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Wednesday
8 November 2023

PARLIAMENTARY DEBATES
(HANSARD)

HOUSE OF LORDS
OFFICIAL REPORT

ORDER OF BUSINESS

Cessation of Membership: Lord Bhatia and Lord Dixon-Smith	21
Automated Vehicles Bill [HL]	21
Investigatory Powers (Amendment) Bill [HL]	21
Pedicabs (London) Bill [HL]	21
Trade (Comprehensive and Progressive Agreement for Trans-Pacific Partnership) Bill [HL] <i>First Reading</i>	22
Artificial Intelligence in Weapon Systems Committee	
Built Environment Committee	
Communications and Digital Committee	
Conduct Committee	
Joint Committee on Consolidation etc. Bills	
Constitution Committee	
Delegated Powers and Regulatory Reform Committee	
Economic Affairs Committee	
Education for 11 to 16-year olds Committee	
Environment and Climate Change Committee	
European Affairs Committee	
Finance Committee	
House of Lords Commission	
Joint Committee on Human Rights	
Hybrid Instruments Committee	
Industry and Regulators Committee	
Integration of Primary and Community Care Committee	
International Agreements Committee	
International Relations and Defence Committee	
Justice and Home Affairs Committee	
Liaison Committee	
<i>Membership Motions</i>	22
Joint Committee on the National Security Strategy	
Procedure and Privileges Committee	
Public Services Committee	
Science and Technology Committee	
Secondary Legislation Scrutiny Committee	
Committee of Selection	
Services Committee	
Standing Orders (Private Bills) Committee	
Joint Committee on Statutory Instruments	
<i>Membership Motions</i>	23
British Steel	
<i>Commons Urgent Question</i>	37
King's Speech	
<i>Debate (2nd Day)</i>	41

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The abbreviation [V] after a Member's name indicates that they contributed by video call.

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

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

No party affiliation is given for Members serving the House in a formal capacity or for the Lords spiritual.

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House of Lords

Wednesday 8 November 2023

3 pm

Prayers—read by the Lord Bishop of Leeds.

Cessation of Membership Announcement

3.07 pm

The Lord Speaker (Lord McFall of Alcluth): My Lords, I have to notify the House that the noble Lords, Lord Bhatia and Lord Dixon-Smith, yesterday ceased to be Members of the House under Section 2 of the House of Lords Reform Act 2014 by virtue of not attending any proceedings of the House during the parliamentary Session 2022-23. On behalf of the House, I thank the noble Lords for their much-valued service to the House.

Noble Lords: Oh!

The Lord Speaker: That is what it says here.

Automated Vehicles Bill [HL] First Reading

3.07 pm

A Bill to regulate the use of automated vehicles on roads and in other public places; and to make other provision in relation to vehicle automation.

The Bill was introduced by the Earl of Courtown (on behalf of Baroness Vere of Norbiton), read a first time and ordered to be printed.

Investigatory Powers (Amendment) Bill [HL] First Reading

3.08 pm

A Bill to amend the Investigatory Powers Act 2016; to make provision about information supplied by, or relating to, the Judicial Commissioners; and for connected purposes.

The Bill was introduced by the Earl of Courtown (on behalf of Lord Sharpe of Epsom), read a first time and ordered to be printed.

Pedicabs (London) Bill [HL] First Reading

3.09 pm

A Bill to make provision for regulating pedicabs in public places in Greater London; and for connected purposes.

The Bill was introduced by the Earl of Courtown (on behalf of Baroness Vere of Norbiton), read a first time and ordered to be printed.

Trade (Comprehensive and Progressive Agreement for Trans-Pacific Partnership) Bill [HL]

First Reading

3.10 pm

A Bill to enable the implementation of, and the making of other provision in connection with, the Comprehensive and Progressive Agreement for Trans-Pacific Partnership.

The Bill was introduced by the Earl of Courtown (on behalf of Lord Johnson of Lainston), read a first time and ordered to be printed.

Artificial Intelligence in Weapon Systems Committee

Built Environment Committee

Communications and Digital Committee

Conduct Committee

Joint Committee on Consolidation etc. Bills

Constitution Committee

Delegated Powers and Regulatory Reform Committee

Economic Affairs Committee

Education for 11 to 16-year olds Committee

Environment and Climate Change Committee

European Affairs Committee

Finance Committee

House of Lords Commission

Joint Committee on Human Rights

Hybrid Instruments Committee

Industry and Regulators Committee

Integration of Primary and Community Care Committee

International Agreements Committee

International Relations and Defence Committee

Justice and Home Affairs Committee

Liaison Committee

Joint Committee on the National Security Strategy

Procedure and Privileges Committee

Public Services Committee

Science and Technology Committee

Secondary Legislation Scrutiny Committee

Committee of Selection

Services Committee

Standing Orders (Private Bills) Committee

Joint Committee on Statutory Instruments

Membership Motions

3.10 pm

Moved by The Senior Deputy Speaker

Artificial Intelligence in Weapon Systems Committee

That a Select Committee be appointed to consider the use of artificial intelligence in weapon systems, and to make recommendations; and that the following members be appointed to the Committee:

Browne of Ladyton, L, Clement-Jones, L, Doocey, B, Fairfax of Cameron, L, Grocott, L, Hamilton of Epsom, L, Hodgson of Abinger, B, Houghton of Richmond, L, Lisvane, L (Chair), Mitchell, L, Sarfraz, L, Triesman, L.

That the Committee have the power to send for persons, papers and records;

That the Committee have power to appoint specialist advisers;

That the Committee have power to meet outside Westminster;

That the evidence taken by the Committee in the last session of Parliament be referred to the Committee;

That the evidence taken by the Committee be published, if the Committee so wishes;

That the Committee do report by 30 November 2023;

That the report of the Committee be printed, regardless of any adjournment of the House.

Built Environment Committee

That a Select Committee be appointed to consider matters relating to the built environment, including policies relating to housing, planning, transport and infrastructure; and that the following members be appointed to the Committee:

Berkeley, L, Best, L, Carrington of Fulham, L, Cohen of Pimlico, B, Eaton, B, Faulkner of Worcester, L, Greenhalgh, L, Mawson, L, Moylan, L (Chair), Russell, E, Thornhill, B, Warwick of Undercliffe, B.

That the Committee have power to send for persons, papers and records;

That the Committee have power to appoint specialist advisers;

That the Committee have power to meet outside Westminster;

That the Committee have leave to report from time to time;

That the reports of the Committee be printed, regardless of any adjournment of the House;

That the evidence taken by the Committee in the last session of Parliament be referred to the Committee;

That the evidence taken by the Committee be published, if the Committee so wishes.

Communications and Digital Committee

That a Select Committee be appointed to consider the media, digital and creative industries; and that the following members be appointed to the Committee:

Featherstone, B, Foster of Bath, L, Fraser of Craigmaddie, B, Griffiths of Burry Port, L, Hall of Birkenhead, L, Harding of Winscombe, B, Healy of Primrose Hill, B, Kamall, L, Leeds, Bp, Lipsey, L, Stowell of Beeston, B (Chair), Wheatcroft, B, Young of Norwood Green, L.

That the Committee have power to send for persons, papers and records;

That the Committee have power to appoint specialist advisers;

That the Committee have power to meet outside Westminster;

That the Committee have leave to report from time to time;

That the reports of the Committee be printed, regardless of any adjournment of the House;

That the evidence taken by the Committee in the last session of Parliament be referred to the Committee;

That the evidence taken by the Committee be published, if the Committee so wishes.

Conduct Committee

That a Conduct Committee be appointed; and that the following members be appointed to the Committee:

Blair of Boughton, L, Garnier, L, Mallalieu, B, Manningham-Buller, B (Chair), Scriven, L.

That the following be appointed as lay external members of the Committee:

Cindy Butts; Mark Castle OBE; Andrea Coomber; Vanessa Davies.

That the quorum of the Committee shall be three Lords members and two lay members;

That the Committee have power to send for persons, papers and records;

That the Committee have leave to report from time to time;

That the reports of the Committee be printed, regardless of any adjournment of the House;

That the evidence taken by the Committee be published, if the Committee so wishes.

Joint Committee on Consolidation etc. Bills

That, in accordance with Standing Order 50, the following Lords be appointed to join with a Committee of the Commons as the Joint Committee on Consolidation etc. Bills:

Andrews, B, Bridgeman, V, D'Souza, B, Eames, L, Eccles, V, Hanworth, V, Mallalieu, B, Razzall, L, Rowlands, L, Seccombe, B, Thomas of Cwmgiedd, L (Chair), Thomas of Winchester, B.

That the Committee have power to agree with the Committee appointed by the Commons in the appointment of a Chair;

That the Committee have power to send for persons, papers and records;

That the Committee have leave to report from time to time;

That the reports of the Committee be printed, regardless of any adjournment of the House;

That the evidence taken by the Committee be published, if the Committee so wishes.

Constitution Committee

That a Select Committee be appointed to examine the constitutional implications of public bills coming before the House; and to keep under review the operation of the constitution and constitutional aspects of devolution; and that the following members be appointed to the Committee:

Anderson of Ipswich, L, Andrews, B, Drake, B (Chair), Falconer of Thoroton, L, Finn, B, Foulkes of Cumnock, L, Hope of Craighead, L, Keen of Elie, L, Mancroft, L, Strathclyde, L, Suttie, B, Thomas of Gresford, L.

That the Committee have power to send for persons, papers and records;

That the Committee have power to appoint specialist advisers;

That the Committee have power to meet outside Westminster;

That the Committee have leave to report from time to time;

That the reports of the Committee be printed, regardless of any adjournment of the House;

That the evidence taken by the Committee in the last session of Parliament be referred to the Committee;

That the evidence taken by the Committee be published, if the Committee so wishes.

Delegated Powers and Regulatory Reform Committee

That a Select Committee be appointed:

(1) To report whether the provisions of any bill inappropriately delegate legislative power, or whether they subject the exercise of legislative power to an inappropriate degree of parliamentary scrutiny;

(2) To report on documents and draft orders laid before Parliament under or by virtue of:

(a) sections 14 and 18 of the Legislative and Regulatory Reform Act 2006,

(b) section 7(2) or section 19 of the Localism Act 2011, or

(c) section 5E(2) of the Fire and Rescue Services Act 2004; and to perform, in respect of such draft orders, and in respect of subordinate provisions orders made or proposed to be made under the Regulatory Reform Act 2001, the functions performed in respect of other instruments and draft instruments by the Joint Committee on Statutory Instruments; and

(3) To report on documents and draft orders laid before Parliament under or by virtue of:

(a) section 85 of the Northern Ireland Act 1998,

(b) section 17 of the Local Government Act 1999,

(c) section 9 of the Local Government Act 2000,

(d) section 98 of the Local Government Act 2003, or

(e) section 102 of the Local Transport Act 2008;

That the following members be appointed to the Committee:

Bakewell of Hardington Mandeville, B, Carlile of Berriew, L, Cunningham of Felling, L, Goodlad, L, Hendy, L, Humphreys, B, Janvrin, L, Lindsay, E, McLoughlin, L (Chair), Rooker, L.

That the Committee have power to send for persons, papers and records;

That the Committee have power to appoint specialist advisers;

That the Committee have leave to report from time to time;

That the reports of the Committee be printed, regardless of any adjournment of the House;

That the evidence taken by the Committee in the last session of Parliament be referred to the Committee;

That the evidence taken by the Committee be published, if the Committee so wishes.

Economic Affairs Committee

That a Select Committee be appointed to consider economic affairs and business affairs; and that the following members be appointed to the Committee:

Blackwell, L, Bridges of Headley, L (Chair), Davies of Brixton, L, Griffiths of Fforestfach, L, King of Lothbury, L, Kramer, B, Layard, L, Liddell of Coatdyke, B, Londesborough, L, Noakes, B, Rooker, L, Turnbull, L, Verjee, L.

That the Committee have power to appoint a sub-committee and to refer to it any of the matters within the Committee's terms of reference;

That the Committee have power to appoint the Chair of the sub-committee;

That the Committee have power to co-opt any member to serve on the sub-committee;

That the Committee and its sub-committee have power to send for persons, papers and records;

That the Committee and its sub-committee have power to appoint specialist advisers;

That the Committee and its sub-committee have power to meet outside Westminster;

That the Committee have leave to report from time to time;

That the reports of the Committee be printed, regardless of any adjournment of the House;

That the evidence taken by the Committee in the last session of Parliament be referred to the Committee;

That the evidence taken by the Committee or its sub-committee be published, if the Committee so wishes.

Education for 11 to 16-year olds Committee

That a Select Committee be appointed to consider education for 11 to 16-year olds with reference to the skills necessary for the digital and green economy, and to make recommendations; and that the following members be appointed to the Committee:

Aberdare, L, Baker of Dorking, L, Blower, B, Evans of Bowes Park, B, Garden of Frognal, B, Johnson of Marylebone, L (Chair), Lexden, L, Mair, L, Massey of Darwen, B, Knight of Weymouth, L, Storey, L, Watson of Invergowrie, L.

That the Committee have the power to send for persons, papers and records;

That the Committee have power to appoint specialist advisers;

That the Committee have power to meet outside Westminster;

That the evidence taken by the Committee in the last session of Parliament be referred to the Committee;

That the Committee do report by 30 November 2023;

That the report of the Committee be printed, regardless of any adjournment of the House; and

That the evidence taken by the Committee be published, if the Committee so wishes.

Environment and Climate Change Committee

That a Select Committee be appointed to consider the environment and climate change; and that the following members be appointed to the Committee:

Boycott, B, Bray of Coln, B, Bruce of Bennachie, L, Duncan of Springbank, L, Grantchester, L, Jones of Whitchurch, B, Lilley, L, Lucas, L, Oxford, Bp, Parminter, B (Chair), Wellington, D, Whitty, L, Young of Old Scone, B.

That the Committee have power to send for persons, papers and records;

That the Committee have power to appoint specialist advisers;

That the Committee have power to meet outside Westminster;

That the Committee have leave to report from time to time;

That the reports of the Committee be printed, regardless of any adjournment of the House;

That the evidence taken by the Committee in the last session of Parliament be referred to the Committee;

That the evidence taken by the Committee be published, if the Committee so wishes.

European Affairs Committee

That a Select Committee be appointed:

(1) To consider matters relating to the United Kingdom's relationship with the European Union and the European Economic Area, including:

(a) The implementation of any agreements between the United Kingdom and the European Union, including the operation of the governance structures established under those agreements;

(b) Any negotiations and further agreements between the United Kingdom and the European Union;

(c) The operation of the Protocol on Ireland/Northern Ireland;

(2) To consider European Union documents deposited in the House by a minister;

(3) To support the House as appropriate in inter-parliamentary cooperation with the European Parliament and the Member States of the European Union; and that the following members be appointed to the Committee:

Adonis, L, Anelay of St Johns, B, Blackstone, B, Hannay of Chiswick, L, Jay of Ewelme, L, Lamont of Lerwick, L, Liddle, L, Ludford, B, Nicholson of Winterbourne, B, Ricketts, L (Chair), Scott of Needham Market, B, Trenchard, V, Wood of Anfield, L.

That the Committee have power to appoint a sub-committee and to refer to it any matters within its terms of reference;

That the Committee have power to appoint the Chair of the sub-committee;

That the Committee have power to co-opt any member to serve on the sub-committee;

That the Committee and its sub-committee have power to send for persons, papers and records;

That the Committee and its sub-committee have power to appoint specialist advisers;

That the Committee and its sub-committee have power to meet outside Westminster;

That the Committee have leave to report from time to time;

That the reports of the Committee be printed, regardless of any adjournment of the House;

That the evidence taken by the Committee or its sub-committee in the previous session of Parliament be referred to the Committee or its sub-committee;

That the evidence taken by the European Union Committee in the 2019–21 session of Parliament be referred to the Committee or its sub-committee;

That the evidence taken by the Committee or its sub-committee be published, if the Committee so wishes.

Finance Committee

That a Select Committee be appointed to support the House of Lords Commission by:

(1) Considering expenditure on services provided from the Estimate for the House of Lords,

(2) Reporting to the Commission on the forecast outturn, Estimate and financial plan submitted by the Management Board,

(3) Monitoring the financial performance of the House Administration, and

(4) Reporting to the Commission on the financial implications of significant proposals;

That the following members be appointed to the Committee:

Altrincham, L, Courtown, E, Davies of Brixton, L, Kennedy of Southwark, L, Lee of Trafford, L, Levene of Portsoken, L, Reay, L, Stoneham of Droxford, L, Tomlinson, L, Vaux of Harrowden, L (Chair).

That the Committee have power to send for persons, papers and records;

That the Committee have leave to report from time to time;

That the reports of the Committee be printed, regardless of any adjournment of the House.

House of Lords Commission

That a Select Committee be appointed to provide high-level strategic and political direction for the House of Lords Administration on behalf of the House; and that the following members be appointed to the Committee:

Gardiner of Kimble, L (Deputy Chair), German, L, Hill of Oareford, L, Kinnoull, E, McFall of Alcluith, L (Chair), McIntosh of Hudnall, B, Newby, L, Smith of Basildon, B, True, L, Vaux of Harrowden, L.

That Charlotte Moar and Nora Senior be appointed as external members of the Committee;

That the Committee have power to send for persons, papers and records;

That the Committee have leave to report from time to time;

That the reports of the Committee be printed, regardless of any adjournment of the House.

Joint Committee on Human Rights

That a Select Committee of six members be appointed to join with a Committee appointed by the Commons as the Joint Committee on Human Rights:

To consider:

(1) matters relating to human rights in the United Kingdom (but excluding consideration of individual cases);

(2) proposals for remedial orders, draft remedial orders and remedial orders made under section 10 of and laid under Schedule 2 to the Human Rights Act 1998; and

(3) in respect of draft remedial orders and remedial orders, whether the special attention of the House should be drawn to them on any of the grounds specified in Standing Order 74 (Joint Committee on Statutory Instruments);

To report to the House:

(1) in relation to any document containing proposals laid before the House under paragraph 3 of the said Schedule 2, its recommendation whether a draft order in the same terms as the proposals should be laid before the House; or

(2) in relation to any draft order laid under paragraph 2 of the said Schedule 2, its recommendation whether the draft Order should be approved;

and to have power to report to the House on any matter arising from its consideration of the said proposals or draft orders; and

To report to the House in respect of any original order laid under paragraph 4 of the said Schedule 2, its recommendation whether:

(1) the order should be approved in the form in which it was originally laid before Parliament; or

(2) the order should be replaced by a new order modifying the provisions of the original order; or

(3) the order should not be approved; and to have power to report to the House on any matter arising from its consideration of the said order or any replacement order;

That the following members be appointed to the Committee:

Alton of Liverpool, L, Dholakia, L, Henley, L, Kennedy of The Shaws, B, Lawrence of Clarendon, B, Meyer, B.

That the Committee have power to agree with the Committee appointed by the Commons in the appointment of a Chair;

That the quorum of the Committee shall be two;

That the Committee have power to send for persons, papers and records;

That the Committee have power to appoint specialist advisers;

That the Committee have power to meet outside Westminster;

That the Committee have leave to report from time to time;

That the reports of the Committee be printed, regardless of any adjournment of the House;

That the evidence taken by the Committee in the last session of Parliament be referred to the Committee;

That the evidence taken by the Committee be published, if the Committee so wishes.

Hybrid Instruments Committee

That a Select Committee be appointed to consider hybrid instruments; and that the following members together with the Senior Deputy Speaker be appointed to the Committee:

Addington, L, Dykes, L, Grantchester, L, Jenkin of Kennington, B.

That the Committee have power to send for persons, papers and records;

That the Committee have leave to report from time to time;

That the reports of the Committee be printed, regardless of any adjournment of the House; and

That the evidence taken by the Committee be published, if the Committee so wishes.

Industry and Regulators Committee

That a Select Committee be appointed to consider matters relating to industry, including the policies of His Majesty's Government to promote industrial growth, skills and competitiveness, and to scrutinise the work of UK regulators; and that the following members be appointed to the Committee:

Agnew of Oulton, L, Bowles of Berkhamsted, B, Burns, L, Chandos, V, Clement-Jones, L, Cromwell, L, Gilbert of Panteg, L, Hollick, L (Chair), McGregor-Smith, B, O'Grady of Upper Holloway, B, Reay, L, Taylor of Bolton, B.

That the Committee have power to send for persons, papers and records;

That the Committee have power to appoint specialist advisers;

That the Committee have power to meet outside Westminster;

That the Committee have leave to report from time to time;

That the reports of the Committee be printed, regardless of any adjournment of the House;

That the evidence taken by the Committee in the last session of Parliament be referred to the Committee;

That the evidence taken by the Committee be published, if the Committee so wishes.

Integration of Primary and Community Care Committee

That a Select Committee be appointed to consider the integration of primary and community care, and to make recommendations; and that the following members be appointed to the Committee:

Altrincham, L, Armstrong of Hill Top, B, Barker, B, Finlay of Llandaff, B, Kakkar, L, Osamor, B, Pitkeathley, B (Chair), Redfern, B, Shephard of Northwold, B, Tyler of Enfield, B, Watts, L, Wyld, B.

That the Committee have the power to send for persons, papers and records;

That the Committee have power to appoint specialist advisers;

That the Committee have power to meet outside Westminster;

That the evidence taken by the Committee in the last session of Parliament be referred to the Committee;

That the Committee do report by 30 November 2023;

That the report of the Committee be printed, regardless of any adjournment of the House; and

That the evidence taken by the Committee be published, if the Committee so wishes.

International Agreements Committee

That a Select Committee be appointed to consider, and where appropriate report on, 1) matters relating to the negotiation, conclusion and implementation of international agreements, and 2) treaties laid before Parliament in accordance with Part 2 of the Constitutional Reform and Governance Act 2010; and that the following members be appointed to the Committee:

Fox, L, Geidt, L, Goldsmith, L (Chair), Grimstone of Boscobel, L, Hayter of Kentish Town, B, Howell of Guildford, L, Kerr of Kinlochard, L, Kingsmill, B, Marland, L, Razzall, L, Udney-Lister, L, Watts, L.

That the Committee have power to send for persons, papers and records;

That the Committee have power to appoint specialist advisers;

That the Committee have power to meet outside Westminster;

That the Committee have leave to report from time to time;

That the reports of the Committee be printed, regardless of any adjournment of the House;

That the evidence taken by the Committee in the last session of Parliament be referred to the Committee;

That the evidence taken by the International Agreements Sub-Committee of the European Union Committee in the 2019–21 session of Parliament be referred to the Committee;

That the evidence taken by the Committee be published, if the Committee so wishes.

International Relations and Defence Committee

That a Select Committee be appointed to consider the United Kingdom's international relations and issues relating to UK defence policy; and that the following members be appointed to the Committee:

Anderson of Swansea, L, Ashton of Hyde, L (Chair), Boateng, L, Campbell of Pittenweem, L, Coussins, B, Morris of Bolton, B, Robertson of Port Ellen, L, Soames of Fletching, L, Stirrup, L, Sugg, B, Teverson, L, Wood of Anfield, L.

That the Committee have power to appoint a sub-committee for the purposes of any inquiry under section 3 of the Trade Act 2021;

That the Committee have power to appoint the Chair of the sub-committee;

That the Committee have power to co-opt any member to serve on the sub-committee;

That the Committee and its sub-committee have power to send for persons, papers and records;

That the Committee and its sub-committee have power to appoint specialist advisers;

That the Committee and its sub-committee have power to meet outside Westminster;

That the Committee have leave to report from time to time;

That the reports of the Committee be printed, regardless of any adjournment of the House;

That the evidence taken by the Committee or its sub-committee in the previous session of Parliament be referred to the Committee or its sub-committee;

That the evidence taken by the Committee or its sub-committee be published, if the Committee so wishes.

Justice and Home Affairs Committee

That a Select Committee be appointed to consider justice and home affairs, including the domestic criminal justice system, and international cooperation in respect of criminal justice, civil justice, migration and asylum; and that the following members be appointed to the Committee:

Beith, L, Blunkett, L, Chakrabarti, B, Filkin, L, Hamwee, B (Chair), Henig, B, McInnes of Kilwinning, L, Meacher, B, Prashar, B, Sanderson of Welton, B, Sandhurst, L, Shackleton of Belgravia, B.

That the Committee have power to send for persons, papers and records;

That the Committee have power to appoint specialist advisers;

That the Committee have power to meet outside Westminster;

That the Committee have leave to report from time to time;

That the reports of the Committee be printed, regardless of any adjournment of the House;

That the evidence taken by the Committee in the last session of Parliament be referred to the Committee;

That the evidence taken by the Committee be published, if the Committee so wishes.

Liaison Committee

That a Select Committee be appointed to advise the House on the resources required for select committee work and to allocate resources between select committees; to review the select committee work of the House; to

consider requests for Special Inquiry Committees and report to the House with recommendations; to ensure effective co-ordination between the two Houses; and to consider the availability of members to serve on committees; and that the following members together with the Senior Deputy Speaker be appointed to the Committee:

Bach, L, Bichard, L, Blencathra, L, Collins of Highbury, L, Haskel, L, Howe, E, Kinnoull, E, Scott of Needham Market, B, Taylor of Holbeach, L, Walmsley, B.

That the Committee have power to send for persons, papers and records;

That the Committee have power to appoint specialist advisers;

That the evidence taken by the Committee in the last session of Parliament be referred to the Committee;

That the evidence taken by the Committee be published, if the Committee so wishes;

That the Committee have leave to report from time to time;

That the reports of the Committee be printed, regardless of any adjournment of the House.

Joint Committee on the National Security Strategy

That a Committee of ten members be appointed to join with a Committee appointed by the Commons as the Joint Committee on the National Security Strategy, to consider the National Security Strategy; and that the following members be appointed to the Committee:

Butler of Brockwell, L, Crawley, B, Dannatt, L, Fall, B, Reid of Cardowan, L, Robathan, L, Sarfraz, L, Snape, L, Stansgate, V, Strasburger, L.

That the Committee have power to agree with the Committee appointed by the Commons in the appointment of a Chair;

That the Committee have power to send for persons, papers and records;

That the Committee have power to appoint specialist advisers;

That the Committee have power to meet outside Westminster in the United Kingdom;

That the Committee have leave to report from time to time;

That the reports of the Committee be printed, regardless of any adjournment of the House;

That the evidence taken by the Committee in the last session of Parliament be referred to the Committee;

That the evidence taken by the Committee be published, if the Committee so wishes.

Procedure and Privileges Committee

That a Select Committee on Procedure and Privileges be appointed; and that the following members together with the Senior Deputy Speaker be appointed to the Committee:

Bull, B, Butler-Sloss, B, Faulkner of Worcester, L, Humphreys, B, Kennedy of Southwark, L, Kinnoull, E, McFall of Alcluith, L, McIntosh of Hudnall, B, McNally, L, Newby, L, Sanderson of Welton, B, Sherbourne of Didsbury, L, Smith of Basildon, B, Stoneham of Droxford, L, Strathclyde, L, Taylor of Bolton, B, True, L, Williams of Trafford, B;

and that the following members be appointed as alternate members:

Alderdice, L, Caithness, E, Collins of Highbury, L, Gohir, B, Laming, L.

That the Committee have power to appoint sub-committees and that the Committee have power to appoint the Chairs of sub-committees;

That the Committee have power to send for persons, papers and records;

That the Committee have leave to report from time to time;

That the reports of the Committee be printed, regardless of any adjournment of the House.

Public Services Committee

That a Select Committee be appointed to consider public services, including health and education; and that the following members be appointed to the Committee:

Bach, L, Bertin, B, Blencathra, L, Campbell of Surbiton, B, Carter of Coles, L, Laming, L, Morris of Yardley, B (Chair), Porter of Spalding, L, Prentis of Leeds, L, Shipley, L, Stedman-Scott, B, Willis of Knaresborough, L.

That the Committee have power to send for persons, papers and records;

That the Committee have power to appoint specialist advisers;

That the Committee have power to meet to meet outside Westminster;

That the Committee have leave to report from time to time;

That the reports of the Committee be printed, regardless of any adjournment of the House;

That the evidence taken by the Committee in the last session of Parliament be referred to the Committee;

That the evidence taken by the Committee be published, if the Committee so wishes.

Science and Technology Committee

That a Select Committee be appointed to consider science and technology; and that the following members be appointed to the Committee:

Borwick, L, Brown of Cambridge, B (Chair), Hanworth, V, Holmes of Richmond, L, Krebs, L, Neuberger, B, Neville-Jones, B, Northover, B, Rees of Ludlow, L, Sharkey, L, Stansgate, V, Wei, L, Winston, L.

That the Committee have power to appoint sub-committees and that the Committee have power to appoint the Chairs of sub-committees;

That the Committee have power to co-opt any member to serve on the Committee or a sub-committee;

That the Committee and its sub-committees have power to send for persons, papers and records;

That the Committee and its sub-committees have power to appoint specialist advisers;

That the Committee and its sub-committees have power to meet outside Westminster;

That the Committee have leave to report from time to time;

That the reports of the Committee be printed, regardless of any adjournment of the House;

That the evidence taken by the Committee or its sub-committees in the last session of Parliament be referred to the Committee or its sub-committees;

That the evidence taken by the Committee or its sub-committees be published, if the Committee so wishes.

Secondary Legislation Scrutiny Committee

That a Select Committee be appointed to scrutinise secondary legislation.

(1) The Committee shall report on draft instruments and memoranda laid before Parliament under—

(a) section 23(1) of the European Union (Withdrawal) Act 2018, and

(b) sections 11, 12 and 14 of the Retained EU Law (Revocation and Reform) Act 2023.

(2) The Committee shall, with the exception of those instruments in paragraphs (4) and (5), scrutinise—

(a) every instrument (whether or not a statutory instrument), or draft of an instrument, which is laid before each House of Parliament and upon which proceedings may be, or might have been, taken in either House of Parliament under an Act of Parliament;

(b) every proposal which is in the form of a draft of such an instrument and is laid before each House of Parliament under an Act of Parliament, with a view to determining whether or not the special attention of the House should be drawn to it on any of the grounds specified in paragraph (3).

(3) The grounds on which an instrument, draft or proposal may be drawn to the special attention of the House are—

(a) that it is politically or legally important or gives rise to issues of public policy likely to be of interest to the House;

(b) that it may be inappropriate in view of changed circumstances since the enactment of the parent Act;

(c) that it may imperfectly achieve its policy objectives;

(d) that the explanatory material laid in support provides insufficient information to gain a clear understanding about the instrument's policy objective and intended implementation;

(e) that there appear to be inadequacies in the consultation process which relates to the instrument;

(4) The exceptions are—

(a) remedial orders, and draft remedial orders, under section 10 of the Human Rights Act 1998;

(b) draft orders under sections 14 and 18 of the Legislative and Regulatory Reform Act 2006, and subordinate provisions orders made or proposed to be made under the Regulatory Reform Act 2001;

(c) Measures under the Church of England Assembly (Powers) Act 1919 and instruments made, and drafts of instruments to be made, under them.

(5) The Committee shall report on draft orders and documents laid before Parliament under section 11(1) of the Public Bodies Act 2011 in accordance with the procedures set out in sections 11(5) and (6). The Committee may also consider and report on any material changes in a draft order laid under section 11(8) of the Act.

(6) The Committee shall also consider such other general matters relating to the effective scrutiny of secondary legislation and arising from the performance of its functions under paragraphs (1) to (5) as the Committee considers appropriate, except matters within the orders of reference of the Joint Committee on Statutory Instruments.

That the Committee have power to appoint sub-committees and to refer to them any matters within its terms of reference;

That the Committee have power to appoint the Chairs of sub-committees;

That the quorum of each sub-committee be two;

The Committee's power to appoint sub-committees shall lapse upon the expiry of the power to make instruments under section 23(1) of the European Union (Withdrawal) Act 2018;

That the Committee have power to co-opt any member to serve on a sub-committee;

That the Committee and its sub-committees have power to send for persons, papers and records;

That the Committee and its sub-committees have power to appoint specialist advisers;

That the Committee and its sub-committees have leave to report from time to time;

That the reports of the Committee and its sub-committees be printed, regardless of any adjournment of the House;

That the evidence taken by the Committee or its sub-committees in the last session of Parliament be referred to the Committee or its sub-committees;

That the evidence taken by the Committee or its sub-committees be published, if the Committee or its sub-committees so wish;

That the following members be appointed to the Committee:

De Mauley, L, Harris of Richmond, B, Hunt of Wirral, L (Chair), Hutton of Furness, L, Lea of Lymm, B, Powell of Bayswater, L, Randerson, B, Ritchie of Downpatrick, B, Rowlands, L, Russell of Liverpool, L, Thomas of Cwmgiedd, L.

Committee of Selection

That in accordance with Standing Order 62 a Committee of Selection be appointed to select and propose to the House the names of the members to form each select committee of the House (except the Committee of Selection itself and any committee otherwise provided for by statute or by order of the House) or any other body not being a select committee referred to it by the Senior Deputy Speaker, and the panel of Deputy Chairmen of Committees; and that the following members together with the Senior Deputy Speaker be appointed to the Committee:

Bichard, L, Jones, L, Kennedy of Southwark, L, Kinnoull, E, Newby, L, Smith of Basildon, B, Smith of Hindhead, L, Stoneham of Droxford, L, True, L, Williams of Trafford, B.

Services Committee

That a Select Committee be appointed to support the House of Lords Commission by:

(1) Agreeing day-to-day policy on member-facing services,

(2) Providing advice on strategic policy decisions when sought by the Commission, and

(3) Overseeing the delivery and implementation of both;

That the following members be appointed to the Committee:

Clark of Windermere, L, Deech, B, Haselhurst, L, Howard of Rising, L, Hussein-Ece, B, Kinnoull, E, McIntosh of Hudnall, B (Chair), Stoneham of Droxford, L, Wheeler, B, Williams of Trafford, B.

That the Committee have power to send for persons, papers and records;

That the Committee have leave to report from time to time;

That the reports of the Committee be printed, regardless of any adjournment of the House.

Standing Orders (Private Bills) Committee

That a Select Committee on the Standing Orders relating to private bills be appointed; and that the following members together with the Senior Deputy Speaker be appointed to the Committee:

Finlay of Llandaff, B, Geddes, L, Jones, L, McColl of Dulwich, L, Naseby, L, Thomas of Winchester, B.

That the Committee have power to send for persons, papers and records;

That the Committee have leave to report from time to time;

That the reports of the Committee be printed, regardless of any adjournment of the House;

That the evidence taken by the Committee be published, if the Committee so wishes.

Joint Committee on Statutory Instruments

That in accordance with Standing Order 74 and the resolution of the House of 16 December 1997 that the following members be appointed to join with the Committee of the Commons as the Joint Committee on Statutory Instruments:

Beith, L, Chartres, L, D'Souza, B, Sahota, L, Sater, B, Smith of Hindhead, L, Watson of Wyre Forest, L.

That the Committee have power to agree with the Committee appointed by the Commons in the appointment of a Chair;

That the Committee have power to send for persons, papers and records;

That the Committee have leave to report from time to time;

That the reports of the Committee be printed, regardless of any adjournment of the House.

Motions agreed.

British Steel

Commons Urgent Question

3.11 pm

The Minister of State, Department for Business and Trade (The Earl of Minto) (Con): My Lords, with the leave of the House, I shall now repeat in the form of a Statement the Answer given by my honourable friend

the Minister for Industry and Economic Security to an Urgent Question in another place on British Steel. The Statement is as follows:

“Steel is vital to the UK economy. I fully recognise the importance of British Steel to local communities, particularly in my honourable friend’s constituency of Scunthorpe, where the company is a major contributor to local economic growth, and where she campaigns incredibly hard for the steel sector.

Global conditions have been tough for steel companies around the world. That is why we have changed the competitive landscape for British Steel and other energy-intensive industries by announcing the British industry supercharger—a decisive package of measures to reduce the long-term electricity price gap that exists between UK energy-intensive industries and competitor countries. This support will mean that strategically significant UK industries, such as steel, are safeguarded against the high industrial electricity prices that they have faced in too many recent years. We have also provided over £730 million in energy costs relief to the steel sector since 2013, in addition to the energy bill relief scheme. Steel producers will continue to receive support until 31 March 2024 through the energy bills discount scheme.

