it correct that it would take up to 33 weeks—more than half a year—to organise properly another referendum?

Lord Callanan: It is extremely difficult to say. However, the noble Lord is well experienced in parliamentary matters. The previous referendum, I think I am correct in saying, took about seven or eight months in total to get through the various Houses and their procedures and to take place. That was with a Government with a majority and a manifesto commitment to do it, so we can draw our own conclusions as to how long it would take to get referendum legislation through when this Government will manifestly not introduce that legislation. There is clearly no majority in either House for it and no agreement on what the question should be, or the franchise or the rules governing it. Many Members who are much more experienced in the workings of the House of Commons than I am have estimated that it could take even longer than that.

Lord Lea of Crondall (Lab): My Lords, paragraph 10 of the Statement repeated by the Minister reads as follows:

“Furthermore, no formal response from the EU has yet been received to the two letters sent by the Prime Minister on the evening of Saturday 19 October”.

Is the Minister surprised that there has been no formal response to these two letters, which say opposite things? One of the letters is not signed, and that is the view of Parliament. The other letter is signed by the Prime Minister. It says that the EU can ignore the first letter, which is unsigned, because it is only the view of Parliament. Is the Minister surprised that in a parliamentary democracy it should be so surprising that the European Union, in all its manifestations, has not replied to these two letters on the grounds, first, of the strange constitutional concept behind them and, secondly, that they say totally opposite things?

Lord Callanan: What the Minister is surprised about is that the noble Lord clearly has not read the letters. We do not say in the second letter that the first one could be ignored. We were complying with the terms of the Act. We were sending the letter as required by the Benn Act but making clear what the policy of the Prime Minister and the Government is. The noble Lord, Lord Pannick, and other legal commentators have said that that is perfectly within the law.

Lord Caine (Con): My Lords, I welcome what my noble friend said about decision-making powers in Northern Ireland, which a number of us raised with him a fortnight ago. Can he confirm that while there might be obligations on Her Majesty’s Government to consult the Irish Government under the terms of the 1998 British-Irish agreement, the decision to introduce direct rule is a matter for Her Majesty’s Government and this Parliament alone?

Lord Callanan: I thank my noble friend for his question. I know the close interest he takes in this matter, which he asked me about a couple of weeks ago. I hope he will understand why I was not able fully to answer his question then. It would indeed be a matter for legislation in this country although, given the terms of the Good Friday agreement, we would want to consult closely with the Irish Government.

Lord Wigley (PC): The Minister said that the European authorities should not ignore the first letter that was sent, and I am sure we would all concur with that. Assuming they do not ignore it, and that they respond to it over the next seven days, will he give an assurance that the tremendous waste of resources in this preparation exercise will immediately be suspended and the extension will be taken full advantage of in order to get an orderly Brexit—if Brexit has to happen?

Lord Callanan: The President of the European Council tweeted to say that the request was valid, and he had accepted it. Of course, the legal default remains in place, but as soon as this Parliament agrees a deal and the EU agrees a deal or an extension is granted, we will want to discontinue the arrangements for leaving on 31 October. But many of the preparations we are undertaking will be required on our eventual exit anyway.

Lord Hannay of Chiswick (CB): My Lords, does the Minister agree that the timing of this Statement today is a trifle odd? It seems at the very least to show an absence of confidence in the communication the Government transmitted to Brussels on Saturday evening asking for an extension. Are the Government so sure that that will fail that they need the added expense of this action today? It is very odd timing. Before we hear all the quotations about the views of the President of France, the Taoiseach and others, might it be wise to remember that only 10 days ago the Prime Minister was calling those who communicated with such people collaborationists?

Lord Callanan: I repeat the answer I gave to the noble Baroness, Lady Hayter. It is not odd at all—it remains the legal default. The irresponsible thing to do would be not to prepare, because we cannot be sure that the extension will be granted, as a number of European leaders have made clear. The noble Lord has occupied senior positions in the Civil Service. In his previous career I am sure he would have regarded it as highly irresponsible not to prepare for something that was the legal default, the outcome of which we had no certainty about.

Baroness McIntosh of Hudnall (Lab): My Lords, may I take the Minister back to the answer he gave to the noble Baroness, Lady Janke, on the Liberal Democrat Benches? I do not disagree that nobody has a monopoly on the use of slogans, but is it his belief that if we leave on 31 October, with or without a deal, Brexit will be done? That is not a view widely held anywhere else, no matter what side of the argument anybody might be on. Does he agree that, whether we like it or not, the process of detaching the United Kingdom from the European Union will be complicated, long, drawn out and not, as he said earlier in respect of negotiating trade deals, relatively straightforward? Nothing about this process has been relatively, or even a bit, straightforward. Does he therefore not agree that it is really not in the interest of sensible debate here today or in future to continue to say that we need to get Brexit done? We do, but it will not be done on 31 October.

Lord Callanan: I thank the noble Baroness for her question. I suppose we are getting into the semantics of what “done” means here. It will be done in the terms that we will have left the European Union, but if she accepts that concession, I will be happy to agree with her that of course discussions will need to take place and agreements will have to be made across a range of areas. I have many times said across this Dispatch Box that discussions will take place before we leave and, I hope, discussions will take place after we leave. We have to have agreements with the European Union in a range of areas. I have never resiled from that. We will need to agree a number of different policy areas with the EU.

Lord Hamilton of Epsom (Con): Will my noble friend spell out to us exactly what is in the gift of the other place or your Lordships’ House in terms of amending this legislation? Surely, we are talking about an international treaty that has been agreed with the EU. What happens if we make substantial amendments to it? Are we expected to go back to the EU and say that the agreement we have already made has to be amended? Surely, what we can do in the Bill that will be presented to us will be very restricted.

Lord Callanan: My noble friend asks some good questions. The answer is complicated. If the terms of the withdrawal agreement itself were to be altered by amendment, the effect would be that we could not ratify the treaty and therefore there would be no deal. Of course, there are other elements that could be amended, which would affect operations in the domestic sphere but would not affect our ratification of the treaty.

Lord Beith (LD): The material that is most likely to cause disagreement between the two Houses concerns the powers that the Bill might give to Ministers and the extent to which they can act without parliamentary approval. We will not know how extensive they are until we see the Bill. Would it not be a good idea to have a contingency plan to make use of any extension which is offered to ensure that proper parliamentary

scrutiny is given rather than sounding, as bits of the Statement do, like Captain Mainwaring declaring martial law?

Lord Callanan: After my experience with Commissioner Timmermans, I do not think I am going to get into “Dad’s Army” analogies any further. We want to get Brexit done by 31 October. We have spoken about these issues and debated them endlessly and it really is time to get on with it.

Baroness Hayter of Kentish Town: It was said in the Statement and repeated in answer to a question that, following the advice of officials, this preparation should go ahead. I think I have the wording right. Will the Minister confirm whether that is simply the advice of civil servants, whom I respect greatly, or the legal advice the Government have been given?

Lord Callanan: My noble and learned friend Lord Keen in not in his place, but he would be telling me that I am unable to comment on legal advice that the Government are given, but it certainly follows a range of advice from officials and government.

Viscount Waverley (CB): My Lords, really detailed scrutiny is needed to take account of the long-term consequences, in whatever form they take, for decades to come.

Lord Callanan: The long-term consequences will flow partly from the withdrawal agreement but also from the political declaration and the future arrangements. We have committed to involving Parliament fully in the detailed negotiating mandates for the future arrangements. I am sure there will be lots of happy hours for all of us, endlessly discussing these matters for a long time to come.

Baroness Young of Old Scone (Lab): Will the Minister elaborate a bit on the context in which this Statement was made? At the beginning, I think I heard assurances that the Government are committed to securing environmental protections. So will the Minister tell us why non-regression on European environmental standards was removed from the binding element—the withdrawal agreement—and relegated to the non-binding element—the political declaration—thus leaving environmental standards to the mercies of the negotiation of the trade agreement? Will the Minister admit that that is asking us all to buy a bit of a pig in a poke, in that we do not know what the deal on environmental standards will be as a result of the negotiations on the free trade agreements? Will he tell me that this is the reason why members of the ERG are going around with broad smiles on their faces, laughing in the face of the environmental movement? They are notably flat earthers and climate change deniers.

Lord Callanan: The noble Baroness demeans herself with some of those statements. The original level playing field provisions were in the Irish protocol, which has been abolished and replaced with entirely new arrangements. We have committed to provisions

in the political declaration, and she will know from her experience that our environmental standards go much further than many in the European Union. Only last week we announced legislation on the new environmental protection bodies, and we have announced legislation on single-use plastics which is far in advance of legislation from the European Union. We are proud of our environmental record and will continue with it.

Queen's Speech

Debate (5th Day) (Continued)

7.30 pm

Lord Hastings of Scarisbrick (CB): My Lords, we return to the Queen's Speech and I shall concentrate my remarks on the criminal justice aspects of it. My interests are well known and listed in the register: I was the co-founder of Catch22, of which I remain a vice-president; I was the chairman of Crime Concern for 15 years; and I am a regular prison visitor.

When the Prime Minister became Prime Minister and appointed the Home Secretary, the two of them were to be found rushing around the country with popular newspapers in tow seeking to grab as many headlines as possible about being savage and unkind to prisoners. It sounds like a good piece of election rhetoric to inflict as much injudicious pain as possible on those whose crimes are well known, but it is very petty policy. It is intended to reassure the public that the Government are tough on the nasty people but it comes from a nasty place. It comes from wanting to make us, in effect, more fearful and therefore to trust government institutions.

We do not need to spend more time in this House or over any part of the years to come on the subject of building new prisons and adding more prison places. We all know that our system is broken and does not work effectively. We incarcerate far too many people, we lock them up for far too long, and we ensure, by the bad manner in which we hold them behind bars, that very few are effectively rehabilitated and that they do not return to society as sound citizens. Our rehabilitation rates are poor and the return-to-prison rates far too high. What we really required in the gracious Speech was the recognition that we need to learn from other parts of the European Union and Latin America that are closing prisons, reducing the number of offenders who go to prison and moving towards civilising and supporting individuals with their mental capacity, their ability to learn and educate, and the option to contribute, again, as responsible citizens.

One thing that I have learned in my now extensive and very regular prison visits in the south of England, particularly in Kent, is that after a few years many of the men locked away for extensive periods learn the hard lessons of their foolishness and victimisation. However, under our system we are committed to retain them behind bars for maybe 20 or 30 years, paying an extensive cost, estimated to be between £48,000 and £50,000 a year—more than it costs to send a child to Eton—and, for young offender institutions, between £80,000 and £120,000, which, again, is a multiple of what it costs to send a child to the most expensive and some of the best private schools in the country.

Therefore, this multibillion pound system, which is piling on more people and more young offenders and regularly returning many more to prison, is simply not delivering success, opportunity, fairness or justice. It is not good policy to go around beating up those who are already destitute by their own failure and, on many occasions, are very highly repentant and determined to be responsible citizens of the future. Instead, we need policies committed to returning them safely to society and we need their support, as taxpayers, as contributors to the strong society that we all need.

I hope that the Minister will consider, and maybe reply, on the thought that it is about time that we had a royal commission to consider the nature of sentences, particularly for serious crimes, the length of those sentences and how the rehabilitative process should be better undertaken, learning the lessons of countries—especially Nordic countries—that have moved to much more open prison policies and offer educational and emotional support, dealing with fundamentals such as drug abuse and mental pressure issues, and taking the savagery out of a system that is not delivering us a safe society.

The comment in the briefing provided to us by the Library from Frances Crook, the chief executive of the Howard League for Penal Reform, could not say it better:

“This is not about protecting victims. This is not making communities safer ... it adds to increasingly punitive rhetoric emanating from government. The tenor of the debate on crime and punishment seeps into the public discourse insidiously. At a time when the nation is already divided and increasingly angry, adding this fuel to the fire is irresponsible”.

Therefore, we need a royal commission to at last open up this question and stop fearing the tabloid headlines, which just want to say, “Push them away more firmly”. I noted the Prime Minister's visit with the Home Secretary to a prison in, I think, Leeds, where they rushed along the corridors and did not talk to any prisoners in an attempt to understand the reality of their lives, instead standing with prison officers and pointing out how dreadful the people behind bars were. They are citizens—members of our communities—and they will return to our communities. If we do not deal with them properly, they will repeat their crimes at great public cost. We have to learn from the pattern of failure.

I want to make a quick comment on the stop and search extension proposed under the legislation. I have said many times in this House that it is downright folly. Coming from one of the ethnic minority communities—a black community—and knowing many young men who have been stopped and searched, I can tell your Lordships that this does not drive an effective approach to safety or policing; it builds phenomenal resentment and causes additional unhappiness and crime, and of course it is an inappropriate way to handle young men.

7.36 pm

Earl Attlee (Con): My Lords, I am grateful that the gracious Speech indicates that the Government intend to put more resource into the criminal justice system and the police. The difficulty is that I am not convinced by the strategy and am rather more with the noble

[EARL ATTLEE]

Lord, Lord Hastings. However, I do not support the idea of a royal commission, simply because it would recommend only what it thought was politically possible. I think that people like me and the noble Lord, Lord Hastings, need to push for much more drastic reform.

During a recent debate introduced by the noble Lord, Lord Ramsbotham, I told the House that I have spent the last two years, among other things, taking a very close look at the UK's prison system. I also said that I have concluded that the system is hopelessly and fundamentally flawed.

Your Lordships know perfectly well that minor offenders can sometimes go on to commit very serious offences unless the pattern of behaviour is halted early. For these younger prisoners—those younger than 26 to 30—it is essential that the causes of their offending are addressed. Very often these are illiteracy and innumeracy, coupled with a lack of hope, pride and self-discipline. That is why I proposed a new sentence of being “Detained for Training” at Her Majesty's pleasure, or DFT for short. Release would depend on achieving the required standard of literacy, numeracy, trade training and personal conduct as an alternative to being incarcerated for a set period predetermined by the court—something that the noble Lord, Lord Hastings, touched on.

Offenders on DFT would not necessarily be accommodated in a classic prison building, and I suspect that I share some thinking with the noble and learned Baroness, Lady Butler-Sloss. Furthermore, the term “personal conduct” would include abstinence from substance abuse. There would have to be a cap of, say, five years for those who still did not want to comply.

Some outside this Chamber have queried the economics of my DFT proposal and the possible views of the Treasury. The latter, as noble Lords know well, is always a problem with any new policy. I am neither equipped nor qualified to lay out exactly how to run a DFT system, nor can I say how much it would cost to run, other than to observe that the current system is a very expensive way of achieving very little with prolific minor offenders.

I fully take on board the point that the noble Lord, Lord Ramsbotham, keeps making about the need for the current and any future system to be properly managed and led. The most obvious need is to keep operations separate from policy determination and accept that mistakes will be made and things will go wrong. I should like to make it clear that I do not believe that the problem with our current penal system lies with either the prison governors, at all levels, or prison officers. The problem is what we tell them to do with the prisoners.

The current economic model with regard to the prolific minor offender is that, after several community sentences, we spend, say, £40,000 on his—the vast majority are male—first sentence to immediate custody. We totally fail to address his weaknesses in literacy, numeracy and personal conduct. All noble Lords are aware of the 60% reconviction rate within 12 months, and that figure is flattered by those who are extremely unlikely to reoffend post-release. So we spend another

£40,000 on the next relatively short prison sentence, as observed by the noble Lord, Lord Hastings. Surely, if we properly sorted out the offender the first time round, even if it meant spending £60,000, we could avoid the cost of the second and subsequent prison sentences and all the associated harm to the community they entail.

I am not convinced by the new policy of increasing sentences for serious offences even further. The exception is the provision for deported foreign offenders, which is welcome. We know that our sentences are much longer than those of comparable states and, as a result, our incarceration rate is very high. I fear that one driver of this is that policymakers and the general public take a middle-class view of deterrence. For instance, I never use my handheld mobile phone while driving because I know that I risk having an accident and, most importantly, a prison sentence. A prolific minor offender simply does not care. I really do not think that the actual length of the possible prison sentence matters to a very serious offender at all. What really matters is the probability of being caught and being sentenced to prison, as observed by the noble Lord, Lord Paddick. The most important thing is to be effective in steering youngsters away from a life of crime.

7.42 pm

Lord Scriven (LD): My Lords, I draw the House's attention to my interest in the register as a vice-president of the Local Government Association. I also join other noble Lords in thanking the noble Lord, Lord Bourne of Aberystwyth, for the great work he did as a Minister and his co-operative way of working on local government and inclusion, which was welcomed across the House.

This debate is taking place at a time of great strain for the fabric of the areas and regions of the United Kingdom, but I suggest that Brexit is a symptom, not the cause, of these strains. It is not the European Union that causes some of us in parts of the United Kingdom to take Pacer trains that are more like garden sheds on wheels; that has over many years created the imbalance in regional investment across the country—in fact, the EU has actually helped at times with regional funds—that has seen a lack of investment in helping businesses equally in this country in terms of IT and other infrastructure; that has been responsible for lack of skills or focus on skills in certain parts of the country; or that has been responsible for the lack or imbalance of regional productivity across the country.

The cause of all this has been a lack of effective—or any—regional policy over the last 30 to 40 years, and Governments of all colours have to take some responsibility for this. When it comes to investment, life chances, life expectancy, job opportunities and a lack of hope, the real causes, as I have said, are the divided country, divided nations and divided regions. If you want to “get on with it” and bring this country together, I suggest that we need to focus on devolution and regional policy. If the Government spend a 10th of the time on this that they do on preparing for a no-deal Brexit, we could start to deal with the real causes of the divides and strains in our nation.

Welcome as the Government's lines on devolution in the Queen's Speech are, they are scant on detail. Devolution is not a slogan such as "northern powerhouse"; it is not one person such as a metro mayor; it is not decentralisation from an out-of-date way of doing governance from a central Victorian Government. It is fundamental and systematic change of how our country is governed, where power lies and how power and responsibilities can be used—a much more federal model, pulling down the pillars of a bureaucratic, London-centric model.

It starts here in London. Devolution never talks about what needs to change at the central level. It talks about how you give crumbs or parts of decentralisation from here down to the regions or areas, all of which are predetermined by Government and importantly—and we need to get away from this—the shadow and heavy hand of the Treasury, which blocks based on what it thinks is right from its economically London-centric view of what is needed for the regions, areas and countries of the UK.

We need to talk about a different way of governing centrally. We need a Cabinet member for regional vibrancy and economic performance and a real ministry for devolution and economic policy, pulling in powers from different ministries so that they are not arguing in silos about who is responsible. We must also do away with them being responsible to the Treasury. The Treasury stops and stalls. We need to start here, before we start talking about what I call "devolution by default". Unless there is a national security or strategic reason for keeping them central, the models and powers of devolution should be decided by the area. It does not have to be a metro mayor or a pick-and-mix approach to what is needed on devolution. It should be down to each region.

Can the Minister therefore say what central changes will be made in government to make devolution work? Will we move away from a pick-and-mix model of devolution where you can pick and mix only certain things that have been predetermined by the centre, which would not bring around the true approach to dealing with this? What new funding models will be available for devolution? Local taxation and finance-raising powers are needed. It should be down to local people to decide through the ballot box whether something is right or wrong, not someone at the Dispatch Box here to say that it is not in the interest of local regions.

If we are serious about bringing our country together and dealing with the strains and issues that have caused Brexit, we need a different and more devolved way and better regional and local policies to do so. That has to start with a very different and radical approach to what we wish to do.

7.48 pm

Baroness Eaton (Con): My Lords, I declare my interests as a vice-president and former chair of the Local Government Association.

The Queen's Speech has set an ambitious agenda, and quite rightly so. Life in the communities of this country continues irrespective of the trials and tribulations of the Brexit issue. There is much in the Queen's Speech that I welcome, as many of the proposals are

signs of progress. As we implement these changes, we must ensure that we listen to the needs of our local communities. Because time is short, I will focus on only two issues which I believe my insight into local government leaves me well equipped to talk about: the Domestic Abuse Bill and the devolution White Paper.

Domestic abuse is a hugely important issue, one which I know we all take very seriously. The LGA and others have long supported the need for a domestic abuse Bill. This Bill is a legislative landmark. It will provide the first definition of domestic abuse that is not limited to violence. Women's Aid has said that it has the potential to create a step change in the national response. I am sure all noble Lords would agree that this is promising.

The creation of a domestic abuse commissioner will also help to raise the profile of this issue and ensure that the momentum behind it continues. For their part, councils will work collaboratively with the commissioner to support good practice across the country. However, I want to highlight that there also needs to be a greater focus on prevention and early intervention, to tackle the root causes of domestic abuse in the first place. Councils are best placed to lead on this agenda, but their ability to provide support services is currently limited by significant budgetary pressures. The Government must ensure that councils, and their partners, are given the resources they need.

Ahead of the Queen's Speech, the LGA also called for a new devolution settlement. Across the board, services can be delivered better when councils have the freedoms and funding to make local decisions. Devolution is the key to progress for local communities. The Prime Minister has shown his commitment to the devolution agenda and I welcome the Government's proposed White Paper. It is particularly important as there have been no new devolution areas agreed in the last two years. When deals have been agreed, we have seen a focus on cities and individual negotiations. With this White Paper, we must go further. The mayoral combined authorities have already begun to demonstrate the real, tangible benefits of devolution, but that model does not suit everyone. We cannot continue to leave the rest of the country behind.

I was delighted to hear the noble Lord, Lord Bichard, refer to Total Place. Having been involved in discussions on Total Place and its early stages, I support his desire to see it being reconsidered and brought forward. The noble Lord, Lord Scriven, who believes that the Treasury does not deal well with local government, might find that Total Place could be part of a good solution to that issue. As the White Paper is developed, I hope that national and local government can work in partnership to ensure that they work for all local areas. We need to move towards a package of sustainably funded devolved powers, available to all English local government. This in turn will ensure prosperity and growth across our country.

I conclude by once again welcoming this Queen's Speech. Its proposals will allow us to work together to protect our most vulnerable residents and ensure our long-term success and prosperity as a nation. For this to happen, the Government must work with local leaders, who are best placed to understand our communities

[BARONESS EATON]

and the challenges they face. I look forward to hearing the Minister's thoughts on a new collaborative approach. Together we can continue to make a difference for people across England.

7.54 pm

Lord Carlile of Berriew (CB): My Lords, with the prospect of one or more general elections looming, I want to grasp the opportunity to thank the noble Baroness, Lady Williams, for her excellent work as a Minister in the last, long, two-year Session. She has been courteous, consultative, listening, inclusive and responsive, and I hope she will continue to be a Minister for a long time to come. That is not just cupboard love in the hope that I get a good response to the comments I am about to make.

My first point is about Brexit and national security. A few minutes ago, we heard from the noble Lord, Lord Callanan, that every effort is being made and discussions are taking place to ensure that national security is not affected. I am afraid I do not accept that matters have gone beyond those discussions. The Minister and the Government should be ready to come to Parliament if they need more legislation to ensure that the security services and the police can command the data they need and have new treaty guarantees to strengthen our relationship with the not-always-successful Interpol, to replace the loss of European Union institutions.

My second issue relates to imprisonment generally, and I broadly agree with the very eloquent comments of my noble friend Lord Hastings and the noble Earl, Lord Attlee. I am a former president of the Howard League for Penal Reform, an interest I should have mentioned earlier. Generations of research demonstrate that longer sentences, fuller prisons, reduced parole opportunities, diminished prison education and other cuts are absolutely no way to relieve the tensions caused by crime. I urge the Government to develop a mature and considered prison policy rather than one founded on soundbites prepared ahead of an election, as we have started to hear.

My third point relates to the youth courts. In 2014, a committee of parliamentarians assisted by the Michael Sieff Foundation and others produced a report on the youth courts. I had the privilege of chairing the committee. A significant colleague in our unanimous recommendations was one Robert Buckland, now the Lord Chancellor. Our conclusions were welcomed by the then Lord Chancellor, Michael Gove, and the signs of support from the Youth Justice Board were encouraging. However, repeated ministerial changes have left a frustrating sense of stasis. To focus on just one example of our many recommendations, we identified a lack of relevant experience in representation offered in youth justice at both police stations and courts. The cases themselves are often uncomplicated, but the defendants are usually very complicated indeed, with multiple co-morbidity of social problems, mental health problems and, sometimes, physical health problems. I would welcome an indication that these cases—which almost always occur at a key stage in young lives—can be given the priority they deserve. A good starting point would be the funding to commence training

programmes and a fit-for-purpose accreditation framework for the lawyers who appear in those courts. Too often, the most junior lawyer in a firm of solicitors or a barristers' chambers is sent to the youth court, with practically no information. It will not do, and it is time we moved on.

My final point is entirely different. It relates to the private security industry, which we now see protecting the public in many parts of our major cities, including this building. Private security is regulated by the Security Industry Authority, the SIA. Over 360,000 individuals hold SIA licences, and this area is becoming a more crucial part of law enforcement, justice and the protection of the public every single day. The SIA has the power to license individuals but not companies, and it cannot delicense companies as it can individuals. Some pretty bad people, as well as some pretty good people, work in the private security industry. In my view, there is now an imperative for business as well as individual licensing, to ensure that the small number of bad providers can be dealt with effectively, for example by ensuring that the tax liabilities they owe to HMRC are met without the companies becoming insolvent and then re-emerging—through the so-called phoenix syndrome—with a new name a few days later. Taken together, a national strategy combined with the SIA's desire to upskill the profession and to regulate at both business and individual level will enhance public protection.