As my honourable friend is aware, the Government made an extremely generous offer of support to British Steel earlier this year to help it invest in a decarbonised and sustainable future. We have continued to work intensively with British Steel since then and will continue to do so. However, she will also understand that the detail of those conversations remains highly commercially confidential and that any public discussion risks undermining talks.

I know that this must be a deeply concerning time for British Steel employees and others in Scunthorpe following the company’s announcement on Monday regarding its plans for future operations. I can very much assure my honourable friend that we will help affected workers, their families and others impacted in the local area, and that we are committed to finding solutions to enable the ongoing sustainable and decarbonised production of steel. Just last month, for example, we announced a £1.25 billion joint investment package with Tata Steel to secure a decarbonised future for steelmaking in Wales. That has the potential to safeguard some 5,000 jobs across the UK. In 2020, the Government provided an emergency loan to Celsa Steel to help it continue trading during the Covid pandemic, saving over 1,500 jobs, with a further 300 jobs created since the loan was made.”

3.14 pm

Lord McNicol of West Kilbride (Lab): My Lords, it is a real pleasure to be back on Labour’s Front Bench. I thank the Lord Speaker and his office for their support in my time as one of the Lord Speaker’s deputies; it was a real pleasure.

I turn to today’s Urgent Question. The loss of up to 2,000 jobs at the Scunthorpe plant clearly will have a devastating effect on the local community. However, this transition will also leave the UK more reliant on steel imports, meaning that we will no longer be able to produce virgin steel made from smelting iron ore.

[LORD McNICOL OF WEST KILBRIDE]

What assessment have the Government made of the national security challenges that are posed by the UK no longer having this sovereign capability?

The Earl of Minto (Con): My Lords, obviously the loss of any jobs, particularly in a sector as important as steel, is to be deplored. However, there are commercial necessities that we are all fully aware of. The activity that the Government took in Port Talbot shows very clearly the commitment that we have to supporting the transition from historic steel-making to something more modern. As far as the production of virgin steel is concerned, the noble Lord is absolutely right that it will be affected by the closure of the smelting plants, but we will still be able to import limited amounts of iron ore pellets, which can be put towards the other steel that we have already within this country to produce what is required.

Lord Fox (LD): My Lords, I welcome the Opposition spokesperson back to his Front Bench and thank the Minister for his answer. However, I do not think that he is grasping the point. Steel is vital to the economy, as the Answer said, but it is also vital to our strategic interest. At a time when we are talking about the need for secure supply chains, does the Minister recognise that this weakens the supply chain for our defence, aerospace and automotive industries?

The Earl of Minto (Con): I completely understand the position of the noble Lord. During this transition period there is bound to be some effect. However, once the new systems are in place, there should be no change.

Earl Attlee (Con): My Lords, like the noble Lord I support the UK steel industry. Can my noble friend the Minister say how much ferrous scrap the UK economy generates and how much we export overseas?

The Earl of Minto (Con): I thank my noble friend for that question. We generate just over £11 million tonnes of ferrous scrap each year, of which about £8 million tonnes is exported.

Lord Sikka (Lab): My Lords, I hope that the Minister can clarify a policy issue here. The Government are handing billions of pounds to steel, railway, broadband, car makers and others. Why do they not take an equity stake in those businesses? That way, the businesses still get the money and the public has some kind of asset. Should the business then make a recovery, there would be a return.

The Earl of Minto (Con): My Lords, that sounds to me rather like the thin end of the wedge. Any return to some form of nationalisation is not appropriate. We operate in a global market now, in all sorts of categories. We must allow the commercial viability of each individual market.

The Lord Bishop of Oxford: My Lords, many of us around this House will have experience of what happens in communities when these devastating redundancies happen. I was Bishop of Sheffield in South Yorkshire for many years and saw the effects at first hand. Can

the Minister say more about the Government's plans to invest in the area to help those affected transition through? In particular, what industries and areas of employment does he see as appropriate to the Scunthorpe area, given all the technological and industrial changes that we are seeing?

The Earl of Minto (Con): Since 2018, the Government have provided about £200 million-worth of investment into the north and north-east Lincolnshire, across a range of different categories. As far as this specific transition is concerned, I ask the House to consider the level of support that has been agreed by the Government—new government money managed by both the Welsh and Westminster Governments—which is providing some transition from the historic steel jobs of Port Talbot to the future.

Lord Boateng (Lab): My Lords—

Lord Forsyth of Drumlean (Con): My Lords, it is this side. Does my noble friend recall that the second crossing of the Forth Road Bridge was made of steel, most of which came from China, where they are opening one coal-fired power station a week? Is it not insane to pursue a green agenda which will destroy jobs on this scale and at the same time cost many millions of what my noble friend describes as “government money” but which is taxpayers' money or borrowed money that taxpayers will have to pay for?

The Earl of Minto (Con): I completely understand the point about it being taxpayers' money. There is no such thing as free money and it is very important that we do not lose sight of that. The issue of dealing with China has been well rehearsed, and the Chinese ownership of British Steel is widely known. We are supportive of that relationship.

Lord Boateng (Lab): My Lords, it is our turn now, I think. The Minister says that we should leave the fate of these workers and our strategic interests as a nation to the market. Will he reflect on the ownership of the company in question? It is a Chinese company; every Chinese company is controlled by the Chinese Communist Party. Would he apply the same strictures to the Chinese and, if not, why should we subordinate our national interest to the market, when the Chinese—our competitors—do not?

The Earl of Minto (Con): My Lords, I do not think I said that we are throwing employees into a wide market. In fact, I think I said that we would provide support to see them through the transition. We have a fair and open market for Chinese investment in this country. It is a major world trading relationship and, while I understand some of the political issues behind it, just to avoid a country of that weight is slightly isolationist.

Lord Hannan of Kingsclere (Con): My Lords, will my noble friend the Minister confirm that the industries that use steel employ many more people than the industries that make steel? We have 34,000 steelworkers and 176,000 people making cars. We have the better

part of 0.5 million working in agriculture and 2 million working in construction. The way to protect jobs is to bring the price of steel down, not raise it. Will my noble friend confirm that our Trade Remedies Authority found no case whatever for the tariffs that we have inherited from the EU and continue to maintain on imported steel? Will he make clear that the way to make this country competitive is to remove excess costs on energy so that our industry can compete? By the way, we are still our own biggest supplier by far, and no foreign country accounts for more than 14% of our imports.

The Earl of Minto (Con): That was a very detailed question indeed, with which I entirely agree.

Lord Wigley (PC): My Lords, the Minister will be aware of the concern among the workforce, particularly in south Wales, about the way in which this has rolled out. Does he agree that there is a need to ensure that the workforce are in the picture, at every stage? If, at present, we cannot afford to manufacture our own steel, which is so vital for defence and to many other industries, what happens when we cannot afford to import it?

The Earl of Minto (Con): To answer the first part of the noble Lord's question, we will keep key people fully informed, subject to commercial sensitivities, as I am sure everyone in the House understands. As far as the cost of steel is concerned, we trade in an open market and generate funds within this country, and I am sure that we will never lack availability of steel from somewhere in the world.

King's Speech

Debate (2nd Day)

3.25 pm

Moved on Tuesday 7 November by Lord McInnes of Kilwinning

That an humble Address be presented to His 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 Parliamentary Under-Secretary of State, Ministry of Justice (Lord Bellamy) (Con): My Lords, it is a privilege to open this adjourned debate on His Majesty's most gracious Speech. Today's debate will focus on home affairs, justice and devolution. It will give us an opportunity to consider some of the central themes of the gracious Speech; in particular, the actions that we are proposing to reflect modern needs and public opinion and to use evolving technology to best effect. I suggest that the overarching theme of the different aspects that I will cover is keeping us safe and secure; in particular, with sensible, practical, long-term measures. Respectfully, I will take our subject matter today in three parts: first, sentencing and offender management; secondly, measures for safety and security; and, thirdly, devolution.

I say at the outset how much the Government value the contribution, experience and wisdom of this House. The Government will be listening most carefully to the contributions today and on subsequent days of the debate on the King's Speech.

I come first to sentencing and offender management. I couple those words together deliberately, because they are two sides of the same coin; they go together. In general terms, as your Lordships know, the Government's policy is to make tougher penalties available to the courts for the worst offenders, while at the same time aiming to reduce prison sentences for lower-level reoffending to make the British public safer.

To take the tougher side, as it were, first, we will introduce statutory aggravating factors at sentencing that will capture grooming a child for the purposes of sexual abuse, including those involved in grooming gangs, and those who murder their former partner at the end of a relationship. We will also create an expectation for judges to use whole life orders where they can be applied, unless there are exceptional circumstances, as well as adding the murder of a single victim that involves sexual or sadistic conduct to the list of instances where a whole life order must be given. We recently changed the law so that rapists could no longer be released at the halfway point of their sentence and instead had to wait until they had served at least two-thirds. We will now legislate so that those convicted of rape and associated serious sexual offences will serve their custodial term in full.

Thus, through these measures, we will ensure that the courts have available to them the ability to impose the most severe sanctions for those who commit the worst possible crimes, just as, I suggest, the public want and expect.

However, protecting the public and reducing reoffending is not simply about custody. The fact is that over 55% of adults who leave prison after serving under 12 months go on to commit further crime. At the same time, those on suspended sentence orders with conditions reoffend at a rate of around 24%.

Many of these lesser offenders have problems with addiction, homelessness, poor mental health, or a combination of all three. Short custodial sentences may entrench them in criminality, cutting them off from community connections or employment that could support them or turn their lives around.

We will therefore introduce a presumption in favour of suspending short custodial sentences. The offender would then serve their sentence in the community, where sentencers can impose strict requirements, such as electronic tags, curfews, exclusion zones, and bans on drink or drugs. If an offender breaches the terms of their suspended sentence, they could be recalled to prison to serve the rest of their sentence behind bars. As the Lord Chancellor recently announced, we will double the number of GPS tags available to the courts to ensure that relevant community sentence requirements can be electronically monitored to support compliance and help to deter further offending.

We will also expand the use of the successful home detention curfew scheme to allow more lower-risk prisoners on standard determinate sentences to be safely managed on electronic tags in the community,

[LORD BELLAMY]

rather than in prison. Eligible offenders will be subject to strict curfews. When not at home, they will be expected to be at work or undertaking other core resettlement tasks, such as meeting their probation officer or attending addiction courses. This will enable them to reintegrate into law-abiding lives and even take up employment so that they can become contributing members of society once again.

These measures will also assist us in using our prison capacity effectively, ensuring that we can lock up dangerous criminals for longer without further criminalising redeemable offenders by trapping them in a cycle of reoffending. We also continue to make progress with our programme to build 20,000 new prison places—the most expansive prison build since the Victorian era. All these go together with other policies we have discussed previously in this House to provide more employment, training and education opportunities and accommodation for prisoners being released, which are contributing significantly to a reduction in reoffending rates.

However, we have been clear that safeguarding prison capacity in the longer term will require further changes to our approach. We will therefore establish powers to transfer prisoners detained in England and Wales to rented prison space overseas, subject to future agreement with a partner country. This has been done successfully in other countries, such as Belgium and Norway.

The Government will, of course, carefully use the experiences of our colleagues on the continent to understand how best the policy can be enacted, paying particular attention to calibrating it properly for those prisoners with close family ties in the United Kingdom. This will include ensuring due consideration of a prisoner's rights in international and domestic law, and ensuring sufficient opportunities for family contact. No decisions have yet been made about the cohort in scope of any agreement. However, the Prisons Minister is working with His Majesty's Prison and Probation Service and stakeholders to take account of this issue and others arising from this change.

Finally on this aspect, the Government are also determined to ensure that victims of crime see justice done. The appalling Lucy Letby case shocked the nation this year, and she compounded the pain she had inflicted by refusing to face up to her crimes and attend her sentencing hearing. We will therefore create a new power for judges to order offenders to attend their sentencing, with up to two years added to their sentence if they refuse. We will also make it clear in law that reasonable force can be used to make convicts appear in the dock to receive their sentence, as victims, their families and the general public would expect.

I move on to my second subheading: measures for safety and security. There are five different aspects to this. The first is knife crime. It is the case, perhaps contrary to public belief, that violent crime generally is trending down and has been for some years. In his 2023 report, His Majesty's Chief Inspector of Constabulary, Andy Cooke, said:

“England and Wales are arguably safer than they have ever been”.

However, knife crime continues to plague too many communities. This is often the case in larger cities, London in particular. Indeed, just last month a 16 year-old boy was stabbed to death in north London. The entire nation was shocked when Elianne Andam, a 15 year-old girl, was brutally murdered with a knife in Croydon in September. Only yesterday, Alfie Lewis, aged 15, was stabbed to death in Leeds. The Government extend deep condolences to all those families affected.

We already have some of the strictest knife legislation in the world, but we could go further. We will therefore introduce measures to enable the police to seize, retain and destroy bladed articles found on private property; increase the maximum penalty for selling weapons to those under 18; and put into law a new offence of possessing a blade with the intent to do harm. This is a zero-tolerance approach which the public expect.

I move now, under this subgroup, to protecting victims. We will introduce new measures to protect more victims of crime and tackle crimes which disproportionately affect women and girls. We will update the criminal offences tackling the taking of intimate images without consent, expand the offence of encouraging or assisting serious self-harm to cover non-communication activity, and strengthen multiagency management of those convicted of offences of controlling or coercive behaviour. I have already mentioned the steps we are taking in relation to those convicted of rape and the other most serious sexual offences.

I next move to homelessness and begging. We are absolutely clear that no one should be criminalised for simply having nowhere to live. We are committed to repealing the outdated Vagrancy Act, passed only 199 years ago—possibly the last Act still in general use passed in the old Palace of Westminster before it unfortunately burned down. We are determined to update the framework and to end rough sleeping and prevent people ending up on the streets in the first place. Last year, we published our strategy to end rough sleeping for good and have already made available a £2 billion commitment over three years to accelerate those efforts.

As we set out in the *Anti-Social Behaviour Action Plan* published in March, we want to go as far as possible to ensure that vulnerable individuals on the streets can be directed to the support they need, while cracking down on conduct that is anti-social, intimidating or criminal. This includes giving police and local authorities tools to tackle activity that is causing a public nuisance, such as obstructing doors and pavements.

At the same time, the Government are aware of increasing instances where begging is being organised by criminal gangs, with potentially trafficked people transported across major cities to beg and funds then used to support further criminal activity. We are determined to put a stop to this and will therefore introduce a specific offence of organising or facilitating begging for gain.

I move to the next group: tackling evolving criminal methods. The Government's first duty is to keep the public safe, and we must be alive to constant advances in technology. We will therefore introduce new powers to tackle serious and organised crime, to render criminals' toolkits ineffective, for example by prohibiting the

templates used for the 3D printing of firearms and pill presses, and banning devices such as signal jammers used in vehicle thefts.

We will also limit the use of tools to carry out fraud and economic crime, such as SIM farms, which can hold multiple mobile phone SIM cards and are often used for scam texts or calls or to send phishing messages. We will prevent their supply, except where suppliers can show significant due diligence and a legitimate business rationale. We will also extend the powers to suspend internet domain names and IP addresses used for fraudulent purposes and create a scheme whereby government will work with the financial sector to use moneys held in accounts suspended on suspicion of wrongdoing to fund projects to tackle economic crime.

Another aspect of safety and security is bolstering investigatory powers. We must ensure that our intelligence and law enforcement agencies have the capabilities and data insights to respond to threats to the public from terrorists, hostile state actors, child abusers and criminal gangs, so we are bringing forward a targeted and limited package of reforms that will recalibrate the existing legislation on investigatory powers. This includes making certain changes to the bulk personal dataset regime to expand the oversight regime to support the Investigatory Powers Commissioner and to reform the existing notices regime so that the UK can anticipate the risk to public safety posed by the rollout of new technology, as well as updating the conditions for use of internet connections records. I thank the noble Lord, Lord Anderson of Ipswich—I am not sure whether he is in his place—for his valuable work in reviewing these aspects of the Investigatory Powers Act. We are closely following his recommendations.

Finally, I turn to the union. The United Kingdom is the most successful political and economic union the world has ever seen. Together, we are much more than the sum of our parts, with each nation making an immense contribution which ultimately makes us all safer, stronger and more prosperous. It puts us in the best possible position to respond to the challenges we all share, such as the cost of living, public security, the international response to Russia's illegal invasion of Ukraine and the ultimate defence of all corners of the realm.

The Government are working to deliver on the issues that matter most to people in every part of the United Kingdom. We are providing the devolved Administrations with a record block grant settlement over this spending review: £41 billion for the Scottish Government, £18 billion for the Welsh Government and £14 billion for the Northern Ireland Executive. On top of those funds, additional funds have been made available in the Autumn Statement, in the spring Budget and in levelling-up funding.

The devolved Administrations in Scotland, Wales and Northern Ireland already have significant powers to make important decisions closer to their communities and we are rolling out devolution deals in every part of England that wants one so that there is more local decision-making through local mayors and local organisations.

Devolution is, however, not a single moment in time. It must be nurtured if it is to carry on working effectively at all levels of government in the interests of

people, businesses and communities, and that work of nurturing continues. In particular, for far too long, power sharing at Stormont has been suspended, and we are determined to see its return so that devolution can carry on developing and delivering for the people of Northern Ireland.

In conclusion, the measures in the gracious Speech build on the Government's record so that we can reflect modern needs and the opinions of the British public—so sensible as they are—and bend and use evolving technology in the national interest. The changes are designed to ensure that our law and regulatory frameworks are up to date in this changing world, so that the United Kingdom remains a safe, modern and forward-looking country. My colleagues and I on the Front Bench representing departments greatly look forward to the debates over the coming days. I commend the measures that I have outlined to the House.

3.44 pm

Lord Ponsonby of Shulbrede (Lab): My Lords, I would like to open by saying how sorry I am to hear of the death of the noble and learned Lord, Lord Judge. He was personally very kind to me, and I know he was very kind to many other Members of this House.

I also welcome our three maiden speakers to today's debate: the noble and learned Lord, Lord Burnett of Maldon, and the noble Lords, Lord Houchen of High Leven and Lord Bailey of Paddington. Of course, the noble and learned Lord, Lord Burnett, has reached the very pinnacle of the judiciary in England and Wales, but I have to say that I feel more affinity with the noble Lord, Lord Bailey of Paddington, as we share an interest in youth justice. I very much look forward to his contributions to this House on that subject.

Yesterday, my noble friend Lady Smith moved the Motion to adjourn the debate on the gracious Speech. It was a good-humoured speech by convention, but also because of her temperament. Nevertheless, my noble friend expressed her frustration with the lack of ambition expressed in the gracious Speech. She said:

"For a country to thrive requires good governance, with competence, optimism, confidence and vision".—[*Official Report*, 7/11/23; col. 11.]

She then went on to analyse the gracious Speech against those criteria. I want to do the same, while directing my comments towards justice and home affairs. My noble friend Lady Taylor will comment on the devolution and union aspects of this debate.

I will be judging the proposals against good governance, competence, optimism, confidence and vision. After 13 years of Tory Government, over 90% of crimes are going unsolved, meaning that criminals are less than half as likely to be caught now compared with under the last Labour Government. More criminals are being let off and far more victims are being let down. When the Government claim that overall crime is going down, that excludes fraud and computer misuse. Computers, of course, play an ever-greater part in all our lives.

Stronger sentences for rape and child sexual abuse and tougher powers to retrieve stolen items are welcome. But they mean little when only 2% of accused rapists receive a court summons, two-thirds of child abuse

[LORD PONSONBY OF SHULBREDE]

cases are closed due to evidential difficulties, and arrests for theft are down 40% on just a few years ago. Recorded serious violence is up by 60% since 2015. Knife crime, gun crime and robbery have all increased, with over 50,000 knife crimes this past year alone and a 70% rise in recorded knife crime since 2015. But there was no mention of tackling this in the King's Speech.

Under the Tories, shoplifting has reached record levels, driven by organised criminal gangs, with a 25% surge in recorded crime over the last 12 months alone. But the Tories' shoplifting charter means that offences under £200 are rarely enforced and town centre police patrols have been cut, as there are still 10,000 fewer neighbourhood police officers than in 2015. There was nothing in the King's Speech to turn things around.

Near record numbers of victims are dropping out of criminal proceedings—1.6 million last year alone. Record numbers of crimes are being dropped due to no suspect being identified—2.3 million last year. The proportion of crimes charged has dropped by 60% since 2015, and the average time it takes for a crime to be charged has trebled since 2016, from 14 to 42 days. Regarding victims, I look forward to the speech from the noble Baroness, Lady Newlove, and to working with her and other colleagues on the forthcoming Bill.

So, what will Labour do? We will put 13,000 more officers and PCSOs on our streets, with guaranteed town centre patrols, and give every community a named officer they can get in touch with. We will reverse the Government's decision to downgrade the response to shoplifting under £200, which will make it easier to take action against repeat offenders. We will also create a specific new offence of assault against retail workers. Our ambition is to halve violence against women and girls after the next election. We will put domestic abuse specialists in police control rooms and set up dedicated courts for rape trials.

We will get tough with those who blight our towns, with new powers to ban repeat anti-social behaviour in town centres and stamp out public drinking and drug use. Over the summer period, I travelled to the United States and visited Portland, in Oregon, and Seattle, in Washington state. The level of public drug use and homelessness, and the lack of medical care for homeless people, was truly shocking. I have never seen anything remotely like that in London or other British towns and cities. But the message I took from that trip is that things could get worse here if we do not provide homes and medical treatment for the homeless, and action to stamp out public drinking and, in particular, drug use.

Turning to asylum and migration, the Prime Minister promised to stop the boats, yet the asylum backlog has surged to a record high of 175,000, and 33,742 people have come across in 708 small boats since he has been in power. Spending on hotels has reached £8 million a day, and convictions of people smugglers are 30% lower than under the last Labour Government. During the passage of the Illegal Migration Act, the Government voted against amendments proposing tougher action on criminal gangs. Already, £140 million has been sent to Rwanda to fund an extortionate deal that is currently stuck in the courts and is likely to be ineffective.

The Labour Party would crack down on criminal smuggler gangs through a new cross-border police unit and deeper security co-operation with our European friends; end hotel use, clear the asylum backlog and speed up returns to safe countries; reform resettlement routes to stop people being exploited by gangs; reach new agreements with France and other countries on returns and family reunion; and tackle humanitarian crises at their source by helping refugees in their regions.

I return to my noble friend's tests of how our country can thrive: good governance, competence, optimism, confidence and vision. The record on good governance and competence speaks for itself. The degradation of our criminal justice system has led to a lack of trust that undermines our communities and fails my noble friend's tests. But what of optimism, confidence and vision? Where are they? Where are the optimism, confidence and vision for our Probation Service, which is surely at the heart of any strategy to contain our ever-growing prison population? Where are the optimism, confidence and vision for our courts service, with victims, witnesses and defendants too often feeling poorly served and lacking confidence that justice will be done in a timely manner? Where are the optimism, confidence and vision for our Prison Service, as we lurch from one predicted crisis to another, and the core purposes of security, rehabilitation and protection of the public are barely met? No, the party opposite has failed my noble friend's tests. But we on these Benches will scrutinise the Bills to the best of our abilities while we wait for the election to come.

3.53 pm

Lord Marks of Henley-on-Thames (LD): My Lords, I too express my sorrow at hearing of the death of the noble and learned Lord, Lord Judge. He was a great lawyer, a wonderful judge, a brilliant parliamentarian and defender of liberty, and, quite simply, the kindest of men.

I will address the Government's justice proposals in the King's Speech and the lack of other proposals for which we see a crying need, and which are unaddressed in the Government's programme. Others among my noble friends will address the Government's home affairs and devolution proposals later in this debate.

I will start positively by welcoming the arbitration Bill. I declare an interest as a barrister who often appears as an advocate in arbitrations; although not sitting as an arbitrator, I am qualified to do so. England, particularly London, holds a pre-eminent position as an arbitration seat for heavy international commercial arbitrations, and it is a tribute to our arbitrators that our arbitration services are so widely respected.

London is a top choice for arbitrations, and English law is the governing law for many international contracts. Substantial foreign earnings and the enhancement of our commercial reputation follow. But our arbitration law must be kept up to date, and these targeted reforms follow extensive consultation and careful consideration by the Law Commission over the last two years. We will support that Bill's speedy passage. However, it is a shame that other proposals from the Law Commission are not implemented as quickly. The Government often quail at the slightest prospect of controversy.

I mention my Cohabitation Rights Bill, which would implement the Law Commission's reports from 2007 and 2011, on which the Government have long deferred any action. However, now that the Labour Party is committed to such reforms, I hope for its support and have resubmitted the Bill.

The Victims and Prisoners Bill, expected from the Commons soon, could have been so much better. Giving the victims' code the force of law would be excellent if the proposal had teeth. My noble friend Lady Brinton has been at the forefront of a long campaign for such a measure. But the Bill is insufficiently robust. There are, for example, no protections for victims of stalkers. The victims' code is liable to be revised by the Secretary of State, and there is no redress for victims in the event of non-compliance with the code.

On Part 2, it is right that we should have independent public advocates for victims of major incidents but, again, this proposal is not tough enough. Truly independent advocates must be able to hold the Government to account. That may be uncomfortable for government, but it is all the more misguided then that the appointment of advocates by the Secretary of State is purely voluntary—and how can it be right that the Secretary of State can dismiss independent advocates at will?

Part 3 of the Bill weakens the role of the Parole Board in releasing offenders serving life and longer-term sentences and gives powers to the Secretary of State to overrule Parole Board decisions. Strangely, it also permits the board itself to refer decisions to the Secretary of State. Then there is a right of appeal from the Secretary of State to the Upper Tribunal, which is hardly a body suitably equipped to take this kind of decision. Indeed, that right of appeal appears to have been inserted to avoid the decision-making power of the Secretary of State being found in breach of Article 5 of the European Convention on Human Rights—the right to liberty and security, and in particular the right to have the lawfulness of detention determined by a court and not by a Minister. Then, disgracefully, it is proposed to disapply Section 3 of the Human Rights Act in respect of release on licence, so that there would be no requirement to construe the legislation compatibly with the convention where possible. That would undermine one of the fundamental protections of the convention in our domestic law.

I turn to the centrepieces of the proposed legislation—the criminal justice Bill and the sentencing Bill, which the noble and learned Lord, Lord Bellamy, called sentencing and offender management. In both Bills, we have what Christopher Grayling, when Secretary of State and Lord Chancellor, used to call “throwing red meat” to the Conservative Party conference. The Prime Minister's introduction to the briefing for the King's Speech said:

“We are keeping people safe by making sure the police and security services have the powers they need and that criminals receive proper punishment”.

Frankly, that is just the Grayling formula in slightly more restrained language.

The briefing on the sentencing Bill puts it more starkly:

“This Government will make sure that the prison estate is used to lock up dangerous criminals for longer”.

But there is no evidence that longer sentences keep people safe, beyond the limited point that keeping offenders in prison keeps them out of the community while they are still in custody.

There are some redeeming features of the proposals. We have long called for a presumption against short immediate sentences, so we welcome the proposal for such a presumption. All the evidence demonstrates that short sentences are useless at preventing reoffending, proved by appallingly high reconviction rates, as mentioned by the noble and learned Lord, Lord Bellamy. Such sentences disrupt family and community ties, wreck chances of re-employment, leave no time for rehabilitation, education and training, or for addressing mental health issues or addiction, while they create damaging opportunities for low-level offenders to make criminal contacts to support a future life of crime.

Also welcome is the commitment to increase the use of home detention curfews, and technology makes that an achievable ambition, but the overwhelming direction of travel is to lock people up for longer, in many cases without hope of release, blind to the facts that hopelessness, by definition, leads to despair and that redemption then ceases altogether to be a purpose of punishment. The proposals for imprisonment without remission completely ignore the needs for recognition and reward for good behaviour in prison and for sanction for bad behaviour. Remission and the threat of its loss fill those needs.

The criminal justice Bill continues the theme. True, there are some welcome proposals. These include: compulsory reporting of sexual abuse concerns; multi-agency management of offenders convicted of coercive control; criminalising the sharing of intimate images—cruel and humiliating behaviour. But the general trend is just for tougher punishment, fortified by measures that are, frankly, purely symbolic, such as forced attendance of offenders at sentencing hearings.

This programme fails lamentably to address the crisis in our penal system. Our prisons are overflowing, even into police cells. The building programme, as the Minister acknowledged, is stalled. The Government rely on sticking-plaster pre-fab extra cells, without additional services, so that these are no more than prisoner containers. They double up cells, increasing overcrowding and violence. They bring back into service squalid cells that were supposed to have been taken out of service for the maintenance required to relieve dire conditions. The pitifully small number of available spaces are scattered around the prison estate, so prisoners are sent to where they fit and not to where they need to be, disrupting training and education, continuity of care and links with families and communities, particularly approaching release. We have desperate staff shortages, low retention rates and insufficient recruitment, all caused by low morale. The continuing plight of IPP prisoners is a stain on our penal system.

What we needed was a new approach: lower prisoner numbers; statutory minimum prison standards; a fully resourced Probation Service for prisoners, pre and post release, and to make community sentences work; a comprehensive, multi-agency approach, co-ordinating efforts to promote rehabilitation, involving prison and probation services, local authorities' housing and social services, training providers, health and addiction services

[LORD MARKS OF HENLEY-ON-THAMES]
and potential employers. We must replace the mantra, “Lock them up for longer”, with a new and constructive emphasis on supporting rehabilitation and reform. I fear we will not see that change while this Government survive.

Lord Bellamy (Con): My Lords, if the noble Earl, Lord Kinnoull, will permit me a brief moment, I was completely unaware when I made the opening speech of the sad death of Lord Judge. He was a personal friend, a colleague and a mentor over many years, and I associate the Government entirely with the tributes already made and say what a wonderful leader of our legal community he was while Lord Chief Justice and what an amazing job he did as Convenor of the Cross-Bench Peers. I am sure that there will be suitable tributes in due course and on behalf of the Government, we express our deep regret at his very sad passing.

4.05 pm

The Earl of Kinnoull (CB): My Lords, this is a difficult, sombre time and I rise with a heavy heart. It is a shocking thing to lose a friend and mentor. The death of Lord Judge will be announced in the usual way tomorrow by the Lord Speaker. I am very grateful to the Leader of the House for confirming to me just now that there will be an opportunity to pay tributes at that time, which I will use to pay my tribute to Igor.

It was, as ever, very special to hear the gracious Speech yesterday—the first, I hope, of many from our King and the last of this Parliament. I will restrict myself to a subject on which very little was said—devolution—but I start by saying how much I am looking forward to the three maiden speeches today, from my noble and learned friend Lord Burnett of Maldon and from the noble Lords, Lord Houchen and Lord Bailey. I also look forward to hearing from my noble friend Lord Meston, who is making his first speech on returning to the House.

During the previous Session, quite a lot happened in devolution terms. Many times, the importance of clarity and consistency in devolution settlements has been remarked on. Lack of clarity and consistency and too much complexity inevitably lead to the risk of clashes between layers of government, and poor dispute resolution mechanisms exacerbate matters. The citizen in the street generally wants none of this, and it is in their interests that this Parliament does its bit in trying to prevent poor outcomes.

The core of the relationship between the UK Government and the Governments of Northern Ireland, Scotland and Wales is the intergovernmental relations structure that surfaced at the start of last year. It is a vastly improved and updated structure, replacing its 2013 predecessor with ambitions to achieve regular dialogue and an effective dispute resolution mechanism between the parties. There was a substantial diet of common framework issues to be worked through the revised intergovernmental arrangements. The committee structure of this House has been riding shotgun alongside these matters, and in reports and correspondence continues to seek to nudge things to be better.

However, my impression is that this is unfinished work. Some of the ministerial strands—Defra should be complimented here—have got to something akin to

what was hoped for by the parties as the IGR review was settled; others have not. The suspicion is that dialogue has been wanting. I dare say that the blame for this lies with more than one party.

Our work as a House on common frameworks has not ended. Although the committee—which I warmly salute, along with its doughty chair, the noble Baroness, Lady Andrews—has now stood down, these frameworks replicate similar arrangements that existed in the EU when we were a member and which were scrutinised by the EU committees of this House. I know therefore from long experience that the common frameworks will necessarily change over time—perhaps quite often, as was the case in the EU—and this House will inevitably continue its scrutiny.

I say all this without even having mentioned the devolution difficulties posed by the situation in Northern Ireland, which others will no doubt cover fully in their contributions on the gracious Speech. The Protocol on Ireland/Northern Ireland, with the Windsor Framework agreement that so welcomingly surfaced in February this year, presents further devolution complexities. Here I salute the work of our Select Committee so ably chaired by my noble friend Lord Jay.

It is against this background that we are now starting out on the road for devolution in England. The White Paper of February last year set out the goal of every part of England having a devolution settlement by 2030 and that there would be three general levels of devolution deal on offer. That is a lot of complexity.

The trailblazers—deals for Greater Manchester and the West Midlands—were announced in March this year and their full implementation is expected by the end of 2025. The enabling measures for all this are in the Levelling-up and Regeneration Act which spent so many months going through your Lordships' House until very recently. I fear this Act is hard to construe, even though I have spent much time in the Chamber, and indeed in the Chair, and with the Act's written materials. This would seem to me to make consistency and clarity in new devolution under the LURB, as I still think of it, a challenge.

So many Bills that come before us contain important elements of devolution. Just as much as we patrol Henry VIII clauses, we must patrol these elements. Clarity, consistency and lack of complexity will remain the enablers of successful devolution, underpinned by dialogue and good dispute resolution mechanisms. Parliament and Government together should look to these principles in the new Bills that will be put before us.

4.10 pm

The Archbishop of York: My Lords, from these Benches I too express our sadness at the news of the death of Lord Judge and offer prayers and condolences to his family. I look forward with others to the speeches of the noble and learned Lord, Lord Burnett of Maldon, and the noble and learned Lords, Lord Houchen of High Leven and Lord Bailey of Paddington.

The focus of my speech is devolution, looking particularly at devolution in and within the regions of England, not least because devolution and devolved government allow us to seek consensus in our decision-making, and therefore to be better able to take a

longer view, which in turn is the best way of tackling some of the huge issues facing us that were mentioned in the gracious Speech: the greening of the economy; poverty; and criminal justice. Yesterday, the order was laid by the Government for the establishment of the mayoral combined authority for York and North Yorkshire, the area where I live and serve. This is very good news for the north and is the first deal of its kind that includes a large rural area in combination with a small city, and therefore is an opportunity for a new model that does not require a big city for its success.

I know, or at least I think I know, that I do not need to tell this House about the benefits of this kind of devolution. The understanding and representation of local needs allow for good value for the money spent and it is something we have often discussed. Certainly, in York and North Yorkshire, a regional view is required to understand the area's huge variety and opportunities, but also its inequalities, and to address them. What is needed in our Government is consensus and longer-term planning, which is the sort of thing devolved government can deliver. Last week I was with people who have been working on this in York and North Yorkshire, and I was struck most by the incredible renewed hopefulness and togetherness that longer-lasting change could be achieved. This will renew our regional identity and enable us to better face issues of huge inequality. In turn, therefore, it will tackle the hopelessness that so often leads to crime.

I know today's theme is not transport but that is inextricably bound up with the conversation about devolution. I welcome the designated powers and funding allocated as part of the deal that have been a success in other cities. However, transport is the most contentious part of all devolution work and, to state the obvious, the failure to join up the east and the west in national-scale transport projects remains a very serious issue for all of us who live in, but sometimes struggle to travel across, the north. The Network North proposals given in lieu of HS2, and announced yesterday, feel like an afterthought. They were announced so quickly that they eluded consultation. They do not seem to point to a well-measured decision that prioritises levelling up or investment in the north. Although the gracious Speech said that the most frequently taken journeys are prioritised, it is unfortunate that those journeys are mostly and most frequently made by car. Whatever anyone feels about HS2, I suggest that the contrast in functioning transport systems within regions and between them demonstrates a problem with the length of our view.

We have heard in the gracious Speech the legislative ambitions of the Government for this forthcoming Session, many of which I look forward to engaging with, as do my fellow Bishops on these Benches, including the Media Bill. Although I am glad to see that the measures trailed over the weekend around homelessness were not brought forward, there are other worrying inclusions, such as the Offshore Petroleum Licensing Bill and the announcement of new oil and gas licences. We on these Benches will be looking at all this in detail as it emerges.

What is missing is any recognition of the serious hardship that families are currently facing. The Joseph Rowntree Foundation's most recent statistics note almost

a million children in destitution, triple that from 2017. The Trussell Trust is expecting its worst winter ever and is planning to provide more food parcels than ever before. We need to take a longer view. We need to stay awake to the persistent and debilitating inequalities that exist in our nation, and to the danger of dividing communities with polarised voices. These things will get better only if we take a longer view, build cross-party consensus and change the way we do our politics. We look forward to taking opportunities to work together in this House and in other places to engage with this as we move forward.

4.16 pm

Lord Strathclyde (Con): My Lords, I very much echo the words of my noble friend the Minister and the noble Earl, Lord Kinnoull, and others who have said something about the noble and learned Lord, Lord Judge. I am glad to hear that there will be an opportunity soon for the House to pay a proper tribute to him.

I am delighted to follow the most reverend Primate the Archbishop of York. I was going to follow him also in speaking about devolution, although it would have been of the Scottish variety rather than the English variety. However, yesterday afternoon, we heard my noble friend the Leader of the House speak, and I was so inspired by his words that I thought I would say a few words about something that affects us all, for which all of us bear some responsibility: namely, our behaviour in this Chamber and what we do as a House.

Over the course of the past few years there have been many occasions when we have debated the overall numbers of this House. But I do not think it has been at all helpful to look at those overall numbers. What we should be looking at are the overall numbers of Peers who actually vote. There were 180 votes during the course of the last Session, but only in about 30 of them did we produce more than 400 Peers to vote, and never did those numbers achieve 500—considerably less than the 800 which so many of us complain about. This House is a part-time House. It derives so much strength from Peers being able to do work outside it, volunteer outside it and play an important role in their own communities. For that reason, with this diversity of talent, experience and age, such diversity maintains the quality of the House and I think we should not forget it. My conclusion is that we should complain far less about our overall numbers and look at the numbers in the voting Lobbies to demonstrate our working capacity and our ability to effect change.

That leads me on to the number of government defeats. As I said, in the previous Session we had 180 votes. In those, the Government were defeated 125 times; the Government managed to win only 55 times. That is a loss ratio of 70%. It is too much. I have said before that this House should never become a House of opposition, but that is what these figures demonstrate it has become. Of course we should challenge the working of government by all means, but should it really be so often? How can we, on this side of the House, make the case for restraint on the number of new Peers when every day Members of the Government in another place are faced with that record?

[LORD STRATHCLYDE]

That leads me on to the role of the Cross-Benchers, who play an important part in this House. But I wonder how many of us realise that, during the previous Session, the average Cross-Bench Member voted only 28% of the time in favour of the Government and 72% of the time against the Government. I suppose that we should be grateful for that. I wholly expect that sort of behaviour from the Labour Party and the Liberal Democrats, who are accountable for what they do, in a tangential way, through their representation in the House of Commons, but that is not true for the Cross-Benchers, who should perhaps keep a watchful eye on their voting records before people outside this House ask, "What are Members of the Cross Benches for?" A few weeks ago, my noble friend Lord Roberts of Belgravia wrote an extremely well-researched paper criticising, in the *Spectator* magazine, the right reverend Prelates for their voting records; I would not want him to cast his eye, or his pen, over the role of the Cross-Benchers. This makes it so much harder for those of us who have, in the long term, been great defenders of the role of the Bishops in this House and the role of the Cross-Benchers.

My real role today is to talk about conventions of the House. Yesterday, my noble friend the Leader gave us the example of the Attlee Government, who managed to govern radically and successfully at a time when they had such a small percentage in this House. Out of that was born one of our premier conventions, the Salisbury/Addison convention, which regulates our ability to vote down manifesto Bills at Second Reading—although it does not, of course, stop us from suggesting amendments. A few years ago, I chaired a report on conventions and secondary legislation, and I am glad to say that was unnecessary. But if we are going to develop increased anti-government activism—in relation to any Government—against the elected House, perhaps it is time to look again at these conventions and see whether we should continually, again and again, vote for amendments and send them back to the House of Commons when the Government clearly have no intention of accepting them.

This is a great and noble House, and long may it continue in that manner.

4.24 pm

Lord Blunkett (Lab): My Lords, I make no apologies for saying just a word about the sad death of Lord Judge. Some Members will know how closely I worked with him over the past few years, both on the Elections Bill and primarily on criminal justice measures, including the issue of imprisonment for public protection. I shall sorely miss him personally.

I will not go down the rabbit hole offered by the noble Lord, Lord Strathclyde, except to say that, if a large number of Members are not participating in voting in this House, they might consider why they are still in it. If the Government got Bills right in the first place, we would not have to amend them so frequently. In fact, as the Leader of the House pointed out yesterday, rather tongue-in-cheek, out of the 8,000 amendments tabled, over 2,500 were tabled by the Government. That demonstrates how appalling legislation was in the first place—but let us move on.

This King's Speech is sadly denuded of anything that will offer Britain hope; it is a last hurrah. I am sad because this opportunity could have been taken to deal with some of the central issues facing the nation, not least on ageing and on the impact that artificial intelligence is likely to have.

The Minister who introduced today's debate, for whom I have a lot of time, raised a few things with which I agree. One of them is the absurdity of short prison sentences. Led by the noble Baroness, Lady Hamwee, the Justice and Home Affairs Committee will shortly produce a lengthy and detailed report on this issue, which I hope the Government will take seriously; it will help to accelerate sensible sentencing and support the judiciary to do so.

However, there were murmurs that this King's Speech was to develop clear blue water between the Government and the Opposition. I fear that this will fail, because some of the measures thrown up in recent times by the current Home Secretary do not really appear at all, and some measures denoted by the Justice Secretary, such as life means life, have been in place for 20 years. The whole-life tariff extension, for those crimes that would warrant it, is likely to have a minimal impact—I should know, because the words "life means life" were ones I issued back in 2003. I hope that, when the Victims and Prisoners Bill reaches this House, we will be able to do something substantive on IPP.

There were many things in the speech by the noble Lord, Lord Marks, with which I agreed; I will not repeat them because we have an indicative time limit. I will say just this: we have had so many Justice Secretaries that it is hard to keep count of them. The present one is a great improvement on the last, and I hope that he will be able, over the next nine months or so, to demonstrate that still further. The Crown Prosecution Service is in meltdown—there are 75,000 outstanding cases, the courts are under enormous pressure and the Prison Service is on the edge of collapse—so what we need is decisive action to ensure that we get this right. Of course we need tough sentences for those who commit the most horrendous and heinous crimes, including those spelled out by the Minister at the beginning of today's debate, but we also need to use common sense.

My noble friend from the Front Bench mentioned something as simple as shoplifting causing havoc to both retailers and the public, such as in the small shop in south London that last week put up a notice saying, "We are sorry we can't put the goods on the shelves any more. You will have to ask at the counter", because of the number of organised thefts that had taken place and the inadequacy of the police to deal with them. These are issues which, alongside the very big ones, affect people day in, day out in our communities, so we should take them seriously.

I will say something about the current Home Secretary. Floating the idea that you should punish those who are homeless on the streets, or even to suggest that those charities which befriend and try to bring some comfort to those on the streets should be prosecuted, is an outrage. I know that many Conservatives agree with that. In fact, the twist here is that the Leader of the House yesterday reminded us of the returned convention of the Lord Chancellor walking backwards.

If I were the Lord Chancellor, I would not turn my back on the present Home Secretary either. It is quite clear that some parts of the briefing on the King's Speech were more about future elections within the Conservative Party than the well-being of the British people—that is very poor. For a Government who may be on their way out, they could at least, in their last breath, show that they care about the real issues affecting the British people.

4.30 pm

Lord Beith (LD): My Lords, today is a personal anniversary for me because it is 50 years since I entered Parliament—I did 42 years in the Commons and have done eight in the Lords—after I won a by-election in 1973. During that time, I have always tried to stand up for parliamentary scrutiny and the need to get legislation properly in order. However, my efforts pale into insignificance beside those of the late Lord Judge in his relatively shorter time in this House. He was so stalwart in ensuring that legislation was left open to parliamentary scrutiny and did not preclude it. We will have to continue that work in his memory.

I want to devote my time today to just two issues raised in the gracious Speech. The first is prisons and sentencing.

"A bill will be brought forward to ensure tougher sentences for the most serious offenders",

but it does not work like that. Every time Ministers call for or legislate for tougher sentences, whatever specific offence is involved, they contribute to a ratcheting upwards of sentences for a wide range of other offences. It is a long-standing trend and the Government contribute to it on a regular basis—more or less every year. Often, it is applied to people who will not be improved by time in prison and really need a more appropriate sentence.

When I was elected in 1973, there were just short of 37,000 people in prison. There are now nearly 86,000 of them, with the possibility of that heading for 100,000. Promoting longer prison sentences is a huge commitment of resources to a system of punishment that does so little to advance rehabilitation and to change those involved. Even so, the resources are not sufficient to deal with a collapsing prison system that cannot cope with the number of people sent to it. Clearly, many offenders must be jailed for significant periods for the protection of the public. However, as anyone who visits prisons regularly will know, many imprisoned people suffer from mental health problems, are otherwise inadequate or lack basic education and could have been dealt with differently, in various ways, so that resources could have been used more effectively.

I support and commend the recent recommendation from the House of Commons Justice Committee, which I used to chair, that there should be an independent sentencing policy council to provide policy advice to Ministers. We might get some evidence-based policy then. I also look forward to the forthcoming report of this House's Justice and Home Affairs Committee, which was mentioned by the noble Lord, Lord Blunkett. We have had witnesses in front of us complaining about the fact that community sentences are underused, partly because of lack of information and partly because the Probation Service is so badly understaffed. We must end the weaponising of sentencing policy. Claims

that one party will lock up more people than another really do not contribute to sensible, evidence-based policy.

My second point is about migration. The gracious Speech skates over the chaos of policy and administration in this area. Thankfully, it does not repeat the Home Secretary's inflammatory language about multiculturalism. We are simply told that the Government will deliver on the Illegal Migration Act and stop illegal channel crossings. That is a triumph of hope over experience, particularly the experience of the Home Office. I fear that we are in real danger of losing our values and sense of proportion in all this. I mention our sense of proportion because the small-boat people represent a tiny fraction of the half a million net inward migrants we currently accept. We have to go after the criminal gangs who exploit desperate people, but those who take risks in search of a new life should not be treated as criminals. Their asylum claims may well be valid—currently, about 82% of claims are found by the Home Office to be valid in that category—and those who are economic migrants are simply seeking a better life for themselves and their families. Why do we deny asylum seekers the opportunity to work while their claims are considered, so that they can contribute to the society they want to join? Why do the Government disapprove of and disparage economic migrants?

For poor and desperate people to seek opportunities in another country used to be seen as a sign of initiative and enterprise, not a disqualification from welcome to a new country. The Prime Minister ought to know that from his own family experience. Like most developed nations, we need migrants, because we will not have enough younger people to care for our elderly, maintain our public services or expand our economy. That is why we have quite a high rate of net immigration. It is why we invited the Windrush generation to come to Britain and accepted substantial inward migration from the Indian subcontinent. From Britain, we populated large parts of the United States, Canada, Australia and New Zealand.

Population movement is not new. It has been part of the human condition throughout history. It will continue to be. We should manage it as far as we can, in harmony with our basic values. If we want to reduce the growth in population movement, we must address the problems of poverty, warfare and oppression in the countries with the greatest outflow. If we fail to address the problem of climate change, we will see even greater pressures where countries disappear underwater or can no longer support food production because of the effects of climate change.

This has already been said by noble Lords: the gracious Speech and the legislative programme within it are really all about the election. The Conservative Party will not be judged on the slender legislative programme of this gracious Speech but by what has gone before—the chaos of years of dysfunctional government under a bitterly divided party. I think they know that.

4.36 pm

Lord Burnett of Maldon (CB) (Maiden Speech): My Lords, I start by echoing the sentiments of other noble Lords at the sad and shocking news of the death of

[LORD BURNETT OF MALDON]

the noble and learned Lord, Lord Judge, a great Chief Justice and an outstanding parliamentarian.

This maiden speech has been long in coming. It is six years since I had the privilege of being introduced to your Lordships' House, but the statutory disqualification preventing serving judges from taking part in the proceedings of the House applied to me until almost six weeks ago. In the meantime, I have visited frequently and benefited from the unfailing assistance of the doorkeepers and staff of the House of Lords. Their continued assistance and courtesy have been especially valuable during the few weeks since I left office as Lord Chief Justice. I have had the pleasure of making regular appearances before the Constitution Committee to explain the workings of the judiciary and courts and, as counsel, many outings before the Judicial Committee—so, while a newcomer, I do not feel a stranger.

All this is a far cry from my visits as a schoolboy, sitting below the Bar, fascinated by the working of Parliament. A debate on fish farming has stuck in my mind and, within minutes of my asking, the Library staff were able to find it. Reading the speeches now, I must confess to being perplexed at why they struck such a chord with a 17 year-old in 1975.

Most of those who visit this Chamber are overwhelmed by its grandeur but have little time to study the lessons in history that adorn its walls. This schoolboy failed to notice the mural painted by Charles Cope of Prince Henry—later Henry V—acknowledging the authority of Lord Chief Justice Gascoigne. Its presence in the Chamber is a powerful reminder of the importance of the rule of law. In modern terms, it illustrates the Executive's acknowledgement that they are subject to the law.

It is also striking that the armorials of Chief Justices from William FitzOsbern in 1067 to Lord Widgery in 1980, when the space was exhausted, surround the Library at ceiling height. The symbols speak of the centrality of the rule of law to our system of government. They resonate as your Lordships debate home affairs, justice and devolution following the gracious Speech.

The core features of the rule of law are not now in doubt. They include that everybody is subject to the same laws: wealth, power, status or privilege provide no special protection. Dr Thomas Fuller observed in 1733:

"Be you never so high, the law is above you".

Governments and public officials are subject to the law and must exercise their powers lawfully. Laws must be accessible and clear. Disputes, if incapable of consensual resolution, must be determined by independent courts and tribunals. For the rule of law to have substance, there must be an effective court system. An independent judiciary is also a central feature of the rule of law— independent individually to decide cases on the law and evidence, and independent institutionally to resist pressure from any and all powerful actors. A vibrant and independent legal profession is necessary to promote liberty under the rule of law.

There was no mention in statute of the rule of law or the independence of the judiciary until 2005, when both well-established concepts were included in the

Constitutional Reform Act. The rule of law was declared a constitutional principle, with special responsibility for its sustenance attaching to the Lord Chancellor. All Ministers and officials were enjoined to uphold the continued independence of the judiciary, including the judiciary of international courts whose jurisdiction the United Kingdom recognises. The Lord Chancellor was fixed with a special duty to defend judicial independence and secure adequate funding for the courts.

As Lord Chief Justice, I was concerned that much official thinking in connection with the courts and the law failed to raise its eyes above their direct financial contribution to the economy. Of course, that contribution is vast, but it does not begin to capture the real value of the rule of law. No one would tot up the annual economic value of the education sector and consider that to be its real worth: an educated population is necessary for prosperity and much else. Nor would they suggest that the worth of the health sector is represented by its direct monetary contribution. A society whose members are healthy will be capable of flourishing; one with excessive ill health will not.

So it is with the rule of law. Without the rule of law, underpinned by an independent judiciary and the courts, much else would fail to prosper. It is one of the foundations that supports economic activity, wider prosperity and a settled society. In short, the rule of law, the courts and an independent judiciary are not optional extras or simply a service, but one of the foundations on which all else is built. As such, they must be nourished.

I am grateful for the opportunity to make these observations and I look forward to playing my part in the work of your Lordships' House.

4.43 pm

Lord Kakkar (CB): My Lords, it is a distinct pleasure and privilege to follow the noble and learned Lord—my noble and learned friend—Lord Burnett of Maldon, and to be the first in your Lordships' House to congratulate him on his marvellous maiden speech. As he can see, it was deeply appreciated by all Members of the House.

My noble and learned friend has had a most distinguished legal career. He was called to the Bar at Middle Temple in 1980. In 1998, he became a Queen's Counsel. In 2008, he joined the High Court. In 2014, he became a Lord Justice of Appeal. In 2017, he was appointed the Lord Chief Justice of England and Wales. It was at that time that I came to know him, because I was involved in that process as chairman of the Judicial Appointments Commission. I then had the privilege of working with my noble and learned friend as we explored questions of judicial appointment together in the following six years.

My noble and learned friend is known not only for his brilliant intellect as a lawyer and the clarity and perfection of his judgments, but also for the fact that he is a kind, decent and compassionate man who brought those marvellous qualities together to ensure that justice was properly administered and that every citizen living in this great jurisdiction of England and Wales could go about their business with confidence,

knowing that our judicial system was supervised in such a responsible and thoughtful way. My noble and learned friend did this throughout his career, always emphasising in equal measure a deep commitment to securing the rule of law, as we have heard, and to broader public service. Noble Lords will benefit in the years to come from his ongoing contributions to the work of your Lordships' House.

That is why I find myself, unusually, participating in this debate on matters of justice, devolution and home affairs—my contributions in the House have been principally on healthcare and science. With the leave of your Lordships' House, I will continue this contribution and build on some of the concepts regarding the rule of law that my noble and learned friend has so powerfully put to your Lordships today.

The rule of law is fundamental to the security, liberty and well-being of every citizen in our country, and this Parliament, and your Lordships' House in particular, has a deep commitment and obligation to secure the rule of law in our country. We have heard that a number of elements are essential to securing this, one of which is to continue to protect an independent judiciary. As part of securing the independence of our judiciary, we must continue to support wholeheartedly the independence of the judicial appointment process. Indeed, since 2005, all political parties have continued to commit to the independence of that process through a continuing commitment to the elements of statute in the Constitutional Reform Act 2005 and the regulations that attend it, which have secured the independence of that process for nearly 20 years.

Beyond the independence of the judiciary, which is secured on the basis of independent judicial appointment, Parliament, and your Lordships' House in particular, has a second vital responsibility: to ensure that the legislation that eventually lands on the statute book is of the highest quality, and is sufficiently clear in its purpose that the courts can exercise their responsibility to the law and not be forced into excessive interpretation or overinterpretation because of a lack of clarity and appropriate purpose, and therefore applicability, of the laws they have to consider. Failure to provide high-quality legislation has the potential to draw the courts and the broader justice system, and therefore the judiciary, into unnecessary controversy, which could undermine the standing of the judiciary and therefore potentially generate calls for interference in its independence. That could substantially undermine the rule of law, which would be a serious and unfortunate consequence of Parliament not legislating in a properly thoughtful and effective fashion.

In that regard, the scrutinising role of the upper Chamber has a particular importance and resonance. We have heard already in this debate—yesterday from the noble Lord the Leader of the House and then further today—about not only the number of amendments your Lordships had to consider in the previous Session of Parliament, but the number of votes undertaken in this House. This is all absolutely appropriate if we go about it in the right fashion for the right purpose, but it also provides the opportunity to be misunderstood and, in being misunderstood, for the standing of your Lordships' House to be undermined. If that were to happen, there might be a risk that the quality of future

legislation is further diminished and, in a circular way, we start to undermine all those things that are so important to us, to this Parliament and to all our fellow citizens. That must not be allowed to happen.

Inevitably, of course, politics dominates the work of a Parliament, but in that political environment there must be the opportunity not only to undertake appropriate scrutiny of legislation but to propose amendments, and for that to be considered in a constitutional fashion, between two Houses of Parliament, to ultimately deliver the obligation we all have to our fellow citizens.

4.51 pm

Lord Houchen of High Leven (Con) (Maiden Speech):

I am humbled to be able to address your Lordships today for the first time. I start by thanking the doorkeepers and the House staff, who have been kind with their assistance and time since my introduction in July. I also thank Black Rod for the support she has given me. Indeed, she told me that she lived in Teesside for many years, which leads me to the suggestion that I always knew to be true, which is that, ultimately, all roads lead back to Teesside.

I also thank probably the most important people: my dear wife Rachel and my family, without whom I would not be where I am today. My final “thank you” are to my two supporters: my noble friend Lord Udny-Lister, who has always been very generous with his time and advice, and my noble friend Lord Wharton, who is a dear friend. I also thank him because he paved the way for devolution within the region that I am from during his time as Northern Powerhouse Minister.

Indeed, I stand before your Lordships today as the directly elected mayor for the Tees Valley, which I feel very proud and lucky to be when I wake up every day. It was not always that way, though. I think it fair to say that, when I was first selected for the candidacy in December 2016, very few people, if anybody, thought I would win that election just four months later. I think my Labour opponent was already measuring the curtains and deciding on the wallpaper. Nowhere is that demonstrated more than by the fact that Ladbrokes had me at 200:1 to win that election. But how things change, and they changed specifically for one reason: we were very clear that we wanted to be bold and ambitious for a region that had been neglected by Governments of both colours for decades and decades before.

I made a very clear promise to save Teesside Airport, using the powers and the money given to me as the directly elected mayor. It was a very clear pledge that raised a lot of eyebrows. We did that because it had been successful as a regional airport. Unfortunately, it was owned by the Peel Group and, aided and abetted by the local Labour councils, it was driven into the ground over many years and was due to be closed. Sadly, colleagues and communities across Doncaster and Sheffield will be very familiar with this story of the Peel Group, aided and abetted by Labour councils. Sadly, they have seen their airport close altogether.

I am pleased to say that, having been elected unexpectedly in 2017, we were able to deliver on that promise to the people of Teesside, Darlington and Hartlepool. We saved Teesside Airport from closure

[LORD HOUCHEM OF HIGH LEVEN]

using the powers and money given to me as part of the devolution settlement in 2017, and it has gone from strength to strength. We have not just saved it; it is going gangbusters and doing incredibly well. We are home to the first security scanners in the country that mean, if you ever travel through Teesside Airport, you do not have to take liquids or electronics out of your hand luggage. We were the first in the country for that.

We are also home to the UK hydrogen transport centre. We have opened new cargo facilities, and have seen our highest number of passengers this year for the last 12 years. All that culminated just a few weeks ago in Teesside Airport being named the UK airport of the year by the travel industry. There is no higher accolade.

An important reason for why we were so successful was that this is a very parochial and important issue to people across Teesside, Darlington and Hartlepool. It is also a fantastic case study for what devolution can actually deliver. By having a directly elected and accountable politician who has power and money to decide what is best for their region, who can be held to account by their local population and not have to go back to Whitehall, cap in hand, every single time they want to get something done, saying: "Please can I have some more", we were able to deliver real change. We delivered change in infrastructure that was going to unlock more investment and a lot more jobs for local people, which is ultimately what this is all about, right? It is about more jobs for local people and putting more money into people's pockets, so they can look after themselves and their family.

I have always believed that Teesside is a region that, having been neglected for so long, has not had the investment, the infrastructure or the opportunity that many regions—cities in particular—have enjoyed over the last 50 years. My aim was to try and make sure that, with the infrastructure that we put in place and the public money that we spent—whether on the airport, our public transport system, or other infrastructure that we have invested in—we did the most we could to unlock the private investment that ultimately delivers those jobs. I am a firm believer that international investment does not arrive on a bus; it comes through an airport terminal.

We have been able to leverage that as well, because with the powers given to me by the Government, I was also able to establish the first mayoral development corporation outside London, on the former Redcar steelworks site that sadly closed in October 2015, a project that was hugely problematic for the Government. It was hugely damaging to the local community; more than 3,000 people lost their jobs. It was a black hole of taxpayers' money since 2015; between £16 million and £20 million a year was poured down the drain due to legal complexities with Thai banks, charges and diplomatic issues since the closure, something I hope we will learn from and look towards should we find ourselves in a similar position in the future.

We have been able to turn what was a millstone around Teesside's neck since the closure into a fantastic opportunity. It is now the largest brownfield site in western Europe. It is home to 14 and a half million square feet of approved planning applications, which

means that if people want to come and invest, they can deliver it quickly, with the speed that internationally mobile capital wants to deliver. We also have the deepest river on the east coast of the United Kingdom in the River Tees. All that is overlaid with the UK's first and largest freeport in Teesside, which I am very proud to have delivered the policy for for this Government, and which could not be delivered if not for the powers that we have taken back as a result of Brexit.

What does that mean to the average person that I represent within my region? It means jobs and investment, and we are seeing that come to fruition. We are already home to what will be the world's first industrial-scale carbon capture and storage facility, with BP and Equinor jointly investing £1.5 billion in an almost 1 gigawatt gas-fired power plant—decarbonised power that will power 1.3 million homes a year. That is 10 million tonnes of carbon that will be captured and buried under the North Sea in the depleted oil caverns we were once taking carbon from. We are also seeing BP invest in 1.5 gigawatts of hydrogen. Teesside is already home to more than 50% of all the hydrogen production in the UK.

We are seeing SeAH Wind, a large Korean company, make the single largest investment ever by a South Korean company in the UK, building the world's largest monopile factory. Monopiles will be built in Britain and exported into the North Sea, and will be building wind farms. In the future, no doubt, they will be building wind farms across the world.

All this is possible only because of the powers that we have been given. We need to make sure that this Government and future Governments do not reverse, detract from or slow down what I think is a one-way street. We have to continue with devolution, and trust local people and local politicians to be able to deliver for their areas.

There is a long-standing phrase in Teesside: "We built the world". From the Sydney Harbour Bridge to the Burj Khalifa, to the Cabinet War Rooms where Winston Churchill helped defeat the Nazis, Dorman Long, a steel company, is imprinted in the steel of all of those buildings. I make no apology for saying that I will use this place, and this very privileged position, to continue to fight for the people of Teesside, Darlington and Hartlepool, and make sure that that phrase is not a part of our past, but that Teesside will build the future once again.

5 pm

Lord Wharton of Yarm (Con): My Lords, it is a great pleasure to follow the maiden speech of my noble friend Lord Houchen of High Leven, not least because he is my friend who now happens to be noble, and it is a pleasure to sit with him on these Benches. We can see already the passion he has for the area of Teesside, the Tees Valley, where he is the directly elected metro mayor. I first encountered him when he was young, idealistic and enthusiastic and joined my campaign team in the run-up to the 2010 general election. In that general election, I was successful in the seat of Stockton South by the narrowest of margins, just as he went on to be successful in 2017 by being elected by an extremely narrow margin as the first metro Mayor of Tees Valley. A matter of weeks later,

I was rather less successful when the electorate who had once supported me decided that my time was up, so it is a strange twist of fate to end up sitting next to him here. Whereas my electoral success came to an end, he has managed to combine continued—indeed, increasing—electoral success in Tees Valley with joining us and continuing, as we can all see, to passionately advocate for the area from which we both come.

When I was Northern Powerhouse Minister, I took the then Cities and Local Government Devolution Bill through the Commons. An unexpected benefit was that Tees Valley elected my noble friend as its first metro mayor. When I look back at that time, I do not think anyone in that area would have expected the extent of the achievement and development that has now been delivered, the improvement and transformation that has been possible and the investment that has flowed into an area that very much needed it.

It speaks to the more collegiate nature, sometimes, of this place than what we used to see in the elected politics at the other end of the building that my noble friend Lord Houchen's promise to save the airport ultimately meant the nationalisation of that airport by him as the directly elected mayor. This policy presented some challenges to Conservative colleagues who found themselves visiting. I remember that the then party chairman, who was coming up for his first visit, rang me to ask whether there were any issues of which he should be aware just after my noble friend had been elected. I pointed out that one of the pledges was the nationalisation of the local airport, at which point he corrected me and said, "No, it's not. It's the regionalisation of the airport". That is the advantage of devolution. It allows us to think outside the box to do what is right for areas in ways that cross lines that sometimes party politics in a national sense do not make quite as easy. It speaks to the importance in devolution of having a directly elected mayor as a figurehead, somebody who can drive that forward and become a spokesperson for their area, and who can, through the passion that they have for the area which they represent, lead and deliver improvements for its people.

That is why I want not just to follow the maiden speech of my noble friend Lord Houchen of High Leven but to talk today on devolution, the discussion of devolution which we have already had from some noble Lords and the Government's agenda for it. When I was the Northern Powerhouse Minister, one of the things I had to do was to travel around the country to persuade local council and local authority leaders that devolution would offer something for their area and that the devolution of powers and the creation of combined authorities would benefit the communities they represented.

The policy of the Government at that time, although not required in the legislation, was that devolution must by necessity come with a directly elected metro mayor. We found that this presented challenges in some areas where local authority leaders saw a directly elected mayor as someone who would compete with their status, authority or power. We found that the idea of a directly elected mayor caused concern because local authority leaders were not sure who that person might be or what party they might represent. I found myself meeting groups of local authority leaders who

came up with all sorts of governance proposals which fell short of directly electing an individual to speak for an area and to drive forward the policy of devolution and the powers that would be given to that area. I found myself often having to say in simple terms, "No mayor, no deal", and it made me rather unpopular with a number of individuals who were against that element of the policy.

The experience since is that areas with devolution and a mayor—a figurehead, a directly elected person, to drive that agenda and be a single point of accountability for those devolved powers—have seen the greatest success. The Tees Valley in Teesside is a superb example of that, but there are others. Many of the mayors have now become nationally known names and individuals who genuinely speak for the areas which they represent. The Government propose to continue a programme of devolution, and there are a number of areas in which new mayors will be created. But there is also, of course, talk of devolution without mayors, or of mayors with limited powers, and of different models that may be considered and put forward.

For what it is worth, my experience has been that, where you get the right mayor, it can make the most significant difference and have the most significant impact. I encourage the Government to look very closely at where it has worked best—Tees Valley being a very good example—and to do everything they can to ensure that, where powers are devolved, it is in a way that also comes with accountability and the point of focus that an elected individual offers. That allows streamlining for businesses that want to invest; the strategic co-ordination that comes from having somebody with a vision for an area who is empowered to drive it forward; and the ability for the sometimes complex disagreements between local authorities to be overcome in the interests of economic growth. I hope that we will see more devolution and see it done in the right way.

There are significant challenges with some local authority boundaries and their inconsistencies—particularly, for example, when it comes to the interaction between police and crime commissioners and directly elected mayors. Where it is possible to do so, I think that combining those roles is a sensible thing. However, it is often not possible because combined authority areas do not entirely overlap with police and crime commissioner boundaries, which makes the electoral reality of merging those roles difficult. This is something the Government would do well to look at, whether that requires the reshaping of combined authorities and police force areas or whatever might be necessary in order to deliver it.

It is with pleasure that I got the chance to congratulate and speak after the maiden speech of my noble friend. I am sure that there will be many more speeches and I am sure that noble Lords will hear much more about the Tees Valley and Teesside and its successes. I am confident that, for as long as my noble friend remains in place there, there will be many more successes and investments to talk about.

5.07 pm

Lord Bruce of Bennachie (LD): My Lords, I too was shocked to hear of the death of Lord Judge. Although I did not know him as well as many others in this

[LORD BRUCE OF BENNACHIE]

House, I always knew how wise and well-informed he was, and that anything he said was worthy of close attention. I know we will certainly miss him.

I congratulate the two maiden speakers. They were two quite different maiden speeches, but both coming, nevertheless, with information and commitment to the future as well as expertise from the past. What I have to say will have some reference to the noble Lord, Lord Houchen. Notwithstanding what he said, I still believe that the UK actually has a problem with governance.

We do not have a written constitution or a codified basic law. Some say that this is a characteristic USP of the UK, and that it is flexible, but it has led to a plethora of different mechanisms introduced by simple majority at the whim of the Government of the day to meet a political need of the time. Even referendums have been used for short-term political ends, rather than because they were in the fabric of our constitution.

Take the components of the United Kingdom: Northern Ireland has had devolution off and on since 1922—although it is currently dysfunctional—and Scotland and Wales have had devolution since 1999, but both are different in their powers and elections. In Scotland, the three tiers of government all have radically different electoral systems. London has an assembly and elected mayor, and other regions, such as Teesside, have elected mayors and police and crime commissioners. The pattern is all disorganised. For example, in the 1970s, historic counties, centuries old, were swept away to be replaced by a hodge-podge of counties, districts, and unitary and metropolitan councils—some of which have not survived to today. Leaving the European Union—probably the most radical decision of our age—was determined by a referendum lightly embarked on in the belief that it would be won and with little thought of the historical impact and very few safeguards. We cannot go on like this if we are to sustain a stable and fair system of governance that people across the UK can trust.

I was a member of the Common Frameworks Scrutiny Committee that the noble Earl, Lord Kinnoull, referred to, and we scrutinised how the devolution settlements could be adapted following the return of powers that had previously been pooled within the EU. “Bringing back control” highlighted the unevenness of the relationships between the constituent parts of the UK. Most of the frameworks developed an elaborate and thorough approach to dispute resolution, although they have not been tested yet. But, without the existence of our committee, common frameworks would, I believe, have progressed little or not at all—they did not have ownership among many Ministers.

In that committee, we also saw a completely different approach to devolution in Scotland and Wales. The Welsh Government want devolution to work but are constantly frustrated by the UK Government neither consulting them nor understanding key areas of difference. The Scottish Government do not believe in devolution; they forget that Scotland has not voted for independence but has voted for devolution twice. Instead, they choose to act as if the country actually were independent, and they then complain when they either do not have the powers or exceed them. Fomenting grievance at every

opportunity suppresses any idea of co-operation, let alone recognising that there are separate responsibilities for the UK and Scottish Governments.

All of this is different according to the whims of how it was introduced. As a member of the Scottish Constitutional Convention that laid out the blueprint for devolution in Scotland, I wanted a Parliament, not an assembly, with substantial powers, including tax raising, and a fair and representative voting system. To be fair, Donald Dewar, the shadow secretary and then Secretary of State for Scotland at the time, was persuaded of much of this. An early draft assigned customs and VAT revenues to the Parliament, but this was crushed by Gordon Brown. I secured a commitment for a more proportional electoral system, but what was adopted has a number of flaws. First, it is not very proportional. It enabled the SNP to secure a majority with a minority vote and it allowed smaller parties to game the system by contesting only the list. I had argued that there should be one vote and the additional members should be based on the outcome of that first vote and allocated accordingly. In other words, to qualify for list seats, a party would have to contest all or most of the seats across a region. The system also had the disadvantage of creating two categories of MSP: constituency and list. I believe that single transferrable vote would work better and, now that it has been tested successfully in Scottish local government elections, would be understood and acceptable to voters.

The customary response to this messy situation is to call for a federal solution, but we are always told that there is no call for that in England. Actually, there is considerable dissatisfaction with the way England is governed, but there is no agreement on how to change it, other than to call for more local decision-making and access to resources. Levelling up involves doing things “to” regions, rather than empowering them to do things for themselves. What I believe is required is for the devolution settlements to be entrenched in law, setting the powers and the resources and preventing this from being changed by a simple majority, rather than, for example, a supermajority of both Houses of Parliament. The strangling of local authorities should be stopped. Successive Governments in England and Scotland have squeezed local government while loading extra powers and responsibilities on to councils, pushing them, literally in some cases, to breaking point.

The UK is rich and diverse in landscape and character, and that is something to celebrate and unlock. I can be proudly Scottish and love, respect and value the differences across the whole of the UK—that is why we have the Scottish nationalists. Devolution should unlock the best, celebrate difference and be protected from wilful interference and control from changing popular or populist whims of passing Governments. Doing it piecemeal is not working and is not the way to secure a future that people can trust and have confidence in.

5.14 pm

Baroness Chakrabarti (Lab): My Lords, to the old adage that talk is cheap we might add the observation that legislation need not be much more expensive. Yet in both cases there may be inflationary claims or counterproductive outcomes that undermine liberty, equality and harmony in any society. As a close observer

of our justice and home affairs over 28 years, I do not instinctively scoff at an apparently light legislative programme. I should add that I had the privilege of knowing and being advised and encouraged by the noble and learned Lord, Lord Judge, over that time; he was a great constitutionalist and a kind man, and I send my condolences to his wife and daughters.