I hope that the Minister can offer some comfort on the four issues I have raised.

7.59 pm

Lord Kirkham (Con): My Lords, there is undoubtedly a great deal to welcome and to commend in the domestic agenda set out in Her Majesty's most gracious Speech, though so far it has all been sadly overshadowed by the vexed question of Brexit. I am, above all, a unionist—not a trade unionist nor an Ulster unionist, but a simple believer in the almost universally popular proverb and motto "Unity is strength". Clearly there is strength in numbers, and we are better and stronger together. That is principally why I was a remainer on the European question, and why I hope against hope that the resolution of that question will not further drive to divide Scotland from the United Kingdom, weaken the ties between Great Britain and Northern Ireland and encourage separatist tendencies in Wales or even Yorkshire.

But it is not just the devolved nations that demand our attention. Let us not be mesmerised by the last three years of agonising and divisive debate about our future direction as a nation. I think we can all agree that there is now a need to come together. To bring the nation back together through their legislative programme, I believe that the Government should maintain a strong focus on healing the divide in this country—England—between north and south. This is not solely an English issue. If I may, I shall co-opt the devolved nations for these purposes as honorary northerners, which, in the case of Scotland and Northern Ireland, certainly corresponds to geographical reality.

There is a clear divide between the north and the prosperous, powerful region in which we sit, London and the south-east, that erodes loyalties, nourishes

resentment, is the enemy of prosperity and stifles the potential of far too many of our people. We hear encouraging noises about the northern powerhouse, but we need so much more than platitudes, promises without timelines or faster trains—yes, more even than HS2. We have created a patchwork of city regions, some with elected mayors, yet we do not seem to have managed to create a unifying voice or purpose that would engage and unleash the latent power of the north.

I am immensely proud to be a northerner, born, bred and resident to this day. But I am also ashamed that the north continues to suffer from a long and complex list of disadvantages, including but by no means restricted to lower incomes, worse job prospects, vastly poorer infrastructure, cultural sparsity, inferior health outcomes and even lower life expectancy.

The metropolitan media has spent three long years wringing their hands over the fact that in most parts of the north—here I clearly exclude Scotland—a convincing majority cast their votes for leave. Was this maybe because they were not sufficiently educated? No, more likely it was because the north felt left behind—neglected, like a poor relation, insufficiently cared for. Maybe it was its way of trying to make politicians sit up and take notice. Well, we should.

I would like the acid test of all domestic legislation in the current Session to be: does it treat the north fairly—by that I mean does it treat the north equally? Does it help to draw the nation together? If we are to make our way in the world as an independent country, it is absolutely vital that we harness the talent and energies of all our citizens, from every single area and diverse region of our land. We will achieve that only if we invest in the north—not just select cities or other parts of the north where the impact of our neglect is far too embarrassing to ignore, but the north as a whole. Nurture it, care for it, seek to reduce the hurtful inequalities between north and south, and improve understanding of each other's needs across the length and breadth of the nation. Surely we have had enough of division, bitterness and unfairness. As Churchill famously put it,

“let us go forward together with our united strength”.—[*Official Report*, Commons, 13/5/1940; col. 1502.]

8.04 pm

Lord Shutt of Greetland (LD): My Lords, I am delighted to be the fifth northerner in a row in this House to speak. I have looked at the Queen's Speech and sliced it into three: details of the expected damage that the Government intend to do to the United Kingdom; what they remain committed to; and measures that will be introduced—I suspect that means Bills, laws and our thorough involvement.

I come first to damage, on a day when I suspect no damage is being done. The only time I have spoken on the Brexit issue was in a debate on 2 October. I referred to the changes that had taken place since the referendum on 23 June. I said then that 39 months had elapsed; well, now it is 40. The electorate has changed. Many people have changed their minds. The people outside have had one vote; Peers and MPs have had 280 votes on Brexit. Many people have died and there have been 40 months of people becoming 18.

Yesterday, I met a woman who told me that, in her family circle, her father and her aunt had died in the past three years—and they voted leave. She has four nieces and nephews who have attained the age of 18 in the last 40 months. They would have voted remain and would vote remain if there were to be a referendum. I wonder for how long the present Government believe a dated referendum result will still be valid.

I will now look at measures to be introduced. I will speak to a sentence on page 91 of the background briefing:

“A White Paper will be published to set out my Government's ambitions for unleashing regional potential in England, and to enable decisions that affect local people to be made at a local level”.

There is a bit more information—but not much. I welcome the use of the word “regional”. It is not a word that Conservatives have used; they have shied away from it. Liberal Democrats, being federal minded, have often used it. Indeed, it is part and parcel of our policies.

The northern powerhouse has been referred to. It seems to be a regional project, but it is still difficult to understand. Does the pending White Paper suggest that the northern powerhouse shall be subject to any form of legislation? As I understand it, it is just a couple of words, like the “American dream”. I do not think it really means too much. It is a concept that the last Chancellor of the Exchequer but one introduced because he represented a constituency in the north of England.

My noble friend on the Front Bench mentioned Wales not being referred to. I find, looking in detail, that north Wales is part of the northern powerhouse. That seems a strange concept, but there we are. I do not think that the northern powerhouse is what is meant by “regional”, but I would like to bottom it out. If you want to contact it, you will find that it is part and parcel of the department of communities. It does not have a board of directors, a finance chief or a balance sheet. It does not exist in that sense; it is just a strange concept.

However, on the English devolution that may be referred to, I would like to know whether it is going to be for a “one Yorkshire”? If they introduce a “one Yorkshire” as part of the devolution concept, they will find that it is quite popular. In Greetland, where I live, in Elland nearby, in the Calder Valley and in Halifax, we do not relate to anything called “the Leeds city region”, or the combined authority, but we do relate to Yorkshire. I look forward to the White Paper, and indeed, with some hope—but not necessarily expectation—to the Government's conversion to a “one Yorkshire”.

8.10 pm

Baroness Wheatcroft (Con): My Lords, the designated subjects for today range widely. Other noble Lords have focused on home affairs and justice. I could have talked of the 20,000 new police officers we are promised by 2023, or the £2.5 billion to be spent on new prisons, but that would have taken me into economic territory. I listened to the gracious Speech, and I marvelled as the monarch read out that the Government's, “new economic plan will be underpinned by a responsible fiscal strategy, investing in economic growth while maintaining the sustainability of the public finances”.

[BARONESS WHEATCROFT]

If the barrage of spending policies that have been made by this Government amount to a responsible fiscal strategy, then Henry VIII had a responsible attitude towards marriage. We should all be alarmed when a former head of the Treasury says, as the noble Lord, Lord Macpherson of Earl's Court, did in this Chamber last week, that the Government are pursuing, "a policy of fiscal incontinence".—[*Official Report*, 14/10/19; col. 183.]

So I will not dwell on the plans for more police and more prisons. Instead, I will talk about constitutional matters, particularly how we run our elections and the danger that poses to our constitution.

As other noble Lords have said, our unwritten constitution feels to be in a precarious position. Last week in a very powerful speech the noble Baroness, Lady O'Neill of Bengarve, spoke of her concerns about how disinformation campaigning is influencing elections and referenda. Here, I must declare my interest as a director of the People's Vote media hub. I believe that it is only right that the public should be asked to give their informed consent to the outcome of the Brexit process. I want that referendum, when it comes, to be fought fairly, without the intervention of what she referred to as "cyber troops". The gracious Speech promised an electoral law Bill, but this seems to be a relatively narrow piece of legislation, dealing with the identification and direct intimidation of voters. This would not impact on the efforts of those organisations that are prepared to put significant resources into secretly influencing the results of votes. These may be wealthy individuals, special interest groups or foreign Governments. While the Government have voiced their commitment to protecting our electoral process from interference from abroad, nothing has been done to temper that. It cannot be right that those with access to large sums of money can buy the services of cyber troops to influence the outcomes of our elections. What steps will the Government undertake to protect the integrity of our electoral processes?

I would go further than dealing with the cyber effects of so much money. We have seen how our politicians have been subject to online abuse, particularly for the stance many of them have taken over Brexit. In the worst cases, the police have taken action but online comments do not have to be death threats to be very intimidating and, perhaps, to influence what politicians dare to say and how they behave. Many of us will have been on the receiving end of online abuse, which very often is anonymous. Not so long ago, an anonymous letter was considered an outrage. The recipient would have headed straight to the police. Any such missive would have had the inhabitants of St Mary Mead heading immediately for the service of Miss Marple. Now, anonymous communications are normal. Anonymity online does not equate to freedom of speech—often, it is a direct deterrent to it—and I believe it should be curtailed. In June last year the then Digital Minister, Margot James, said that freedom to be anonymous online has been abused,

"in such a substantial way, with such damaging effects",

that curbs are being considered. Earlier this year, the DCMS published a White Paper on online harms, but it did not confront the basic issue of anonymity. In

countries with extreme regimes and vicious censorship, there can be a genuine need for anonymity, but not in a healthy democracy. As the noble Lord, Lord Tyler, said earlier,

"the public discourse has been dangerously coarsened, and I believe has now become so intimidating that it poses a genuine threat to democracy".

Anonymity online has to be curbed.

8.16 pm

Lord Green of Deddington (Non-Aff): My Lords, I declare a non-financial interest as president of Migration Watch, and remind the House that Migration Watch speaks for 30 million adults in the UK who wish to see immigration reduced. Eighteen million of them wish to see it reduced "by a lot". For comparison, only about 5.5 million wish to see an increase, so they are outnumbered by rather more than five to one. The views of this very large majority are seldom represented in this House, so I shall focus on that very subject.

The critical test for the immigration Bill foreshadowed in the Queen's Speech is whether it will achieve a serious reduction in the currently excessive levels of immigration. It is common ground that immigration on a modest scale is a welcome part of an open economy and society. I concur of course with the contributions earlier of the noble Lords, Lord Horam and Lord Hodgson. However, at its present level, immigration is adding, directly and indirectly, 1 million to the population of the UK every three years. One effect of this is to generate a need for 240 homes in England every day. These are extraordinarily large numbers which are not given enough attention.

Yet, despite the scale of immigration, there is no convincing evidence that immigration has increased the UK's GDP per head, nor that it has increased productivity, which, as noble Lords will know, has been pretty flat for 10 years despite massive levels of immigration.

The noble and learned Lord, Lord Keen, told us today that the Government would deliver on the points-based system which has been promised for many years. Actually, although he does not seem to know it, we have had such a system since 2009. Unfortunately, it failed to ensure that so-called highly skilled workers went into highly skilled jobs. It also led to massive abuse of study visas. Noble Lords will remember that just part of the clean-up operation took several years and involved the closure of nearly 1,000 bogus colleges—this was an extraordinary degree of incompetence. Noble Lords may also have noted the remarks made by Mrs Theresa May in the other place last week, when she urged the new Home Secretary to look carefully at the lessons that have been learned about points-based systems. She should know.

What is this new system? The Government have been coy about the details, but they seem to have chosen the label "Australian" because it sounds tough and is therefore popular with focus groups. However, they will now have discovered that the Australian system is very complex and—whisper it—depends heavily on caps on all work-related routes, yet no mention of a cap has passed the lips of the Home Office.

It seems that the Government intend to build on the White Paper which they slipped out just before Christmas. That envisaged reducing the skill level from degree to A-level and “consulting” on the present salary level of £30,000. However, as the consultation is almost entirely with industry—surprise, surprise—a figure as low as £21,000 might emerge. According to our calculations, a salary level of that kind would expose up to 9 million UK jobs to new or increased international competition. That changes according to the level of salary that one puts in, but they are the kind of numbers we are talking about.

Cue an astonishing silence from Labour, the party of the workers, and from the trade unions, which one might think would be interested in looking out for the interests of potential recruits from the UK. Meanwhile—no surprise—businesses are on the warpath to achieve the lowest possible requirements and the largest possible flow.

Finally, will this system pass the test of achieving a serious reduction? It almost certainly will not. I am not sure it is even intended. This Government must pause and think. Their proposed immigration policy could very well lead to yet further increases in net migration. We are currently at a 10-year average of a quarter of a million a year; it has even touched in the past a third of a million. Under these proposals, it might very well go even higher.

I conclude with this thought: if, for whatever reason, Brexit does not turn out well—perish the thought—and if that is followed by continued mass immigration, the Conservative Party will have dealt its own future a massive blow.

8.22 pm

Viscount Trenchard (Con): My Lords, I am delighted to follow the noble Lord, Lord Green of Deddington. I compliment him on his most interesting and thought-provoking speech.