I congratulate both today's maiden speakers. To the noble and learned Lord, Lord Burnett, who has been left such large boots to fill, I say that I know that he will do it with enormous distinction.

There have been too many bad laws in this area over many years. Even finely crafted statutes are no substitute for the public investment that our crumbling justice system so desperately needs, or the moral leadership once provided by some of the greatest senior politicians of yesteryear from both sides of both Houses. Like other noble Lords, I shall of course engage with yet more sentencing, criminal justice and investigatory powers Bills as they come, and I shall seek to work with noble Lords across your Lordships' House to strengthen protections in the Victims and Prisoners Bill. It is particularly good, with that in mind, to see the noble Baroness, Lady Newlove, in her new and reinstated role. In remembering that the European convention has done more for victims' rights in our system than any other single instrument, we should seek to remove the current disapplication of the Human Rights Act from that draft measure. I look forward to continuing positive dialogue with the new Lord Chancellor, who has been a relative breath of fresh air to his department.

I hope that noble Lords will forgive me for devoting my remaining minutes to things not explicitly included in His Majesty's gracious Speech. If a week is a long time in politics, the last month or so has felt at times interminable. In 1960, the Prime Minister Harold Macmillan made his famous Cape Town speech, using the "wind of change" metaphor for both acceptance of decolonisation and disapproval of apartheid in South Africa. How sad that the present Home Secretary should use her recent party conference speech to turn his words of hope into pure populist fear of what she described as the "hurricane" of immigration to come, compared with the "mere gust" that brought her own parents to the United Kingdom.

The subsequent month has been a hellish eternity, I have no doubt, for the families of victims of Hamas butchery and hostage taking, and the besieged and bombarded civilian population of Gaza. No British politician, still less a Home Secretary, can unilaterally ease that distress, which inevitably extends to so many people in our own communities. However, they can at times make things worse—worse by collectively branding 100,000 mostly peaceful people as "hate marchers" in the context of a depressing rise in often non-protest related incidents of hate crime.

They can make things worse by repeatedly and performatively trying to influence or instruct a police service which, in this country at least, is supposed to be independent of government. Surely it is better to appeal to all those understandably moved by events overseas to show their aspirations for peace with calm and sensitive restraint in both conduct and tone—and better to let the Metropolitan Commissioner demonstrate

the judiciousness that he has overnight, in watching the intelligence but seeking to allow safe outlets for collective expression, while keeping the King's peace.

In dark times, they can make things worse by their language around homelessness. Big people and big leaders seek to build big tents, not ban them. That includes the flimsy makeshift shelters used by some of our homeless people—including, to our shame at this time of year, too many military veterans, in the middle of a cost of living and mental health crisis.

Once more, the Home Secretary's campaigning language is lamentable. The only thing worse than a privileged person branding homelessness a "lifestyle choice" from the comfort of their warm home or office is throwing in yet more anti-immigrant rhetoric for extra spice and blaming the destitute for "crime, drug taking, and squalor".

So, how disappointing to read this morning's reports of a continued push for more criminalisation to replace the Vagrancy Act 1824, which your Lordships voted to repeal so resoundingly and which must go in substance, not just form, before its fast-approaching 200-year anniversary.

Just as the Lord Chancellor's oath, as we heard from the noble and learned Lord, is to respect the rule of law, defend judicial independence and provide adequate court resources, perhaps Home Secretaries could learn from the doctors and swear to "First do no harm".

5.21 pm

Lord Patten (Con): My Lords, I hope that during this debate, and indeed all the days of debate that we face on the King's Speech, we will not hear too much of what we are endlessly told about new legislation and new measures: "This is the biggest and most important new measure in a generation". We simply have not got enough generations to fulfil that pledge. It is bunkum and I think the Amalgamated Association of Speechwriters and Special Advisers should just cut that out of the lingo that they put in front of innocent Ministers.

The second point I will make is the perfectly obvious one that laws do not necessarily change everything and that when there are new laws, they are not necessarily effective. In some cases, new laws are not going to be effective at all. I take as my best—or worst—example the fact that we have a vanishingly small Jewish population in this country. We have 270,000 Jews in England and Wales out of 58.6 million. Their number is vanishingly small, they are easily identified and they are having a horrible time in what should be a liberal and tolerant country. They are concentrated in a small number of easily targeted urban areas. If there was any other racial group—and they are a racial group—of such a vanishing size, there would be national uproar: in particular, thought leaders from the progressive part of the world would be right there, arguing their case. Where are they? At the moment, the sound of silence is deafening, which I find very hard to take.

What is the use of all that expensive Holocaust education in GCSEs and the rest of it? It is money not well spent, I think. What good, in the end, will expensive new Holocaust museums do, wherever they are put, to right the wrongs that the Jewish community in this

[LORD PATTEN]

country face? I am told that poor whites are often to blame for this. I actually sometimes think that posh whites are, too: dinner-party casual anti-Semitism, the tap on the nose over the second or third course. None of this is going to be stopped by any law; it is going to be stopped by a national will that we no longer wish to have this sort of casual anti-Semitism in our country. We need a new body, or bodies, which I cannot invent, whose job it is to concentrate on re-education and deep education on this point—there are people who should be thinking about this—to remove the stain on the nation and make our vanishingly tiny Jewish minority feel safer, more secure, more welcome and much less inclined to up sticks and leave a country where they are very badly needed.

Lastly, I will look at where laws are not needed because we have lots of laws on the statute book which are not used or should be used more effectively, such as on rough sleepers. I pass rough sleepers all the time around Victoria station and on Victoria Street. Remarkably, we also now see small but increasing numbers of women rough sleepers and clearly battered women on the streets around here. It is on our very doorstep, but we have no effective co-ordination to deal with it—except that, even more shockingly, there is no rough sleeping around the Palace of Westminster or Buckingham Palace. The police, the city council and others dealing with this somehow manage to stop it in these sensitive areas, but a couple of hundred yards down the road it is simply ignored.

I only wish we had someone like Andy Street, magically transferred from the West Midlands to Westminster, because he would be co-ordinating and trying to deal with all this stuff now. Instead, Westminster City Council seems to ignore the subject, and the police are engaged with it around here and Buckingham Palace but not elsewhere. We certainly do not have a mayor of the city of London who seems capable of doing anything to deal with rough sleeping on the streets—he is too busy grandstanding and giving his views on international affairs and not getting down to this issue. We do not need any new laws to deal with it. It is a matter of willpower and organisation, exactly as the Dangerous Dogs Act, which we have forgotten about since 1991, will do so much now that it has been brought back in to deal with attacks on people. That Act was forgotten but it has been there for a generation.

5.27 pm

Baroness Hamwee (LD): My Lords, I too will miss Lord Judge keenly. He was so wise and encouraging, and such fun. I wish we had longer, because I would like to pursue the important point made by the noble Lord, Lord Patten, about casual racism, but I will not at this moment.

We have become accustomed, particularly in home affairs, to legislation being used to send messages. It does not always mean that something will be done, although inflammatory messages do something in themselves—they inflame. I hope—not in vain, I hope—that in this Session we will see the Government focus on walking in the shoes of those whom their legislation and messages affect.

I want to mention something that is unlikely to get any other mention today. There is a growing rhetoric about the need for the police to focus on “fighting crime”. I am not suggesting that it is not important to prevent and reduce crime. Of course it is. However, whether it is appropriate to do so by creating new offences or for the Government to tell the courts precisely what penalties to impose is another matter. The rhetoric sometimes includes the suggestion that, for the police to be effective and productive, some issues should be removed from the policing agenda or at any rate downgraded.

I must declare an interest. I am on an advisory board for the charity Missing People. We are worried that it would be all too easy for a policing response to someone going missing to slip down the agenda. There seem to be rumours to that effect. When someone goes missing, a lot of people—particularly that person’s family—are affected, so this is relevant to the topical issue of trust in the police, as well as important in itself.

The police are the only agency that has particular powers, resources and skills to find missing people and help them to safety. More than a thousand people died while missing in 2021-22; deaths have increased by 40% in the past five years. Missing reports are often related to crime, either as a cause or because the person is victimised while away. This is very stark in the case of children: so many are victims of sexual and criminal exploitation. For adults, missing can be an indicator of exploitation, trafficking, modern slavery, or a warning sign of escalating domestic abuse. I do not suggest that responsibility lies with the police alone, but the police are in a very particular position. All public services face huge pressures, but we must not introduce policies which allow vulnerable people to fall through the gaps by reducing the policing response, or that design people out of support. Success in this area may not grab the headlines, but that does not reduce its significance. I thought the Minister would be asked dozens of questions today. I am not sure that he has been yet, but mine is to ask for an assurance that he has heard this point.

As with so many situations, it is essential to address the underlying causes of criminality, which goes as well for something which is not criminal such as homelessness. This is something that the Justice and Home Affairs Committee, which I chair, is currently looking at in respect of community sentences—the noble Lords, Lord Beith and Lord Blunkett, have trailed this. It is welcome that this has risen up the Government’s agenda, and I hope we can encourage better use of community orders. In “better”, I include tailoring the order to the individual offender whose real need is mental health, or substance abuse treatment, or education, and supporting them to the point where a chaotic life can be sorted out. This requires treatment to be available, and probation officers in sufficient numbers and with sufficient experience. This should be the lens, not just a way to reduce the prison population.

The committee recently met Claire Waxman, the victims’ commissioner for London. She said:

“There is a misconception that all victims want really long sentences for their offenders and that is all they are calling for. Actually, many just want the offenders to stop, and to be reassured that no one else will be harmed by that individual”.

Vera Baird, who was the national Victims' Commissioner, talked about how victims, who are also often witnesses, are treated as almost incidental:

"The existence of the adversarial system ... means that the focus is on the defendant".

She went on to say that victims need to be told

"that they are a valuable citizen and that the nation cares about them".

I am glad that the noble Baroness, Lady Newlove, is speaking today, with her role as interim or new Victims' Commissioner—I do not know how to describe her position because I certainly do not want to call her a retread. She will speak for many of us when she reminds the House, as I am sure she often will over the next few months, that the Victims and Prisoners Bill must not let prison policy eclipse the interests of victims. No doubt the Bill will be a principal focus for the House in the legislative programme.

5.33 pm

Lord Green of Deddington (CB): My Lords, I take this opportunity to send my condolences to Igor Judge's family. We were undergraduates together at Cambridge 60 years ago, and I shall of course be writing.

This has been a wide-ranging debate with some quite remarkable contributions from all sides. For my part, I intend to confine my remarks to a single topic: sadly, it is one that this House is rather reluctant to address, namely the sheer scale of current net migration and its very serious implications for the future of our country. The present Government have deliberately permitted immigration to increase despite all their promises to the contrary. They meanwhile seek to divert public discussion to cross-channel asylum seekers, a problem which they know also infuriates the public.

But the fact is that legal immigration is about eight or 10 times the scale of illegal immigration and now carries many serious risks for the future tranquillity of our society. All population growth now arises from immigration, which since 1995 has accounted for nearly two-thirds of additional households. Indeed, last year's unprecedented net inflow of just over 600,000 has resulted in huge pressure on housing and many other fields. The consequences continue to fall particularly on the younger generation, yet the connection with immigration is practically never mentioned.

Looking ahead, if we assume that births continue at the rather low present rate, and even if overall net migration is reduced to, say, 450,000 a year—very high by historical standards—the population of the UK would increase in the next 25 years or so by about 11 million, to 78 million. On reasonable expectations, that would be the equivalent of building nearly 10 cities the size of our second largest city, Birmingham. That is absolutely massive in all respects: housing, roads, transport, the whole lot. Indeed, if this rate of immigration is allowed to continue, 50 years from now the white British could well become a minority in their own country. Indeed, unless migration, the chief determinant, falls considerably, something of this kind will be inevitable. In younger generations, that new situation would arrive sooner, and white British children would become a minority in UK state schools in 20 years or so.

As Prime Minister, David Cameron saw some of the dangers ahead. In 2010, he said:

"We cannot continue to permit vast numbers of people to come to the UK and tell them that they do not need to integrate ... and maintain certain values and ideas that are at odds with British values".

He was exactly right. Only last month, the commissioner for countering extremism said the following:

"Allowing people to maintain parallel lives in our communities, without being part of our communities, has produced and will continue to produce ... people committed to ... undermining our values. The hatred that we have witnessed in recent days ... is not only a cause for alarm among the Jewish community. It must be a wake-up call for ... all decent people".

Surely the first step must be to reduce substantially the scale of immigration to the UK. Nothing else will persuade the public that migration is being brought under control, that the very serious pressure on housing and on so many other areas will be reduced, and that they will not find themselves living in an unfamiliar country.

5.38 pm

The Earl of Arran (Con): First, I apologise to the House for not being able to be here at the end of today's proceedings.

It is now nearly 20 years since your Lordships convened a Select Committee, of which I was a privileged member, on draft legislation on assisted dying. Three Bills have been debated at Second Reading during that time, two of which passed but were unable to progress in Committee. It is obvious that there cannot be progress on this subject unless and until the Government are willing to make time available for this legislation. A Private Member's Bill is not up to the job alone.

The Sexual Offences Act, introduced into your Lordships' House by my late father, would not have passed into law without the tacit support of the Government of the day, and nor would the Abortion Act. Neither of these great Acts is perfect, but nor is humanity itself. Society of that time wanted them to happen, and eventually the Government pushed them through on to the statute book.

Last week, the House of Keys in the Isle of Man voted, by 17 votes to seven, to grant a Second Reading to Dr Alex Allinson's Assisted Dying Bill. As one would expect, there were many who voted for the legislation who insisted that their support was conditional on the Bill getting its safeguards right. That is of course the right approach, and there will undoubtedly be a long and fruitful discussion as to how the law should operate and how to ensure it can be done as safely as possible. The opportunity properly to scrutinise legislation and ensure it works for the British public has been denied to us in this House due to lack of time. Surely that cannot be right.

It is not just those in the Isle of Man who see progress where we do not. The Scottish Parliament is drafting legislation, which will be subject to much scrutiny there. The Government of Jersey are consulting widely and thoroughly on the issue but have confirmed that they will bring forward proposals for legislation next year. Beyond our borders, the Irish Parliament and the French Government are also exploring how to legislate on assisted dying, and we will see progress in both places early next year. It is, therefore, profoundly disappointing that the processes of this House have not allowed for such a debate to continue here.

[THE EARL OF ARRAN]

With over 80% of the public wanting a change in the law, I ask your Lordships: whither good sense, whither justice, whither democracy, whither kindness and compassion? We need to break this deadlock, for it is the strong wish of the British people.

5.41 pm

Lord Stunell (LD): My Lords, it is a privilege to contribute to this debate and to have heard so many excellent speeches, including the two excellent maiden speeches. It is a shame that it is tinged by sadness at the death of Lord Judge, but it has been an excellent debate so far.

I shall respond to only one previous speaker. I gently suggest to the noble Lord, Lord Strathclyde, that, if there were 8,000 amendments, of which 2,400 came from the Government, it is stretching matters a little bit to complain that, on 125 of them, there were votes that the Government lost. I suggest to him that perhaps this House is doing what it should do at about the right intensity.

I entered your Lordships' House eight years ago, and during that time I have seen no fewer than five Prime Ministers in office—although there have actually been six Administrations, because we had a caretaker one last year, with its own set of Secretaries of State and Ministers. It has been a turbulent period, with plenty of policy zig-zags, and this King's Speech introduces another few. But this time, we are told, it is not by accident because it is deliberately setting off in a new policy direction for the Prime Minister.

I want to speak today on the devolution policy option. I start by pointing out that, in the eight years that I have been in this House, the department responsible for devolution in England has gone through three name changes, seven changes of Secretary of State and 12 different Housing Ministers. No other government policy area has had so many zig-zags. That is exemplified by the Levelling-up and Regeneration Bill in the last Session, which was introduced in May 2022 and gained Royal Assent only in October 2023—17 months, four Administrations and three Prime Ministers later. During the passage of that Bill, local housing targets started off mandatory under one Prime Minister, were denounced by the second as Stalinist and are now said to be only advisory by the third. And still no one knows how the Government propose that levelling up and regeneration are to be measured, let alone how they are to be paid for.

Instead, we have another zig—or maybe another zag—with the gracious Speech talking of the Government's priority being addressing inflation

“over demands for greater spending or borrowing”.

Your Lordships can take that as a pretty broad hint that any levelling-up funding announced is more likely to be taken—reshuffled—from existing budgets, rather than providing the extra billions needed to make a real impact.

We got a taste of that with the boastful announcement last month that, in compensation for the cancellation of the high-speed train link to the north-west, a brand-new tram link for Manchester Airport would be built. That tram link had already been built and had run successfully

for years, but the Government had not noticed and simply reannounced it. Afterwards, by way of excuse, Ministers explained that the airport link had only been illustrative of the many benefits that would come from the cancellation of high-speed rail.

In so many ways, I fear that they were right: the airport tram link is indeed illustrative, but not in the way that Ministers intended. In particular, it is illustrative that the benefits announced or prefigured in the King's Speech came in two different categories. On the one hand, there are the things that were going to happen anyway—or even, as in the case of the airport tram, things that have already happened; on the other hand, all the other items announced in the King's Speech—or via the huge pile of press releases or in ministerial sound-bites—are not best described by the word “illustrative” so much as by the word “illusory”. There is neither the money nor the time for any of them to happen, even if—and it is a rather big “if”—there is a willingness in Downing Street to achieve them. Downing Street is not only the Prime Minister but the Chancellor. So what weight should we give to the commitment in the gracious Speech that the

“Government will deliver a long-term plan to regenerate towns and put local people in control of their future”?

I want to hear what the Minister, in replying to this debate, has to offer us on that.

With no money to spend and no time to spend it, what are we to expect from the Government instead? Will there be more legislation, such as a LUR Bill 2.0? Obviously not, as the Government do not have 17 months, which seems to be the standard time for that sort of Bill to take. Can the Minister tell us exactly what will come? Will it be money for devolution? No, the Chancellor will not give that. Will there be time for devolution? No, the calendar will not give that. Will he introduce a very small LUR-style Bill—a LUR Bill 1.1, not 2.0—as a token Bill to fit some headlines? Surely not, and I think it would reassure noble Lords to hear that he has no such plan—I do not think that we could take the excitement of a second Bill. That seems to leave only miracles and dreams on offer, which makes me wonder why on earth the Government thought that it was a good idea to put devolution on the Order Paper in the first place.

5.48 pm

Lord Hogan-Howe (CB): My Lords, I welcome some of the measures in the King's Speech relating to crime, particularly on RIPA and regulatory powers, and on the sentencing for serious offences. Although I stand by my position, which I stated the other day, that there is still space for having far fewer people in prison, I think we would all agree that, for serious offences, we need to take serious measures.

I will refer to two contemporary issues, which therefore may be a bit contentious. First, I welcome the Home Secretary's announcement of a review of the law surrounding firearms officers. This brave and fearless few—who, on behalf of 66 million people, stand forward to take on people who are armed or otherwise so dangerous—deserve our support. They very rarely discharge their firearms, but, when they do, they are under inquiry for years—that cannot be right. It is

right that they are held to account, but not for years. I hope that this review will have far more success than the review I instigated with the support of the Prime Minister at the time, David Cameron, which took two years to make absolutely no changes at all. I hope that this one will be bold and quick.

My second area of contemporary concern is around protest. We all know that there is a real challenge, for both politicians and the police, in deciding whether to ban a march—it is never easy and very rarely done. I was the commissioner when we did it twice, even though for 60 years it had never been done. It was to do with the EDL protesting outside mosques, and I remain convinced that it was the right thing for everybody involved.

However, these are difficult decisions trying to balance the right to protest against the problem of serious disorder. The discussions around this topic should take place privately, not publicly; otherwise, the concern of the noble and learned Lord, Lord Burnett, around the judiciary might transfer itself to the operational independence of the police, to which the noble Baroness, Lady Chakrabarti, referred earlier. I worry that the pressures being placed on the police at the moment do not always form wise judgments in the end. So it is important that these important discussions take place privately and observe the process, which is that the police call for politicians to make the decision, not that politicians call on the police to make the request, even though there is an element of both in the private discussions. It is vital that those conventions are respected.

My final comments are around hoping that in the King's Speech there would be more strategic alignment in some of the proposals. It could have been about repeat victims, repeat offenders or repeat locations. It could have been a way to prioritise resourcing. It could have been about targeting prevention. I have talked here before about having statutory duties, in the way that fire does. Things are designed not to burn. Why do we not design cars not to be stolen? A good point was made about devices but, unfortunately, I doubt that that would be entirely successful, given the fact that these devices are available online from abroad; a large number of them already exist. So it is a good start, but it is vital to get the design of things and places right. It is one element of prevention, including drugs, alcohol, young people and education, to which we do not have a strategic approach.

Secondly, I welcome the Home Secretary's requirement for the police to attend burglaries. My only concern is that it does not go far enough. It would not be a bad idea for them to attend all crimes, because I can guarantee that, if you do not go to a crime scene, you will not detect it. To all those who say that it is not possible, I say this: even in London, there are on average four crimes per hour per borough. There are not 10,000 crimes an hour. Shoplifting is just one symptom of a deeper malaise, I am afraid, because it also affects car crime. People are not getting attendances. People are not gathering evidence that is there; they are trying to make a decision over the phone about whether any evidence will be collected. In my view, that is not wise, so I do think it is possible for that convention to be extended rather than restricted.

Noble Lords may think that my next point is tactical, and some may regard it as novel and unfair. Is it not about time that cyclists became more accountable for their bad behaviour? I do not know whether it is an age thing, but I find it really annoying, when you are using a zebra crossing or a pedestrian crossing of any type, or there is a red light, and all the vehicles stop and you are trying to make your way through the traffic but cyclists just ignore the law and go through. Think about the number of times we must all have seen or experienced this threat and, sadly, sometimes an injury.

One thing that has sparked my interest in this is a barrister who contacted me. I had never met the guy before, but he was having real trouble with a police investigation. He had a spiral fracture of a leg as a result of being hit on a crossing, when there was a green light for him, by a cyclist. The trouble he had trying to get some investigation or outcome was pretty awful. That is a symptom of a deeper malaise. It is not easy to put a long registration plate on a cycle—we all get that—but there has to be a clever way of holding cyclists to account, through either insurance or other things. The time has come for this to be placed on the agenda, so that people take seriously the safety of other people, particularly pedestrians.

My final point is around technology. I would have liked to have heard a little more about strategic intervention around crime involving technology. The noble Lord, Lord Borwick, may talk later about facial recognition; there is a fair debate to be had about how far that should go. There are great opportunities there, including, for example, body-worn video having more facial recognition, which would make stops and searches far more accurate. If I know that somebody is on bail for carrying a knife, it will make that intervention far more accurate than me asking, "What's your name? Where do you live?", which indicates that I do not know who the hell they are and why I am stopping them.

Finally, I will mention something that the noble and learned Lord, Lord Bellamy, mentioned: tagging. To get it on an industrial scale would be good. The Government may not be aware that the product of that tagging goes to a commercial company and there is no live monitoring by the police. It takes an email 24 hours to get to the police indicating that somebody has breached a tag and was at the scene of a crime—not a very wise idea when it is capable of being far better than that.

Those are my points about the King's Speech. As much as I think that there are some good points in it, it could have said more.

5.54 pm

Lord Paddick (Non-Affl): My Lords, I am shocked and saddened by the death of the noble and learned Lord, Lord Judge. He was a lovely man. I congratulate the noble and learned Lord, Lord Burnett, and the noble Lord, Lord Houchen, on their maiden speeches, which were impressive in different ways. They will soon be followed by the noble Lord, Lord Bailey, whom we will, I am sure, be equally impressed by. If noble Lords will forgive the informality: "Good luck, Shaun".

[LORD PADDICK]

I declare an interest as a non-executive director of the Metropolitan Police Service. My role in the police is to be an independent adviser, but I do not intend to stop sharing my experience of policing with this House, nor waste the weeks—perhaps months—that I have spent in this House debating police-related legislation.

A Liberal Democrat Peer whom I respect and admire told me not to comment on the situation in the Middle East unless I had been there and experienced both sides. I have not been. All I will say is that it is a truly dreadful situation with many innocent victims and no easy or universally acceptable solution. Jewish friends around the House have been incredibly supportive of me personally this year; I offer them my support on a personal level at this distressing time.

Against this backdrop, the police have been accused time after time both of undermining freedom of speech and assembly and of not enforcing the law against demonstrators. I was one of a small cadre of advanced-trained senior officers in public order policing. In my experience, when compared with a peaceful protest, the police need about five times as many officers to enforce conditions on protesters who do not want to follow them and 10 times as many officers to enforce a ban on a procession that participants are determined to engage in. The police operate in the real, unpredictable world.

We should not forget the lessons of the policing of the Sarah Everard vigil at Clapham Common, where front-line police officers were placed in an invidious position when senior police officers decided to enforce a ban on the protest during Covid lockdown. What the police cannot do, and will not do, is make judgments based on the merits of the cause of the demonstrators, as many Government Ministers have rushed to do. What the police will focus on is the preservation of the peace.

In 1981, in his report on the Brixton disorders, Lord Scarman explicitly prioritised peacekeeping over law enforcement. Arresting offenders in the middle of a mass demonstration can create disorder: documenting, identifying and subsequently arresting those involved is often the best solution, albeit that the police appear not to be taking action at the time. There will always be political activists and hostile foreign actors who seek to exploit peaceful protests to create unrest, using those who wish peacefully to express their genuinely held concerns as cover for their criminal activities. That is where the police and the intelligence services work together to try to identify, isolate and take action—sometimes pre-emptively—to prevent breakaway groups causing violence and disruption.

The circumstances in which the police can ask the Home Secretary to ban a march are set down in law and are extremely limited. It is only if the imposition of conditions on a procession is unlikely to prevent serious public disorder that the Commissioner of Police of the Metropolis can make an application to the Secretary of State, under Section 13 of the Public Order Act 1986, to ban all public processions or classes of public procession in a particular area for a limited time. That is a very high bar and a draconian imposition. If the Government believe that the bar is set too high before a ban can come into effect, it is for

them to ask this House and the other place to lower it through legislation; it is not for politicians to criticise the police for failing to ask for a ban in circumstances in which the law does not allow it.

There is a worrying trend currently where polarising issues are being exploited not just by fringe elements but by politicians holding senior positions in government, leaving the police to deal with the fallout. Where in the gracious Speech are the measures or the rhetoric designed to reduce the political temperature and to promote peaceful co-existence here in the United Kingdom? All of us have a responsibility to ensure that we do not further inflame already difficult situations, no matter what our personal political ambitions may be.

Having said that, I welcome the Prime Minister's comments this afternoon, following a meeting with Sir Mark Rowley, that freedom is the right to peacefully protest.

6 pm

Lord Bailey of Paddington (Con) (Maiden Speech):

My Lords, it is a great honour to address this House for the first time. I wish to extend my heartfelt gratitude to noble Lords on all sides of the House for their warm welcome in my first few days here. I also thank the staff teams, particularly the ever-helpful Anna Stockwell and, of course, the doorkeepers, with their supernatural ability to discern when I am lost.

I stand among your Lordships today as the grandson of immigrants, the sole surviving son of my single-parent mother. We lost my brother to the scourge that is alcoholism. The journey that led me from the small bedroom that I shared with my brother in my granddad's house to this auspicious House has been long and sometimes arduous. It was a journey made possible only by the unwavering support of my mum, Carmen Rose, and the continued support of my wife, beloved Elinor. Of course, there is the challenge of my extended family and my community, who have always pushed me to do better.

This journey has been marked by many a trial—finding out that I am dyslexic and having to start my education all over again felt like a backward step. I was homeless and sofa-surfing for many years, eventually being rescued by my Auntie Norma. I had long periods of being unemployed. I could not find a job. Being unemployed is terrifying, but it teaches you a lot about self-determination and resilience.

It has not all been struggle. In my 30-plus years of youth and community work, I have had the privilege of chairing the Pepper Pot Day Centre and being a co-founder of the MyGeneration youth project. I have been able to live, work and serve in some of the most diverse communities, in London and across the world. That has been a great pleasure. Being part of the cadet movement has been a big part of my life, which culminated in me being made an honorary colonel for the Royal Fusiliers, an honour that I will always cherish. One of the most pivotal moments was finding my Christian faith, at St. Mary's Bryanston Square. I am so thankful to my church community then and now.

Life for me has been a journey of tough lessons, varied experiences and good people, which has left an indelible mark on my convictions and beliefs. When I look back over my life, I see that it could have

followed a very different path had it not been for some of the people that I had met in my formative years—Colonel Connolly from the ACF, my gymnastics coaches, Lisa and Maria, and of course, my youth mentor, Baron Hulme. Those people inspired me to make the right decisions, the right choices, to avoid the ever-present spectre of crime which consumed many of my contemporaries.

Crime is a destructive force. It tears apart communities. It stifles social progress. In areas riddled with crime, the uptake of educational opportunities diminishes, job prospects disappear and social cohesion weakens. It becomes an immense challenge to focus on your studies when there is the ever-present danger of being murdered. The allure of crime is often far easier than the hard pursuit of GCSEs and A-levels. Measures coming up in the business of the Government to tackle knife crime are welcome, but it must be remembered that addressing crime is an issue for a wider section of society and not just the law, the judiciary and the police. Over 30 years of youth work and toiling in many different communities, I have learned this: the antidotes to crime are inspiration and opportunity, family and security, rights and responsibilities. Aspiration comes from teaching young people their responsibilities as well as their rights. We often speak to our young people about their rights. How much do we speak to them about their responsibilities? It is important to say to young people, “The world does not owe you a living, but we do owe you a chance”. From education and training to home ownership, we must demonstrate to young people that we have a future for them that is within their grasp.

That brings me to family. Family is the much-underrated solution to a myriad of our social problems. We must empower communities to nurture and support their own children. We must not treat deprived communities as if they have no agency of their own. Developing that agency is where sustainable crime reduction, social mobility and social progress come from. It is not only about parachuting professionals in to manage struggling families.

The work of this House has never been more important, more crucial. As public discourse becomes more and more divisive, we must not lose the ability to parlay with people of different beliefs. We must not lose the ability to have nuanced debate. As the Bible states in the book of Matthew:

“Every kingdom divided against itself is brought to desolation; and every city or house divided against itself shall not stand”.

The attitude to counter this is encapsulated in a Jamaican greeting—brace yourself if you are taking notes. That greeting is “Wah gwaan”. For those who are not steeped in Jamaican patois, the best translation that I can offer is “What is going on?” In this context, it means, “We must have ears to hear people who have different beliefs to us”. We must not always seek to convert people to our own beliefs and sell them the latest social trend.

If we are to help this country to prosper, which I believe all here want, we must do this. I stand before you now with a fervent commitment to social mobility, to the betterment of our nation, and I implore us all to do our part to fulfil that responsibility and uphold the strength of our beloved country. Our young people

need us. The future of this nation needs us. We must stand together and demonstrate to young people the value and the history of this country. Let us remember that our young people are assaulted every day by images telling them that Britain is a horrible place. I am here to play my part in letting them know that this is the best place, this is God's place, this is the country that will help them to prosper, and this is the country that will help the world to answer some of its own problems. We need to be the leaders in that conversation.

6.08 pm

Baroness Bray of Coln (Con): My Lords, I congratulate the noble and learned Lord, Lord Burnett, and my noble friend Lord Houchen on their excellent maiden speeches, and my old and noble friend Lord Bailey, who I am delighted to see joining us on these Benches. We got to know each other through our politics, carried out largely in west London. I first saw him on “Newsnight” on television one evening and was immediately struck by his impressive performance. He talked about his interest in family and community and how that had affected his political beliefs. We then found ourselves politically following each other around London. In the 2010 election, he fought in Hammersmith and I fought in Ealing Central and Acton—both of us, obviously, for the Conservative Party. Like me—I had also once been on the London Assembly—he went on to serve on the London Assembly with distinction and later stood as our Conservative mayoral candidate. I very much enjoyed listening to his maiden speech today. It absolutely sums up this man's great beliefs. It is why I am so proud to know him. I look forward to hearing many more such speeches in this place.

I will focus on some of the very important crime and justice measures being considered by the Government, some of which were mentioned in the gracious Speech. These can make a really positive difference to the delivery of justice in this country. I firmly believe that society as a whole is damaged by every crime. Clearly, the immediate victims of crime have our deepest sympathy, as do their families and local communities. But beyond that, crime wounds us all and there is a need to heal that wound by making sure we all feel that justice is being done.

In particular, we have learned of an important new proposal to give judges the power to order a serious offender to attend court to hear their sentence. Refusal to appear for sentencing could incur a penalty of further time in prison. It will be made clear that, in appropriate circumstances, some force could be used by prison and court staff to bring them to the courtroom. It is absolutely right that not only the grieving family and friends but the wider community can witness the sentence being imposed and the appropriate punishment applied. The convicted offenders may also have to listen not only to the sentence but to the impact statement from the victims of their crime, laying out the awful effects of what they did. To see them face up to what they did can help the healing process to start for us all.

However, I have just one question that my noble friend the Minister may be able to help me with: has there been discussion about the viability of this proposal

[BARONESS BRAY OF COLN]

with the judiciary, and court and prison staff? Can it be made to work even if some prisoners seriously try to resist being brought back to court? Do the victims of the crime want them back in court or could the offenders' behaviour prove even more upsetting? This would have to be taken into account, although I believe the public will be disappointed if this is not enforced where appropriate.

Two other proposals under consideration also have my support. Those convicted of the most serious murder charges will face a whole life sentence behind bars and convicted rapists will also serve their entire sentence in prison, except under special circumstances.

I also welcome consideration of prison sentences for repeat offences, such as shoplifting, burglary, theft and common assault. There is a growing concern about the breakdown of law and order in our communities; we heard some of that from the noble Lord, Lord Hogan-Howe. Shoplifting is becoming rife in shops and supermarkets. Again, new proposals are reassuring that such crimes will no longer be viewed as almost worth ignoring. They will certainly require more attention to be given to them by local police forces, and local communities will welcome this.

Finally, I am very supportive of more consideration of community sentencing for offenders involved in minor crime. As we have heard, it has been found that prison sentences of less than 12 months often lead to higher reoffending rates than longer terms. So a focus on intense community work, strictly controlled and monitored by GPS tags, with dedicated support by local community services, can give these offenders real chances to make amends and stay out of prison.

Of course, I recognise that some of the proposals I have mentioned may well lead to a bigger prison population. The Government are already seeking extra prison space in other countries, providing it meets our standards, because we need more. They are also investing in a huge prison expansion programme here for the future. It is also just possible that some of the proposals I have been discussing to toughen up the penalties for crime in this country could help to reduce our prison population in the longer term.

6.13 pm

Baroness Henig (Lab): My Lords, I add my sadness at the passing of Lord Judge, whose fierce intellectual clarity and moral integrity I so greatly admired. I also congratulate the three maiden speakers and draw attention to my interests, as set out in the register, especially those relating to private security.

The Covid inquiry continues to reveal the machismo, in-fighting and incompetence of recent Governments. Only this morning, the inquiry heard the noble Lord, Lord Sedwill, describe the Government in 2020 as feral, "brutal and useless". This is even stronger language than I would use. I assume that is why the Prime Minister and Cabinet Ministers repeatedly speak in headlines to try to gain the approval of the popular press, when they are delivering little on the ground.

As a consequence, prisons are full to bursting. Prisoners have to be released early or transferred to serve their sentences in the community. The services

that these offenders so desperately need—drug and alcohol facilities, and mental health facilities—are in short supply and are hugely oversubscribed. What is there in the King's Speech to help these prisoners?

Criminal cases are piling up: more than 75,000 cases are awaiting trial, which is an all-time record. There are nearly 2,500 rape cases awaiting trial, and the average waiting time is three and a half years. Can you imagine the stress that causes? The justice system is disintegrating before our eyes and the measures outlined in the King's Speech will not rescue it.