I had intended to speak in the debate last week, concerned principally with Brexit, trade, foreign affairs and defence, but was committed to be away. Since today's debate covers constitutional affairs, I should like to make virtually the same remarks as I would have made last week. Brexit, after all, brings about the most momentous change in our constitutional affairs since we joined the EEC in 1973 and, additionally, has ramifications for justice, devolved affairs and much else besides.

I congratulate the Prime Minister and his negotiating team on achieving what was said to be impossible: reopening the withdrawal agreement and making significant changes to the Irish backstop. His deal is sufficiently good to be preferable to no deal, although I do not think that a no-deal departure would be anywhere near as catastrophic or cataclysmic as the architects of Project Fear have suggested. I saw Sir Oliver Letwin on *The Andrew Marr Show*; he seemed to be saying that he supported the agreement reached by the Prime Minister with the EU. Yet he is one of the architects of the Benn—or “surrender”—Act, Section 1(4) of which, as my noble and learned friend Lord Mackay pointed out on Saturday, required the Prime Minister to seek an extension specifically and only to pass a Bill to

implement Mrs May's withdrawal agreement, not the one that the Prime Minister reached last Thursday. Does the Minister agree that the Benn Act is, therefore, ineffective?

The gracious Speech shows the Government's intention to protect the integrity of our democracy. I am not a lawyer, but I was surprised that the learned justices of the Supreme Court ruled as they did on the attempted Prorogation of Parliament in July. It seems to me that they have changed the constitution by their decision that the Prime Minister's use of his prerogative powers in advising the Queen to prorogue Parliament was justiciable, contrary to the opinion of the Lord Chief Justice and the Master of the Rolls. It is also most surprising that the Supreme Court justices decided this unanimously. Their justification seems to be based on their opinion that the effect of Prorogation on the fundamentals of our democracy was extreme. However, Prorogation would have reduced the number of sitting days by only three days from what was anyway scheduled. Furthermore, both your Lordships' House and another place had clearly passed the decision on Brexit to the people in the referendum, promising to carry out their decision. Many of those who supported the passage of the Benn Act have had a much more extreme effect on our democracy.

David Cameron is said to be sorry that he arranged for the people to decide the question of our EU membership by referendum. He is quite wrong to apologise; history will recognise him as the Prime Minister who finally accepted the inevitable. We have always been more reluctant than any other member state to see powers transferred to Brussels. Opinion polls have consistently shown that a much higher proportion of people in Britain support the return of powers from the Union to the member states than in any other member state. The fact that Mr Cameron failed to persuade the EU to offer us continued membership on a basis which at least partly restored our lost sovereignty is what persuaded me that we could no longer remain uncomfortable passengers on the European train and that we would do better to get off.

It is nonsense to argue that we are too small or weak to exist without the umbrella of the EU. I have spent many years of my business life working for British firms in Japan and for Japanese firms in the UK. I do not think our EU membership has helped or strengthened our standing in the world whatever. It is rather the opposite; our soft power has been restricted by our EU membership. Brexit is not about becoming little Englanders and looking in on ourselves. It is about gaining our freedom from the tentacles of the EU bureaucracy and resuming our role on the world stage as an independent trading nation and a strong advocate of rules-based free trade and competition, underpinned by proportionate regulation which does not stifle innovation. The gracious Speech indicates the Government's intention to work towards a new partnership with the EU, based on free trade and friendly co-operation. We should be able to negotiate an FTA that offers as near to frictionless trade as possible. I am excited by the UK's prospects of entering

[VISCOUNT TRENCHARD]

into mutually beneficial FTAs with many of our important trading partners and of accession to the Trans-Pacific Partnership.

Finally, I entirely agree with the brilliant speech by the noble and learned Lord, Lord Judge. I trust—and ask the Minister to confirm—that the reference to the protection of the integrity of democracy and the electoral system, contained in the gracious Speech, can be read as an indication that the Government intend to repeal the Fixed-term Parliaments Act, whose unintended consequences have caused so much damage to our democracy.

8.28 pm

Lord Hogan-Howe (CB): My Lords, I will restrict my comments to the police and criminal justice parts of the Queen's Speech. I will first deal briefly with three issues that have come up in this debate. The first is longer sentences for violent and sexual offences. People may imagine that I would naturally support these, and I do support long sentences for serious offences. However, there has been sentence drift upwards, and parole reduction, over the last 20 years. The consequence has been a prison population, now, of around 85,000. There is a serious risk that that is too many. It is possible that we need to look seriously at that—if we allow it to continue, we will have worse problems, not less crime. In particular, we need to be more honest in our sentencing. If we were able to say, "You will go to prison for six years, but you will stay in prison for 10 should you not behave in prison or show that you have reformed your ways", I think people would understand that but at the moment the reverse is true. Therefore, I think there is something more to do about sentencing—not necessarily making sentences longer.

My second point concerns the point raised by my noble and learned friend Lord Hope, based on the case of Helen McCourt, a young woman of 22 who was murdered in 1988 in Merseyside, an area I used to police. Her mother, Marie, has conducted an incredible campaign, for good reason, to try to identify the place where her daughter's body was disposed of, but I am not sure that the remedy put forward is the correct one. There is a danger when, if someone cannot or will not admit where they disposed of a body, they will have a longer sentence. I propose that they should have a discount for providing the location of the body, because there is the danger my noble and learned friend described of somebody who is not guilty being trapped in prison for far longer than they should be if there is a miscarriage of justice.

My final, simple point is that I profoundly support the suggested sobriety tagging system. We started one in the Met about four years ago and it was effective. It came from a scheme in South Dakota in America and can make a profound difference where someone's offending pattern is based on their alcohol intake and they cannot stop. The electronic tagging of people with that problem can produce a strategic difference, but not if we run only pilot schemes; we must have a UK-wide—certainly an England and Wales-wide—solution.

I want to confine my main remarks to the proposals in the Queen's Speech about the police, the majority of which I welcome. The confirmation of the replacement of the 20,000 police officers lost is a good thing. It will take a few years, but it is appropriate. As a result of the banking crisis of 2007 we saw large cuts in public spending. I was never of the view that the police were singled out for worse treatment, but I think the cuts went too far and that they should have been remedied earlier. Even now, it will take at least until 2022 before we see police numbers return to the levels we saw back in 2009, but it is a good thing and we should celebrate it. We have to be careful not to worship police officer numbers, but there will always be a need for a critical mass of people to provide a police service, particularly, as we have heard, with a growing population and growing demands of different types, be it online or on the streets. There will be a period when those on the front line are overrepresented by the least experienced. This is a logical consequence of rapid recruitment and its effects must be mitigated, but I cannot see how they can be avoided, because it is essential that we get those officers back out on the street.

I also welcome the plan to enhance the police covenant. Apart from its direct benefits, it will also build trust between this Government and the police service. For too long there has been a suspicion among those on the front line that they have not had the Government's support. Whether that is true or not is a different question, but that perception has certainly been there, and the enhancing of the police covenant will help to remedy a lack of trust. The proof will be in how it develops in the coming years.

I am sorry that the proposals on policing do not touch on three big areas which I think are vital to consider for the coming years. The first—it will be no surprise to the Minister to hear me say this—is that the structure of policing remains an enigma. We have a National Health Service and a British Army; we have a Security Service and we have 43 police forces. The criminals do not quite respect those boundaries. It seems to me that our investments have been fragmented in the development of policing over the years and they will only continue to be fragmented if we allow that structure to continue. We have maximised localism, which accounts for a huge amount of inconsistency and, I fear, a sad lack of development over the years.

There is no discussion in the Speech about making prevention a strategic priority of the police in the way that has allowed massive progress in the fire service and the health service. In my view, a cross-government approach to the design of place and things—alcohol control, drug control and drug policy, self-education to help people reduce the chance of being a victim and a strategy that concentrates on young people—will have profound effects. I am afraid I have seen no clear explanation of that.

Finally, there is a need to prioritise improvement in police technology. I agree that we need people—I have already said that I support the huge increase in the number of police officers. However, the use of good technology that will enhance artificial intelligence, such as facial recognition—used properly and respecting privacy—is vital to improving the police, as well as the service they provide.

8.35 pm

Lord Farmer (Con): My Lords, today I wish to focus on constitutional affairs, justice, family law and wider family policy—or rather the lack of it.

In the gracious Speech there was a commitment to, “protect the integrity of democracy and the electoral system in the United Kingdom”.

Democracy's integrity rests on freedom of speech. We must keep resisting “no-platforming” in our universities and expose the deceitfulness of the term “safe space”. Settings where ideas or beliefs with no inclination towards terrorism cannot be discussed are dangerous spaces, because they have become sound-proofed against the reality of other people's opinions. When religious groups have no freedom of expression, democracy is defied. Thomas Jefferson said that,

“religion is a matter which lies solely between Man & his God ... the legitimate powers of government reach actions only, & not opinions”.

Yet Christians in this country can lose their livelihood as a result of free and courteous expression of their faith.

Past Conservative Governments have been assiduous defenders of free speech, regardless of whether they shared the views provoking controversy. Mrs Thatcher's Government condemned the fatwa against Salman Rushdie as,

“an attack ... on the fundamental freedoms for which our society stands”,—[*Official Report, Commons, 21/2/89; col. 839.*]

despite the chasm between them and Rushdie. He tried to galvanise an intellectual fightback against Thatcherism and was perceived to be sympathetic to terrorism. Defending him undermined British interests abroad. Yet for Thatcher:

“Whether or not we have any sympathy with Rushdie's views is not the point”.

The rule of law and the basic freedoms of all British citizens were her Government's guiding principles. They must be ours.

Secondly, our democracy is being eroded by egregious imbalances in constituency size, and we have a “boundaries limbo”. Current constituencies, based on the early 2000s, have widely divergent sizes of electorates. All four national Boundary Commissions submitted their seventh general review reports, reducing 650 constituencies to 600, over a year ago. This Government's 2017 manifesto commitment to equal seats can and should be delivered, with a new set of constituencies in place for the next general election, halting the slide into 21st-century rotten boroughs, as should repeal of the Fixed-term Parliaments Act, which prevented the current Prime Minister delivering a de facto referendum on his handling of negotiations with Europe.

Turning to justice, the Government will strengthen, “public confidence in the criminal justice system ... improve safety and security,

and strengthen rehabilitation. For rehabilitation to be strengthened, it has to be based on evidence. The Ministry of Justice found that men and women in prison who receive family visits are 39% less likely to reoffend than those who do not. When prisoners are required and enabled to maintain their family responsibilities, this can lead to profound change and improve safety and security. The Government needs to keep their foot down hard on the accelerator of progress

so every prison fulfils its duty of care to the men and women it holds, and to their families and friends who visit. At best, they partner with the prison to ensure that those who have served their sentence do not return. Helping prisoners have healthy and supportive relationships is not being soft on crime. Reduced reoffending means fewer victims, lower criminal justice and welfare costs, higher tax revenues when ex-prisoners find work—and fewer children growing up with absent parents.

Children's welfare is paramount in family law. However, it can be used to justify superficially attractive policies which may do them more harm than good. The Divorce, Dissolution and Separation Bill referred to in the gracious Speech intends to,

“minimise the impact of divorce, particularly on children”.

Removing fault from divorce is unlikely to lead to the more harmonious post-separation world that Ministers predict. Solicitors say that much conflict is actually focused on who gets the children and for how long, and on finances. Evidence contradicting government assertions that de jure unilateral divorce would not impact on marriage or longer-term divorce rates was ignored, as was the large volume of contrary responses to consultation.

That, last week's backtracking on internet safety and the lack of family measures in proposed legislation tempts me to cynicism about the Prime Minister's declaration that this country will become,

“the best place to start a family and send your kids to school”.—[*Official Report, Commons, 14/10/19; col. 19.*]

Family breakdown is the elephant in the room of social policy. In 2016, the DWP's family stability indicator found that only 58% of all 16 year-olds still live with both birth parents. The proportion was much lower in low income households. Three-quarters of all children in middle to high-income households live with both birth parents, compared to less than half in poor households. Despite family breakdown being both a driver and result of income poverty, the DWP has stopped collecting that data.

We need a rich tapestry of family strengthening policies, not threadbare rhetoric. The Prime Minister can allay my cynicism by appointing a Cabinet-level Minister to co-ordinate family policy across government and constituting the Cabinet committee repeatedly called for since the of the noble Lord, Lord Laming, on the appalling death of Victoria Climbié almost 17 years ago.

A cross-party consensus is growing that social sustainability is as threatening as environmental sustainability. I cannot be as patient as the noble Lord, Lord Laming. I am not convinced that I have another 17 years ahead of me, and I am not inclined to glue myself to the roof of a Tube train. However, I can and will continue to press the Government hard for the family-strengthening policies we urgently need.