For me, the most worrying aspect of the profound disconnect between central government and what is being delivered on the ground relates to public security and protection, on which I will focus. There is a measure that should be in the King's Speech but, worryingly, is not there.

For years, I have been pointing out that there are now more than twice as many private security officers patrolling our streets, shopping centres and buildings as there are police officers. That means that, in a crisis or terrorist attack, the first line of defence will be a lone security officer. Given the current tensions on our streets and the persistent warnings of terrorist activity, from Iran and other nations as well as young would-be terrorists in their bedrooms, it is imperative that these security officers are effectively trained and deployed. If we are lucky, they will be. They will work for a known security company, update their training, be at least on minimum wage and be effectively deployed. But, if we are unlucky, those security officers will work for an obscure company no one has ever heard of, which put in the lowest tender to get the work. They might be a subcontractor. The officer may have little or no training and could be paid well below minimum wage—perhaps cash in hand. They will be bored, disaffected and not effectively deployed at all.

The young people visiting the Manchester Arena in 2017 were unlucky. No security officer or CCTV operator noticed the suicide bomber when he was pacing up and down, or saw him place his bomb. Since that time, a major inquiry has investigated what went wrong and what lessons need to be learned. After exhaustive evidence sessions, the judge, Sir John Saunders, issued a number of recommendations. Two of the main ones were that, as well as individual security officers being licensed, so should CCTV in-house operatives and security companies. The security industry generally welcomed and supported those recommendations. Even the Home Office, in 2017, seemed to support the licensing of companies. Yesterday, the Prime Minister said that

"keeping people safe is my most important responsibility",

but, to their shame, the Government have not yet responded to Sir John's two recommendations.

This summer, at the final session of the Manchester inquiry, Sir John asked the Home Office representative point-blank why regulation of private security companies and in-house CCTV operators had not yet been implemented. The answer was that the regulatory burden was too great and the Government are instead focusing on implementing Martyn's law to protect premises against terrorism. A draft Bill was introduced earlier this year to be scrutinised by the Commons

Home Affairs Committee, which looked at it and dismissed it as not fit for purpose. In other words, the Government are once again speaking in headlines but failing to deliver measures on the ground that would actually make a difference.

I ask the Minister: does an alleged regulatory burden really outweigh public safety? A serious Government would have announced in this King's Speech a Bill to implement Sir John Saunders' recommendations as a matter of urgency. But this is not a serious Government. They license pedicabs but will do little to protect those attending concerts or other major events in the next few months. Therefore, far from enhancing our security, this Government seem intent on undermining it. That is why so many people have lost confidence in them—not just on these Benches but, I have to say, on others as well.

6.20 pm

Baroness Brinton (LD): My Lords, it is always a pleasure to follow the noble Baroness, Lady Henig. I congratulate our three maiden speakers today, and I look forward to hearing from them in the future. I also echo the tributes to Lord Judge; he will be sorely missed. I declare my interest as a vice-president of the Local Government Association.

A journalist noted yesterday that this was the longest monarch's speech since 2005, but the lightest in content for possibly even longer. It feels partly like a refresher on things in the 2019 manifesto that have not been achieved, and partly an inkling, perhaps, of what will be in the Conservative Party manifesto at the next election.

I will briefly comment on the speech of the noble Lord, Lord Strathclyde. It is dangerous, almost a false equivalence, to look at pure statistics. We all know the adage about lies, damned lies and statistics. Our Cross-Benchers and Bishops add real value to our House, but, when we push them to vote later on in a Bill, they absolutely say to us, "No, it is getting too political, and we will stand back". Very occasionally, they might vote at an early stage of ping-pong, but no further. That is because they, unlike many of us, understand that their role is not political. But they, like every Member of this House, recognise that our role is to scrutinise legislation, regardless of which party is in government, and to help improve it. I, for one, welcome their tabling and voting on amendments, whether they vote with my side or not.

The rail reform Bill says that it will "improve focus on customers through specific accessibility and freight duties". This would not be the first time that people with disabilities have been lumped in with the baggage, but I am concerned that it is an afterthought in this Bill, not least because the 700,000 people who responded to the consultation on ticket closures have finally been listened to by government. I look forward to seeing the detail of the Bill. I hope we are not going back to the luggage vans.

There are a couple of missed opportunities that we need to comment on. It is a shame that the conversion practices Bill has not appeared. That was in the Conservative manifesto and is really important: conversion therapy is a form of torture with no place in our

society. All the debates on television over the last few days assume that it is a complex issue. It is not, and that is why I hope it will appear in the future.

The other real shame is the mental health Bill. It is long overdue, because it was due to outlaw powers to detain those with autism and learning disabilities in secure units. The parliamentary Joint Committee report gave it cross-party support. This was a key manifesto pledge, and I do not understand why it has not happened. There is a further knock-on to the subjects we are discussing today. The pressure on mental health of having people locked up for 20 years for no reason at all means that valuable resources are diverted, which may be one of the reasons why we have some other pressures in our system.

Others have commented there has not been a royal commission on criminal justice. I regret that too, but I will spend the last couple of minutes talking briefly about the Victims and Prisoners Bill. It is good to see the noble Baroness, Lady Newlove, back in her place as the Victims' Commissioner; I know that I will enjoy working with her again. She understands better than most people what it is to be a victim. The problem with the victims Bill, as my noble friend Lord Marks pointed out, is that we still do not have a statutory duty for the agencies that work with victims to provide those services. It is really important that this Bill is strengthened. It is vital that it is more than just what was in the original Domestic Violence, Crime and Victims Act 2004, which has completely failed to deliver for victims.

I will also briefly mention stalking. I was stalked for two and a half years by my Conservative political opponent, who was given a 12-month suspended prison sentence. That was one of the reasons why, when I came into your Lordships' House, one of my first achievements as a member of the all-party group on stalking was stalking law reform. Non-domestic violence stalking is a scourge and every time I talk about it in your Lordships' House, a Member comes and tells me about their own experience. I do not understand why it has not been included.

We will have other suggestions to strengthen the victims Bill, but there is one other missed opportunity in Part 2. It is notable that, despite the Government proposing an independent adviser for victims of major incidents and disasters, the victims themselves will not be covered by the code because a criminal act has to have caused such an incident. I am afraid that there are major incidents such as floods and other disasters in which people are killed as a result, and they are still victims and still need that support, so I will be pushing to make sure that they and others are recognised. Indeed, there are problems with the family courts as well.

I do not want to end without thanking the Government for at least bringing the Bill forward. But as I said at the outset, it would be really good for this House to give them some advice on improving it.

6.26 pm

Lord Thomas of Cwmgiedd (CB): My Lords, it is quite impossible to speak, particularly in relation to criminal justice, without saying what an immense loss we have all suffered by the death of Lord Judge. His

[LORD THOMAS OF CWMGIEDD]

contribution to the criminal justice system throughout his whole working life was immeasurable. He was my immediate predecessor. I am sure we will learn over the coming days, as we discuss this Bill, how deep that loss will be.

I will say something about money in a minute, but I must also say a word about my immediate successor, the noble and learned Lord, Lord Burnett, and the others who made their maiden speeches. He was absolutely right to speak so eloquently about the immeasurable contribution that justice makes to our society and how we must keep it at the centre of it. He will bring immense experience, knowledge and wisdom to this House and, particularly with the death of Lord Judge, that experience will be invaluable.

I will not speak at length about devolution—in this part of the debate, there are too many things I am interested in—but I will say two things. First, I very much hope that what the Government set about doing over the last few months on what I would call devolution to the nations, which is quite different from devolution in England, will continue. There was much better progress, with much less to have to fight about—but fight about it I will if they go back to their old ways.

Secondly, I had the privilege of looking at how the justice system works in Wales, which was the first time it had been properly looked at since the reign of Edward I. I hope the Government will look at the chapter in our report, published in 2019, on criminal justice, because it brought home the central point I wish to speak about. But first, I must say how fortunate we are in our new Lord Chancellor—he has new ideas—and how fortunate he is in being helped by technology. But, in this last period of this Parliament, we must look very closely at what the Government propose, because if it is wrong, the next Government, whoever they are, will pay a heavy price. If the reforms do not work, they will make the position worse.

My experience over the last 20 years of dealing with sentencing, putting people into prison and giving them community sentences is that at the root cause of all the issues is the absolute essential of getting the money right. It is very difficult to try to work out where the money is coming from. I assume, from what one can discern, that there will be no reduction in the overall prison population—why otherwise would we send people overseas—so I need not take time on that. However, I want to take a moment on the fact that not sending people to prison for periods of under 12 months is not a cheap option; it is very expensive, for three particular reasons.

First, you need experienced probation officers. We need more of them. Secondly—and I have had this said to me so many times and spoken to so many Ministers about this that I have lost count—you will lose public confidence in community sentencing unless you are seen to make it tough and work. Too many people laugh at the back of a court and think they have got away with it when they get a community sentence; no one looks on them as punishment. We have to change that and it is not cheap to do so. Thirdly, we have to work out what to do if people do not comply with the orders. This was a big problem in 2005-06 and there must be a plan to deal with it.

The reason this is so important, and why it will make the position worse if it does not succeed, is that if you put people on to a community sentence or give them suspended sentences and they do not work then you have to punish them for what they did originally and for the new crime that they may have committed. I hope that, in our last Session of this Parliament, we will ask the Government where the money is coming from. Where are the figures? Will this work?

Over the last couple of days, I was interested to look at some costings in three statutory instruments that are currently before Parliament. One is an admirable measure to reduce the fees paid by people. That will cost the Ministry of Justice £18 million. There are changes to the way in which aggravating factors are taken into account. Although that will not take long-term effect until 2040, it will lead to £1.2 million to £2.4 million in court costs. Then there is the well-merited increase in fees for Section 28 hearings—another £1.2 million. I hope, therefore, that the Minister will write and set out what the overall impact will be and how it will be paid for, because if we do not do it properly the next Government, whoever they are, will have a terrible problem on their hands.

6.32 pm

Lord Hunt of Wirral (Con): My Lords, I declare my interests as a partner in the global commercial law firm DAC Beachcroft, and as an independent director of LINK and of Brown & Brown (Europe) Ltd.

What an interesting debate this has been. It is a privilege to follow the brilliant speech of the noble and learned Lord, Lord Thomas of Cwmgiedd. He is right to remind us that this whole debate has been overshadowed by the loss of someone who was such a good friend to me, particularly when I was made an honorary bencher. He took me to one side and gave me such valuable advice. My goodness, how we are going to miss him. But we have had three outstanding maiden speeches.

This may not be the last King's Speech of this Parliament but I expect it probably will be. Today's topics seem certain to predominate in the headlines, and in campaigning, between now and the next general election. I broadly welcome the measures proposed, while noting that the devil is so often in the detail. Many of the proposals are yet to be fleshed out fully.

For instance, in the light of the pre-legislative process, the system for smaller, "standard-tier" premises under the new protect duty will now be subject to a further consultation. That seems eminently sensible, but a decision will ultimately have to be taken about what constitutes truly proportionate regulation for smaller, less formal events, often organised by individuals or non-incorporated associations. I also hope that smaller theatres and music venues will be able to make their voices heard. Having endured and narrowly survived the pandemic, they deserve to be strongly supported now, not hit with excessive and punitive financial burdens.

As a lifelong Liverpool Football Club supporter who will never forget the tragedy of Hillsborough, I strongly welcome the proposed new independent public advocate. If Martyn's law is designed to help prevent major incidents, this body will be potentially

transformative in helping traumatised people to rebuild their lives and move on whenever a major incident does, regrettably, occur. I hope all of this will ultimately receive support right across this House.

Sadly, the decline of our town centres has become an all too familiar and recurrent theme in our political discourse in recent years. The loss of economic and social vigour in our towns is not only regrettable in itself but both a cause and a consequence of various forms of anti-social behaviour, including aggressive, organised begging. I am pleased to see this particular problem being addressed, along with the scourge of so-called pedicabs, which increasingly blight this great city.

In his introduction to the Government's briefing on the King's Speech, the Prime Minister refers to the long-term plan for towns. If its logic is followed through, that plan should prove to be an important and sustained measure of devolution. I hope it will bear serious fruit. As the Prime Minister has so rightly said, although the state can provide the necessary foundations for an urban renaissance, ultimately we must all work at this together, including across party boundaries.

Another major factor in the decline of town centres has been the widespread closure of bank branches. I know from my own experience just how formidable the challenges are to restore personal banking services for those who prefer them, or depend on them where the traditional retail banks have deserted the field. I hope everyone in this Chamber will actively support and encourage Cash Access UK and the Post Office as they seek to reverse the loss of facilities.

When the Prime Minister took up the reins last year, in the wake of a period of alarming political and economic instability, he undertook to bring to government integrity, professionalism and accountability. I strongly believe he has delivered on his promise. I warmly welcome that achievement, as I applaud the contents of this legislative programme. I shall continue to support this Government as they endeavour to build a stronger, safer country and a more stable world.

6.38 pm

Lord Dholakia (LD): My Lords, it is a delight to follow the noble Lord, Lord Hunt of Wirral. In April 2020, we were promised a royal commission on the criminal justice system. We all now know that this has been kicked into the long grass. Instead, we have a piecemeal approach to legislation in this field.

I draw the House's attention once again to this country's overuse of imprisonment. The prison population in England and Wales currently stands at nearly 86,000. It is currently projected to increase to over 98,000 in 2026—three years from now. We already use prisons more than other countries in western Europe. We have 132 people in prison for every 100,000 people in our general population, compared with 100 in France and 70 in Germany, our two most comparable and closest European neighbours. It is astonishing that we regard it as necessary to imprison nearly twice as many people as Germany. The British people are not twice as criminal as the German people, yet our sentencing is twice as punitive.

Of the 41,000 people who were sent to prison in the 12 months to June 2021, 40% were sentenced to serve terms of six months or less. Again and again we have heard that these are far too short for any serious rehabilitative work to take place, yet they can result in offenders losing jobs and accommodation, which increases rather than reduces the likelihood of reoffending.

Community sentences, which have a significantly lower reoffending rate, have more than halved in the last decade. Sentences have become significantly longer. The average prison sentence for an indictable offence is now 55 months—nearly two years longer than in 2008, when it was around 32 months. The average minimum term imposed on offenders receiving life sentences for murder rose from 13 years in 2003 to the present rate of 20 years in prison.

Numerous research studies have shown that offenders from minority-ethnic groups are disproportionately likely to receive custodial sentences. Estimates published by the Ministry of Justice in 2017 indicated that black people were over 50% more likely to be sent to prison for an indictable offence at the Crown Court, even when higher "not guilty" plea rates were factored into this formula. A Ministry of Justice publication estimated that if the prison population reflected the ethnic composition of the general population, we would have 9,000 fewer people in prison—the equivalent of 12 average-sized prisons. Look at the savings we would achieve by simply taking a proper decision in sentencing of black people. One recent survey found that only 7% of people thought that imprisoning more people would be effective in cutting crime.

Assaults, deaths and self-harm in prison are at historically high levels. Last Session's Police, Crime, Sentencing and Courts Act is likely to worsen things, as it contains a range of measures designed to increase the proportion of sentences which some offenders serve in prison.

Following the recent root and branch review of the parole system, the Government have come up with the astonishing proposal that the Secretary of State should be empowered in certain cases to overrule release decisions by the Parole Board. Parole has been one of the most successful initiatives in our prison system. The Parole Board is a judicial body which makes judicial decisions. This proposal would line us up with dictatorships around the world in which politicians interfere with judicial decisions. The proportion of prisoners released on parole who commit a further serious offence is less than 0.5%. No system based on human judgment could produce a significantly better result, and there is certainly no reason to believe that the Secretary of State's judgment would be more accurate than the accumulated experience and expertise of the Parole Board.

In any event, ploughing more resources into expanding the prison system to hold an ever-increasing number of prisoners is far from the most sensible way to tackle crime. The Government should take steps to increase the use of community sentences, which research has shown have significantly lower reoffending rates than short periods in custody. Instead of devoting resources to expanding the prison system, they should plough them into the prevention of crime, support for victims and the rehabilitation of offenders.

[LORD DHOLAKIA]

In the same way, the Home Secretary's proposals for new laws to fine organisations for giving tents to homeless people and reintroduce elements of the old Vagrancy Act are deeply disturbing. When announcing these proposals, the Home Secretary astonishingly referred to people

"living on the streets as a lifestyle choice".

Agencies working with homeless people are clear that there is a severe lack of fit-for-purpose accommodation accessible to homeless people in our towns and cities. People sleeping in tents are not making a lifestyle choice. They are there because they have no other options left. These measures will punish people simply for being homeless and will cause more deaths on the streets. Somebody should speak to the Home Secretary; it is about time that she seals her lips to avoid such harmful judgment.

6.44 pm

Lord Bew (CB): My Lords, I rise to say, as so many from the Cross Benches have said, how much we grieve the loss of a very distinguished convenor. It has overshadowed somewhat the debate for many of us, particularly on these Benches.

I will address the topic of devolution, particularly the crisis of devolution in Northern Ireland, and the fact that at this point we are not sure that it will return. I am particularly keen to deal with an idea that I picked up in the streets of Belfast—that it is desirable to wait for a Labour Government, and at that point possibly, if there are any movements on devolution, act. I draw attention to Tony Blair's speech, which set the framework for devolution throughout the United Kingdom, in Balmoral in Belfast in the autumn of 1997. There, he declared firmly that he was not neutral on the union, as in effect Keir Starmer has done in some recent pronouncements. But this is not a blank cheque. What Mr Blair said there is that his support for the union was based on power-sharing devolution plus an Irish dimension. That is how he talked about the new devolution in Scotland and Wales; that is how Northern Ireland would fit into the United Kingdom.

That is the classic Labour position. There is no more unionist position within the Labour Party. There are many less unionist positions in the Labour Party—many who insist that the Good Friday agreement means that a parity of esteem means that this talk of Blair saying that, in this context, he supported the union is not right. But that is the classic position and almost certainly the Starmer position. It does not seem to me therefore that this is a case for waiting for a Labour Government. The time to act on devolution and getting institutions up and running again is now.

This is the first King's Speech since my friend David Trimble's death. David deeply believed in the Act of Union. Every time he sat in this Chamber, Lord Trimble would look down at the Throne and see the crown, and would see the symbol of Ireland, the harp. He strongly believed that it was there because of the Act of Union and that the Act of Union was terrifically important. The thing he admired about the Act of Union was the obvious attempt to enhance the growing commercial success of Belfast's exporting classes in

1800. The protection of the export potential of those classes is a subject we will probably have to return to before this matter is sorted out.

He was also strongly aware of the strategic significance of Ireland, which is very important if one is talking about the Act of Union. At this point, the strategic significance, often forgotten in this country, is alive again. The war in Ukraine is actually not particularly divisive. Northern Ireland, because it is part of NATO, has played a greater role in some of its industries in supplying Ukraine, but it has to be said that the Republic of Ireland has done a marvellous job in receiving Ukrainian refugees. But the war now in the Middle East is terribly divisive—indisputably so. There is a division between the two countries on that, and it is making it harder between the two communities on that point to see the return of devolution. The unionist community broadly supports the position of the main parties in this House, in the British Government and the American Government. The nationalist community does not. There is a campaign against Hillary Clinton as chancellor of Queen's because she is seen to be a supporter of Israel. The Irish Government in China just yesterday issued a joint statement with the Chinese calling for a ceasefire, and so on. There is a major difference there. Again, we are going to have to talk about this before we get devolution sorted. It is very unfortunate; it was not as if we needed any other sources of difference.

I would like to make one final point about my friend the late Lord Trimble, who quite rightly won a Nobel Prize for trying to follow the path Tony Blair set out. The last thing he published before he died—we do not know what he would have thought of the Windsor Framework as he did not live to see it—was an introduction to a paper by Dr Graham Gudgin that was an attack on the idea that the protocol itself was determining that Northern Ireland was going to be observed at an economic level in the Irish Republic. Dr Gudgin says that no, Northern Ireland is so heavily tied into the United Kingdom that that is simply not happening. That was the last thing David Trimble published before he died. His name is now used all the time in the struggle against returning to devolution. It would amaze him. He saw the great achievement of his life as the Good Friday agreement and the structures that flow through it.

I want to conclude by talking just a little bit about how we need to look at things in the round. This is not the first time that Northern Ireland has felt, with good reason, that it was not treated equally in an international treaty with a foreign power. In 1938, exactly the same thing happened when the Anglo-Irish trade deal was struck. Northern Ireland had suffered most in the previous trade war and got the least out of that deal. In the other place in 1938, its MPs all declared, "We've been treated with a lack of equality" and that other British suppliers et cetera had been given more in the deal. They were right to say so. By the way, because they assumed the Government of Ireland Act was the key legislation, they did not say "Because of the Act of union we have a case", they just said, "We have a case" when they debated this in the House.

The matter was resolved essentially by the UK Government striking a deal with the Stormont Government that basically paid Northern Ireland's

dole bill in 1938 when so many people were unemployed because of the collapse of the shipyards and heavy shipbuilding. Essentially, it was resolved by saying that in future Northern Ireland would not have to pay for itself, as statute—the Union with Ireland Act and the Government of Ireland Act 1920—required, but that in future the UK would lift the burden and deliver equality of social services. I simply say that that suggests that we should look at these questions of equality or inequality in trade agreements in the round. A wider picture should also be taken into account in the current debate in Belfast.

6.52 pm

Baroness Newlove (Con): As noble Lords may be aware, last month I had the honour of being reappointed as Victims' Commissioner for the coming year. I thank all noble Lords around the House for their warm words. I have to say I am delighted to be back where I can truly make a difference for victims. My post comes at a momentous time, considering the announcement of the sentencing Bill and the criminal justice Bill and, of course, the long-awaited Victims and Prisoners Bill, which I will focus on today.

It is 16 years since the girls and I lost Garry. Hand on heart, I genuinely understand how lonely many of the victims I meet truly feel as they wade through our criminal justice system. I so relate to those feelings as, over these years, I have had time and time again application after application where I have had to find the strength and determination to see every one of them through. In fact, only yesterday such determination was needed, as yet again I knew another application was being heard in another place and yet again I await the court's decision.

As the great man Nelson Mandela said:

"I learned that courage was not the absence of fear, but the triumph over it. The brave man is not he who does not feel afraid, but he who conquers that fear"—

hence why I am so passionate and delighted to be able to ensure that all victims must be treated with dignity and respect.

I say to the Minister, my noble and learned friend Lord Bellamy, who opened this debate, that I am delighted to hear of the Government's commitment to continue the passage of the long-awaited Victims and Prisoners Bill. I and many others have been calling for a victims' law for some 10 years now; yet, infuriatingly, during that time there have been so many false starts, so dare I say for the first time that I feel it may now become a reality?

However, let me be clear from the start that I do not want legislation just for the sake of it. Legislation needs to transform the experience of people whose lives have been damaged and devastated by crime and who seek justice. Only this morning I published the findings of a victims' survey conducted by my office. Some 500 victims responded to the survey and I am grateful to every one of them for sharing their lived experience. If any noble Lords are in doubt about whether victims legislation is needed, I urge every one of them to read this report.

Victims showed huge dissatisfaction with the police. More than one-third said that they would not report a crime to the police again, only 61% said they would

attend court again and just 8% felt they could receive justice by reporting a crime. So it will come as no surprise to everyone in this Chamber when again I say it is another wake-up call to all those involved in the justice system. Let us be real. Have not noble Lords from all sides of this House said time and time again that when victims lose trust, they are less likely to report a crime, leading to fewer victims coming forward and fewer victims backing prosecutions, which in turn trickles down into our communities feeling fearful for their safety?

I have over the years often been told that all victims want from the criminal justice system is retribution. This is simply not the case: what victims want is justice. For more than half of those who were surveyed, how the justice system treats them matters more to them than securing a conviction. They want the crime they are reporting investigated and want to be kept informed of the process of their case, meaning information being shared in a timely way when they meet the CPS barrister before the trial or when reading their victim's personal statement in court. Victims are quite simply asking for fairness, a level playing field, where their needs are considered alongside those of the defendant. We know that there is no guarantee for any victim that a trial will result in a guilty verdict—I know that only too well—and nor should there be, but we can and we must deliver procedural justice.

The victims' code sets out victims' entitlements at every stage of the criminal justice system, yet they are simply not being delivered by the criminal justice agencies—and we should bear in mind that there is no mechanism to hold those agencies to account. Often there is inadequate data even to monitor compliance. Invariably, victims are not made aware of the code. They have no clue what it is or what they are entitled to. Once again, this was highlighted in the survey, as only 29% of respondents were aware of its existence, which means that agencies are rarely held to account when they fail to deliver.

Change is needed, and the Victims and Prisoners Bill must be the catalyst. There needs to be an end to the culture where victims' entitlements are regarded as optional extras or "nice to haves", instead of being a core part of delivering justice. There needs to be a justice system that is in the interests of victims, delivers procedural justice and gives victims a meaningful voice, so when the Victims and Prisoners Bill finally arrives in your Lordships' House, I know it will be given the utmost robust scrutiny to lay the correct foundations to give victims that level playing field.

6.58 pm

Lord Dubs (Lab): My Lords, I congratulate the noble Baroness, Lady Newlove, on her reappointment as Victims' Commissioner. I am sure there will be enormous support for that reappointment and we wish her well in a very challenging post.

In looking at the gracious Speech and having listened to it, I noticed a reference to strengthening the social fabric of the UK, a reference to keeping communities safe from crime and anti-social behaviour and several references to migration—or "illegal migration", as the Government seek to call it. I shall say a little bit about

[LORD DUBS]

the Illegal Migration Act, a bit about the social fabric of the UK, including the threats of anti-Semitism and Islamophobia, a bit about the use of language and a bit about the European Convention on Human Rights.

I regard the Illegal Migration Act as unfinished business and I think the Government do as well. The Government are, after all, consulting local authorities on the Act and promised to look at the possibility of safe and legal routes after the Act became law. The Government are faced with the difficulty that it appears that the cost of the “Bibby Stockholm”—the barge to house asylum seekers—will be 10% higher than hotel rooms. Perhaps the Minister would like to comment on that. I would also like to know what the Government will do in light of the court decision on Rwanda. If the Government lose that case, will they continue with some sort of policy of outsourcing to different countries? What will they do?

The Government claim that the number of boats coming across the channel—a reprehensible activity; people traffickers are awful—is down. However, my understanding is that there was pretty bad weather this year in July and August, which may have contributed to the number reducing. I do not think that we should sit back and say that the problem is solved. There is also the high cost of family reunion, which is a necessary part of our policy.

I will say a word about the right to work. In some countries—I was talking to a lawyer from Australia the other day—an asylum seeker has the right to work fairly soon after they arrive. The Government's argument will be that, if we gave asylum seekers the right to work, it would encourage more to cross by boat. Frankly, I do not think that is right. What it would do is give people a certain amount of self-respect. It would enable them to pay their way with rent, accommodation and food. It would be the right change to make.

The biggest encouragement to asylum seekers is the enormous backlog of asylum claims—I believe there are about 170,000. I know the Government are trying to get the numbers down. It is scandalous that we have so many people hanging about, but not having a future. No wonder people say that the whole system has broken down. Some lone children have had to wait five years or more for a decision. That is not the right way forward. We should give people the right to work fairly soon after they have got here—not immediately, but fairly soon.

One of the Government's aims is to “strengthen the social fabric of the United Kingdom”.

Clearly, we must tackle anti-Semitism and we must do more to tackle Islamophobia—both have loomed large in recent weeks since the tragic events in the Middle East. I would like to see more initiatives to tackle Islamophobia. It is a disgrace that children are frightened to go to school and that there are fears in our local communities about what is happening. We must also ensure that the Holocaust is never forgotten, so I welcome the Government's continuing support for the Holocaust Educational Trust.

We have heard some extraordinary statements by the Home Secretary recently. I shall itemise them. My blunt question is: will the Minister confirm that the Home Secretary does not speak for the Government?

She does not speak for the Government when she condemns the planned marches or demo this weekend as “hate marches”. She does not speak for the Government when she says that rough sleeping is a “lifestyle choice”. She does not speak for the Government when she talks about a “hurricane” or an “invasion” of migrants. She does not speak for the Government when she said that multiculturalism is a “misguided dogma” leading to “parallel lives”. Will the Minister confirm that these are aberrations on the part of the Home Secretary and do not reflect the policy of the Government?

I mention, finally, the references by the Home Secretary and other Ministers to the European Convention on Human Rights. When I served on the Joint Committee on Human Rights, I went with it twice to Strasbourg. In Strasbourg, they think that we were founding members of the European Convention on Human Rights. They say that our courts have a better relationship with the Strasbourg court than probably any other country that adheres to the convention. They think it would be so damaging, not only to this country, but to the cause of human rights, if we were to leave the European convention or somehow distance ourselves from it. In Strasbourg they said to me that, if Britain does not adhere to the European Convention on Human Rights, the notorious abusers of human rights all over the world will say “If the Brits don't do it, why should we?”.

7.04 pm

Baroness Benjamin (LD): My Lords, I congratulate all noble Lords who made their maiden speeches today. I also take this opportunity to congratulate His Majesty, not only on making his first Speech, but on his Coronation earlier this year. I was proud to be part of His Majesty's diverse and all-inclusive Coronation, carrying the sceptre with dove, which I saw as a glimpse into the future, inspiring all children to live in hope. This is why I want to shine a light on the important work being done by those at Barnardo's, who I see as guardian angels looking after the well-being of the nation's children. I declare an interest as vice-president of the charity.

I want to shine a light on Barnardo's work to tackle discrimination in the care system and criminal justice system, highlighted in its report *Double Discrimination*. Black care-experienced children and young adults are having to navigate the criminal justice system on a daily basis. The discrimination against them because of their background and the colour of their skin is evident. We must acknowledge that black children are more likely to be in care and more likely to be in custody compared with those from other backgrounds. Shockingly, one in 10 black children in care receive a custodial sentence by the time they turn 18. They are disproportionately overrepresented both in the care and criminal justice systems. That cannot be right.

Barnardo's conducted 22 one-to-one interviews with young black adults aged 18 to 25 currently in prison for its report *Double Discrimination* and heard harrowing accounts of the outright discrimination, marginalisation and adultification they faced from a very early age. The evidence from Barnardo's shows that black children are not treated as children. Often, their being care experienced was lost in the shadows of racism. The research also showed that support from professionals

in the health, education, care and criminal justice systems was inconsistent, which led to black children feeling isolated, marginalised and vulnerable.

I recently visited Brixton Prison and met young black men who had never received an unconditional hug in their life. They wept when I spoke to them as they told me that no one had ever said to them “I love you”. Children and young people need unconditional love, stability and consistent care. The report shows that black children in care are often not having this experience. Many are having to face traumatic adversity, falling into the arms of criminal gangs and entering the world of drugs and knife crime. They cannot escape the avoidable cycle of black care-experienced children entering the criminal justice system.

Discrimination and disadvantage are not inevitable. Together with Barnardo's, I am calling on the Government to consider and act on five recommendations: first, improve the experiences of black children in foster care, with emphasis on how this can be delivered in a way that takes their specific needs into account; secondly, develop and fund, through the Department for Education, a black foster care network to help grow the number of foster carers who understand black children's needs; thirdly, take action to stop criminalising children in care unnecessarily and improve access to mental health support; fourthly, deliver training to agencies such as the police, courts and prisons to address discrimination and stereotyping; and, finally, ensure a renewed emphasis on tackling racial bias within the criminal justice system.

This report from Barnardo's highlights in no uncertain terms that we need to do more to help our black children and young people in care. Without intervention, we will continue to have an endless conveyor belt of victims, on which black children who are taken into care become susceptible to exploitation and criminal activity and then enter the criminal justice system. It is simply not acceptable that, as a society, we continue to write off a whole group of children just because of their background, the colour of their skin and their circumstances. All children, including black children in care, deserve the chance to overcome the challenges they face and work towards a brighter future full of hope. We desperately need a Cabinet-level Minister to oversee this.

Will the Minister agree to meet me and Barnardo's to discuss the *Double Discrimination* report and consider having a cross-government approach from the Department for Education, the Department of Health and Social Care, and the Ministry of Justice to fulfil the five recommendations set out in this important report? Would he agree that race should not be left off the agenda in any future departmental strategy, so that black children everywhere have better outcomes and life opportunities? I do not want to see this report sit on a shelf gathering dust. Like Barnardo's, I want to see real change and real action so that all children have the opportunity to reach their full potential, because, as I keep saying, childhood lasts a lifetime. I look forward to the Minister's response.

7.11 pm

Baroness Meacher (CB): My Lords, the first of three issues I will raise briefly is the importance of sentencers addressing the underlying causes of crime,

especially when sentencing offenders with addictions. I am a member of the Justice and Home Affairs Committee, chaired by the noble Baroness, Lady Hamwee, who is in her place, but my remarks are purely personal and may not reflect the views of other members of the committee.

Typically, addicted repeat offenders of acquisitive crimes have been given short prison sentences. These sentences have no impact on the reoffending of this cohort of offenders. I very much welcome the Government's commitment, on page 63 of the document accompanying the King's Speech, to legislate for the presumption that sentences of less than 12 months in prison should be served in the community, with requirements imposed by the court. However, if this policy is to succeed in reducing reoffending, and thus reducing crime, it is crucial that these sentences address the underlying causes of an offender's crime, as I have said. Sentences served in the community by addicted offenders must include an intensive addiction treatment requirement, with strong incentives for the offender to complete the treatment.

My second concern, supported today by the noble Earl, Lord Arran, as it happens, is the absence of any indication in the King's Speech that parliamentary time should be allowed for the passing of an assisted dying legalisation law. I declare my interest as honorary president of Dignity in Dying. That organisation has abundant evidence of the significant harm to dying people and their families—of course, we are all going to die, so this will affect us directly—caused by the lack of a right for terminally ill people who are suffering unbearably to have assistance to achieve a dignified death. Every year, about 650 dying people take their own lives, generally alone and often violently. Their families suffer trauma for years afterwards. A further 10,000 terminally ill people who are suffering unbearably attempt to take their lives but fail, and the consequences are generally shocking. In addition to these tragedies, too many of us will suffer unbearably as we die, even with the best palliative care that our world-beating hospices can provide. More and more countries are legalising assisted dying, as the noble Earl, Lord Arran, mentioned. I hope that our Government will provide parliamentary time within the busy schedule laid out in the King's Speech to enable the passing of a law legalising assisted dying.

My third point concerns medical cannabis. This morning, I met two mothers of boys with intractable and very severe epilepsy. They have parallel stories, so I will mention only one. This mother has a boy of nine, who is currently receiving medical cannabis; he has no seizures, and is going to school and doing just fine. This mother was not aware of medical cannabis until relatively recently. Previously, she had tried six recommended treatments for her severely epileptic son. None of them worked, and her son had seizures every day, was not at school and could barely function. The other mother had a similar experience. I appeal to Ministers to accept that making medical cannabis available on the NHS is urgent, not only for these families—my goodness, it is urgent for them—but for us, the taxpayers, because, in the long run, we will pay billions for these children as they grow up and grow old. They will have completely damaged brains and will need

[BARONESS MEACHER]

social and health care indefinitely. The Home Office has an important role to play in freeing up this current impasse. The King's Speech includes nothing to address this issue, but I appeal to the Government to put this right.

7.15 pm

Viscount Bridgeman (Con): My Lords, I will speak on a subject that has received some attention in your Lordships' House: the problems facing Muslim women when involved in a divorce. The noble Baroness, Lady Cox, has done a lot of work on this, and I have assisted her in a small way.

I will briefly summarise. The issue is that, in the breakdown of a marriage originally effected under sharia law in England and Wales—known as “nikah”—there are stark differences between the treatment of husbands and of wives. Take the husband first: in marriages conducted under sharia law, a husband can use the talaq procedure, which is not court-based and does not require an additional ceremony. Provided the husband says “I divorce you” three times, for him the marriage has ended. By contrast, divorced women are faced with a different and more complicated and intrusive procedure, involving a further application to a sharia court—it could be the one in which she was married—that is totally dominated by males. These sharia courts are part of the Muslim structure of religious authority and can enable nikah courts to be set up with little formality. The rights of women in divorces where the original marriage was sharia only are not recognised by civil courts in England and Wales.

The women I am talking about here frequently come from poor backgrounds, have limited education and, in many cases, have only a rudimentary command of English. They can expect to be ostracised by their families or communities, who regard the break-up of any marriage as a slur on their standing. These women, probably deeply anxious already, discover—for the first time, in many cases—that they do not have the full protection of the courts, particularly where property is involved.

My noble friend Lady Newlove started the day well by getting my printer to work, but her account of victims was truly inspiring. Of course, that is what I am talking about as well. I suggest that there is a simple solution to this problem. The noble Baroness, Lady Cox, has introduced a two-clause Private Member's Bill that would introduce an amendment to the Marriage Act 1949 and would seek to create an offence of purporting to solemnize a marriage that has not been, and will not be, legally registered. This would cover all marriages in England and Wales, but, significantly, it would require the parties in a sharia-only wedding to register the proposed marriage with the appropriate authority, giving the women the security that in many cases they presently lack. This Bill was introduced in July 2017 and has had no fewer than 10 introductions in your Lordships' House. Of these, only one has made it to a First Reading in another place. It was prevented from advancing further only by a busy parliamentary schedule.

The Law Commission in July 2022 published a report called *Celebrating Marriage: A New Weddings Law*, which included a recommendation very similar

to the Bill proposed by the noble Baroness, Lady Cox. This is an anomaly that really does need to be put right. The Bill proposed by the noble Baroness, by a very simple procedure, would have that effect. It is in the ballot for Private Members' Bills in the coming Session, which will be conducted tomorrow. If it is successful, fine—but, if it is not, I remind your Lordships that this issue will not go away.

7.20 pm

Lord Thomas of Gresford (LD): My Lords, I must express my sorrow at the loss of Igor Judge. We became friends 50 years ago, when I was trespassing from the Welsh circuit on to the Midlands circuit, in Shrewsbury and Birmingham. We had many a tussle at that time—and I hope to be able to say more about how I feel about Igor.

In his Statement to the House of Commons on 27 October, the Lord Chancellor, Alex Chalk, made some important concessions to common sense on the issue of short sentences. He said that prisons should not ruin the redeemable. A short stint in prison causes offenders to lose their homes, break contact with key support workers and, crucially, meet others inside prison who steer them in the wrong direction. This leads to more than 50% reoffending. The noble and learned Lord, Lord Bellamy, has confirmed these sentiments, and I wholeheartedly support their call for a presumption against short sentences.

However, Mr Chalk has had to balance this sensible reform by throwing red meat to the right wing of his party: he proposes mandatory life sentences for a wider spectrum of offences, removing the discretion of judges to do what they are paid to do—administer justice in a wide variety of circumstances. Further, he intends to abolish sentence remission in serious cases: no automatic reduction of sentence as a reward for good behaviour. I await the reaction of prison governors and the Prisoner Officers' Association to the removal of the most powerful tool they have for maintaining safety and stability in our overcrowded prisons.

Mr Chalk is keen to build 20,000 new places in modern prisons. The current overcrowding of prisons is due, he says, to an increase in the remand population, amounting to 15,000 unconvicted prisoners locked up awaiting trial. I would welcome new prisons if the policy were joined to a commitment to pull down the 18th-century decaying and filthy jails we still employ. But the Lord Chancellor will burnish his reputation if he tackles the backlog with energy and commitment. Numbers of remand prisoners built up steadily following the austerity cuts of 2012 and reached a peak in mid-2022 of 89,000 cases awaiting trial, with 4,000 of these waiting for more than two years. The Government's aim is to reduce the backlog from that peak to 53,000 cases by March 2025. That is a snail-like pace, and the reason for it is largely the lack of judges to preside and of barristers both to prosecute and defend. The pace has slowed. A freedom of information request in August 2022 indicated that, on average, fewer than 300 trials were completed per week between April and July 2022, compared with more than 350 per week in the previous year. Getting rid of the backlog is slowing down.

There is a dearth of Crown Court judges. In the last round of appointments, only two-thirds of the vacancies were filled, and as they are appointed, the pool of senior barristers diminishes. Mr Max Hill KC, the recently retired Director of Public Prosecutions, said that 500 trials in the current year could not go ahead on the scheduled date because no prosecuting barristers were available. He said that the CPS sometimes resorts to “literally ringing round sets of barristers’ chambers, trying to place the brief”,

adding:

“These are difficult times. We do have an overloaded system, it’s not easy”.

The income of the criminal Bar diminished by some 40% in real terms after 2000, driving potential recruits away. My grandson at Cardiff University tells me that the majority of his fellow law students all want to be human rights lawyers. Well, you can starve doing that too. There is nothing more stimulating or exciting than the drama of a criminal trial, where the task on your shoulders is to persuade 12 persons of unknown backgrounds and experience to agree one way or the other to a verdict that will permanently affect the life of the individual and his family. That is a serious task, to be performed within a framework and discipline of strict principles of integrity and fairness, with the advocate’s duty to the court and to the law to the foremost. It calls for a multiplicity of talents.

The Lord Chancellor knows this from his own considerable experience. I urge him to do everything he can to refresh the profession and to recruit students of talent to the criminal Bar. He should encourage them, offer prizes for excellence and speak to them. That is better than building prisons for people to rot in.

7.26 pm

Lord Jackson of Peterborough (Con): My Lords, it is a pleasure to speak in the debate on the gracious Speech. I congratulate my noble friends Lord Houchen of High Leven and Lord Bailey of Paddington on their excellent and entertaining maiden speeches, as well as the noble and learned Lord, Lord Burnett of Maldon.

Today I want to focus specifically on the criminal justice Bill. I strongly agree with much of it, but it is a missed opportunity because it omits reform of one integral part of the criminal justice system: the Crown Prosecution Service, which is palpably failing the British people. I urge your Lordships to read the recent Policy Exchange report, *The ‘Wicked and the Redeemable’: A Long-Term Plan to Fix a Criminal Justice System in Crisis*, authored by the former Met Police Detective Chief Inspector David Spencer.

The CPS is taking far longer to charge suspects than ever before, an average of 44 days, compared to 14 days seven years ago. The number of cases that have been outstanding for more than six months has quadrupled to 30,384 in the past four years. Despite having already more than 45 previous convictions, hyper-prolific offenders are sent to prison on less than half of all occasions—47.3% on conviction for indictable and either-way offences.

I want to talk about another Policy Exchange report that was published last week by the law lecturer, Maureen O’Hara, entitled *The Crown Prosecution Service’s*

approach to transgenderism. This goes to the heart of the debate about fairness, credibility and impartiality. The CPS, an institution that should be completely impartial, is under the influence of a gender identity ideology. In the introduction to the report, the former Lord Justice of Appeal, Sir Patrick Elias, says:

“This paper raises very serious concerns about the impartiality and independence of the Crown Prosecution Service when dealing with the highly sensitive issue of the treatment of transgender persons. It appears to have adopted uncritically the controversial views of Stonewall”.

In the foreword, Charles Wilde says:

“It is hard to overstate the importance of the Crown Prosecution Service doing its job properly. Its decisions change the lives of members of the public caught up in the criminal law ... and have real impact on society more generally. If the CPS’s view of the law is mistaken or confused, or if its judgement of the public interest is inappropriately influenced by contentious political or cultural issues, the harm goes wider than that to the participants in a particular case ... The CPS issues a Code for Crown Prosecutors, supplemented by ‘legal guidance’ – the latter extends beyond strictly legal issues into strategies of investigation and prosecution and includes societal, cultural, and psychological commentary. Particular care needs to be taken in drafting such documents”.

What we have seen across many areas is well-funded lobby groups, funded sometimes by our own Government, that have embedded their views of what they would like the law to be, rather than what it is. I make reference in particular to annex D of the CPS’s legal guidance on domestic abuse, where the language used is that of gender identity theory. That is a highly contested theory, yet it is here in the supposedly impartial guidance—terms such as “cisgender”, “assigned sex”, et cetera. There is no scientific proof of such a thing as “gender identity”. Sex is observed and recorded, before or at birth, it is not “assigned”. There is no place for this language in CPS guidance and it should be rejected by Ministers.

One of the consequences of this is that the CPS records suspects and convicted offenders, for instance, on the basis of their self-declared “gender identity”, and is therefore recording male sex offenders as female. This applies even to the most serious offences, such as rape, which is covered by Section 1 of the Sexual Offences Act 2003, even though it is currently impossible for anyone other than a biological male to commit that offence. This is leading to inaccurate data being recorded. Also, the use of preferred pronouns in court is giving great distress and offence to complainants. The adoption of unevidenced theory by the CPS would appear to be a clear example of policy capture, which the OECD has defined as

“the process of consistently or repeatedly directing public policy decisions away from the public interest towards the interest of a specific interest group or person”.

And this has all happened after 13 years of a Conservative Government.

Given that the CPS has refused or rebutted many reasonable requests under the Freedom of Information Act, and that I believe that sunlight is the best disinfectant, the sun needs to shine brightly on all aspects of this ideology. The CPS needs to explain itself to the public, the vast majority of whom know that sex is binary and immutable, that sex matters in many circumstances and that there must be accountability and transparency about those who influence the work of our institutions—and that includes the Crown Prosecution Service.

7.32 pm

Lord Hastings of Scarisbrick (CB): My Lords, we now know from the gracious Speech that the election is coming because, whenever an election comes, the ruling political party seeks to beat up on criminals and to make crime the centrepiece of its strategy. It feeds into prejudices, so the great weight of the gracious Speech was all about ensuring that the public can feel better and safer. But if it were the case that longer sentences made for less crime, the United States would be a role model for effective community safety, and its poor gun laws, let alone its fraught communities, would prove the point that longer sentences—permanent lock-ups—dealt with the problem. They do not.

The Minister spoke about all the Bills, and there are lots of them. We know the Government are tinkering around, coming up with little hacks here and there, to find a way to make it all look good, but there is one thing they have failed to do consistently since 2019. In their manifesto, they promised a royal commission on the review of the criminal justice system. That is a broken promise: no royal commission. The King yesterday should have referred to his mother's famous Speech after the election of 2019, with its commitment to a royal commission. No royal commission: promise broken. You cannot keep tinkering with the system, hoping that little hacks here and there will make it better. But it makes the news—hence the attempts by the Government to look better simply by making it nastier.

If only we really had proper, intelligent approaches to crime prevention. I can speak on this subject, having been the founder and chairman of Crime Concern since 1988, the founder and vice-president of Catch22, where I remain vice-president, and, for the last 10 years, the co-founder of My Brother's Keeper, working in six prisons across the UK on a monthly basis. I see it, I hear it, I experience it and I know it. Because of what I have seen and heard, I can list a few things, other than just tougher sentences, that the Government, if they had a positive, intelligent approach to the issues, could have committed to do.

We have already heard from the noble Lord, Lord Thomas of Gresford, about 15,000 people on remand, 770 of whom have been on remand for more than two years. I met one man recently who did two years and two months inside on falsified charges: no compensation, the ruin of his employment and his working life, two and a half years waiting to be set free, finally released with no compensation and no apology. Deal with remand. We have to believe, fundamentally, that people are innocent until proven guilty; therefore, locking up endless people in prison blocks up spaces.

There are 2,998 men on IPP lock-ups, when we know that IPP is no longer a legal sentence. It was abandoned by the Conservative Government under David Cameron. It was put in by our dear friend the noble Lord, Lord Blunkett, way back, but has now been abandoned. But the lock-up of the 2,998 people who remain in prison means that they are taking up spaces, at £50,000 a year. Why do they remain unsorted? There is an opportunity, if the Minister would care to answer, of an amendment put forward by Sir Bob Neill in another place to the victims Bill. That could begin to deal with the issue of IPP cases, but will

the Government actually back it and set these people free from what is effectively an unacceptable life sentence?

There are 2,000 women in prison who do not need to be there, on minor sentences that do not require incarceration. They should be set free. There are endless recalls. I encountered one man recently in a category C prison who had been free for 15 years and made the mistake of not informing his probation officer that he was taking a one-week holiday: he just forgot. He was recalled to prison, at £50,000 a year, for two years. This is madness, absolute madness. If we are really going to deal with the prison population issue, let us apply some intelligence and common sense to the whole issue.

Not only that, but it is important to note, as has already been said, that there are roughly 6 million crimes recorded every year and the police are able to deal with and catch about 6% of those responsible. That means that effectively more than 90% of people who have committed a recorded crime are out there with all of us, but we spend so much energy despising those who are paying the price of their crimes. We should be putting the energy into supporting people who are in the criminal justice system to come out as free men and women.

The need for a different approach is embedded in a chaotic system, and the only way it is going to be turned upside down is by a comprehensive royal commission review that looks at all the areas that we have simply skipped over; not by changing legislation every year but by looking hard at how to improve outcomes. The Children's Commissioner released an information piece today pointing out that 80% of young people who go on to commit crimes have been involved in permanent truancy. That comes down to a key issue we can actually get to grips with and solve by making educational opportunities much more vivid and not having pupil referral units. If the Government want an intelligent approach to this, please look at practical solutions and do not introduce further laws to make it tougher and more difficult. Those make great headlines, but they do not actually solve the problems.

I finish with one final point. While I have been here in the Chamber, I had a phone call from someone who is inside a prison—I did not take it. He was ringing me to tell me some good news. I know this only because he rang somebody else and they sent me a message. That person is serving a life sentence for a very serious crime, but when you meet him, you realise that he is a human being with an open heart. I urge Ministers and those in No. 10 to stop saying nastiness about those who have committed unacceptable crimes. Treat them as humans, love them and support them to freedom, because, after all, they deserve to be citizens.

7.39 pm

Baroness Jones of Moulsecoomb (GP): My Lords, I feel very shocked and sad about the death of the noble and learned Lord Judge. He was a kind, lovely man and I will miss him very much. We have had some excellent speeches today, including the three maiden speeches. I fear I will bring the tone down a little, because I am very angry—as usual—at what this Government have put into the Speech. It is a massive failure.

Our liberal parliamentary democracy is in danger. The right to protest has never been more restricted, while the power of state surveillance has never been more widespread. Protests can be declared illegal at the whim of police officers who believe they might cause more than minor disruption. A woman in a bright floral dress can be handcuffed at Ascot for possessing nail glue in her make-up bag and tourists or passers-by can be stopped and searched if a protest occurs near them. You can also be arrested for reminding juries of their right to act on their conscience—a right outlined on a plaque inside the Old Bailey. By contrast, undercover police and informers can be given legal immunity by their bosses for breaking criminal laws.

Our police are also replicating the widespread adoption of facial recognition by authorities in Russia and China without any democratic safeguards on this public identity parade. They are seeking further powers to break the everyday privacy measures that tech companies have introduced to safeguard our conversations and financial transactions. Look at the government plans to spy on the bank accounts of those receiving benefits, whether they are the working poor, disabled or doing their best as a carer. It is a new low in this Government's constant vile behaviour. Never in our history have a Government intruded on the privacy of anyone's bank account without very good reason. Now we are treating all people on benefits as potential criminals. If MPs think this is a good idea, let us ask them to go first. With all the cases of corruption, second jobs and undeclared incomes, would MPs be okay if the banks had the ability to raise red flags on their accounts? That seems to make sense—to test the system before we use it on other people.

After 13 years of Tory Britain, you can spend three years in prison for erecting a climate crisis banner above a bridge while violent men and sexual predators are quietly fast-tracked for release to help with prison overcrowding. However, we all know who is not facing jail time: the water company CEOs who fleeced customers for billions of pounds, filled our rivers with sewage and are now asking for our bills to go up so they can take even more of our money; Conservative Party members who benefited from the billions handed out via the PPE fast-track scheme and numerous other scams; and the Tory donors from the oil and gas industry who have had their payback through tax breaks, new licences and delays in the net-zero policy. Those are climate criminals who are costing us a fortune now and costing future taxpayers billions to clean up the mess and mitigate the damage caused by flooding, wildfires, food shortages and other climate catastrophes.

We need to repeal all the laws that this Government have enacted to restrict protest, strikes and voting. The minimum service levels that they are imposing on rail workers this Christmas are a form of slave labour, as people lose their right to strike. The Green Party would give people a positive right to protest, with legal backing to ensure the distinction between non-violent and violent protest. There is a strong tradition in this country of non-violent direct action, from people opposing the felling of trees in Sheffield to the rural campaigners who stopped fracking wells. That tradition is a democratic safety valve against corruption and

state bureaucracy. Ending the corrupt system of contracts and privatised services will take more than a change of government—it needs a democratic revival.

Civil liberties are not a side issue in bigger policy debates; they can shape them. If you want to insulate homes in Britain and give consumers cheaper bills, do not clog up the prisons with people who campaign to insulate Britain. If you want to stop the climate's lurch towards a planet-wide extinction event, then just stop oil and do not lock up the people who will be seen as heroes in 10 years' time. Non-violent direct action is a democratic tradition that does not rely on big funders and corporate backers, which is why it resonates with ordinary people. That is also why juries often fail to convict when they hear what motivates these protests and, predictably, it is why the police are now arresting a lot of people for simply reminding juries of their right to convict according to their own conscience.

Finally, I will talk about the Government's scapegoating of refugees. If the Met Police are looking for hate speech this weekend, they need look no further than the Home Secretary, as she is deliberately trying to divide people when we desperately need a Government who bring communities together. Not content with a broken country where everything has stopped working properly, we have a Home Secretary aiming to break the bonds of shared humanity between people. This Government's secret contract to hire an expensive prison hulk to detain refugees is a disgrace. So is the Rwanda contract. However, both of these are a precursor to renting prison space in foreign jails for British nationals. Successive Conservative Governments since 2010 have increased jail time by 57%. It is a policy based on deterrence and they are now proposing to do the same with longer sentences, but it has done nothing to bring down crime.

This Government have lost touch with the real priorities of ordinary people. The sooner we can have a general election, the sooner we can get on with the job of fixing broken Britain and solving the climate emergency.

7.46 pm

Lord Borwick (Con): My Lords, I congratulate the three Peers who gave excellent maiden speeches.

Every year for the last 30 years, I have had the privilege of spending some time in San Francisco with friends. It seems to me that San Francisco, a wonderful hilly city of which it has been said "If you're tired of walking round it, you can always lean against it", is slowly dying. This has happened before, starting in 1906 with the famous earthquake and fire, but so far it has always recovered. What worries me is that I see certain similarities with what is happening in London.

A few years ago, San Francisco's mayor, Mrs London Breed, effectively decriminalised shoplifting for thefts under \$950, making it a misdemeanour rather than a crime. This change has been blamed for the decision by Nordstrom and subsequently Westfield to close their shopping centres on Market Street, previously one of San Francisco's main shopping streets. For Westfield, one of the most admired property companies in the world, just to surrender its property to the lenders suggests that the problems are severe. This is

[LORD BORWICK] explained by a comment, attributed to Nordstrom, that there were more people coming through its doors to shoplift than to purchase.

This matters over here because cities are inherently efficient. Economic progress has so often come from urbanisation, for example in China. Moving from a rural economy to an urban economy works for us humans. We gain more choices, more surprises and more serendipity. This may have been economically efficient, but there are groups wanting to reverse it. I do not argue that cities are the only place to live—there are many happy people living in the countryside—but those trying to make cities fail, whether intentionally or inadvertently, are normally called criminals. However, for criminals, shoplifting is normally considered a pretty low-level crime.

Shoplifters and violent demonstrators have in common a disregard for others and a determination to undertake their activities in cities. Demonstrations, to the extent that they are part of the right to protest, are protected, but it is part of the protesters' aim to cause the most disruption and hence gain the most publicity. Incidentally, according to the Metropolitan Police, there were more than 4,000 big events that needed their presence last year, more than 10 a day. That suggests to me that it is time for a change of tactics by the demonstrators, who are in competition with each other for publicity. The biggest disincentive to both shoplifters and violent demonstrators is the fear of being caught. Like any child, it is not the potential long-term punishment but the fear of being caught that drives a decision not to do harm. This is why we must do as much as possible to enable the police to do their job.

The question of real-time face recognition software has been raised with me, and my immediate reaction was negative. Is it not part of the Big Brother state and a step, with artificial intelligence, towards a dictatorial state? But what is the difference, morally, between a policeman with good facial recognition skills watching a CCTV screen continuously and face recognition software doing it? If we have the number of CCTV cameras showing the public roads that we do, that was the point when a decision was made to intrude on the citizen's privacy.

It is important that safety protection is built into the system, and I believe this now happens. There are four key aspects, in addition to certification of the system's accuracy. The police do not keep your data; if there is no match, your data is immediately and automatically deleted. The police are not building one big watch-list; the watch-list is bespoke to the deployment, based on the intelligence case, and deleted afterwards. Facial recognition is not deployed on all CCTV cameras across the capital. The police will deploy only when there is an intelligence case to do so and a police response at the ready. It is not a computer making the decision to stop and engage with someone on the back of a potential match. There will always be a human in the loop to make that decision. I understand that this is the current state of the police system, and I think it is too restrictive on a good system. We must make the back streets and underpasses safe again, and live facial recognition is the best and cheapest way to achieve this.

Good facial recognition software, properly analysed to prevent inadvertent racial bias, can help identify ringleaders, which is important for dealing with crime prevention. If there are shoplifting kingpins, let us find and arrest them. I gather that there are now people who regularly shoplift from charity shops, a pretty despicable act. Equally mean are those who assault shop workers, a rising type of crime. We need to protect the innocent by making sure that the right people get arrested as soon as possible. Small shopkeepers are often closing, and shoplifting is an unnecessary cost that causes many to shut up shop.

I have one further thought on this subject: one of the many effects of Covid has been a pressure to de-urbanise the United Kingdom. Those working from home may as well have their home in the beautiful countryside, if commuting is a rare feature of their lives. This has the effect of emptying out the cities, which is not good for their efficiency. I am not sure that a civil servant working from home is nearly as efficient as one working in Whitehall, perhaps especially if his home is in South America. On 22 October, the *Daily Mail* reported a rapid rise in midweek dinner parties being held, which is much easier for a couple working from home in the countryside than for a couple commuting to the city, as in the past.

This emptying out of the city is revealed in empty office buildings and causes people in San Francisco to move out of California, perhaps to Texas, Florida or Arizona; for many, it is a permanent move. I am not sure what the comparable move from London might be, but I hope we do not find out.

7.53 pm

Baroness Bryan of Partick (Lab): My Lords, I would like to address issues relating to devolution and to touch on the constitution. In my mind they belong in the same debate, and I am pleased to say that is how they have been dealt with today.

There are fundamental principles that are supposed to be present in parliamentary democracies: checks and balances on executive power, free and fair elections, adherence to the rule of law, protection of fundamental rights and maintaining integrity and standards. It would be fair to say that recent Governments have put a question mark against each of these principles. This House is supposed to act as one of the checks on excessive power, but its ability to perform this role is severely curtailed because it is not elected. This allows Government Ministers to lecture us about the primacy of the House of Commons and why even blatantly unworkable legislation must be approved here.

Despite some of our excellent committees riding shotgun to protect some of these important principles, as the noble Earl, Lord Kinnoull, and the noble Lord, Lord Bruce, described, legislation was passed that undermines free and fair elections, the rule of law and fundamental rights. Little has been achieved in upholding integrity and standards—you might even say they have gone backwards.

I argue that the legislation has also failed to protect the powers of the devolved Administrations; here are just two recent examples. The Strikes (Minimum Service Levels) Act and the Illegal Migration Act were both

pushed through Parliament with unacceptable haste in response to wider events, and both were considered to be in conflict with the UK's commitment to international conventions and treaties. The strikes Act will operate in Scotland and Wales even though most of the sectors it covers are devolved, meaning that the Westminster Secretary of State for Health or Education, whose remits run only in England, will decide what minimum levels of service must be provided in Scottish or Welsh hospitals or schools in the event of an industrial dispute. Yesterday we had the confirmation of the level of service that will be required on the railways under the minimum service level enforcement. This came only a matter of days after Avanti announced that it was unilaterally cutting its Saturday services on the west coast line, making a mockery of the whole concept of minimum service levels.

In the second example, the Illegal Migration Act infringes the devolved settlements for Scotland and Northern Ireland, undermining their existing legislation on modern-day slavery. The defence of these rushed pieces of legislation is that they were both passed in the elected Chamber. Ministers in this place have argued that we have to respect the will of the elected House. They are right, of course, but we have allowed a Government with little support from voters—polling at 24% at the moment, I believe—to rush through legislation that breaches international treaties and rides roughshod over the devolved settlements. I was pleased to hear the Minister say earlier that devolution has to be nurtured; nurturing something does not normally involve trampling all over it.

We will soon receive the Economic Activity of Public Bodies (Overseas Matters) Bill, which will probably join the long list of Bills passed through the Westminster Parliament that curtail the rights of the devolved Administrations. The details of the Bill will be discussed in due course, but it denies the rights of other elected authorities in the UK to reflect the morality of those who elected them. I think we can agree that many, perhaps most, people have a different moral compass from that we are seeing in some members of the Cabinet. The answer is to have a more effective check on the unrestrained power of a Government, through a democratically accountable second chamber, one that reflects the nations and regions of the UK, defends the rights of devolved Administrations and safeguards human and constitutional rights.

I am pleased to see that the leader of the opposition, when standing for that post, made a pledge for:

“Radical devolution of power, wealth and opportunity ... A federal system to devolve powers ... Abolish the House of Lords—replace it with an elected chamber of regions and nations”.

I look forward to hearing that as a commitment in a future King's Speech.

7.59 pm

Lord Roberts of Llandudno (LD): My Lords, we search in vain for any mention of immigration reform in His Majesty's Speech, even though, earlier on, one of five primary priorities for the Government was stopping the small boats. Yet there is no mention. The Government seem content, somehow, with what they are doing at present. Even though thousands of Home

Office immigration decisions are overturned on appeal, there is no promise of reform. Suella Braverman even told the Tory conference last year:

“I would love to have a picture on a page of the *Telegraph* with a plane taking off to Rwanda. That's my dream; it's my obsession”. The word was “obsession”. I question whether UK policies should be determined by a Minister's obsessions and not by rational decision.

This is the same person who told us last week that homelessness was a chosen lifestyle, and that tents should be removed from the streets. Fellow human beings are treated as if they are an inferior brand of humanity. The proposal to use the Penally camp and Napier barracks as asylum accommodation goes in reverse of what reports said as far back as September 2020. They were not favourable. Preparing accommodation designed for other purposes to be used for asylum is very difficult at ordinary times, let alone during a pandemic, when the challenges are even greater. The barracks at both Napier and Penally had previously been used to house military personnel for short periods of one to two weeks, and required considerable renovation to make them suitable for relatively long-term asylum housing. It was therefore surprising that the Home Office gave them not the time required but only two weeks to make each site operational, with very little consultation. Similarly, the “Bibby Stockholm” barge, rented at £18 million a year to house 500 asylum seekers, has been empty for at least the last two months since legionnaires' disease was discovered there.

Although Tories claim that curbing net inflow of migrants is a critical issue for voters and that immigration is something that they want to stop, new surveys prove that there is a much more positive response to immigration. People are far in advance of the Government. Refugees and asylum seekers are as much human beings as every one of us in this Chamber and they should be respected. Not one of us chooses our place of birth or the conditions in which we grow and the opportunities we enjoy or are denied. I am very proud of my Welsh background, but as one of the human family with many languages and cultures, I need to look at the world around. It might be to Ukraine, Afghanistan, Syria, Gaza or even our fellow nations of the UK. They are our family: brothers, sisters, children. To act otherwise is to deny the law of creation and humanity. It is our opportunity to make the most of these relationships and to strengthen them. Unfortunately, in recent years for imagined electoral gain, words and actions have divided and separated. Let us put a halt to this and aim to heal and unite. Mae pob un yn yr un teulu—every one of us is a part of the same human family.

8.03 pm

Baroness O'Loan (CB): My Lords, keeping the public safe is undoubtedly a worthy, desirable and even necessary aspiration for Government, and the PM's briefing on the gracious Speech gives us some rather interesting figures in relation to the proposed legislation. It is very good to see that there has been an increase of 5.1% in police numbers in the past year, giving us 147,430 full-time equivalent police officers—some 3,700 more than we had in 2010. However, the population has increased over the same period by some 7 million,

[BARONESS O'LOAN]

crime has become more complex, and serious organised crime has grown exponentially. In addition to that, across England and Wales there are about 5,000 officers on long-term absence, and a further 7,500 are on adjusted duties, meaning they are not available for front-line policing. We need to bear this in mind as we contemplate how we should reform the law.

Key figures also indicate a significant reduction in reported crime, but the Crime Survey for England and Wales estimates that only 40% of crime is reported to the police. Crime reporting and methodologies have obviously been the subject of a lot of discussion, and it is widely reported that either police will not respond or that people have no faith that there is any purpose in reporting. There have been reports that police will not investigate shoplifting under £200, that judges have been told to delay the sentencing of criminals because the prisons are too full, and that police generally will not respond to domestic burglaries and vehicle crime. The issuing of a crime number for such crimes does not address the task of preventing future crime by the perpetrators. Add to that the factors such as intimidation and fear of reprisals and it would perhaps be unwise to conclude that crime levels are in fact diminishing.

The proposals in the sentencing Bill to increase the duration of prison sentences which must be served in certain cases are perhaps attractive until one starts to think about the fact that our prisons are grossly overcrowded. I welcome the proposal for a presumption that a sentence for custodial terms of 12 months or fewer will be suspended. It will be interesting to see the evidence that extending the proportion of a prison sentence which must be served will have the effect of reducing crime. The purpose of prison would surely be much better served if the resources available were used to provide rehabilitative schemes, educational services and adequate mental health services within our prisons, rather than keeping prisoners in custody for longer and longer periods of time, in situations in which they are provided with consoles to play games to keep them occupied, rather than doing anything which is going to equip them to play a purposeful, contributing role on their release.

As the noble Lord, Lord Marks, said, there are reasons why it is important to have flexibility in how long the most serious offenders must serve. If they have some hope, in the form of an understanding that they may be released early if they behave themselves and that they may be detained for longer if they do not, they may be influenced in how they behave, thus making the job of those prison officers who have to look after them easier, and indeed safer.

The proposals to ensure that criminals face the consequences of their actions by forcing them to appear in court may seem attractive. However, perhaps a note of caution is merited. Even the logistics of forcing someone to appear for sentencing may be very challenging for those required to bring the individual into court. If someone does not wish to go, undoubtedly prison officers and police officers are trained in how to make them go. However, the logistics are difficult. Manhandling people into court is possible, but anyone who has witnessed the process of moving somebody who does

not wish to move will know that it will be difficult and may actually cause further distress to the victims of the crime for which the sentence is being proposed.

A letter yesterday from the Home Secretary indicated that the Home Office will introduce new legislation to give effect to the recommendation made by Bishop James Jones on the Hillsborough issue for a statutory duty of candour. It will not be enough to introduce a statutory duty of candour on individual officers, welcome though that may be. The Daniel Morgan Independent Panel, which I had the privilege to chair, recommended the creation of a wider statutory duty of candour, to be owed by all law enforcement agencies to those whom they serve, subject to protection of national security and relevant data protection law.

For there to be confidence in policing, there has to be confidence that organisational failings, particularly the failing to address criminality within the ranks of police forces, will be dealt with, and that institutional defensiveness and lack of transparency will not result in a failure to admit and address institutional failings. Concern about the lack of transparency linked to institutional defensiveness led to the establishment of a statutory duty of candour in the National Health Service. There have long been calls for a similar duty in relation to police. As a panel we recognised the complex challenges of guaranteeing public accountability of an organisation such as the police, not least because of the requirement to protect information in accordance with the law. However, those challenges should not prevent frank and prompt accounts to the public about mistakes and wrongdoing. Such a duty of candour would not in any way compromise the necessary protection of information in accordance with the law.

8.10 pm

Lord Browne of Belmont (DUP): My Lords, it is a privilege to speak in the debate on the humble Address in this His Majesty the King's first Speech as our monarch. As a committed unionist, I am totally supportive of the union in all its aspects, and I trust that the packages and policies introduced by the Government will be applied fairly across the United Kingdom in order to support struggling families, particularly those in Northern Ireland.

It is a matter of regret that, at this time, we still have political uncertainty in Northern Ireland. We want devolution to succeed. We want to see decisions taken in Stormont, because decisions that impact the daily lives of people in Northern Ireland are best taken locally in Northern Ireland.

I welcome the Government's efforts to find a solution to the outstanding issues with the Northern Ireland protocol. Although there has undoubtedly been progress made, regrettably, it is clear that problems remain and, as my party leader recently said, as things stand there is some distance left to travel. It is essential that arrangements are put in place that have cross-community support; it is clear that the current arrangements fall short of this. My party will, however, continue to work with the Government to find solutions to these outstanding issues.

Governance in Northern Ireland must operate on the basis of consensus. There remains no consent within unionism for barriers being implemented between

parts of the United Kingdom. There remains no consent for arrangements which will see further EU regulations implemented and which will cause Northern Ireland to diverge further from our closest friends and partners here in mainland Britain. Regrettably, it remains the case that the rights of the people of Northern Ireland under the Act of Union have not been restored. In order to see devolved government up and running once more in Northern Ireland, it is vital that the constitutional integrity of the United Kingdom is restored.

If Northern Ireland citizens and businesses are to be treated as equal to our fellow Britons elsewhere in the United Kingdom, the integrity of the UK internal market must be restored. A customs border on goods moving between Great Britain and Northern Ireland and remaining within the UK internal market was unnecessary in 2019, and it remains unnecessary in 2023. Transformative investment is required, and it should be saved for policing, schools, hospitals and roads in Northern Ireland, rather than facilitating an economic border between parts of this United Kingdom. For Northern Ireland to join England, Scotland and Wales in benefiting from being outside the EU, out of constitutional necessity we must find a solution to these issues. For those of us who value this great union of nations, safeguarding and protecting Northern Ireland's long-term place inside the UK internal market and inside the union is the most important responsibility we have.

I want briefly to turn my attention to funding for the devolved nations. For a long time, it has been clear that a disparity exists in the current funding model. One of the major reasons for this glaring disparity is the simple fact that the formula used for the rest of the United Kingdom, a formula based on need, has not been applied in Northern Ireland. To continue to fund Northern Ireland using an outdated model is to continue a process whereby Northern Ireland is starting with less. Public services in Northern Ireland are being denied the money they require to operate effectively. Unless there is a serious review into how Northern Ireland is funded, the situation will only deteriorate. With or without a Northern Ireland Assembly, and with or without the Northern Ireland protocol, the reality of the Barnett formula and the current model will continue to lead to future budgetary uncertainties and continued pressures on public services. Devolved government will work only with a fair and stable funding formula in place.

I want to see Stormont back up and running. However, the institutions cannot work without the restoration of the delicate political balance negotiated over many years. My party is committed to continuing to work with the Minister's party and with the Government to resolve the remaining issues, but at all times our work must be about delivering on the commitment given to protect Northern Ireland's place within the United Kingdom.

8.15 pm

Lord Hacking (Lab): My Lords, I find the news of Lord Judge's death most painful. I started my career as a barrister with Lord Judge—we were fellow pupil barristers in the same chambers—and I have known and admired him ever since.

On Thursday 14 October 1976, Lord Hailsham, the father of the current noble Viscount, Lord Hailsham, gave the Richard Dimbleby memorial lecture entitled "Elective Dictatorship". I thought then that Lord Hailsham was right, and I think now, 50 years on, he was more than right. As Lord Hailsham argued, the Executive, when they wish, just control the legislature and not, as it should be, the other way round. Importantly, Lord Hailsham identified the cause as the

"continuous enlargement in the scale and range of government", with the result that more and more of the Government's party, particularly in the House of Commons, is being taken into government, thereby strengthening the Government's powers over the legislature.

I can give a personal example. My grandfather, in the House of Commons in the 1920s and 1930s, was a Parliamentary Under-Secretary of State in the Home Office. At that time, the only other political appointment in the Home Office was the Home Secretary. Take the position now: there is the Home Secretary, three Ministers of State, three Parliamentary Under-Secretaries of State and seven political appointments. The assumption is that this has happened in all the major departments of state, and the Government have continued, and are continuing, to extend their powers through the creation of one government agency after another.