8.41 pm

Lord Heseltine (Non-Affl): My Lords, I hope that it will be some help to my noble friend if I say that I am not looking for any response from her tonight. I look forward to the promised White Paper on devolution, which I hope will contain the answers that so many of your Lordships have requested.

[LORD HESELTINE]

This has been an immensely wide-ranging debate, and a whole galaxy of contemporary problems have been paraded for the Minister to give us the benefit of her advice on in a flash of lightning. Well, the Government are going to get rid of the course of British history in the course of a week, so I suppose the Minister can be expected to deal with our complaints in an equally short timescale. We have had it all: housing, education, infrastructure, family breakdown, deprived children and crime. I put it to your Lordships that those are not separate issues, they are all part of a social and economic phenomenon for which we do not have in this country the local mechanisms and decision-making powers to see the interrelationship of all these issues and apply a common policy to their eradication. There is nothing new in any of this. I first came into active politics at a time when Redcliffe-Maud had looked at this issue, analysed the causes and the opportunities and said in the clearest possible language that we needed 60 unitary authorities with real devolved powers. All my life, Government after Government have edged their way in that direction. Every step of the journey has been a fudge.

I await the White Paper with such interest because I hope that the crisis of Brexit has highlighted the urgency of this matter. Brexit did not create the problem. Brexit merely highlights the scale of the challenge facing this country and indicates, as your Lordships have clearly done, that we need change to mobilise the country at local as well as national level to challenge these issues. We must find a way to make effective local communities reflecting real local economies and empowerment. So, first, I hope that the White Paper will include a Cabinet Minister responsible for devolution to English local authorities. Whitehall is its own power structure and is totally divided on all these issues; each Minister has his own pet scheme. We need a Minister to grip Whitehall and force it into the devolution agenda.

The second step is that the Government must create agencies close to the areas where people are now expected to design social and industrial policies. That is a process of widespread decision-making. The Government are quite incapable of responding to that sort of thinking because their thinking is compartmentalised in the baronies of Whitehall. The local representation of officials who are close to the communities that we are trying to enhance and empower is an important part of the process.

The next step, which is of course to be welcomed, is the Government levelling up the powers that have already been given to the elected mayors. That is much to be admired, but other powers must be added to the list. The first must concern education and skills. You cannot divorce housing and social policies from the education of the kids living in those circumstances. You cannot have an industrial policy that does not prepare children in local communities with the skills and aptitude that will make them appropriate recruits to those industrial strategies.

Fourthly, the boundaries of our existing mayoral authorities are a nonsense. They are the result of a fudge, a compromise: give a little, take a little. A boundary commission is an important means of putting

that situation right. Next, there are four major conurbations without mayoral authorities. If we are to get national buy-in and balance, it is critical that Leeds, Nottingham, Derby, South Hampshire and, probably, Plymouth must come over the line.

Fifthly, we have heard echoed in the Chamber today reference to the countryside somehow being different—that, once you have done the big areas, you must not have the same system. I reject that concern continually. If you want really to empower the countryside and enrich it, it must be enjoined with the wealth-creating centres that it surrounds. So, I very much hope that we will see a drive to unitary counties with mayors, not just the present compromises in the local government structure.

Finally, I turn to money. The talk is of the prosperity fund. That fund is merely a recycling of the present European funds. It is totally inadequate for the job. The real lacuna in government policy is that George Osborne's visionary idea of a single pot, in which money was distributed as a result of strategic bidding processes—with substantial additional funds coming from the third sector, academia and the private sector to enhance greatly what the taxpayer could afford—has more or less bitten the dust with the power-grabbing of central government departments getting their money back.

I have a phrase written down: "Get the job done". I say this to the Minister: let us get the real job done.

8.48 pm

Lord McColl of Dulwich (Con): My Lords, Friday 18 October marked Anti-Slavery Day—a day to raise awareness of the terrible crime of human trafficking and modern slavery. Today, the enormous scale of modern slavery is terrifying. The United Nations estimates that this global trade in human beings is worth about \$32 billion a year, which is second only to the illegal drugs trade. This is not a crime to which the United Kingdom is immune. The Home Office estimates that there are between 10,000 and 13,000 potential victims of modern slavery in the country, but the National Crime Agency says that it believes that is just the tip of the iceberg. The Global Slavery Index estimates that there are in fact 136,000 victims in the UK.

The Modern Slavery Act 2015, which was informed to some degree by my own Human Trafficking and Exploitation (Further Provisions and Support for Victims) Bill, was a milestone for the United Kingdom, setting the agenda on tackling the heinous crime of slavery. Far-sighted in many ways, its main area of weakness was victim support. In order to tackle modern slavery successfully, it is essential to provide the rescued victims with the support they need to rebuild their lives and truly escape the clutches of their traffickers. In its final report, published in May this year, the independent review of the Modern Slavery Act 2015 stressed the need for improved victim support:

"It cannot be right that the Government provides no standardised post-NRM support offer for victims, who are often still incredibly vulnerable, and this can increase their vulnerability to being re-trafficked and re-exploited".

In this Session I will bring before the House again my modern slavery (victim support) Bill with the support of the Bill's sponsor in another place, the

former Conservative Party leader, Iain Duncan Smith. I am also grateful to the noble Lord, Lord Kennedy of Southwark, for his splendid support and his very humorous way of influencing people. My Bill will give all confirmed victims of trafficking a minimum of 12 months' support and assistance to help them restart their lives after falling victim to such a heinous crime. Two years have passed since I first introduced the Bill and I am bringing it forward again because not enough has changed. My primary concern in bringing it forward was the need to help victims on to a pathway to recovery. Quite apart from being the right thing to do by the victims, it is also manifestly in our own interest to do this.

In the first instance, if victims are left without adequate support during the 12 months following their confirmation as victims of modern slavery, they will be vulnerable to re-trafficking. This is not only a terrible trauma for them but costly to the state in terms of needing to rescue them and place them in the national referral mechanism again. In the second instance, supporting victims towards recovery is central to a successful criminal justice response. If we want to see more successful investigations of and convictions for these offences, we need to help victims feel safe and secure enough to tell the police what they know and to give evidence in court. Victims are unlikely to be able to participate in such proceedings if they are destitute or homeless. This will not help the Government to achieve their stated objective of seeking to increase the conviction rate of human traffickers.

During the summer, the Home Office settled a case brought for judicial review which challenged the new policy of providing victims with a fixed period of 40 days' support after they have been confirmed as victims by the national referral mechanism. As part of the settlement, the Government agreed to develop a needs-based process for providing support to victims beyond the NRM process. I recommend that the Government should respond to this judicial review by taking up my Bill. It now offers a minimum period of 12 months' support, while the provisions extending support beyond the initial 12-month period have been strengthened by making it mandatory to consider whether support should be continued. Moreover, the decision has to take place not less than four weeks prior to the end of the 12-month support period. If necessary, this would allow victims to receive further support and assistance depending on their personal situation.

Giving victims 12 months' support was recommended by the Work and Pensions Committee, which in 2015 produced an important report entitled *Victims of Modern Slavery*. It strongly recommended a personal recovery plan for victims with the ability to stay in the UK for up to 12 months. Most recently the British Red Cross, in its July 2019 report *Hope for the Future: Support for Survivors of Trafficking After the National Referral Mechanism*, repeated these same proposals. On top of this, a coalition of 26 leading charities and civil society organisations, the Free for Good campaign, supports my modern slavery (victim support) Bill and believes that 12 months' support for victims is a crucial part of the fight against modern slavery.

During the summer, the University of Nottingham published a revealing cost-benefit analysis of my Bill. The report concluded that providing 12 months of support and assistance to all confirmed victims after the NRM process could produce direct net financial savings of between £1 million and £7 million and indirect benefits of more than £25 million.

I very much hope the Government will support my Bill or bring forward other legislation to give victims the support they really need.

8.55 pm

Baroness Bonham-Carter of Yarnbury (LD): My Lords, in his wonderful speech, the noble Lord, Lord Heseltine, talked about being wide-ranging. I will literally be wide-ranging, because I am talking about the creative industries. Culture is the subject for debate tomorrow, but unfortunately I am not able to be present.

We are a creative nation—always have been—and the creative industries are of huge benefit to the economy. Indeed, according to a report published by the Office for National Statistics a couple of weeks ago, we did not go into recession in the last quarter in large and significant part because of our creative industries.

Charles Dickens' *A Tale of Two Cities* starts:

"It was the best of times, it was the worst of times".

If I had more time I would quote more, because the opening of that novel is so pertinent. That is how I feel at the moment. We live in a golden age of British art and creativity, but Brexit, attacks on our essential PSBs from streaming services and, I am afraid, our own Government are lurking. Cuts to cultural funding, particularly at local level, are happening. There are other reasons for concern, such as a leaking talent pipeline that will lead to problems if not addressed.

Arts and culture lead to urban regeneration, as I have seen at first hand as a trustee of the Lowry in Salford. They offer a platform that reflects the diversity of the people of the UK. Participation promotes well-being and aids both physical and mental health, so supporting and protecting this vital, vibrant sector is of paramount importance. This starts with education.

I am sure the Minister will agree with the Durham commission report published this week on creativity in education, which said that creative thinking should run through all school life. However, the report confirms a 28% decline in the uptake of creative subjects since 2014—a decline that we on these Benches have been drawing attention to, and the Department for Education denying, for a long time.

The fact is that the introduction of the EBacc has had a significant negative impact on the offer of arts and culture in schools, resulting, as the report says, in, "a serious imbalance in the all-round education of students".

No less a person than Andrew Lloyd Webber castigated the Government a couple of weeks ago for cutting arts and music budgets in schools. He said the cuts are, "the stupidest thing that could ever have happened".

Lord Bethell (Con): May I just remind noble Lords about the subject of today's debate? We would be very grateful if noble Lords could stick to that, please.

Baroness Bonham-Carter of Yarnbury: Does the Minister not agree that every child should have access to arts and culture? Access to the arts is access to our national life and, on a day when home affairs are being debated, I argue that it is also a social justice issue.

We welcome changes to the Ofsted inspection framework, which acknowledges the need for schools to develop a strategy for teaching creativity, but this is mealy-mouthed. We should be talking not about acknowledgement but, as the Durham commission recommends, the championing of schools that successfully nurture creativity. Does the Minister not agree that a category of outstanding from Ofsted must mean that the school offers arts-rich education? The independent sector does. The growing inequality between provision in the independent and state sectors is resulting in the neglect and exclusion of youngsters from diverse and disadvantaged backgrounds.

The EBacc is all about STEM and what we need is STEAM. The Government need to answer Rufus Norris, artistic director of the National Theatre, who asks:

“What ... explanation can there be for the baffling disconnect”—this goes back to what the noble Lord, Lord Heseltine, said—

“between its industrial strategy, which prizes the creative industries as a priority sector, and an education policy that is deliberately squeezing creativity out of our children’s learning?”

There is also the matter of career advancement post school. Unfortunately, the apprenticeship levy has failed the creative industries. Its inflexibility leaves significant amounts of money unspent which could otherwise help. Will the Government respond to the concerns of the industry?

Then there is Brexit. Crucially, the creative industries rely on the ability of people to move freely across Europe; they rely on the free movement of instruments, equipment and samples without expensive tariffs and border checks; they rely on a digital single market that protects our IP; they rely on investment from EU funds; and they rely on country of origin rules, whereby the mutual recognition of broadcasting licences between the UK and the EU has led to this country being the leading hub in Europe.

On the matter of broadcasting, the UK’s unique mix underpins our creative industries. Central to this are our PSBs, and in particular the BBC. When he was Foreign Secretary, our now PM described the BBC as the single greatest and most effective ambassador for our culture and our values. Well the Government must value it. Does the Minister not agree with former Tory Culture Minister Ed Vaizey, on the matter of free TV licences for the over 75s, that,

“looking back ... it was wrong to impose on the BBC what was effectively a welfare policy and then to ask them to take responsibility for it”?

Of particular concern is the Government’s position on immigration, as mentioned in the Queen’s Speech. Even before Brexit, there are several creative roles on the Government’s shortage occupation list. But the Government still insist on defining those who earn under £30,000 as unskilled. As I have said before, to another Minister, I am mystified as to where this came from. It certainly did not come from anyone who works in the creative sector. In a recent Creative Industries

Federation survey, 81% of those who responded said that they would face challenges if unable to hire workers on salaries below this level. Perhaps this Minister can enlighten me.

I will finish here. Liberal Democrats have consistently made the case for remaining in the EU because we know that there is no deal better than the deal we have as members of the EU—certainly not for the creative industries.

9.02 pm

Lord Woolf (CB): My Lords, I refer to my interests in the register, in particular in relation to the Prison Reform Trust, of which I am life president and for whose briefing I am grateful.