In the current Parliament, there have been Bills, though not many, in which the Back-Benchers in both Houses of Parliament have been able to participate, to the benefit of the Bill, which is welcome—but not so with other Bills. Take, for example, the Illegal Migration Bill. This House worked very hard throughout the passage of the Bill, and when, on 12 July at well past midnight, this House was considering Commons amendments to it, we voted by significant majorities—by 60 votes or more in nine Divisions—for critical and important changes. What happened when the Bill got back to the House of Commons? My colleague in the Commons, Jess Phillips, wrote about it in the *New Statesman* on 21 July:

"Round and round and round we walked, voting on the House of Lords' amendments to the Illegal Migration Bill. The first session took three and a half hours, the second two hours. It really is something to spend so much time losing votes ... during these past few weeks of parliament, the farce has been real".

I think all of us should find this very disturbing. It was further disturbing when we were compelled to pass this Bill, which most bizarrely contained provisions the Court of Appeal had declared to be unlawful. If the Supreme Court agrees with the Court of Appeal, there will remain among our statutes an unlawful statute. Perhaps its true name is the "illegal Migration Bill".

This was not the only Bill which, in the last Parliament, fell in the House of Commons to the dictate of the Government—I refer to the retained EU law Bill. It is true that we are not an elected Chamber, but we are the only Chamber in Parliament that can place some restraint on the Government. In neither of the two Bills I cited did the Government have any electoral or other mandate. In the King's Speech, the Government state that they intend to

"deliver on the Illegal Migration Act".

What does this mean? I can only urge the Government heretofore not to use dictatorial powers and urge this

[LORD HACKING]

House to look after democracy when any Government, of any day and of whatever persuasion, is patently not doing so.

I end my words by addressing the two Ministers, the noble and learned Lord, Lord Bellamy, and the noble Lord, Lord Sharpe of Epsom. The Lord Privy Seal, in his excellent speech yesterday, spoke about the friendliness of this House. I have now been rather unfriendly towards the Government of which the two Ministers are members. I hope that they will accept that I was not seeking to be unfriendly to them—they are good and respected Ministers. Their problem is that they are having to answer for the extremists in their party in the other place. We should give our commiserations to both of them.

8.21 pm

Baroness Miller of Chilthorne Domer (LD): My Lords, yesterday, following the excellent speech of my noble friend Lord Newby, the Leader of the House, the noble Lord, Lord True, accused the Liberal Democrats of a lack of optimism. The noble Lord is observant; that lack of optimism pervades the whole country. If the King's Speech is the Government's response to that lack of optimism, it has certainly done nothing to raise spirits. Never in the whole time that I have been in your Lordships' House have I heard a government programme so lacklustre, so failing in vision and so meaningless in improving the lives of the people of this country.

People rightly feel pessimistic, and the Government have made that infinitely worse by undermining faith in democracy. People have seen the lying day after day, as the Covid inquiry is now uncovering. People have seen a system brought in by the Conservative Government to fast-track cronies' access to massive lucrative contracts. I believe that the National Crime Agency is still vigorously pursuing the noble Baroness, Lady Mone, and her husband.

The noble Lord, Lord Strathclyde, spoke earlier about the fact that we should tighten up a lot of the House's rules and clean up our act; I thoroughly agreed with that part of his speech. The House needs to review, for example, whether taking leave of absence in circumstances such as those of the noble Baroness, Lady Mone, is an abuse of leave meant to cover illness, caring or serious work elsewhere. The House of Lords is a serious legislative Chamber and to have Members use and abuse their position here to line their own pockets is an utter disgrace.

The eroding of democracy also happens when the Government ignore Parliament. As other noble Lords have mentioned, Parliament voted to stop criminalising the homeless by getting rid of the Vagrancy Act, but the Government never actioned that. The Lords tried to get rid of it again in the levelling-up Act, but the Government used their majority in the Commons to make sure that that did not happen. Perhaps we have a hint as to why: the Home Secretary thinks homelessness is a "lifestyle choice". Apparently, as other noble Lords have also mentioned, she is said to be considering penalising charities that are helping the homeless by providing shelter in the form of tents—which is about as low as it gets.

The Government also ignored Parliament's vote to provide a buffer zone around abortion clinics so that women seeking help are not subjected to aggressive anti-abortion action and abuse—another very humane and important measure that Parliament really wanted but the Government have just not actioned.

A cynical government ploy is to get favourable headlines by promising a Bill and then dropping it. For example, measures to address dog theft more seriously and the import of puppy-farmed dogs were in the Speech for the last Session of Parliament, but the Government just dropped them—and they are not in the new animal welfare Bill. I expect that several more Bills in yesterday's gracious Speech are for the same cynical purpose.

Right now, many noble Lords will share my view that it is hard to think of legislation and detail in the face of the situation in Gaza. At a time of immense tension, the Government's role should be to encourage tolerance. People need to express their views and feelings, providing that they are not inciting hatred. The Home Secretary described the forthcoming march on Saturday as a "hate march"; that is truly dangerous, provocative and disgraceful language. Most people who want to march are marching for a humanitarian settlement and for peace; they are not marching out of hate. I commend the Metropolitan Police for its measured stance on this, and I hope that it continues to hold its nerve in the face of government pressure. Some people have said that Armistice Day is not a suitable day for a march. I disagree; I think that the point of remembering war, besides remembering those who died, is to become even stronger advocates for peace.

8.25 pm

Lord Norton of Louth (Con): My Lords, like several other noble Lords, I shall focus on devolution; I will make a specific point and then a more general one. The King's Speech commits the Government to "promote the integrity of the Union".

That is very welcome, as far as it goes. The problem is that that is as far as it goes. The Speech is silent as to what the Government will do to uphold the union.

Successive Governments have adopted a reactive position, responding to demands made by devolved Administrations, especially in Scotland. There has been a tendency not to engage with the devolved bodies, but rather to treat them on a grace and favour basis and keep them at arm's length. The line has tended to be one of grudging concessions, rather than being on the front foot—that is, adopting a proactive stance in making the case for the union. The need to make that case has been advanced and reiterated by the Constitution Committee of your Lordships' House, not least, powerfully and eloquently, in its 2016 report, as well as that of last year. The latter report says:

"The Union should continue to adapt, but with a renewed focus on strengthening effective relations among its constituent parts. We believe that the flexibility of our uncodified constitution is well-suited to achieving this".

When I chaired the Constitution Committee, it produced a report in 2002 making the case for keeping the means of resolving conflict in good working order. Had our recommendations been acted on, we would

likely be in a much stronger position than we are. There is a need for swift action to ensure that, this time, the recommendations of the committee are acted on. Perhaps my noble friend Lord Sharpe can give the House an update on what progress has been made.

The more general point I will make flows from that. The Dunlop review recommended that a senior Cabinet Minister should have a duty to uphold the integrity of the constitution, including the operation of inter-governmental relations and the devolution arrangements more generally. The Prime Minister has taken the title of Minister for the Union. The problem with this is twofold. First, the Prime Minister has a range of responsibilities; he is not able to prioritise the defence of the union. I appreciate that there is now a Cabinet committee on the union, which is a welcome step, but it is not one that deals with my second point, which is that the Prime Minister's focus, like that of the committee, is the union, not the integrity of the constitution.

It is the case that the Prime Minister is ultimately responsible for the constitution. This point was made several times in the Government's response earlier this year to the Constitution Committee's report on the role of the Lord Chancellor and the law officers. Yet later, when I put down a Question asking who in government was responsible for the constitution, I was told that it was the Deputy Prime Minister. When I tabled a further Question asking why this was not listed in his ministerial responsibilities on the government website, I was told that the Deputy Prime Minister

"has oversight of all Cabinet Office policy and continues to maintain responsibility for constitutional policy, with support ... from a wider ministerial team within the Cabinet Office and across Government".

That is far too broad and ambiguous.

As far as the Government are concerned, the constitution falls under the heading of

"Oversight of all Cabinet Office policy",

which is one of the 11 responsibilities of the Deputy Prime Minister. It is no better than when the Prime Minister had primary responsibility.

The health of the constitution is crucial to the well-being of the British polity. The fundamentals of our uncodified constitution have served the nation well, but the working of the constitution rests on the broad acceptance by both those in authority and citizens generally that it is legitimate and serves the nation well.

Our constitution, unlike some codified constitutions, is underpinned by a culture of constitutionalism. This embodies an understanding and embrace of constitutional principles. It is reflected in the requirement of the Constitutional Reform Act for the Lord Chancellor to swear to respect the rule of law. The Act does not define what the term means; the Lord Chancellor is deemed to know. However, the constitution has come under challenge in recent years, in part because of ignorance on the part of Ministers—on occasion, a wilful ignorance bordering on contempt—and is now in danger of being undermined by neglect. That needs to be countered by those at the heart of government having a clear understanding of our constitutional arrangements—not just process but the principles underlying it—and being vigilant in protecting those principles. For that purpose, there needs to be a senior Minister

with a clear, defined responsibility for constitutional issues and the clout to ensure that the principles are upheld.

It would be helpful to have an acknowledgement that the Government recognise their core responsibilities for upholding and proactively promoting the core values of the constitution. The opportunity afforded by debating the King's Speech is ideal for this purpose.

8.32 pm

Lord Meston (CB): My Lords, it feels strange to stand and speak here for the first time after 24 years. In 1999, when many of us left—not expecting to return—what was to follow was then being described as the transitional House. Having come back, I have to observe that it seems that the transition has been only gradual and may well have some way to go. Meanwhile, it is good to see again some friendly and familiar faces, so remarkably preserved by the rejuvenating qualities of this place.

In the intervening period, I have worked as a full-time judge, latterly exclusively in the family courts. I was fortunate to work for some time on the Western Circuit when the noble and learned Lord, Lord Burnett of Maldon, was the popular and highly respected presiding judge. He was seen as a mainstay of judicial independence, the importance of which was conveyed so well by his maiden speech.

Today's sad news leads me to add that, long before that, like so many of my generation, I was trained as an assistant recorder by Mr Justice Judge, as he then was. He ran training courses with firmness, good sense and good humour. Like many, I am for ever grateful for the confidence that he instilled in me at the start of my judicial career. Later, in this House, he showed care for the quality and viability of legislation, as do all judges and former judges who are the direct consumers of legislation produced by Parliament. As so many have already said, Lord Judge will be greatly missed.

I turn to the gracious Speech. Experience in the family courts leads me to welcome and support the proposed introduction of what has been called Jade's law, which is expected to provide for the automatic suspension of the parental responsibility of a parent who is convicted of the murder or voluntary manslaughter of their child's other parent. I pay tribute to those who have pressed for the implementation of this measure.

There are few more difficult cases for a family court to deal with than having to decide the best arrangements for a child or children when one parent has killed the other. In reality, the child concerned will have lost both parents. The child will be traumatised, confused and in need of immediate expert support. Sadly, there can sometimes be competing claims to care for the bereaved child from within the wider family; sometimes there is also a necessity to consider placement away from the surviving family.

Both short-term and long-term arrangements for the child or children are always required. These certainly should not be impeded by the unreasonable or inappropriate exercise of parental responsibility by the perpetrator or alleged perpetrator of the killing. However, it should also be recognised that the need for the family court to make swift and informed decisions

[LORD MESTON]

in the interests of the child can still be hampered by the slower pace of the criminal proceedings, particularly if they are prolonged by applications to appeal or, as I have experienced, applications to the overstretched Criminal Cases Review Commission.

This is not the time to anticipate detailed consideration of how the new provisions will be aligned with established best practice in the family courts. It simply needs to be understood that Jade's law will not resolve all difficulties or complexities, but it should help to provide some finality and certainty for the children and surviving family members.

Wishing to be brief, I will not take up much time on the more vexed question of dealing with defendants who will not come into court for sentencing. That is behaviour which plainly dismays the victims and their families. Having myself been sworn at over the years by a number of defendants, usually when leaving the dock just after sentence, I simply suggest that whether or not and how to react to the behaviour of a defiant or recalcitrant defendant who will not get into the dock in the first place should still, so far as possible, be left to the discretion of the responsible judge. I am not alone in being concerned about imposing a duty on custody staff to manipulate and manhandle defendants into court. However, I accept that there may well be a case for an additional penalty to mark disapproval of deliberate and unjustified refusal to go into court, even if, in reality, that has little or no meaning for defendants already due to receive very long sentences.

I hope that these problems will receive further thought and debate when the Bill comes here.

8.37 pm

Baroness Humphreys (LD): My Lords, I add my voice to those who mourn the passing of the noble and learned Lord, Lord Judge. He was a great defender of the devolved Parliaments. I will miss his wisdom and clarity of thought, and his gentle and sometimes wicked sense of humour.

Yesterday's King's Speech was a speech of fine words with no real solutions to the problems facing hard-working people in our country. There was nothing to give encouragement to those I talk to who believe that our country is broken. There was nothing really about our NHS and nothing to give hope to our NHS staff, who struggle daily to provide us with the best service that they can. There was nothing to bring comfort to those who are concerned about the sewage scandal blighting our rivers, and absolutely nothing to help home owners facing the nightmare of seeing their mortgages skyrocketing. I hope that these issues will be addressed in the Autumn Statement.

As your Lordships can imagine, the prospect of speaking on the devolution aspect of today's debate was something that I was looking forward to—although, given their past record, I was at a loss to imagine what the Government would be proposing to include in the gracious Speech under the category of devolution to the devolved nations. All was revealed in those few words:

“My Government will promote the integrity of the Union”.

Those words had the opposite effect on me to that which they had on the noble Lord, Lord Norton of Louth. Surely my heart was not the only one to sink with the realisation that we in Wales would be facing the continuation of present policies towards the devolved nations, eating into their devolved powers and ignoring the Sewel convention, all in the name of binding the union together.

The fear is that making any more inroads into the powers of our devolved Parliaments is a completely counterproductive strategy. Far from binding us together, the constant undermining of our devolved Parliament in Wales continues to be a recruiting sergeant for Yes Cymru, the pro-Welsh independence movement. According to the latest survey in September this year by Redfield & Wilton Strategies, 38% of people want Wales to become an independent nation. This poll also showed that 41% of those aged 18 to 24 and 51% of those aged 25 to 34 would vote for independence. As our demographics change in the years ahead, it is likely that calls for independence will become stronger, so perhaps it is now time for a change in strategy.

A visit to the Senedd in Cardiff would immediately show the contrast between our devolved Parliament and this UK Parliament. When the Welsh Assembly was first being set up, the commission deliberately set out to design the Chamber in a semi-circular layout, rejecting the adversarial, “two swords’ lengths apart” layout of the Commons. Co-operative working and partnership have therefore become key descriptors of the modus operandi of the Senedd. The Welsh Finance Minister has called for a change in the relationship between the two Governments to one based on partnership rather than competition—a good starting point for a change in strategy, perhaps.

The Speech was unambitious for the devolved nations. Sadly, the belief that devolution is a journey, not a destination, has become moribund. I turn briefly to some of the issues that we would wish to have seen addressed in the King's Speech. Proposals or opportunities to highlight the need for the Welsh Government to have greater fiscal powers, including greater flexibility to borrow and treatment of capital, would have been most welcome. On the issue of energy, we were looking for opportunities to call for a green homes Bill to tackle fuel poverty, raise the energy performance of current homes and ensure that all new homes are smart homes, reducing energy demand.

My noble friend Lord Thomas of Gresford has spoken for many years about the devolution of justice to Wales. I continue to endorse his position on this. I welcome the work that the Welsh Government is leading on youth justice and probation. This work is to understand how the devolution of these areas to the Senedd could happen in practice and how the positive impact of devolving these services to Wales could be maximised.

In March, the Senedd voted in favour of the devolution of policing, which showed its commitment to the future devolution of these powers. Would the Minister care to comment on the possible devolution of the Crown Estate in Wales to the Senedd in the future? Such powers would align well with the ambition to further develop renewable energy and offshore wind. It is sad that the Senedd has to spend an inordinate

amount of time, energy and money on defending and protecting its powers when, with a change of focus, this Parliament could initiate a more ambitious, dynamic programme of devolution to benefit the people of Wales.

8.44 pm

Lord Bourne of Aberystwyth (Con): My Lords, it came as a great shock to hear of the death of the noble and learned Lord, Lord Judge. He was a friend and a great parliamentarian. We shared a love of Leicester City Football Club and often spoke about it at length. I pass my condolences to his family and friends.

It is a great pleasure to follow the noble Baroness. We were founder Members of the Welsh Assembly and I recall many debates with her there on some of the areas that she covered. We have also been treated to three maiden speeches of great quality and depth today.

Before I say something on what the gracious Speech set out, I touch on one area on which it did not set out anything substantive: positive action on rough sleeping—the Minister will recall me raising this previously. He knows that, during the pandemic, rough sleeping was eliminated. This is to the credit of the Government; it was admittedly in special circumstances, but I wonder why we are not able to do that now. We should be giving attention to this, rather than stigmatising the victims of rough sleeping, who do not deserve it.

I turn to law and order, which is one of the significant elements of the gracious Speech. I agree with the sentiment that serious crimes deserve serious sentences. We all do: that is clearly right and I have no difficulty with it. To be fair, the gracious Speech sets out the importance of community service for less serious crimes to ensure that perpetrators do not become enlisted in a sort of a university of crime; that the costs are not added to, because it is expensive to keep people in prison; and that there is not a breakdown of family life. We need to focus on what we are doing to ensure that there are resources for the Probation Service to ensure that that happens.

In the same area, I note what has been said about prison building. I know that we have a programme for that, which is necessary and right, but what has still not been set out—I pressed the Minister on this previously, when we had a Statement—is the timescale for this, which has slipped. I would like to hear more about when these extra places will be available and the substitution of places, because the estate is old and needs replacing.

We are also promised a criminal justice Bill, and many of the facets of that are to be welcomed. Reporting the concerns of those working with children of suspected child sexual abuse seems extremely sensible, as are the provisions against violence against women and girls. As we have heard recently in relation to the Letby case, it is worth investigating how we deal with non-attendance for sentencing of perpetrators of crimes. Whether this is dealt with as forced attendance, which I accept is difficult, or in terms of sentencing, it deserves attention.

I also welcome the Bill on terrorism and the protection of premises, in the wake of the dreadful Manchester Arena disaster, which noble Lords will want to support. There are issues about its funding, and we also need to ensure a lighter touch for premises such as village halls, community halls and so on, which perhaps do not face

the same threat. It is nevertheless something to be welcomed, and I would like to hear more about the resources that will be made available for it.

I note the Prime Minister's commitment to raise illegal migration in every international arena that he can. He has shown a willingness to do that at the G7 and the Council of Europe, but will this also extend to the United Nations? That is where true international attention to this problem can be forthcoming. We need to recognise the truly international dimension to this, as the problem will get only more serious with climate change, food insecurity and the sorts of conflicts that we are seeing at the moment. An international approach is needed.

May I also mention the Windrush generation? This does not need fresh legislation, but the compensation and other commitments need a bit of heft. This is becoming urgent and time sensitive.

I turn to devolution and some of the matters raised. It is absolutely right that reform of the Barnett formula is needed, as was raised by the noble Lord in relation to Northern Ireland. Wales, too, suffers from underfunding, although I think Scotland suffers from overfunding. That needs to be addressed. The formula was first introduced many moons ago in the name of Lord Barnett. Also, as I have raised before, we need a body that encompasses all the devolved Administrations and the Westminster Parliament to ensure that we share best practice and that the rough edges are smoothed out. I agree with my noble friend Lord Norton on the need for implementation of the Dunlop review and somebody taking specific responsibility for the union in the Cabinet. I look forward to hearing who that will be.

Lastly, there is the nature of the Home Office, which has been raised previously by the noble Lord, Lord Reid, who is not in his place at the moment. It is far too large, even now that prisons and probation have been taken out. It needs splitting up, so that we have a separate department of immigration. The Home Office deals with so many different issues at the moment, and it would be wise if we could do something on that front.

8.51 pm

Lord Macdonald of River Glaven (CB): My Lords, I first got to know Lord Judge well when I was a pretty raw and inexperienced DPP and he became president of the Queen's Bench Division and head of criminal justice in the Court of Appeal. He was kind, wise and, where necessary, sympathetically firm. These were wonderful qualities in a judge, a Lord Convenor and a friend. I also congratulate the noble and learned Lord, Lord Burnett of Maldon, on his maiden speech. I am sure that his contributions to your Lordships' House will be important and necessary in the years ahead.

From time to time, both major parties have played their part in an arms race in criminal sentencing. They sometimes seem to want to outbid each other in sentencing policy, no doubt in the belief that this is worth votes. They may, of course, be right about that, but it is surely the role of Governments and Oppositions to sometimes lead and not simply follow. This is particularly true on questions of public policy, where

[LORD MACDONALD OF RIVER GLAVEN]

the public mood may not always coincide with what is best. This is an aspect of representative, rather than delegative, democracy.

Everyone involved in British penal policy knows that incarceration is horrendously expensive, that much of the prison estate is crumbling through lack of investment, that inspectors' reports on prison conditions are frequently a national embarrassment, and, perhaps worst of all, that recidivism rates are appalling and not improving. The figures no doubt reflect, in part, the inadequate provision of rehabilitative schemes. The Government are prepared to grow the prison population by increasing sentences, reducing parole and restricting remission, but they are not prepared to pay for a sufficient increase in prison places to accommodate these policies, for the necessary improvements to the prison estate or for proper rehabilitation to minimise reoffending. In the end, all of this hurts the public.

Perhaps recognising this failure in joined-up policy-making, the Government's 2021 spending review promised 20,000 new prison places. But by June of this year, only 5,200 of these places had materialised and, according to the Ministry of Justice, we will have just 8,200 by May 2025. The full 20,000 will not be on stream until 2030—if we are lucky. One project has apparently been delayed by the discovery of a badger sett.

In the face of this, our prison population reached over 86,000 in February this year, the highest in western Europe. It is projected to rise to over 94,000 by March 2025, and we are told that it could reach over 108,000 by 2027. As Sir Bob O'Neill, the respected Conservative chair of the Commons Justice Committee, has said, you cannot keep trying to squeeze a quart into a pint pot.

The result of this dispiriting cycle of poor public policy is disgraceful prison conditions almost designed to perpetuate criminal behaviour, ad hoc early release schemes, frankly embarrassing threats to decant British prisoners to jails abroad, and, perhaps most undignified of all, judges having to delay sentencing hearings so that convicted people on bail will not have to be sent to over-capacity prisons just yet.

It should not be beyond the capacity of the British state to design a penal policy that tends towards rehabilitation, that does not rely on emergency release schemes, that does not force us to pay other countries to house our convicts, and that allows judges to get on with the business of dispensing timely justice.

I strongly welcome the brave and sensible approach the Secretary of State has taken to less serious offending and his proposal to reduce—I hope drastically—the number of people sent to prison on short sentences that allow no time for rehabilitation and for which rates of recidivism are so high. However, I am concerned about proposals to abolish remission altogether for certain categories of serious crime, for two reasons. First, remission works as an essential form of behaviour control, particularly in crowded, understaffed prisons. This policy will make the already difficult task of prison staff harder and more dangerous still. Secondly, there is no doubt that this dam, once breached, will breach again. I predict that, if the Government pursue this, the categories of offence with no or reduced remission will grow and the prison population will ramp up.

Finally, what is proposed on whole-life sentences is a very significant change that will greatly increase the number of prisoners serving whole-life terms in our prisons. Can the Minister tell us whether the Government have calculated by how many, or what the impact on prisoner management might be?

It is no insult to the victims of crime to acknowledge that there is a hierarchy of evil in criminal conduct and that whole life has always been reserved for the very worst crimes. The murderer of Zara Aleena, whose sentencing may have played some part in this proposal, committed a terrible crime, and her bereaved family have behaved with extraordinary dignity ever since. In the end, the Court of Appeal decided that the killer deserved a minimum sentence of 33 years but, as the Lady Chief Justice pointed out, that does not mean he was getting a sentence of 33 years. His sentence was life. It simply meant that he was being told that he must serve at least 33 years before he would even be considered for parole. Thirty-three years is a severe penalty, yet the reality is likely to be much harsher.

It is widely recognised by commentators of all political persuasions—indeed, it has become a commonplace observation—that some of these criminal justice proposals in the gracious Speech amount to an attempt by the Government to create political space between themselves and the Opposition in advance of next year's general election. That is a depressing way for the Government to steward criminal justice.

8.57 pm

Lord Farmer (Con): My Lords, I too am saddened to hear of the death of the noble and learned Lord, Lord Judge. I did not know him well but I heard his considered wisdom in many of our debates. Indeed, it enriched them. I was also privileged to hear the maiden speeches of the noble and learned Lord, Lord Burnett of Malden, and my noble friends Lord Houchen of High Leven and Lord Bailey of Paddington, all of which I thought excellent and very diverse. I am sure their presence will enrich our House.

Growth, security and taking long-term decisions to build a better future are the right priorities when inflation still stalks the land, wars are raging, and the cost of living is cutting deeply. However, the Government have also promised to strengthen the social fabric. Among the most important long-term decisions are those which help prevent families breaking down and strengthen them for the challenges ahead, and not just by increasing their reliance on the state through cash transfers.

In declaring my interest as a guarantor of FHN Holding, the not-for-profit owner of Family Hubs Network Ltd, I say that we need a forward plan for increasing the role of family hubs in local communities. They should become the delivery point for all family support services, including those which help parents and children to manage the conflict that often escalates around the point of separation and divorce.

The Government should do more to enable parents who want to look after their own children and are willing to take the massive salary hit to do so. Front-loading child benefit would recognise the considerable value that conscientious and hard-working at-home

mothers and fathers add to society and the economy. Any concerns responsible professionals such as health visitors have about parents' ability and capacity to do this most skilled and difficult of jobs, for which few of us, if any, get formal training, should be met by freely available support in local family hubs.

We must stop ignoring the widely divergent outcomes for many boys and young men, especially those from poor white communities, in our state schools and relative to their female counterparts. We need a long-term approach to address their disadvantages so that they fulfil their potential. This is no more than we want for girls and young women.

Turning to what will be in the forthcoming legislative programme, when the carried-over Victims and Prisoners Bill resumes, I look forward to the Government's amendments to address indeterminate IPPs—imprisonment for public protection—which the Lord Chancellor recently referred to as

“a stain on our justice system”. [*Official Report*, Commons, 16/10/23; col. 61.]

One long-standing prison governor told me that IPPs completely removed his officers' ability to give any hope to a prisoner, something that is already in very short supply. Former Home Secretary Jack Straw said that the state removes the liberty of those convicted of crime as punishment, not for punishment. Plunging imprisoned people into hopelessness is disproportionately punitive in all circumstances. The Lord Chancellor has already signalled his intent to curtail the licence period following Parole Board decisions to release, but obviously this will affect only a subsection of those currently serving IPPs.

Incidentally, I have recently seen peer-to-peer support programmes which impart hope, even to those serving very long sentences, for those offering the support, not just for those receiving it. Well-trained lifers, one of whom was serving a minimum of 33 years, in HMP Dartmoor found a whole new sense of purpose during their sentences by mentoring other prisoners and helping them deal with anger issues, take responsibility for their sentences and handle family relationship problems. The result is a more settled regime, as men respond differently to the rigours of prison.

However long men serve—and it is mainly men who are affected by longer sentences—the vast majority are eventually still released. Rehabilitation cannot be an afterthought, even in this pre-election year, when the three decades-long arms race, which we heard mentioned today, between political parties around who can be the toughest on crime will likely intensify. Strenuously deploying effective ways of reducing reoffending is being tough on crime.

This requires addressing criminogenic needs: the characteristics or issues in someone's life that directly relate to their likelihood of reoffending. Relationships are the most prevalent criminogenic need for women, and the level of lack is similarly high for men. Prisoners who receive family visits are 39% less likely to reoffend than those who do not, while education and employment decrease reoffending by only 9%. Even addressing addiction cuts the likelihood of reoffending only by 19%. Therefore, measures to improve relationships—whether between prisoners who have no family, between

officers and prisoners, or with families on the outside who motivate them to go straight—are not soft on crime if their rehabilitative effect means less crime, fewer victims, more motivation to earn and pay taxes, and fewer children following their parents into prison. They are indispensable policy complements to the sentencing legislation proposed.

Finally, the arms race which penal populism generates in necessarily vote-hungry politicians is, like its historical nuclear equivalent, increasingly unaffordable, both in the squandering of human potential and the ballooning costs of criminal justice. With the greatest of respect for all those championing victims, increasing the confidence of victims may sound unarguable but it costs the taxpayer £47,000 per prisoner per year.

To sum up, longer-term decisions need to be focused on mending our badly frayed social fabric and cognisant of the vast costs of ever-longer incarceration. Politicians need to take the electorate with them on these difficult but profoundly necessary journeys.

9.05 pm

Lord German (LD): My Lords, I first lay out my interests as set out in the register. I too want to pay tribute to Lord Judge—I got to know him very well in the past three years—and in particular the work that he started in thinking about how we deal with legislation in this House, particularly secondary legislation and statutory instruments. I think it would be wise for this House to think about how we continue that work in the future.

We heard three maiden speeches today, and I noticed that they were all very different indeed. I very particularly point out to the noble and learned Lord, Lord Burnett, that we will be needing his skills as some of this legislation that we are talking about today requires setting aside human rights legislation which we are currently party to. We will certainly need all the legal expertise we can get.

This has been a thoughtful and very broad-based debate. In order to sum it up, I invite noble Lords to think of it as an artist painting three pictures: in one, there are sticks being used to punish people; in the second, there are sticks or staffs being used to help people stand upright and move along; and in the third, the artist is describing the shortage of sticks altogether. Translated into this debate, the first picture is about the punitive measures contained within the six Home Office and Ministry of Justice Bills we are construing today, the second is about the supportive measures to assist in creating a better society for people to move on in their lives, and the third, naturally, is about the importance of the right resources to achieve the ambitions set out in the first two. From these Benches, there are some measures we support in the government programme, some that we clearly do not, some which may need changes, and, importantly, many which will work only with the correct resources—money, people and facilities—to make them work.

The third area of focus today is devolution. I do not know whether it was put in today's agenda deliberately or whether a home had to be found for it somewhere. Anyway, I will say a few words about it later and draw some conclusions from what we have heard in this debate.

[LORD GERMAN]

Many Members have talked about issues relating to sentencing. My noble friend Lord Beith pointed out that tougher sentences do not work, as we have seen sentence inflation ratcheted up across the whole sentencing spectrum. As my noble friend Lord Marks said right at the outset, locking up people without hope just stokes despair, and there is now a trend moving towards greater punishment.

We had a discussion about the role of the police. My noble friend Lady Hamwee warned us of downgrading the work on missing persons by piling on extra responsibilities for the police.

We looked at the state of our prisons. My noble friend Lord Dholakia pointed out how government actions have filled our prisons to bursting point, a point also emphasised by my noble friend Lord Thomas of Gresford.

On victims, my noble friend Lady Hamwee said that victims are to be valued; that we need them and must care for them. My noble friends Lady Brinton and Lord Marks said that the victims Bill is not tough enough and that there is a need for a statutory agency to uphold the services needed.

Finally, there was a singular speech at a very particular moment by my noble friend Lady Benjamin on a fair deal for children. She said passionately that the problem particularly facing black children in tackling discrimination and marginalisation in the criminal justice system and the care system must be addressed.

Many of the Bills and measures that we are presented with cover detention matters. There are plans for longer sentences for the most dangerous criminals, a presumption against prison sentences of 12 months or less and proposals to send prisoners to other countries for their detention. These plans are set against the backlog in our court system, which was very ably raised by my noble friend Lord Thomas of Gresford, who explained in detail what that has meant. Huge delays in cases being heard are resulting in people on remand being mixed with those serving custodial sentences. Huge overcrowding on the prison estate and sentence inflation mean that people are serving longer in prison as sentence lengths grow. My question to the Minister is: how will any of the measures outlined in the gracious Speech make a dent in the unprecedented backlog of court cases that we have?

We on these Benches commend the presumption against short sentences, but the community sentences which will replace them are not a cheap offer. This was pointed out by the noble and learned Lord, Lord Thomas of Cwmgiedd. Of course, he is absolutely right, because the resources are needed to make them run well. Of those serving sentences of 12 months or less, 55% go on to reoffend. That point was raised by my noble friend Lord Thomas of Gresford—we are very blessed in this Chamber to have two Welsh Lord Thomas's who can treat these matters in a uniform manner. This is the challenge the Government have to face up to. Again, what increased resources are the Government intending to put into effective community sentencing in order to realise the potential of dramatically reducing reoffending? For those transferred to serve a custodial sentence in another country—at great expense—how

are rehabilitative measures to take place, with the intention of turning people's lives around, when they are not in this country?

I now turn to the Illegal Migration Act measures referred to in the Government's programme. It was mentioned by several noble Lords, particularly in the strong contribution from my noble friend Lord Roberts of Llandudno, that we need to treat asylum seekers as people and friends. The central tenet of the Illegal Migration Act—detention and removal—has yet to be brought into force. I suspect that we all realise it is perhaps dependent on the court case. We still do not have the detail of how, where and at what cost people will be detained. There is the proposed reopening of Haslar IRC and Campsfield IRC, and additional capacity at Yarl's Wood IRC, Manston and a new site in Bexhill, east Sussex, but has any work started on those places? Is anything ready for people to come in? I do not know.

The first question I would like the Government to answer on this is: where will they find the capacity to detain those in limbo who are left liable under the Illegal Migration Act? What plans are in place to create the detention spaces? When do they intend for those spaces to be available? What additional capacity is being given to legal aid providers to ensure that those in detention have access to legal advice? These are all questions for which we need answers, and we need answers now.

I turn very briefly to tents. I do not have to give the context, because so many Members of your Lordships' House have used the word and talked about the actions of the Secretary of State. I want to know, before I ask my question of the Minister, whether this was a Secretary of State who had taken the "com" out of "compassion". I looked at the definition. Compassion means "sympathetic pity and concern for the sufferings or misfortunes of others". If you take the "com" out, you are left with "passion", which is described as "strong and barely controllable emotion". Will the Minister tell the House whether the proposal to ban charities distributing tents to the homeless will be in the crime and justice Bill? A simple yes or no answer will do.

I turn briefly to devolution. Concerns have been expressed, particularly by my noble friend Lord Stunell, about the unconnected zig-zag approach that we have seen—more zigs, or more zags—to dealing with the issues in England of how to make devolution work properly. But, yesterday, I listened to Questions to the Prif Weinidog—I like using that phrase because, in Welsh, it means both First Minister and Prime Minister—in the Welsh Parliament yesterday. He was concerned that the word "Wales" appeared nowhere in the gracious Speech. While spend on rail links in the north of England was present, there was no mention of the electrification of the north Wales railway line. Is it still the Government's intention to proceed with electrification, which would do so much to strengthen the economy of north Wales, improve the linkage with the rest of Great Britain and fulfil the requirement to support the union?

Secondly, the gracious Speech talked about the advanced British standard bringing together vocational and academic qualifications—that is a laudable ambition. However, powers over qualifications lie with the Welsh

and Scottish Parliaments. Is the title “Advanced British Standard” in advance of itself? The Welsh baccalaureate has been in place for many years. Is it the Government's intention to override the powers of the devolved Parliaments and impose a qualification on Wales and Scotland? If so, they had better take note of Michael Gove's definition of undermining the institutions of Great Britain, because I think such an action would fall into that category.

Much of what the Government are offering is entitled “for the long term”—we can see it in the documentation. That makes me wonder whether the measures before us are simply sticking plasters over jobs that need to be done for the long term. Many noble Lords have talked about how our system is broken—it is, and it needs wholesale repair from one end to the other, looking at the needs that have been expressed by so many noble Lords and considering where the arrow is pointing between punishment and rehabilitation. I would like to move that arrow so that we can get more people back to having meaningful lives in this country.