This is the second debate this month in which the state of our criminal justice system is examined. The earlier debate was initiated by my noble friend Lord Ramsbotham and took place on 3 October. My noble friend and I were in complete agreement that what is required for our criminal justice system is a fundamental review.

Many of the contributions today, following the wise contribution of my noble and learned friend Lord Judge, have emphasised the constitutional nature of the prison issues raised. How we treat our victims of crime reflects on the quality of our unwritten constitution, but so does how we treat those the state sends to prison. Sir Winston Churchill was right when he made his now well-known statement in the Commons that the first principle to guide anyone trying to establish a good system of prisons should be to prevent as many people as possible getting there at all. He later importantly added that it is a society’s attitude to its prisoners that measures,

“the stored-up strength of a nation”.—[*Official Report, Commons, 20/7/1910; cols. 1354.*]

The Queen’s Speech outlined a raft of criminal justice measures, in particular the new Sentencing Bill increasing the period of sentence served in custody from half to two-thirds for the most serious offences. This has been accompanied by what the Prime Minister announced on 11 August, namely, an urgent review,

“to consider whether changes in legislation are needed to lock criminals up for longer”.

The Prison Reform Trust believes the review was not worthy of that name because the time available was clearly inadequate to enable the subject to be properly considered. However, it is already clear, it can be safely said, that among the main problems the justice system faces is chronic overcrowding. This undoubtedly undermines one of the purposes of punishment: the rehabilitation of offenders.

For many years now it has been accepted that overcrowding in prisons is a scourge, making rehabilitation impossible for those the courts send to prison. In view of this, I ask the Minister to identify the evidence that present sentences are too short. I know of no such evidence. All the evidence of which I am aware shows that there has been a dramatic inflation in the level of sentencing over the past 20 years. For example, the present sentences for violent sexual offending have gone up substantially. More than two and a half times as many people were sentenced to 10 years in 2016

than were in 2006. On average, those serving a mandatory life sentence spend 17 years in custody, up from 13 years in 2001, when I was a judge dealing with these matters. The average minimum term for murder has increased from 12.5 years in 2003 to 21.3 years in 2016.

It is important to remember that criminal justice is different from civil justice in that it is not conducted between two or more individuals but between the Crown and the defendant. It should be a process which conforms to the highest standards of justice. After all, in the majority of cases it involves the freedom of the citizen.

Still, it is obviously important that the interests of victims of crime are not ignored. After all, the primary purpose of prison is to protect the public. However, while the interests of victims must be taken into account, there are limits to the extent that their interests can be paramount. Inflation in sentencing constantly causes the victim to look for higher and higher sentences because often they cannot be expected to know the tariff. Also, in many cases, no sentence will be long enough to undo the harm that has been done. Thus, it is generally the judge who has to get the sentence right, based on his experience and the guidance available to him. Is not a danger of what is proposed that it takes away the judge's discretion, which can be so important in doing justice?

Prisons have responsibility for keeping both prisoners and prison staff secure, but violence at present is endemic. We should not make the job of the prison staff more difficult by increasing the overcrowding. The present state of prisons is, unfortunately, one of which we should be ashamed.

The effectiveness of the Bar and the probation service has also been undermined. Legal aid, where it is available, inadequately compensates members of the profession for the work they have to do. The problems in prisons are accompanied by a serious deterioration in the effectiveness and morale of the probation service. The need to change is recognised on all sides.

However, as was repeated in the gracious Speech, the Government are embarking on a programme which, far from improving the situation, will, if it is carried out, exacerbate it. They are proposing to lengthen sentences for the most serious offences. This has the danger of encouraging the public to think that sentences as they are now composed are too short. In fact, they are not.

Far from being the overall re-examination of the situation required, the changes proposed are dealing with the problem piecemeal and do not take advantage of the admirable reports available.

9.10 pm

Lord Mackenzie of Framwellgate (Non-Afl): My Lords, it is a great honour to follow the noble and learned Lord, Lord Woolf, in bringing to an end this comprehensive debate. It will not surprise your Lordships that my brief contribution to the debate on the Address and the gracious Speech is in relation to home affairs—in particular, policing.

The House will be aware that when an arrest is made by a police officer for an offence, an important decision has to be made about whether, once the

preliminaries of identification and evidence collection are completed, the suspect is further detained or released pending further inquiries. In my day the normal practice, if there was no requirement to detain the suspect, would be to grant police bail. This could, of course, be with or without conditions and could require the suspect to return to the police station at a future date to be charged or released. If inquiries were not complete, the bail could be extended. As workloads increased and police numbers fell, it became common for bail to be extended for weeks or months, thereby attracting the rightful criticism that justice delayed was justice denied for both the suspect and the victim. In an attempt to rectify this, the law was changed by the Policing and Crime Act 2017, limiting police bail to 28 days and introducing the concept of being released under investigation without any conditions.

Since then, the law of unintended consequences has kicked in and matters appear to have been made worse. It is clear that, since the changes, thousands of serious crime suspects are being released by police without any restrictions or conditions. Under the previous regime, a suspect could have had bail conditions preventing him contacting the complainant, making him attend regularly at a police station or subjecting him to a curfew under pain of arrest. Recent figures published in a Law Society briefing show that the number of suspects on bail has dropped dramatically across the country from 216,000 in 2016-17 to 44,000 in 2017-18 and that, in that year, some 193,000 suspects were released under investigation with no conditions or restrictions.

This has led to serious consequences. For example, Kay Richardson was murdered by her estranged husband, Alan Martin, in Sunderland last year after police released him under investigation. He had a history of domestic abuse, and she had reported him for rape. Under the previous legal position, Martin could have had bail conditions preventing him from contacting the complainant, making him report regularly to a police station or subjecting him to a curfew.

Why has this situation come about? Quite honestly, it is another consequence of the loss over recent years of 20,000 police officers from the streets of this country, and it cannot be allowed to continue. This from a Government who a few years ago accused police officers attending a Police Federation conference of crying wolf and said that increasing crime had little to do with the number of police officers on the streets. That was patent nonsense to any sensible streetwise person who felt the insecurity caused by a reduced police presence, a lack of response to calls and the ever-increasing delays in the justice system, which impact every victim in the land.

It is good that the present Government have now announced a programme of increasing the recruitment of officers by 20,000, but this should be done as quickly as possible and should not be hamstrung by insisting on introducing a graduate entry system at constable level for all recruits. That would cost an arm and a leg and reduce the pool of potential excellent police officers who simply want to do what I did half a century ago with no aspiration for promotion: to join the police, don a uniform and serve the public. I am not sure that the new system has worked in nursing.

[LORD MACKENZIE OF FRAMWELLGATE]

These are the men and women we see day in, day out, running towards danger when everyone else, quite rightly, is running towards safety.

In conclusion, I simply say to the Minister two things. First, recruit quickly and sensibly. Give the recruits good-quality, professional training and do not ask them to jump through some additional academic hoop. Stiffen the thin blue line in the communities of Britain which are crying out for a sense of reassurance, which has been lost. Secondly, address the recent bail changes, which at present leave victims uncertain of how long an investigation will take and living in fear of being confronted by the accused, with no conditions or restrictions on where they can live, whom they can visit or when they can be out on the streets. That is particularly pertinent to domestic and sexual abuse cases and seems to go totally against the grain of the Domestic Abuse Bill, which is currently before Parliament and to which the noble and learned Lord, Lord Keen, referred. In my view, these are matters of great importance, and I ask the Minister to confirm that the Government will address them with great urgency.

9.15 pm

Lord Low of Dalston (CB): My Lords, I hope that your Lordships will permit me a moment or two to speak in the gap. I had put my name down to speak tomorrow, Tuesday, but then found that I could not. I decided to switch my name to today's debate but found that the list had closed. Therefore, my only recourse was to speak now, in the gap, and I hope that the House will permit me a few moments to do so.

The gracious Speech mentioned a Bill to protect the integrity of the electoral system and democracy in the United Kingdom. Earlier this year, the High Court held that current methods for making ballot papers accessible to blind and partially sighted voters—the tactile voting device and ballot papers in large print—were not effective in enabling blind and partially sighted people to vote independently and in secret. The tactile voting device helps a blind or partially sighted voter to find the boxes on the ballot paper but it does not tell them the names of the candidates or the parties they represent. Blind and partially sighted voters are therefore dependent on assistance from a family member, friend or a member of polling station staff.

The RNIB's 2017 report, *Turned Out*—I declare my interest as a vice-president of the RNIB—found that only one in four blind and partially sighted voters felt that the current system let them vote independently and in secret. Fifty-four per cent of blind and partially sighted respondents felt that new accessible ways to vote, such as by telephone or via electronic or online voting systems, were needed. Only 4% felt that no changes to the current system were needed.

Therefore, the Government need to replace the current tactile voting device with a new accessible voting system that guarantees that blind and partially sighted voters can exercise their democratic right without any assistance, just as their sighted peers do. The replacement device must allow voters with sight loss to review the candidates on the ballot paper, reliably find and mark their chosen candidate on the ballot paper, and cast their vote independently and in secret.

The Government need to say when a replacement for the tactile voting device will be available. They need to give an assurance that the next general election will be the last to use the present inappropriate device and that any replacement for the tactile voting device will be introduced only following extensive consultation with visually impaired people and their organisations. They also need to ensure that a voter with sight loss can use their smartphone or magnifier to view their ballot paper at the next general election.

9.19 pm

Lord Marks of Henley-on-Thames (LD): My Lords, I shall concentrate in winding up primarily on justice issues. As an example, I welcome the Government's commitment to addressing violent crime. Increasing violent crime, particularly knife crime, threatens public safety and confidence, but changes in the criminal justice system can only ever be part of the answer. Youth services in particular have been severely cut over recent years, when they needed to be increased and improved.

The promises in the Queen's Speech include commitments to locking people up for longer. I am afraid this populist approach reflects the Prime Minister's tone, yet it is more directed to the readership of the *Daily Mail* than to responding to serious evidence. Many of us, along with noble and learned Lord, Lord Woolf, remember the debate of the noble Lord, Lord Ramsbotham, on 3 October. Members there demonstrated to a very high standard that long prison sentences do not reduce crime. They stressed our need for better, more humane and more effective prisons with better physical conditions; prisons that are less overcrowded and better staffed, with more opportunity for education, training, sport and employment; and in which violence is brought back under control and health issues and drug and alcohol addiction are addressed.

Rehabilitation must be the central purpose of imprisonment: during custodial sentences, in preparation for release and during supervision following release. These points were well made in the debate by my noble friend Lord Dholakia, the noble and learned Lords, Lord Hope of Craighead and Lord Woolf, the noble Earl, Lord Attlee, and the noble Lords, Lord Hastings, Lord Carlile, Lord Hogan-Howe and Lord Farmer. My noble friend Lord Beith added that prison is not only ineffective but extremely expensive.

The proposed Sentencing Bill will commit to strengthening community orders, addressing offenders' behaviour, mental health and alcohol or drug misuse needs, but achieving this will require better and properly resourced community sentences when the contracts of the disastrous "community rehabilitation companies" are replaced. It is right that victims should receive more support, but the Government should start with the proposals in my noble friend Lady Brinton's Bill to improve and strengthen the rights in the victims' code.

The proposals for no-fault divorce are important. The time has long gone when a precondition for divorce should be the attribution of blame to the other party. Divorce should be a conciliatory process managed for the benefit of the parties, but still more for their innocent children.

We welcome back the Domestic Abuse Bill, initially a casualty of the unlawful Prorogation attempt. It will strengthen support for victims and define domestic abuse more broadly. It benefited greatly from pre-legislative scrutiny, and it is important that the changes proposed by the committee should not be watered down and be properly resourced.

The proposed new points-based immigration system was considered by my noble friends Lord Paddick and Lady Smith and the noble Lords, Lord Horam and Lord Green. I would add two warnings. First, a points system can be sclerotic in failing to respond to rapid changes in the labour market's need for different skills. Secondly, a system that relates the right to come and work here to earnings risks excluding many of those on lower earnings whom we really need.

Had my noble friend Lady Hamwee been able to be here, she would have raised the issue of rendition. The chairman of the Intelligence and Security Committee has said that the UK,

“tolerated actions, and took others, that we regard as inexcusable”. There remains a cohort of individuals subjected to rendition and torture in which the UK Government were complicit. They have suffered reputational damage, immigration problems and stops at international ports, with no means of defending themselves or their families, who are of course also affected. Will the Government implement a durable solution to their immigration status and direct a new judge-led inquiry into the UK's actions?

We note that the police are to be, “awarded the power to arrest individuals who are wanted by trusted international partners”, in an extradition and provisional arrest Bill. As the noble Lord, Lord Kennedy of Southwark, pointed out, it is ironic that this coincides with our possible loss of the very successful European arrest warrant. It is principally directed to mitigating its loss.

I regard the measures to, “improve the justice system's response to foreign national offenders”, as largely a red herring. Deportation is already available in respect of serious offenders, but the Home Office's record of deporting offenders is abysmal. It is far more important to implement existing deportation orders effectively than to rely on new measures to deter the return of those who have been deported.

We are promised a new regulator to scrutinise environmental policy and law, investigate complaints and take enforcement action. That would ring less hollow if the Government had not been repeatedly found in breach of the Aarhus convention for failing to comply with our commitments on environmental justice.

Strangely, we are offered a Bill on the implementation of agreements in private international law, to produce an agreed international mechanism for co-operation in justice matters. The Government hope to retain or replicate the advantages we currently enjoy in the civil justice system from a network of regulations and conventions between EU countries, at present monitored and overseen by the Court of Justice of the European Union.

However, it is pie in the sky to suggest that this can be achieved by domestic legislation, as the noble Baroness, Lady McIntosh of Pickering, hinted at. These are

international agreements: the Brussels I Regulation on jurisdiction, registration and enforcement of judgments; Brussels II, on family law issues; Rome I, on governing law in contract; Rome II, on conflicts of law in non-contractual obligations; and the Hague conventions, including on child abduction. They are additional to the benefits of European co-operation in criminal justice matters, which were discussed by my noble friend Lord Paddick and go far beyond the benefits achieved from the European arrest warrant, substantial as those are. We have Europol, which is a massive improvement over Interpol in terms of efficient co-operation and speed; Eurojust, which allows co-operation between judges and courts; and access to the Schengen database of information to protect national security, border control and law enforcement.

The answer the noble Lord, Lord Callanan, gave to the noble Lord, Lord Carlile, on these points was wholly inadequate. The noble Lord, Lord Carlile, amplified the point in his speech, but even he did not meet the point that all these benefits depend on multilateral agreement between nations. They are a major benefit of EU membership—a binding system monitored by the CJEU. It was an absurd red line that we should lose so much in international co-operation in order to reject the involvement of a court to which no one can identify a single, solid, practical objection; to which United Kingdom judges have contributed so much; and in which we could negotiate continued involvement in areas of continuing co-operation.

We should all remember the speech of the noble and learned Lord, Lord Judge, on the operation of the constitution and his warning that,

“if you mess about with the constitution it will bite back”.

The House heard impressive speeches on devolution to the nations and regions of the United Kingdom. My noble friends Lady Humphreys and Lord Scriven, the noble Lords, Lord Bourne of Aberystwyth and Lord Heseltine, and many others contributed to that debate. There is, however, a hollowness that positively rattles in the Government's protestation:

“The integrity and prosperity of the union that binds the four nations of the United Kingdom is of the utmost importance”, to the Government. Brexit poses a massive threat to the union, yet the Government ignore the threat of Scottish independence and the fact that the form of Brexit that might be implemented could be the most inimical possible to Scotland's economic interests.

The Government seem prepared to threaten the union with Northern Ireland in their desperation to get Brexit done against an artificial and politically imposed deadline, seeking to reconcile the clearly conflicting goals of leaving the customs union, honouring the Good Friday agreement with no border between the Republic and Northern Ireland, and treating Northern Ireland as an intrinsic part of the UK. Yet the benefits of leaving the customs union are illusory, largely based on a view of President Trump that is unrealistic to the point of being fantastical.

Finally, I support my noble friend Lord Tyler's call for transparency and reform of election and referendum expenditure, and for greater accuracy and completeness of our electoral registers, and the call from the noble Baroness, Lady Wheatcroft, for protection

[LORD MARKS OF HENLEY-ON-THAMES]

from interference and abuse. Our democracy is under real threat from injustices, anomalies—including the one raised by the noble Lord, Lord Low, in the gap—inefficiencies and the risks inherent in our present electoral arrangements. We on these Benches will seek to uphold the integrity of our democracy, whatever the outcome of present conflicts.

9.31 pm

Lord Rosser (Lab): My Lords, we have had thought-provoking contributions in this debate, as one would have expected. There is certainly no way that I can refer to more than a handful. I apologise in advance for making no reference to so many speeches made during the debate.

My noble friend Lord Kennedy of Southwark referred to the pending White Paper on English devolution and the need for real devolution of power, not merely tinkering—an issue on which the noble Lord, Lord Heseltine, spoke with considerable passion.

My noble friend also spoke about pending legislation on serious violence. He referred to the need to involve all relevant agencies and to ensure that they have the resources, including financial resources, to help address the level of serious violence. That is an important issue, since there has just been a 7% rise in knife offences across England and Wales, now amounting to more than 47,000 such offences in a 12-month period.

My noble friend also referred to the Government's approach to stop-gap increases in resources for social care, which are being financed by increases in the regressive council tax, rather than through government grants from taxation. Is it the Government's intention to finance increases in resources for other areas of key local government activity in the same way as they currently approach increases in resources—presumably temporarily—for social care?

It is not just rising knife crime that needs to be addressed; the criminal justice system has been particularly badly hit by austerity. There are many examples, but one is the percentage of reported rapes reaching even charging stage, which is below 2%. Yet the number of police officers has been reduced by more than 20,000 in the last nine years. The noble Lord, Lord Paddick, referred to police numbers and pointed out that there would be a need to recruit, I think he said, more than 42,000 officers over three years to take account of current officer resignation rates, as well as the 20,000 extra police—a level that would be higher than recent recruitment rates, as well as involving significant additional costs, including on matters such as training. We await the Government's answer on the practicality and cost of achieving their figure of an additional 20,000 police officers. There is also the reality that the number of police community support officers and special officers has declined. This does not appear to be an area which the Government intend to address. If I am wrong, no doubt they will correct me in their response.

There is also the question of the adverse impact on security of our withdrawal from the European Union, to which reference has been made in this debate. Can the Government give an undertaking that the present security and intelligence arrangements will remain

after Brexit in relation to the European arrest warrant, extradition and exchange of information? I think the answer must be no, but no doubt they will want to give their own answer, rather than me trying to give it for them.

The noble and learned Baroness, Lady Butler-Sloss, contrasted the entry checks through our airports and the weaker checks through our maritime ports and St Pancras International. What is the Government's response to her points, and do they agree with them?

Concern has also been expressed by more than one noble Lord that the emphasis in the gracious Speech is solely on the punishment of offenders, with proposals that even the Government accept will increase the prison population by 3,000, when we already have more people in prison than other western European countries. It seems that rehabilitation and measures to reduce the incidence of offending in the first place are going to take a relative back seat, even though that is potentially where the big savings lie and where the greatest benefits for achieving a safer society can be realised.

The Domestic Abuse Bill, which we welcome, is an opportunity to change domestic abuse from a criminal justice issue to one that is everyone's business, tackled by health and social care, housing, education and employers, but insecure immigration status is often a tool of control used by perpetrators to abuse their partners and threaten them with deportation. Migrant women often face severe barriers to reporting and seeking help. We need safe reporting mechanisms, ensuring immigration enforcement is kept separate from the response to domestic abuse.

Domestic violence follows women into the workplace. Around one in five victims in the UK have to take time off work because of domestic abuse, and three-quarters of people who endure domestic violence are also targeted at work. I think I am right in saying that the Philippines, a number of states in the United States and, most recently, New Zealand, have all passed laws requiring employers to provide paid leave to enable survivors time and space to sort out issues such as housing, schooling and appointments with outside agencies, including the police.

My noble friend Lord Kennedy of Southwark raised the issue of domestic abuse victims in some parts of the country being charged by GPs for letters confirming their injuries and that they have been victims. I hope that the Government can respond.

The Government's immigration Bill seeks to repeal EU free movement laws, so that the UK can bring in a more restrictive immigration and social security system for EU citizens after Brexit. Can I, too, ask when free movement will end if the Prime Minister's deal is agreed? The immigration Bill would undermine the UK's ability to get a good Brexit outcome, as it would end the free movement rules which are a requirement of the single market membership that many feel is crucial to protect rights and jobs. Ending free movement rights, impacting on the right to access healthcare or draw a pension for EU citizens, also increases the risk that EU countries will remove the rights for UK citizens.

This Bill also increases the risk of exploitation, as it paves the way for the Government to introduce their plans for low-skill visas for EU workers that allow workers to stay for only a short period in the UK. Workers on such visas are likely to be employed in sectors where there is a low coverage of collective agreements and thus more likely to be subject to poorer conditions and low pay. Bad employers may be tempted to use workers' insecure immigration status to force them to accept poor conditions.

A number of noble Lords spoke about immigration, including the noble Lord, Lord Green of Deddington. In my view, the Government have always sought to back both horses on immigration. The hostile environment policy and the aspiration to bring net migration down to the tens of thousands were designed to garner the support and votes of those who are fearful of people of different colour or culture coming into this country—this allegedly crowded country with certainly not allegedly struggling public services as a result of excessive austerity. On the other hand, the same Government continue to agree to as many people from outside the EU, whose number they can control, coming into the country as from within the EU, in respect of whom they say they need withdrawal from the EU to regain control of our borders. I think I am right in saying that, since the referendum, net migration from the EU, which the Government say they cannot control, has been lower than net migration from outside the EU, which they can control.

No doubt the Government privately recognise the value and benefits of migration to this country, but as a result of that recognition, what they have actually done since 2010 has been at odds with what they have said to the people of this country about bringing net migration down to below 100,000. The Government could under EU law, within the general principles of freedom of movement, have registered migrant workers as they arrive or imposed a time limit on any stay without work. I suspect that those who believe that, following Brexit, the Government will reduce net migration will be disappointed, even though the Government will no doubt continue to try to give the impression that that is the objective that they are pursuing.

The noble Lord, Lord Horam, spoke about Brexit enabling us to reset policies on immigration and mentioned the policy—or was it an aspiration?—of reducing net migration to tens of thousands a year. He raised a point about the composition and focus of the Migration Advisory Committee. I hope that we will hear a government response to that. I am not sure that the Government agree that we are a crowded country. No doubt we will find out shortly in their response. I have heard them argue that the percentage of land in this country that has been developed is very low and that housebuilding densities in our cities are lower than in many other major European cities. Certainly, the Government's proposals for speeding up and shortening the planning application process, which will put more pressure on understaffed local authorities, do not suggest that they think we need to keep a close watch on and control over future building development.

My noble friend Lady Lister of Burtsett raised concerns over the position of EU citizens, settled status, asylum seekers and fees in respect of children.

No doubt the Government will respond to the points raised by her, including her question about benefits being index linked.

The noble and learned Lord, Lord Judge, gave a fascinating speech setting out his case for saying that our unwritten constitution was shifting on to softer sands. He pitched into the decisions of more than one Government, referring to the Brexit referendum, the Fixed-term Parliaments Act, the change in the position and status of the Lord Chancellor and recent tax laws transferring powers from the Commons to Ministers and officials. The noble and learned Lord referred to the appointment of a Minister for the Constitution, who is not in the Cabinet, and asked whether that individual had been consulted on the Prime Minister's Prorogation of Parliament. I wait to see whether the Government give an answer on that.

The noble Baroness, Lady Wheatcroft, also spoke on constitutional issues, in particular on the need to protect our electoral processes and democracy from the impact and effect of anonymity online. I hope that the Government will respond to her concerns, which I suspect are widely shared.

The noble Baroness, Lady Pinnock, spoke about the serious financial position of local government, which was not mentioned in the gracious Speech, despite the role that it plays in our lives. The noble Baroness argued for reform of local government financing, with devolution of responsibility and funding, and referred to the crisis in funding for social care. No doubt the Government will respond to her question about the timetable for the publication of a White Paper with proposals to resolve this issue.

What can be achieved towards improving public services diminished by austerity will be influenced by the outcome of Brexit. It is a sobering thought that MPs were asked to make a decision with huge consequences less than 48 hours after the deal had been unveiled, and in the face of a government refusal to publish any analysis of its economic impact. Assurances on workers' rights and environmental standards have been moved out of the binding withdrawal agreement and into the non-binding political declaration. The former Cabinet Minister, David Gauke, has pointed out the damage that would result from abandoning around 70 trade agreements we already have via our membership of the EU. For every pound gained to the UK by being able to enter new free trade agreements that we might negotiate with non-EU third countries, we will see a loss up to 30 times higher. If leaving the customs union and the single market goes ahead, it will make our economy a lot poorer than it would otherwise have been. Even the Government think that losses of around 6% to 8% of gross domestic product would occur. This debate has not been specifically about Brexit, but the reality is that what we will be able to afford to do to address many of the issues and problems which have been debated today will be influenced by the outcome of Brexit and its impact on our economy and society.