9.17 pm

Baroness Taylor of Stevenage (Lab): My Lords, I add my condolences to the very moving tributes paid to the noble and learned Lord, Lord Judge. I had not been here long enough to know him well, but, from what I have heard today, I am sure that he would want us all to continue to strive for the justice and rule of law that he worked for throughout his life. I send my condolences to his wife and daughters.

I congratulate the noble and learned Lord, Lord Burnett, and the noble Lords, Lord Houchen and Lord Bailey, on their excellent and thoughtful maiden speeches. It is a huge honour to be asked to respond for the Opposition to today's King's Speech debate on home affairs, crime, justice and devolution. Today's debate has shown the great strength and diversity of expertise in your Lordships' House.

It was so moving yesterday to hear His Majesty refer to

“the legacy of service and devotion”

left by Her late Majesty Queen Elizabeth II. His Majesty has continued in that honourable tradition of service to our country, as he took on the considerable weight of monarchy in the midst of his grief and sorrow at the loss of his beloved mother. It was a privilege to take part yesterday in the first King's Speech for 70 years—it was my first King's Speech since I entered your Lordships' House—and to see at first hand the ceremony that we all value as part of our history and tradition.

On a personal note, Her late Majesty had a special role in the life of my home town of Stevenage, which was designated as Great Britain's first new town on 11 November 1946—77 years ago on Saturday. Almost the entire life and development of our town took place under Her late Majesty's reign. As an Elizabethan town, we were delighted to welcome her on a number of occasions, and we hope that King Charles will also want to visit. I cannot promise that he will be overwhelmed by our largely 1960s and 1970s architecture, beauty being very much in the eye of the beholder—I might love it, but we all have our own opinions—but I feel sure that he will be impressed by the outstanding

community spirit, which is built on the foundations introduced by our early new town pioneers. This means that our motto,

“The heart of a town lies in its people”,
still holds good after seven decades.

But the people of our town, as with people across our country, are struggling, as mentioned by the most reverend Primate the Archbishop of York. We have seen the combined impact of the worst cost of living crisis in living memory, a severe and worsening housing crisis, and public services brought to their knees by 13 wasted years, which have seen the economy, opportunity and aspiration steadily decline. We have seen a failure to plan for, or tackle, the key issues that could help drive Britain's future—the green, digital and medical revolution. That leaves communities with the sense that they are invisible to political leaders—even more so among our younger citizens, so powerfully advocated for by the noble Lord, Lord Bailey.

Worse than that are the horrors unveiled by the Covid inquiry, which has revealed the chaos, lack of direction and lack of compassion at the heart of government—all mentioned by my noble friend Lady Henig. The noble Lord, Lord Sedwill, described at the inquiry today an atmosphere of a Government who were “brutal and useless”. People feel that government is ever further away from them, which was further characterised last week by a Home Secretary whose priority, rather than tackling the root causes of homelessness that devastate so many lives, was to remove the tents that provide a last lifeline for the most vulnerable who are on our streets. My noble friends Lady Chakrabarti and Lord Dubs, as well as the noble Lords, Lord Dholakia, Lord Roberts and Lord German, all mentioned that issue. In the Home Secretary's view, homelessness is a “lifestyle choice”. No wonder there has been an outcry from so many respected organisations engaged in helping the homeless, from Shelter and Crisis to the National Housing Federation and the Chartered Institute of Housing. They speak with one voice; they told the Home Secretary in a powerful joint letter:

“Sleeping on the street is not a lifestyle choice. Laying blame with people forced to sleep rough will only push people further away from help into poverty, putting them at risk of exploitation. At the extreme end we will see an increase in deaths and fatalities which are totally preventable”.

In the course of the Levelling-up and Regeneration Bill, we tried very hard to get the Vagrancy Act repealed. During the debate on LURB I cited nine Acts that are directly in place to deal with anti-social behaviour and aggressive begging. Local councils recognise that this is an issue and many, such as my own, have introduced Housing First schemes that give people a roof over their head and support to tackle their complex needs—yet we are still waiting for the repeal of the Vagrancy Act.

We might have hoped that the King's Speech yesterday would at least attempt to address the critical issues facing the people of our country and the impact on them of issues overseas. Instead, we saw a huge missed opportunity from a Government who have clearly given up on governing, and given up on delivering a serious plan for growth, economic renewal or the future of the country. Instead, we got a Prime Minister who spent last week, presumably having got through

[BARONESS TAYLOR OF STEVENAGE]

the paper sift for his next job, undertaking a preliminary interview with Elon Musk, then introducing a parliamentary programme that does little more than tinker at the edges—a programme so light that it is shadow-boxing with the issues of the day rather than proposing the heavyweight strategy we need to deal with the complex issues we face.

Of course, there are things we can support, such as ensuring that criminals face the courts for their sentencing. I pay tribute to the bereaved parents of Lucy Letby's murders, and to Cheryl Korbøl, whose daughter Olivia was murdered, for their campaigning on this. We support continuing to tackle smoking and banning unlicensed pedicabs in London—but what a shame that we do not have devolved government in this country, which would enable this without making it a national issue. We support the work on Martyn's law and Jade's law, but too much in the Speech had to be rowed back because the Prime Minister is too weak to stand up to his Back-Benchers—such as on the steps on leasehold—and too weak to stand up to his Home Secretary. So much of the promised legislation has been pushed on to the back burner. Then we saw a raft of rehashed announcements of things that we have heard about so many times before but that have not been delivered, such as those ably articulated by the noble Lord, Lord German.

The words in the King's Speech:

"My Government will act to keep communities safe from crime, anti-social behaviour, terrorism and illegal migration" must have a very hollow ring to our communities and the families that live in them. What they see is the visual evidence on their streets of drug crime growing by 19% a year. What they see is what the British Retail Consortium describes as an epidemic of shoplifting, costing £953 million a year. Just yesterday we heard from the RAC Foundation of a 77% increase in bilking, or stealing petrol from forecourts, with more than 39,000 incidents between July and September this year. Town centre crime has increased, yet there are 10,000 fewer police and PCSOs on our streets and in our town centres than there were in 2015, leaving shop staff feeling at risk and vulnerable. What they see is violence against women and girls reaching epidemic proportions, with more than 1.6 million women a year experiencing domestic abuse and more than 600,000 sexual assaults. What they see is their councils left powerless because of lack of funds to deal with epidemics of fly-tipping and graffiti.

The noble and learned Lord, Lord Bellamy, referred to the tragedy of knife crime that is happening to our young people. People need and deserve a police service in which they can feel confident and which will serve our communities. In spite of the day-to-day hard work of the vast majority of our police and police staff, who do an outstanding job, the lack of clarity from the Government, the drastic cuts that saw skill and experience drained away from our police service and the abject failure to deal with issues such as mental health continue to put unprecedented and intolerable pressure on our police services.

These issues were mentioned by the noble Baronesses, Lady Brinton and Lady Hamwee, and the noble Lord, Lord Hogan-Howe, whose telling figure of four crimes

per hour per borough is a stark reminder that there is lots more to do here. Throw into that mix that we now have a Home Secretary who, far from taking her responsibility to enable cohesive and united communities seriously, is actively seeking to divide and disrupt them, and we have a perfect storm. If the public do not see a Government taking seriously what they see before their eyes, no wonder they feel ignored. That is why Labour has pledged to turn things around.

We will reverse the collapse in the proportion of crimes charged. We will rebuild public confidence in policing and the criminal justice system and restore the rule of law on Britain's streets. At a time when half the public say they never see a bobby on the beat, we will restore neighbourhood policing. My noble friend Lord Ponsonby cited the figure of 13,000 more officers and PCSOs on our streets and introducing a new community policing guarantee to make our streets safe. We will reverse the decision to downgrade the response to shoplifting under £200, making it easier to take action against repeat offenders and ending the farce of offending impunity. We will create a new specific offence of assault against retail workers, because everyone has the right to feel safe at work.

On the criminal justice system, there are noble and learned Lords in this House who will know far better than I the impact of the biggest Crown Court backlog on record, mentioned by my noble friend Lord Blunkett, with 64,709 cases outstanding in June this year. Listening to the speeches of noble and learned Lords has been one of the greatest highlights of my first year in your Lordships' House. My own case of being violently harassed by an offender on my own doorstep, a terrifying experience, took 18 months and three visits to court to resolve—a harrowing and worrying experience for a victim. The failures in our system leave thousands of victims without legal advice and support. My daughter's journey as a victim of domestic abuse and then stalking saw her given a date for her first court hearing on the date of her son's first day at school. He was four years old. She told the court she would not be able to make it, and it said she would be in contempt of court if she did not turn up on that date. Victims are very lucky indeed to have the noble Baroness, Lady Newlove, working on their behalf.

When we add to this situation the reports that our prison population has reached maximum capacity, at more than 88,000, leading to judges being ordered, or strongly encouraged, not to impose jail sentences, we have to wonder just how the Government intend to implement the Victims and Prisoners Bill. Sending prisoners abroad to serve their sentences is an overt admission of failure. The botched privatisation then renationalisation of the Probation Service has brought chaos and a loss of valuable experience at a time when this service is critical.

It is a fact that, under this Tory Government, eight out of 10 crimes are committed by someone who has at least one previous conviction. Labour will reverse the collapse in the proportion of crimes solved, fast-track the recruitment of detectives to plug the current shortage of 7,000, remove burdensome redaction rules to speed up charging decisions and save police time, and set up a new charging commission made up of former chief constables and prosecutors and chaired by the former

Victims' Commissioner, Vera Baird, to devise new plans to bring more criminals to justice. We will put rape and serial sexual offence units in every police force and have dedicated courts for rape trials.

I now turn to devolution. Having spent much of the last 10 years on English devolution and most of my first year in your Lordships' House immersed in the depths of the Levelling-up and Regeneration Bill, you would think I had had enough of that. Sadly, that Bill, like this King's Speech, was a huge missed opportunity to create the kind of change that would drive Britain's future. The noble Lords, Lord Bruce and Lord Stunell, both referred to this. It is astonishing that there was nothing in the King's Speech to help grow our economy by devolving decision-making to the local areas that know best what will work, including, as the most reverend Primate the Archbishop of York referred to, those that include rural areas and towns rather than cities. The gracious Speech was certainly devo-lite.

The UK is one of the most politically and economically centralised countries in Europe, which leaves us stuck in a cycle of worsening inequality. It is hard to see how the levelling-up Bill will change that, as much of it has the effect of centralising decision-making, not devolving it. The Government's devolution programme over the past 13 years has been characterised by a lack of ambition, with the odd deal being struck but only when local areas agree to governance arrangements imposed on them by the centre, along with a wasteful Hunger Games-style funding model. This system results in areas being pitted against each other, without any overarching vision for the future of Britain.

We believe that devolution settlements and fair funding should be made available to all parts of the country and would introduce new legislation for that in our first King's Speech. This would involve a significant expansion of economic devolution in England, with local leaders using a range of powers to drive growth and prosperity in communities across the country. New economic devolution will give English towns and cities the tools they need to develop credible, long-term growth plans, with bespoke packages of powers to support new internationally competitive economic clusters in high-value industries, creating high-skilled jobs in their areas.

The noble Earl, Lord Kinnoull, referred to the excellent work on common frameworks undertaken under the chairmanship of my noble friend Lady Andrews. I worked with her on some of that and I agree with what he said. There was nothing in the Speech on the essential question of how the UK Government will develop devolution and the relationship between the home nations, or on how the Government will prioritise getting Stormont serving the people of Northern Ireland again. The noble Lord, Lord Bew, reminded me of the very powerful messages of hope that have come not from politicians but from the people of Northern Ireland to the people of the Middle East. As noble Lords have said, it is very important that the resources necessary to drive that forward are put in place.

In recent years, Ministers have consistently ignored and overridden the Sewel convention, including during the United Kingdom Internal Market Act. Through the commission on the UK's future led by former Prime Minister Gordon Brown, Labour has proposed

ways of modernising and updating our constitutional arrangements, improving the process of intergovernmental relations and putting more power into people's hands.

In conclusion, I thank all noble Lords who have spoken today. All that the people of our communities can see, after 13 years of Conservative government, is a party that has given up on governing—a legacy of broken politics and a failure to take back our streets from gangs, drug dealers and fly-tippers or to focus on delivering the prison places we need to keep our streets safe. The best they could come up with on that was letting criminals out early. There was nothing in the King's Speech to put communities at the heart of policing and to make community policing something to be proud of again. They have not even kept their pledge to stop the boats: the asylum backlog has surged to 175,000, nearly 34,000 people have come in over 700 small boats and over £8 million a day is being spent on hotel places.

We will, as we always do in your Lordships' House, do our very best to improve the legislation that comes before us, but where is the radical legislation that can bring back the optimism, confidence and vision for the country, which, to use the words of my noble friend Lord Blunkett, has been denuded of hope? Where are the big ideas for Britain's future? We agree with the Prime Minister that it is time for a change, but he will persuade no one that he is the change they want to see when he has been at the heart of the failure so far. After the hollowing out and undermining of our criminal justice system for 13 years, people believe what they see on their streets, not vacuous promises supported by a minuscule tinkering at the edges. The change we need is a general election. The change we need is a Labour Government.

9.35 pm

The Parliamentary Under-Secretary of State, Home Office (Lord Sharpe of Epsom) (Con): My Lords, I start by joining the House in saying how sorry I was to hear the news about the noble and learned Lord, Lord Judge. I always found him very patient with me, very erudite, very helpful and welcoming, and, most importantly, very witty; I will miss him. I compliment the maiden speeches of the noble and learned Lord, Lord Burnett of Maldon, and my noble friends Lord Houchen of High Leven and Lord Bailey of Paddington. My noble friend Lord Houchen is a walking embodiment of devolution, and my noble friend Lord Bailey's speech was inspirational and a reminder of the virtues of community. Many congratulations to the noble Lord, Lord Beith, on his 50 years in Parliament. I thank the noble Lord, Lord Hacking, for his generous personal remarks about me and my Front-Bench colleague; and I agree with every word that my noble friend Lord Strathclyde said.

It is a very great honour to represent the Government in closing this debate on His Majesty's most gracious Speech. I will endeavour to respond to all the various contributions, while noting that it has, as ever, been a fulsome and insightful discussion spanning various policies, Bills and departments. First, I will make the general point that the legislative agenda we are debating is at its core about delivering a safe, strong and prosperous

[LORD SHARPE OF EPSOM]

United Kingdom. This is not shadow boxing, as alleged by the noble Baroness, Lady Taylor. Much has already been achieved, but we have to build on that and progress.

I note that the noble Lord, Lord Ponsonby, in his opening remarks, berated the Government for the things he claims we are not doing. I would argue that we are doing them all, and I will go into some detail on that. Obviously, the criminal justice Bill delivers on a number of measures, and it is perhaps worth starting with shoplifting, which came up several times. It was raised by the noble Lords, Lord Ponsonby, Lord Blunkett and Lord Hogan-Howe, and my noble friends Lord Borwick and Lady Bray, and it is a very important subject that deserves a mention. I wonder if noble Lords perhaps missed that on 23 October, the National Police Chiefs' Council published the *Retail Crime Action Plan*. That sets out a much greater police focus on retail crime, which includes shoplifting and violence towards retail workers. The action plan makes a police commitment to prioritise attendance at the scene where violence has been used or an offender has been detained by store security, and where evidence needs to be secured promptly and can only be done by police personnel.

On the same day, we also launched Pegasus, a unique partnership between police and retailers to tackle serious organised retail crime. It has been set up by the Sussex police and crime commissioner Katy Bourne, with funding from 13 national retailers, National Business Crime Solution and the Home Office. The retailers will provide data, intelligence and evidence to Opal, the national police intelligence unit on organised and acquisitive crime. That is intended to develop a better strategic picture and help forces to crack down on serious offenders.

The Government are very clear that violent and abusive behaviour towards any worker, particularly those who provide a valuable service to the public, is never acceptable. We took a significant step by introducing a statutory aggravating factor for assault against those who are serving the public, via the Police, Crime, Sentencing and Courts Act 2022, so at this point the Government do not intend to introduce further legislation such as the specific offence of assaulting a retail worker. We are clear that reducing violence and abuse cannot be achieved through legislation alone, so we intend to continue to work with members of the National Retail Crime Steering Group to reduce violence and abuse through our wider work.

Obviously, none of this works unless, as the noble Lord, Lord Hogan-Howe, pointed out, we also concentrate on reasonable lines of inquiry, which have been much in the news of late. The principle of pursuing all reasonable lines of inquiry is enshrined in the code of practice to the Criminal Procedure and Investigations Act 1996. In reality, it has not happened as much as it should. On crime and investigation, 42 of 43 forces received at least one area for improvement. On responding to the public, no force is rated "outstanding" and only 19% are assessed as "good". The College of Policing has published new investigations guidelines and authorised professional practice to underpin a commitment to sorting this out. His Majesty's Inspectorate will use its existing inspections framework to assess whether forces are following the college's updated guidance. We should

acknowledge that there are already forces that are making significant commitments and delivering improvements, for example in Greater Manchester. They have made significant changes to the service they provide to the public, including an impressive 44% year-on-year increase in the number of charges recorded by the force, from nearly 19,000 to nearly 27,000.

Another subject that aroused a great deal of commentary, including from the noble Lords, Lord Ponsonby, Lord Dubs and Lord Dholakia, the noble Baronesses, Lady Chakrabarti, Lady Miller and Lady Jones, my noble friends Lord Patten, Lord Hunt and Lord Bourne, and the noble Baroness, Lady Hamwee—I did listen carefully to the points that she was making—was to do with rough sleeping and begging. I will be clear: the Government want to ensure that vulnerable individuals on the street are directed to the appropriate support, while ensuring that police and local authorities can respond effectively to begging and rough sleeping and keeping communities safe. That is why we have introduced new tools to help direct individuals to engage with positive pathways, including accommodation, mental health support and substance misuse support, so that individuals who may have turned away help before can access the appropriate support they need.

That is backed by over £2 billion over three years, because the Government have also made the unprecedented commitment to end rough sleeping within this Parliament, and to fully enforce the Homelessness Reduction Act. We have already embarked on a strategy to shift the focus to prevention and move vulnerable individuals into multiagency support. Any further details on future legislation will be set out in due course and, if a person is genuinely destitute and not causing any harm, we should be very clear: they will not be committing any offence.

The noble Lord, Lord Ponsonby, raised the subject of fraud, and he was quite right to do so, but he neglected of course to mention that we published a fraud strategy earlier this year. There is considerable work going into the tackling of fraud, and it needs considerable work. The criminal justice Bill, for example, contains a ban on SIM farms, which, as noble Lords will be aware, are one of the facilitating factors in much of the fraud that is perpetrated in this country. The fraud strategy goes a long way and sets out an ambitious and radical plan for how government, law enforcement, regulators, industry and charities have to work together to tackle fraud. It just does not work unless it is a multiagency approach. I could go on, but we have talked about fraud a great deal from this Dispatch Box and I appreciate that time is limited, so I shall move on.

The noble Lord, Lord Hogan-Howe, asked me about a firearms review. It was a very good question, because it is vital that the public and officers have clarity and confidence in the investigatory systems in relation to police use of force, police driving and so on. That obviously includes the efficacy of investigations. That is why we announced the review, to which he referred, of the current framework and processes that are in place. The review, announced by the Home Secretary, will ensure that the legal and operational frameworks within which officers operate when using force and driving in the line of duty are robust and

command the confidence of both officers and the public. That is due to report to Ministers by the end of this year.

The noble Lord, Lord Hogan-Howe, and my noble friend Lord Borwick both raised the subject of facial recognition. We believe that facial recognition technology is an increasingly important capability for law enforcement and it is already being used in a number of ways within UK policing and security settings to prevent and detect crime, enhance security, find wanted criminals, safeguard the vulnerable and protect people from harm. The use of facial recognition technologies is at varying stages across UK policing and it is a priority for the Home Office to ensure that technology is being used in an ethical and effective way. That is all I will say about that subject at the moment, but I have absolutely no doubt that is a subject to which we will return in very short order.

A number of speakers, including the noble Lords, Lord Ponsonby and Lord Beith, mentioned small boat arrivals and the effectiveness of the Illegal Migration Act. The noble Lord, Lord Dubs, will appreciate that I cannot speculate on the ongoing court case, but I can note—which I think no one else noted—that there have been a number of newspaper stories recently about how many of our European friends and allies are looking at similar schemes. It will be interesting to see how they turn out.

What I can give are some interesting statistics. In terms of arrivals, there were just over 26,500 in 2023, up to 31 October; that compares to 45,755 in total in 2022. In terms of crossing attempts, 22,000 were prevented in 2023. In terms of the mix of the sorts of people who were attempting to make a crossing, I note that, interestingly enough, because of the returns agreement with Albania, the Albanians have dropped off the list entirely. In terms of our partnership with the French, the joint intel centre activity since July 2020 has dismantled 82 organised crime groups linked to small boats; in 2022 alone, they arrested approximately 400 people smugglers. So the fact is that there is a good deal going on, and it is proving effective, but, obviously, there is a lot still to resolve, particularly after the courts have given their decision. I agree with the noble Lord, Lord Beith, that of course we need legal and controlled migration, but I remind noble Lords that these people have arrived illegally and, in doing so, are being facilitated in arriving here by serious and organised criminal gangs.

I would like to thank those people who want to come and contribute to our great country, but, obviously, only if they do so legally. This is a generous, open and welcoming country, and I can give the statistics on why I think that. Over the last year—the year ending June 2023—of the 538,887 visas granted for work, 69,421 were for skilled work and 121,290 were for health and care. In addition, there were 498,626 study visas. As of 24 October 2023, 243,700 Ukrainian visas had been granted. I am particularly delighted that 123,800 people have arrived in the UK since the Hong Kong BN(O) visa scheme route was initiated. If I may take a personal moment, I commend the Hong Kong Military Service Corps, whom we have talked about before, who were in the Gallery earlier watching some of this debate. As noble Lords will know, they will also be able to arrive.

However, we should also acknowledge, as we heard from the noble Lord, Lord Green of Deddington, that this is not simply a debate about numbers; there are a large number of other factors that go into migration, and it behoves us all to be extraordinarily careful about how we use language. My noble friend Lord Bourne made some very good points about the international dimension and the changing nature of the drivers of illegal immigration, and I am quite sure that he is right that it needs to be raised in multinational organisations.

On the asylum backlog, provisional data now shows that we have doubled the number of backlog decision-makers in post, so we are on track to clear the legacy asylum backlog by the end of this year. Of course, the history of this has been unfortunate, and it has perhaps not been done as quickly as we would all have liked, but the fact is that we are getting to grips with it and it will be dealt with very soon.

I turn now to the sentencing Bill, which seemed to attract a vast number of very differing opinions, including from the noble Lords, Lord Hastings, Lord Dholakia, Lord Hogan-Howe, Lord German, Lord Beith, Lord Macdonald of River Glaven, Lord German, Lord Blunkett and Lord Marks, and the noble Baronesses, Lady Chakrabarti and Lady Jones—I am sorry if I have missed anybody. The Government are planning to make sure that the prison estate is used to lock up dangerous criminals for longer, without further criminalising redeemable offenders by trapping them in a merry-go-round of reoffending. The most dangerous prisoners are guaranteed to be behind bars for longer, but we need to go further to keep the public safe. For the worst murderers, the only proper penalty is life imprisonment without the possibility of release by the Parole Board. We will ensure that, in these most serious cases, life will really mean life. Further, we will ensure that those who commit rape and other serious sexual offences will spend every day of their sentence behind bars and face the consequences of their actions. I say to the noble Lord, Lord Hastings, that it is the crimes that are nasty, not the sentences.

However, delivering public protection and cutting crime is not just about custody, as has been noted by most of the speakers. There is persuasive evidence that suspended and community sentences are, in certain circumstances, much more effective than short custodial sentences in reducing reoffending and aiding rehabilitation. In these cases, short prison sentences may even trap an offender in a revolving door of reoffending, cutting them off from work, housing and family and further criminalising them with each spell inside. So, the Government have decided to grasp the nettle and make a long-term decision that previous Governments have ducked by legislating for a presumption that sentences of less than 12 months in prison should be suspended. Home detention curfew enables eligible suitable offenders to be released early from prison on strict licence conditions, so that they can begin reintegrating into the community sooner. We will also therefore seek to extend eligibility to suitable risk-assessed offenders, so they can get a head start on reintegrating with the community and breaking free from the cycle of reoffending. I certainly hope that the House would back all those proposals.

[LORD SHARPE OF EPSOM]

A number of noble Lords have raised the subject of violence against women and girls, including the noble Lord, Lord Ponsonby, and the noble Baroness, Lady Chakrabarti. I have talked from the Dispatch Box before about the drive to operate consistently across the nation. Operation Soteria, which I have also mentioned, has developed new nationally operating models for the investigation and prosecution of rape, which all forces in CPS areas in England and Wales are implementing to ensure that the investigations of rape are suspect-focused and considerate to the needs of victims. We know that women and girls are more likely to be victims of crimes that fall under the umbrella of VAWG. The most recent statistics show that 26.5% of women have been victims of sexual assault or attempted sexual assault since the age of 16, compared to 6.1% of men. Domestic abuse alone is high volume: it affects 2.4 million adults every year. It is high harm—one in five homicides is a domestic homicide, and we have referred to the sentencing measures we will be taking there—and very high cost. The social and economic cost of domestic abuse is estimated to be some £81 billion, at 2023-24 prices, over a three-year average period for abuse. We need to do more about prosecuting rape and to do more in this space; the numbers underline the importance of that. To try to make a political point that we have not been doing anything would be very wide of the mark.

I welcome the broad support for the victims Bill and thank noble Lords for it. In particular, I welcome back my noble friend Lady Newlove and thank her very much for her support. I hope my noble friend Lady Bray is right that this will help victims with closure. We believe that supporting victims by restoring trust, punishing offenders who commit very heinous crimes and ensuring that the public always have confidence in the criminal justice system are essential. The Victims and Prisoners Bill will improve victims' experience of the criminal justice system and restore confidence. As noble Lords are aware, there are a large number of items associated with this, the principle of course being that this is to support victims of crime to address the long-term challenge of victim confidence in the criminal justice system by transforming their experience from the moment a crime happens.

The noble Baroness, Lady Brinton, asked about stalking, and the noble Baroness, Lady Taylor, made a similar point. It is important to mention that stalking is a criminal offence. The definition of a victim in the Victims and Prisoners Bill is

“a victim of criminal conduct”,

so victims of stalking are included in the definition. I appreciate that that is a bit convoluted, but it is taken care of to some extent.

The noble Lord, Lord Marks, asked about the Bill placing a duty on both criminal justice bodies and the police and crime commissioners. They have to keep compliance with the code under review. At the local level, police and crime commissioners will be under a duty to review criminal justice bodies' compliance with the code. At the national level, new oversight will bring together senior voices across the criminal justice system to consider how to drive improvement on the delivery of the code.

The subject of parole was raised by the noble Lord, Lord Marks, the noble and learned Lord, Lord Thomas of Cwmgiedd, and my noble friend Lord Bourne. Public confidence has fallen following a number of high-profile parole board decisions to release serious offenders, but the Bill will enshrine public protection as the only factor in release decisions and introduce greater ministerial scrutiny to the release of the most serious offenders. These reforms will help to restore public confidence in the system and ensure that dangerous offenders are not released on to our streets.

My noble friend Lady Bray and the noble Baroness, Lady O'Loan, asked what discussions and engagement His Majesty's Government have had with the judiciary on the measure to compel offenders to attend their sentence hearings. This was also referred to by the noble Lord, Lord Meston; I welcome his reappearance in the House. We engaged with the judiciary on the proposal to compel offenders to attend their sentencing hearing ahead of the announcements in August, but obviously we will continue to engage with the judiciary where appropriate, including on the implementation of the measures. I appreciate the points that noble Lords have made about the potential difficulties of that in certain circumstances.

I turn to the subject of Martyn's law, which was referenced by the noble Baroness, Lady Henig, and my noble friends Lord Hunt and Lord Bourne. Martyn's law seeks to enhance public safety by ensuring better preparedness for and protection from terrorist attacks. The Government carefully considered the scope of the requirements, including the impact on premises captured. It is reasonable that many locations should take appropriate, reasonably practicable measures to protect their staff from the horrific impacts of terrorism. Collaboration has been the cornerstone of the process. Pre-legislative scrutiny raised some important considerations regarding the standard tier requirements, which is why we will launch a consultation on the standard tier to ensure that the Bill's measures strike the right balance between public protection and avoiding an undue burden on smaller premises; that consultation will be launched in due course. There is no intention to kick this into the long grass. We have heard from all of the various stakeholders in this. It is clearly a Bill that we need to see, but we have to do it in the right way. It is not negligence; it is about making sure that the law will work appropriately.

A variety of other matters were raised. I will start with the thorny subject of conversion therapy, which was mentioned by the noble Baroness, Lady Brinton. We are considering this issue carefully. I am afraid that I must disagree with the noble Baroness; I think it is a very complex issue. We will set out further details on it in due course. The priority is to tackle this issue in ways that are effective and avoid unintended consequences, particularly those that might affect young or vulnerable people. It is about taking time to fully consider the consultation responses and how best to reflect parents' roles and interests in the importance of legitimate clinical work.

Moving on to the criminal justice system, the Government will always make sure that the prison estate is used to lock up dangerous criminals, of course.

More offenders are in custody now than ever before, as has been mentioned. However, delivering public protection and cutting crime are not just about custody; as I have said, there is persuasive evidence that suspended and community sentences are more effective in certain circumstances. We remain committed to reducing the case load and speeding up justice, including by extending the use of 24 Nightingale courts. We are also opening two permanent super-courtrooms in Manchester and Loughborough.

My noble friend Lord Bourne asked about the new additions to the prison estate. I can give him the number: 8,000 are due to be delivered by 2025. A number of prisons are opening over the next two or three years, and that will add up to that particular number. I will not go into the details of precisely where.

The noble Baroness, Lady Benjamin, asked about racism in the police and legal system. I thank her for raising these important issues. On the specific issue of racism in prisons, the *Prisons Strategy* White Paper sets out our vision for prisons of the future, which includes ambitious plans to make prisons safer for staff and prisoners. As regards a meeting, I cannot commit my noble friends to meeting the noble Baroness but I can pass on her request to the MoJ, DHSC and the Department for Education and encourage them to meet; I will happily do so.

A number of noble Lords raised the subject of devolution. The noble Earl, Lord Kinnoull, the noble Lord, Lord Stunell, and my noble friends Lord Wharton and Lord Houchen gave good examples of the subject in action, if you will. It covers a number of different departments in Whitehall and various policy areas. I cannot possibly respond to all the specific questions that were asked but I will defer to the relevant colleagues in other government departments to respond in writing on unaddressed points.

In answer to my noble friend Lord Norton, the Prime Minister is, as he has noted, the Minister for the Union, and the Secretary of State for DLUHC is the Minister for Intergovernmental Relations, leading the work with territorial offices and territorial office Secretaries of State, who represent the distinctive voices and interests of people in Scotland, Wales and Northern Ireland across Whitehall and in Cabinet, representing the Government in each of their nations and co-ordinating the Government's work with the devolved Administrations to support all citizens of the UK. Specifically, in delivering our security, criminal justice and border responsibilities, the Home Office plays an important part in navigating a combination of reserved and devolved matters on a UK-wide footprint. That is why, on devolved matters such as policing in Scotland and Northern Ireland, it is right and proper that the UK Government are an active influencer to ensure a coherent and UK-wide approach.

The noble Lord, Lord Stunell, and the most reverend Primate the Archbishop of York both raised the subject of transport and HS2. I thank them for their comments but will pass those comments on to the Department for Transport, which will be speaking in this Chamber on that matter on Monday.

My noble friend Lord Caine supplied very detailed answers to the noble Lords, Lord Bew and Lord Browne of Belmont, regarding the Northern Ireland devolution

settlement. They are rather too long to go into at this precise moment, but I will ask him to commit this to paper and send it to the noble Lords. I say to the noble Baroness, Lady Bryan of Partick, that we are confident that the Illegal Migration Act does not impact the devolution settlement and is consistent with our international legal obligations.

I will digress briefly into the Offshore Petroleum Licensing Bill, which was raised by the most reverend Primate and the noble Baroness, Lady Jones. I want to refer to one piece of data that was published by the Climate Change Committee. It shows that the UK will continue to rely on oil and gas to help meet its energy needs, even after the UK reaches net zero in 2050. This will include the use of gas for power generation with carbon usage and storage. I am not a net-zero or climate change sceptic; I would much prefer that we did not burn carbon. But I would also prefer that people did not suffer when it is cold. I would also prefer that we do not lose power or run out of power, and I would have hoped that both noble Lords would have reflected on their comments and also thought a little about our security when it comes to supply, and the sorts of people that we would be handing our money over to in order to keep our oil flowing.

Moving on to more topical matters such as the Israel and Hamas conflict, I particularly thank the noble Lord, Lord Hogan-Howe, and the noble Lord, Lord Paddick—whom I congratulate on his new role with the Metropolitan Police—for their acute perspective on the difficulties of policing marches of this type. I restate that the police in this country are operationally independent and obviously should remain so. However, a number of very unfortunate issues have arisen, in particular around anti-Semitism and, perhaps to a slightly lesser extent but no less importantly, Islamophobia. Anti-Semitism has absolutely no place in our society. That is why we are committed to tackling it in all its forms. The police should take the toughest possible action against any form of anti-Semitism. It is important that the police and the Jewish community continue to work together to ensure security and promote community cohesion. Saying that does not infringe their operational independence. They must also, as I have said, police Islamophobia as and where they find it.

I have said on a number of occasions from this Dispatch Box that any arrests are very much an operational matter for the police. There have been about 30 arrests in London at protests related to the Israel-Hamas conflict, including racially aggravated public order offences. The Metropolitan Police Service has also made arrests not directly linked to protest activity and there have been arrests elsewhere in the country. It would be unwise to say too much more than that, but once again I thank both noble Lords with a policing background for their acute perspective on this.

While we respect the police's operational independence, as a number of noble Lords pointed out we must also have trust and confidence in the police. The noble Baronesses, Lady Taylor and Lady Henig, made this point: the police have a lot of power. By the way, there are more of them; there are more police on our streets than ever before. The fact is that a number of changes

[LORD SHARPE OF EPSOM]

have been made, and again we have discussed those from this Dispatch Box on a number of occasions. They include those around the police dismissals review, which I will not go into again, and those to do with vetting. The noble Baroness, Lady O'Loan, made some very good points about this, and I agree that the Government must be determined to resolve the situation around vetting or re-vetting procedures.

The duty of candour to which the noble Baroness, Lady O'Loan, referred has not been introduced, but the duty to co-operate already provides clarity on the responsibilities for individual officers. This was introduced in 2020, since the issue was highlighted in Bishop James Jones's 2017 report into the experiences of the Hillsborough families. We are keen that this duty becomes rooted within the police workforce before considering any further changes to legislation, but an organisational duty of candour aimed at chief officers, requiring them to ensure an ethical culture in the forces they lead, will complement the existing requirements on individual officers.

I will just tie up a few loose ends, if I may. My noble friend Lord Farmer made some extraordinarily good points about the family. I will not respond to them now but will make sure that they are reflected on by the Government.

We have covered a large amount of ground and I have done my best to respond accordingly. I have no doubt that there will be further debates to come and

I look forward to those discussions, but I finish by emphasising that the decent, hard-working and law-abiding majority are our chief concern. We have devised a legislative agenda which puts their interests first and will make our country safer and stronger. That is why we will be advancing our programme with confidence and energy in the weeks and months ahead.

Finally, I offer my thanks to all who have contributed to this debate. These are vital issues and the considerable expertise—

Lord Jackson of Peterborough (Con): I fully understand that my noble friend was not able to answer the specific and niche issues I raised on the Crown Prosecution Service's legal guidance, but will he endeavour to write to me to address them?

Lord Sharpe of Epsom (Con): I absolutely will, and that goes for any other noble Lords whose points I have inadvertently missed; I apologise if I have.

These are important issues. The considerable expertise and insight on display in the House today will no doubt be of great benefit going forward.

Debate adjourned until tomorrow.

House adjourned at 10.08 pm.