9.47 pm

The Minister of State, Home Office (Baroness Williams of Trafford) (Con): My Lords, I thank all noble Lords who have taken part in this debate. I apologise to the

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noble Baroness, Lady Bonham-Carter. I looked with horror as she spoke about the debate that is taking place tomorrow. She is, of course, absolutely entitled to do that but I will not respond to her points today. I also join noble Lords in paying tribute to my noble friend Lord Bourne. Fulsome tributes have been paid to him today. He succeeded me at MHCLG—boy, did he succeed. I was recently at a service to mark National Hate Crime Awareness Week when someone came up to me and asked, a bit put out: “Where is Lord Bourne?” When I said that he was no longer a Minister they were quite disappointed. They waxed lyrical about how wonderful he was and how he will be missed. I will be among others who will miss him.

I will start with my favourite subject, devolution, which was the subject of the first Bill that I brought in as a Minister and which, as my noble friend Lord Heseltine said, is about everything that has been talked about this evening. It is about effective local communities and skills. When I was in local government, and when my noble friend and I went round the country, I found out how important local leadership was in the prospects for devolution. It was no surprise to me that Greater Manchester got the first devolution deal. It knew exactly where it was going and what it needed to achieve. The noble Lord, Lord Shutt, asked what the northern powerhouse means and whether we need legislation for it. To me, the northern powerhouse was all about the Government's articulation of growing the areas outside London to allow them to play their economic part.

Lord Hunt of Wirral (Con): A better balance.

Baroness Williams of Trafford: Exactly—balancing the economy outside London and the south-east. I have the platform and can now unburden. When people say that we need regional rail more than we need HS2, or vice versa, I say that we need it all in the north. It is about time that we started to connect people to jobs more easily. My noble friend Lord Heseltine asks how we can differentiate rural and urban: actually, we all need to access skills and education and bring places of work nearer to us.

Lord Shutt of Greetland: Does the Minister think that the northern powerhouse could be rather fragile if there is no legislation through which it is embraced?

Baroness Williams of Trafford: I could agree with that, but I give the noble Lord the example of Wythenshawe in Greater Manchester, which has the largest council housing estate in Europe. It had one intervention, to bring the tram through it. The houses are still not worth very much, but in percentage terms they have had the greatest increase in value in Greater Manchester. That is an example of where strategic intervention really helps places to grow without particular legislation. Like everyone else, I look forward to the White Paper and contributing to it. As the Prime Minister said in Rotherham recently, we are going to do devolution properly: I know my noble friend Lord Heseltine will have great hope. We are going to maximise the power of the north, with more mayors across the whole of the north.

The noble Lord, Lord Shutt, raised Yorkshire. The Prime Minister also welcomed the establishment of a Yorkshire committee as a practical step facilitating greater collaboration on a Yorkshire-wide basis. I echo that and the bespoke ongoing discussions across Yorkshire to ensure the most appropriate arrangements. I have the scars on my back from some of the earlier discussions in Yorkshire. The noble Lord, Lord Scriven, and my noble friend Lord Heseltine talked about the shared prosperity fund. We recognise the importance of reassuring local areas on the future of local growth funding once we have left the EU and providing clarity on the SPF. We will consult on the fund, alongside the White Paper, so that people have an opportunity to contribute their views on its design and priorities.

There is a lot of support in your Lordships' House for the Domestic Abuse Bill. It came first from the noble Lord, Lord Kennedy, but I think most noble Lords mentioned it. One thing he brought up—and I look forward to discussing it with noble Lords—was GPs charging fees to victims for providing a letter evidencing abuse. I did not know that that was the situation; I am really appalled to hear about it and I can advise him that the department of health is working with a range of other departments and agencies, including the Ministry of Justice and the British Medical Association, to assess the scale of the problem and find out how many GPs currently charge for this service and how much. Gathering the evidence is the first necessary step, but I deplore the fact that it is going on.

On equalities, my noble friend Lord Bourne talked about the Race Disparity Audit. He knows that it is to drive change by publishing authoritative data and analysis about ethnic disparities, differences of treatment or outcome affecting people of different ethnicities. The website “Ethnicity facts and figures” now covers 176 different topics across education, healthcare, criminal justice and the economy. The Government are committed to acting on the data provided. He also talked about Gypsy, Roma and Traveller communities. At that hate crime service there was a commemoration of a boy in Liverpool who was killed because he was a Traveller. He is absolutely right that the Race Disparity Audit shows that people from Irish Traveller and Gypsy Roma groups have the highest rates of temporary and permanent exclusions. In response, the Government commissioned the *Timpson Review of School Exclusion*, published earlier this year. The report stressed action to ensure that permanent exclusions are only used as a last resort, and made 30 recommendations which are currently being considered.

The noble Lord also talked about the definition of Islamophobia. As he knows, the APPG definition would create practical and legal challenges. It is absolutely vital that we get it right and that any definition reflects the experiences of those who have experienced anti-Muslim hatred. That is why we are appointing advisers to lead a review on the definition of Islamophobia. As he knows, the first of the advisers, Imam Qari Asim, was appointed on 23 July.

The noble Baroness, Lady Pinnock, talked about the reform of the adult social care system. We have given government access to £1.5 billion of additional

funding for adult and children's social care next year, and we will set out proposals to fix the crisis in social care in due course. I am sorry to say that there is no consensus on the best way to reform the system, but we need to get it right. I am afraid I cannot commit to a timeline at this point.

My noble friend Lady McIntosh of Pickering talked about the Hague convention. We are committed to continued co-operation with the EU in cross-border, civil and family cases after Brexit. In particular, we are keen to ensure that there are clear rules on which court should hear a cross-border case and that UK legal decisions can be recognised and enforced in the EU. We will work with our European partners to establish the exact nature of a future agreement.

On policing, the noble Lord, Lord Hogan-Howe, gave his support, and I am pleased that other Peers also welcomed the commitment to policing through the recruitment of an additional 20,000 officers over the next three years. We are also committed to wider support and protection as part of the police covenant, which I was pleased to hear the noble Lord welcome. The Home Secretary has made it clear that she will give the police the tools they need, as evidenced by the recent pledge of £10 million to equip police officers with Tasers.

The noble Lord, Lord Paddick, talked about the recruitment of BME officers in the 20,000 uplift. There has never been a more important time to ensure that we increase the diversity of people joining the police so that the police look like the diverse community they serve. Of course, we want to attract talent from the widest possible pool. As of March this year, we have the highest proportion of BME and female officers since records began. There is further to go, but this is a promising step towards reflecting the community that the police serve. Work by police forces is already under way to ensure that they have a more representative workforce than ever before.

The noble Baroness, Lady Lister, asked about extending welfare mitigations to Northern Ireland. The Secretary of State for Northern Ireland does not have the power to instruct the Northern Ireland Civil Service; I am afraid that any legislation to extend welfare mitigations would have to be for a restored Executive.

She also talked about breakfast club funding; the Government are investing up to £26 million in the breakfast club programme, using funds from the soft drinks and industry levy revenues. The contract was awarded to Family Action in March 2018 and will run until March 2020. Family Action, in partnership with Magic Breakfast, have both been named as the leading charities responsible for running the breakfast club programme. Family Action is distributing the appropriate funding to participating schools that meet the eligibility criteria. The noble Baroness shakes her head.

Baroness Lister of Burtsett (Lab): I am sorry to intervene, but my question was: what will happen after March 2020? The evidence from the charities was that it is very successful but they are anxious about what will happen.

Baroness Williams of Trafford: Perhaps I can follow that question up for the noble Baroness. It may have something to do with spending reviews—obviously, I cannot commit on those—but I will follow that one up for her.

My noble friend Lord Astor of Hever brought up the important issue of the legacy in Northern Ireland, particularly as it related to former servicemen. The Secretary of State for Northern Ireland will work with the Attorney-General and the Defence Secretary, and they are collectively determined to find a solution that works for Northern Ireland and which treats everyone fairly. I will at this point voice everyone's appreciation for the work of our service men and women in Northern Ireland in incredibly difficult circumstances.

I turn to sentencing and rehabilitation, which several noble Lords mentioned. The Government have been very clear that violent and sexual offenders must serve sentences that truly reflect the severity of their crime, which help to protect the public and give victims confidence that justice has been served. I take the point made by several noble Lords, particularly the noble and learned Lord, Lord Woolf, that sentences for certain offences have almost doubled in the past few years. Other noble Lords said that there is no point in short sentences. I am sure that we will have much discussion about that.

I think it is fair to say that punishment and rehabilitation are not opposites. We must do both. I totally agree with noble Lords who have made the point that we need to improve rehabilitation in prison and support our probation services in supervising former prisoners. The noble and learned Lord, Lord Woolf, asked me for the evidence that longer sentences work. Also on that point, we need sentences that properly reflect the severity of crimes that people have committed. As a society, I think we have no choice but to insist on proper sentencing, but sentencing in which we have rehabilitation and some of the basics which noble Lords have talked about today. I have seen at first hand the lack of numeracy, literacy and any basic skills within the prison population—particularly, perhaps I may say as a woman, among women prisoners.

The noble Lord, Lord Hastings of Scarisbrick, talked about youth sentencing. The Government think that sentencing should allow children to get the support they need to improve their lives. During the passage of the then Offensive Weapons Bill, we talked about not criminalising children at an early age when they could find a path to a far more productive life. We have sentences specifically for under-18s which provide the court with a range of community options to address offending behaviours, and, as we talked about during the passage of that Bill, custody should be not a first but a last resort, and the sentence length should be appropriate and proportionate.

Many noble Lords talked about offender health in prison—not just physical but mental health and the effect that substance abuse has. In October this year, health and justice partners confirmed to the Health and Social Care Select Committee their commitment to providing a standard of healthcare in prison at least equivalent to that available in their community. The noble Lord, Lord Brooke of Alverthorpe, talked about

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the alcohol abstinence and monitoring requirements. As part of the review, we have looked at changes to sentencing for the most prolific offenders who could help to break that cycle of reoffending through these monitoring requirements he talked about, which start across England and Wales in 2020. More specifically, we think that the voluntary, community and social enterprise sector should have an important role in helping to shape and deliver public services to make a real difference to their communities. The MoJ and HM Prison and Probation Service facilitate a wide and varied range of opportunities for the VCSE sector to work with offenders in prisons and in the community.

The noble Lord, Lord Dholakia, and other noble Lords mentioned the current prison population. In August, the PM announced investment of up to £2.5 billion to transform the prison estate and provide 10,000 additional prison places on top of the 3,360 places already being delivered at Wellingborough and Glen Parva. However, on the point made by the noble Lord, Lord Marks, we need decent, clean and humane prisons. A new national standard has been produced to assist in providing assurance through the management line and drive improvement.

Quite a few points were made on the constitution. My noble friend Lord Hunt of Wirral talked about a written constitution. There has been lively debate on the benefits of a codified constitution. The Government welcome that debate but have no plans at this time to introduce a codified or written constitution for the United Kingdom.

The noble and learned Lord, Lord Judge, who has been the speaker of sensible points over the past few days, talked about the Minister for the Constitution. Together with Cabinet Office ministerial colleagues, that Minister maintains oversight of constitutional issues across the Government, including for the union. Apparently, that oversight does not rest with one Minister or department, and the Prime Minister retains ultimate oversight of the constitution. The noble and learned Lord asked the question that the noble Lord, Lord Rosser, thought I might not answer—but I will—

about whether the Minister for the Constitution was consulted on the Prorogation. That is a matter for the Prime Minister to advise on; unusually, of course, the reasons for his decision have been made a matter of public record in the documents that were submitted to the courts and subsequently published. I can safely say that most of my family did not know the meaning of “Prorogation” until a few weeks ago; now, the entire world knows it.

I hope that noble Lords will indulge me for a few minutes longer. The noble Baroness, Lady Humphreys, talked about the United Kingdom. We are absolutely committed to the constitutional integrity of the United Kingdom. Our union is strongest when each of our constituent parts work together. We remain focused on ensuring that the interests of all the devolved nations are fully represented within our union and on continuing to deliver a strong and sustainable devolution settlement.

The noble Lord, Lord Beith, talked about judicial independence and appointments. Our judges are selected following a transparent, rigorous and independent merit-based process, which is key to maintaining the quality, integrity and independence of our world-class judiciary.

My noble friend Lord Bourne, the noble Baroness, Lady Pinnock, and the noble Lord, Lord Best, talked about affordable housing, which remains a government priority. We are investing more than £9 billion in affordable housing to support the delivery of approximately 250,000 affordable homes, including homes for social rent. I take the point about the phrase “affordable housing” from whichever noble Lord made it, but I remember making exactly the same point 15 years ago and yet house prices are higher and higher.

I will write to noble Lords on the subject of immigration because I have a pile of papers here and I have been speaking for almost 22 minutes. I hope that noble Lords will forgive me for that.

Debate adjourned until tomorrow.

House adjourned at 10.09 pm.